

**2002–2003**

**Human Rights Update**  
**and**  
**Study Guide**

Approved by  
The 215th General Assembly (2003)  
Presbyterian Church (U.S.A.)

PDS #OGA-03-046





**2002–2003**  
**HUMAN RIGHTS UPDATE**  
**and**  
**STUDY GUIDE**

Approved By  
The 215th General Assembly (2003)  
Presbyterian Church (U.S.A.)

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

Contents of this document were prepared by the 215th General Assembly (2003) based on information gathered during the preceding year. Because situations constantly change, you are invited to consult the following electronic sources for updated information:

World Wide Web  
[http://www.pcusa.org/oga/publications/human\\_rights02-03.pdf](http://www.pcusa.org/oga/publications/human_rights02-03.pdf)

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October 2003

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

Dear Friends:

The 215th General Assembly (2003) of the Presbyterian Church (U.S.A.) asked me to publish the *Human Rights Update 2002–2003* with study action guide on the PC(USA) Web site ([www.pcusa.org/ga215](http://www.pcusa.org/ga215)) and to distribute the Web site address to the entire church. However, upon request a print copy of the *Human Rights Update 2002–2003* will be made available to each middle governing body or session.

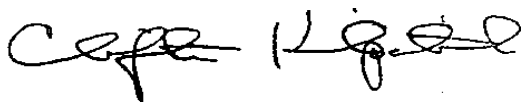
This paper is presented for the guidance and edification of the whole Christian church and the society to which it ministers. It is recommended for consideration and study by our governing bodies (sessions, presbyteries, and synods). The study action guide is designed for personal and class use, with 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 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 215th General Assembly (2003) 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 215th General Assembly (2003) have requested that I call special attention to "Human Rights Day," December 10, 2003, as a possible day for highlighting the study and use of the *Human Rights Update 2002–2003*. 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,

A handwritten signature in black ink, appearing to read "Clifton Kirkpatrick". The signature is written in a cursive, somewhat stylized script.

Clifton Kirkpatrick  
Stated Clerk of the General Assembly



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# HUMAN RIGHTS UPDATE 2002–2003

[The assembly approved Item 11-04 with comment. See p. 39.]

The Advisory Committee on Social Witness Policy (ACSWP) recommends that the 215th General Assembly (2003) bring to the attention of the church the significant developments that have occurred concerning the conditions of human rights in the world areas named in the “Human Rights Update 2002–2003” by

1. directing the Stated Clerk to publish the “Human Rights Update 2002–2003” with study guide on the PC(USA) Web site, providing a copy upon request to each middle governing body or session, distributing the Web site address to the entire church through notification on the Web site and in the *Minutes* of the 215th General Assembly (2003), Part I, and calling special attention to “Human Rights Day” to be held December 10, 2003.
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*

### A. *Introduction*

The “Human Rights Update” is an annual report developed by the Advisory Committee on Social Witness Policy (ACSWP) of the Presbyterian Church (U.S.A.). 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 concerns 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 2002–2003,” 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 215th General Assembly (2003) 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 2002–2003” 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 2002–2003” and will work for the guarantee and fulfillment of human rights for all God’s children, locally and globally.

### B. *Global Update—The United Nations (UN) and Human Rights*

#### 1. *Terrorism*

The struggle with terrorism threatens the post-cold war search for global justice, peace, and order. In the first year following the September 11, 2001, terrorist attacks in the U.S., a number of countries around the world have subscribed to an as yet ill-defined effort to address terrorism. In large part, this effort has gathered momentum due to the sustained U.S. focus on countering terrorism post 9/11. Israel, Russia, Indonesia, and Kenya are just a few examples of very different countries that have begun to use the language associated with waging a war on terrorism to justify practices that would previously have been held suspect. In its current form, the “war” is being waged primarily on nonstate, transnational actors, particularly al Qaeda. However, there have also been attempts to resolve endemic regional questions with the same rhetoric. Russia/Chechnya and Israel/Palestine can be cited as examples. While the vigorous efforts to halt global terrorism champion many of the rights most highly prized by human rights activists, rights like safety, security, and freedom from fear; they also may contain within them the very seeds of repression and fear that can be used in equal capacity to prevent the enjoyment of human life in

all its fullness. Therefore, just as the bus bomb and hijacking threaten human rights in ways both latent and dangerous, perhaps ironically so too do many measures intended explicitly to thwart such terrorism.

### *UN Report on Terrorism and Human Rights Urges Caution*

On August 6, 2002, a report (United Nations number A/57/273–S/2002/875) from the Policy Working Group on the United Nations and Terrorism was made available for public distribution. The report emphasizes that the UN must ensure that the protection of human rights is conceived as an essential concern when addressing the issue of terrorism. It asserts that terrorism often thrives where human rights are violated and that this fact only adds to the need to strengthen action to combat violations of human rights. Terrorism itself, the report states, should also be understood as an assault on basic rights. In all cases, it concludes, the fight against terrorism must be respectful of international human rights obligations.

Specific in regard to human rights, the recommendations of the working group were as follow:

- All relevant parts of the United Nations system should always emphasize that key human rights must always be protected and may never be derogated. The independence of the judiciary and the existence of legal remedies are essential elements for the protection of fundamental human rights in all situations involving counterterrorism measures. In many nations these prerequisites are not present.
- The UN Department of Public Information should be requested, in consultation with the Office of the United Nations High Commissioner for Human Rights, to publish a digest of the core jurisprudence of international and regional human rights bodies on the protection of human rights in the struggle against terrorism. Governments and human rights organizations could find such a compilation of direct use in the development of counterterrorism policies.
- The United Nations High Commissioner for Human Rights should convene a consultation of international, regional and subregional organizations and nongovernmental organizations on the protection of human rights in the struggle against terrorism. Smaller, regional gatherings should also be considered. The Office of the High Commissioner should also make maximum use of its field presences and its regional experts, as well as the findings of the human rights treaty bodies and special rapporteurs.

#### *2. Israel and the Occupied Palestinian Territories*

[For additional information on this topic see “Item C. Regional Updates,” “7. The Middle East,” “c. Religious and Cultural Rights,” “(3) A Special Report on Israel and Palestine.”]

On December 20, 2002, the final version of a roadmap for the region proposed by the Quartet (a group composed of the United States, the European Union, the Russian Federation, and the United Nations) was due to have been released. The roadmap details plans for an independent Palestinian state by 2005. However, the release of the Quartet’s roadmap was postponed. The group cited a conflict with the Israeli election schedule as a reason for the delayed release. As it awaits public airing, the situation on the ground continues to deteriorate

##### *a. Suicide Bombings and International Law and Palestinian Responsibility*

Since September 29, 2000, there have been “more than 130 attacks in which civilians were killed by members of Palestinian armed groups and by Palestinian individuals who may have been acting on behalf of a group. . . . Over 1400 Palestinians and nearly 500 Israelis—including more than 350 civilians— have been killed in less than two years since the Al-Aqsa *intifada* [uprising] began” on that date (*Israel and the Occupied Territories and the Palestinian Authority: Without distinction: Attacks on civilians by Palestinian armed groups*, Amnesty International, July 2002, pp. 2–3).

Palestinian armed groups like Hamas, Islamic Jihad, Al-Aqsa Martyrs, and the Popular Front for the Liberation of Palestine (PFLP) have pointed to the repeated Israeli attacks that have killed and injured Palestinian civilians as justification for the suicide bombings. However, as Philip Roth of Human Rights Watch notes, in international law based on the Geneva Conventions, “the prohibition against targeting civilians doesn’t depend on the behavior of one’s adversary . . . . Even in the face of Israeli violations of international law, Palestinian armed groups must refrain from deliberate attacks against civilians.”

Palestinian armed groups make the argument that their targets are not really civilians, that all Israelis are reservists. But, again, international humanitarian law points out that reserve members of military forces are combatants only while on active duty. As for the argument that Israeli residents of settlements have forfeited their civilian status, while civilian Israeli settlements in the West Bank and Gaza are illegal under international humanitarian law, persons residing there are entitled to rights as civilians except when they are directly participating in hostilities.

b. *United Nations Children’s Fund (UNICEF)*

United Nations Children’s Fund (UNICEF) issued a report in June 2002 on “The Impact of Closure and Other Mobility Restrictions on Palestinian Productive Activities,” which said the Palestinian economy is near collapse with living conditions plummeting as household coping strategies erode. UNICEF tracked malnutrition, anemia, and the hundreds of thousands dependent upon food assistance. The psychological consequences, they claim, will be long-term on a population that lacks work, hope, and future prospects.

c. *Optional Protocols to the Convention on the Rights of the Child, on the Involvement of Children in Armed Conflict, and on the Sale of Children, Child Prostitution, and Child Pornography*

On November 20, 1989, the United Nations General Assembly adopted the Convention on the Rights of Child into international law. This treaty recognized/affirmed the human rights of children, defined as persons up to the age of eighteen, by establishing into international law that states parties must ensure that all children—without discrimination in any form:

- (i) benefit from special protection measures and assistance;
- (ii) have access to services such as education and health care;
- (iii) can develop their personalities, abilities and talents to the fullest potential;
- (iv) grow up in an environment of happiness, love and understanding; and
- (v) are informed about and participate in, achieving their rights in an accessible and active manner (for further information on Convention of the Rights of the Child see <http://www.unicef.org/crc/faq.htm>).

On May 25, 2000, the United Nations General Assembly took another important step to ensure the human rights of children by adopting two optional protocols to the Convention on the Rights of the Child. One on the involvement of children in armed conflict, and another on the sale of children, child prostitution, and child pornography. The Optional Protocol on [Prohibition of] the Sale of Children, Child Prostitution and Child Pornography entered into force on January 18, 2002. To date 105 countries have signed and 44 have ratified this Protocol. The Optional Protocol on the Involvement of Children in Armed Conflict entered into force on February 12, 2002. To date, 111 countries have signed and 46 have ratified this protocol.

It is worth noting that upon ratification of the Protocol on Children in Armed Conflict, state parties are also required to make a declaration regarding the age at which they will permit voluntary recruitment into national forces. This Protocol to the Convention on the Rights of the Child includes the following Articles:

Article 1—States Parties shall take all feasible measures to ensure that members of their armed forces who have not attained the age of 18 years do not take a direct part in hostilities.

Article 2—States Parties shall ensure that persons who have not attained the age of 18 years are not compulsorily recruited into their armed forces. . . .

Article 4 (1)—Armed groups that are distinct from the armed forces of a State should not, under any circumstances, recruit or use in hostilities persons under the age of 18 years. . . .

Article 5—Nothing in the present Protocol shall be construed as precluding provisions in the law of a State Party or in international instruments and international humanitarian law that are more conducive to the realization of the rights of the child.

Article 6 (1)—Each State Party shall take all necessary legal, administrative and other measures to ensure the effective implementation and enforcement of the provisions of the present Protocol within its jurisdiction. [For further information on the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict go to <http://www.unicef.org/crc/oppo.htm>; See also the “C. Regional Updates,” “2. Central and West Africa,” “d. Social and Cultural” section of this report for additional information on children in armed conflicts.]

The Optional Protocol to the Convention on the Rights of the Child on [Prohibition of] the Sale of Children, Child Prostitution, and Child Pornography includes the following articles:

Article 1—State Parties shall prohibit the sale of children, child prostitution and child pornography as provided for by the present Protocol.

Article 2 (1)—For the purposes of the present Protocol: (a) Sale of children means any act or transaction whereby a child is transferred by any person or group of persons to another for remuneration or any other consideration; (b) Child prostitution pornography means the use of a child in sexual activities for remuneration or any other form of consideration; (c) Child pornography means any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes. . . .

Article 3 (1)—Each State Party shall ensure that, as a minimum, the following acts and activities are fully covered under its criminal or penal law, whether such offences are committed domestically or transnationally or on an individual or organized basis:

(a) In the context of sale of children as defined in article 2:

(i) Offering, delivering or accepting, by whatever means, a child for the purpose of: sexual exploitation of the child; transfer of organs of the child for profit; and engagement of the child in forced labour;

(ii) Improperly inducing consent, as an intermediary, for the adoption of a child in violation of applicable international legal instruments on adoption;

(b) Offering, obtaining, procuring or providing a child for child prostitution, as defined in article 2;

(c) Producing, distribution, disseminating, importing, exporting, offering, selling or possessing for the above purposes child pornography as defined in article 2. [For further information on the Optional Protocol to the Convention on the Rights of the Child On [Prohibition of] the Sale of Children, Child Prostitution and Child Pornography see <http://www.unicef.org/crc/oppro.htm>.]

d. *The United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) and the World Food Program*

On December 2, 2002, the Israeli Defense Forces (IDF) demolished the World Food Program warehouse in Jaballia in the Northern Gaza Strip. In response to the IDF's action, UN Secretary General, Kofi Annan once again called on Israeli authorities to live up to their commitments and obligations to facilitate emergency humanitarian assistance in the occupied Palestinian territory.

Ian John Hawk, the director of reconstruction at UNRWA's office in Jenin, was shot by Israeli forces in November 2002. The same Israeli forces that shot Hawk did not permit medical staff to enter the UN compound where he was situated and stopped an ambulance on its way to Hawk's office. Hawk bled to death en route to the hospital.

### 3. *Iraq*

#### a. *Human Rights Within the Hussein Regime*

Human rights are best protected by collective watchfulness. In December 2002, the British government released a dossier that accused Iraq's President Saddam Hussein of gross human rights violations. Three or four million Iraqis—about 15 percent of the population—have fled their homeland while those who remained faced “cruel and callous disregard for human life and suffering,” the report said. The report made note of such atrocities as the 1988 Anfal massacre, part of the activities in Iraq's northern Kurdish region in 1987–88, during which 100,000 Kurds were killed or disappeared. It also noted the repression of Iraq's Shi'ite Muslims and the horrific conditions faced by political prisoners in places like the infamous Abu Ghraib, where 4,000 prisoners were executed in 1984.

Noting that these grave violations of human rights are the deliberate policy of the regime, the report was issued only a week before Iraq was to declare its weapons holdings as part of UN resolution 1441. Many human rights agencies like Amnesty International complained, not about the content of the report, they had helped write much of it, but about the timing. They accused Britain of showing a belated interest in human rights abuses in Iraq, saying it steadfastly ignored them during the 1980s when Saddam was waging an eight-year war on Iran, largely supported by the West and that now it only brings them to attention of the international community to support a war that might encourage even more such abuses.

Furthermore, it is worth noting that even as allegations of human rights violations continue to be made against Iraq, the U.S. in particular is one of the major consumers of Iraqi oil. According to a report published by the Energy Information Agency, in 2001, nearly 80 percent of Basra Light liftings and more than 30 percent of Kirkuk oil was imported into the U.S. The large importers of this oil included: ExxonMobil, Chevron, Citgo, BP, Marathon, Coastal, Valero, Loch, and Premcor. In the first seven months of 2002, the U.S. also imported an

average of 566,000 barrels of oil per day from Iraq (*Country Analysis Brief: Iraq*, Energy Information, October 2002.).

b. *War Time Standards and the Potential for Human Rights Abuse*

The question of wartime standards in the event of a conflict in Iraq is an important one to ask in regards to human rights. United States targeting decisions, failure to take precautions to minimize civilian casualties, use of indiscriminate weapons, and failure to follow rules governing prisoners of war have been complaints in past conflicts such as Afghanistan and Bosnia.

As well, the use of cluster bombs like CBU-87, RBL 755, and ATACMS bomblets impede civilian and refugee movement, inhibiting agriculture and economic recovery. These can also pose a hazard to friendly ground operations/peacekeeping forces. The use of such indiscriminate weapons is banned under the 1997 Mine Ban Treaty. The U.S. is not a signatory of the 1997 Mine Ban Treaty.

c. *The Humanitarian Disaster of War*

Iraq's civilian population would be put at increased risk of attack from Saddam Hussein's government if war escalated in the region. According to the contingency estimates of the Turkish government, more than one million refugees will move to the north in the event of a war. The Turkish and Iranian authorities have announced that they will not allow anyone to enter their territories, which could strand refugees in remote areas without food, shelter, or water.

While it is unknown whether Hussein would use the opportunity of war to attack Shi'ite and Kurdish groups in the country, previous experiences show that such a possibility is likely. The main victims of a war then will be the hundreds of thousands of civilians in the region. For the staff of the international institutions and humanitarian organizations that are in Iraq, the situation is very tense and dangerous.

As it stands, the UN operates one of the few international aid programs in Iraq. Its Oil-for-Food Program feeds 20 million people a month. Six to seven million of that number are disabled or indigent and depend on the rations. The United Nations administers the program in the north; the Iraqi government in Basra and Baghdad. In the event of a U.S. invasion, the UN would be faced with feeding an additional 7 to 8 million. But in the event of war, the UN will have to pull out their foreign workers, creating a food crisis of unknown duration.

Authorities in Turkey and northern Iraq have already issued the army and state employees with gas masks and medicines such as atropine to counter biological and chemical warfare. Ordinary citizens have no way to protect themselves from biological and chemical attack.

d. *Sanctions and "Oil for Food"*

A war would be all the more disastrous coming on the heels of the UN sanctions that have been levied against Iraq since 1991. Of these sanctions, UN Assistant Secretary General and Humanitarian Coordinator in Iraq Denis Halliday has said, "We are in the process of destroying an entire society. It is as simple and terrifying as that. It is illegal and immoral." Noteworthy is the fact that though the term "sanctions" is never mentioned explicitly in SC 1441, the general international consensus is that if Iraq does successfully comply with the weapons inspectors now in the country the result would be the lifting of the sanctions that have denied so many Iraqis elements basic to human life such as food and clean water.

The Oil for Food program has become increasingly politicized over the past two years adversely affecting the implementation of this humanitarian program. An example can be seen in the December standoff over certain "dual use" items which the U.S. proposed to ban from the Goods Review List. The discussion about whether to extend the Oil For Food program, which serves as an emergency humanitarian lifeline for millions of Iraqis and is not meant to be a tool for exerting pressure on the Iraqi government, comes at a critical time for the program which is currently facing a revenue shortfall as a result of the yearlong political dispute over retroactive oil pricing. The UN's Office of Iraq program (OIP) states that \$3.1 billion worth of approved humanitarian supply contracts are currently without available funds. This raises the question of the degree to which Iraq's economic rights are being respected.

#### 4. *Afghanistan*

[For additional information on this topic see “C. Regional Updates,” “7. The Middle East,” “c. Religious and Cultural Rights” “(2) A Special Note on Religious Liberty in Afghanistan” of this report.]

##### *Warlords and Human Rights*

While the international community states that it wants to reduce the power of warlords and bring law and order back to Afghanistan, signs indicate that its efforts have worked to the contrary. In many villages in Western Afghanistan, the international community has supported warlords like Ismail Khan. Yet the areas Khan controls are notorious for politically motivated arrests. Beatings are prevalent, with members of the Pashtun minority specifically targeted for abuse. Such villages function as virtually closed societies.

At present an International Security Assistance Force (ISAF) protects Kabul and the surrounding environs. However, such a force ought to be expanded so that an enlarged UN human rights monitoring and protection operation can be deployed. The UN mission in Afghanistan is headed by the special representative of the secretary general, Lakhdar Brahimi. Human Rights Watch has issued a report entitled “All Our Hopes Are Crushed: Violence and Repression in Western Afghanistan” that urges Brahimi to secure the help of UN Member states in supplying troops and resources to expand ISAF to areas outside Kabul. At present, hopes for security are pinned on a new Afghan army, but the need is very real for President Karzai, the UN, and other relevant actors like the U.S. to join together in a long-term plan for human rights and security in the country. Notwithstanding these realities some success has been established. It is noted that, in Kabul, civilian rule has been reestablished, public schools have been reopened, humanitarian aid can be distributed, and the rights of women and other humanitarian rights have increased. This is not true for much of the country beyond Kabul.

#### 5. *AIDS and Human Rights*

##### *Linking Human Rights and Economic Assistance*

The AIDS pandemic is one of the most devastating crisis in the history of human health. But AIDS represents more than a health catastrophe. The number of people living with HIV in the world today has risen to 42 million, up from 40 million at the end of 2001, and nearly half of them are women. Five million people were newly infected and 3.1 million people were killed by the disease in 2002. Such horrifying numbers are a product of, and exacerbated by, pervasive violations of human rights. The disease most deeply affects those least able to enjoy their rights: the poorest, the weakest, the least educated, and the most stigmatized.

Discrimination against people living with HIV/AIDS discourages them from seeking treatment as well as affecting all other areas of their lives. According to the UN secretary general, an adequate response to the global pandemic demands a minimum of \$7–10 billion USD in support per year from the international community. In light of its percentage of the gross domestic product of the developed world, the United States contribution to the UN Trust Fund should be at least \$2.5 billion. The U.S. has not exercised all the leadership it could in this area. It should be remembered that in the context of the AIDS pandemic, monetary support protects human rights in the same way that opposition to torture and political repression might in another.

In Barcelona on July 7, 2002, UNAIDS Executive Director Peter Piot told an audience of thousands at the opening of the XIVth International AIDS Conference that they must face the challenge of mobilizing political commitment, scale up AIDS prevention and treatment, eliminate stigma, develop a vaccine, and find \$10 billion USD to fight AIDS. Failing to do so, Piot warned, would prevent the international community from keeping the promises they made to respond effectively to AIDS and to the rights of those with the disease. What remained unsaid, but nonetheless hung heavy around Piot’s talk of broken promises, was that end to which such a breach of trust would lead—thousands upon millions of broken lives.

#### C. *Regional Updates*

##### 1. *North America*

The attention of the United States (U.S.) in 2002, both public and personal, appears to have been focused on the mid-term elections for Congress, concerns for a sluggish economy as well as continued concern for the



aftermath of the September 11, 2001, terrorist attacks. This is a narrower public policy agenda than the focus of the pre-9/11 days.

The post 9/11 agenda has been fraught with debate over the importance of individual rights over against the need to have a secure nation. Which is more important—the civil rights of individuals and groups or homeland security of an entire nation? The burden of this debate will remain with us for a long time. Some of the specific issues of that burden are listed below.

a. *Civil Rights*

(1) *Immigration and U.S. Asylum Seekers*

Following the ongoing concern about possible future terrorist attacks, the U.S. borders were tightened in the name of security. Legitimate refugees and asylum seekers found it hard to enter the U.S. Some individuals entering the U.S. found themselves facing many difficulties and prejudices as they arrived at airports or border crossings. Sadly, some of these new arrivals were fleeing persecution, torture, even death, because of who they were or what they believe. The expedited removal procedure gives Immigration and Naturalization (INS) inspectors at airports or other ports of entry unprecedented power to make on-the-spot decisions to summarily remove persons who arrive in the U.S. without travel documents, or whose documents they suspect were improperly obtained. The INS inspectors now have the power to make decisions previously entrusted to immigration judges.

While asylum seekers are not supposed to be deported under expedited removal, this procedure is lacking in safeguards. Mistaken deportations are inevitable. Individuals excluded in this manner are subsequently inadmissible for a period of at least five years. Expedited removal does not streamline the admissions process, but merely prevents persecuted individuals from asserting their rights under U.S. law.

The mandatory detention provision has given the INS the power to detain asylum seekers for months and sometimes years before they are granted asylum, even after it has been confirmed that they have a credible fear of persecution. Held in prisons or prison-like facilities, the special needs of asylum seekers, some of whom may have been tortured or ill-treated, are often neglected. The actual numbers of people who were and are subjected to this treatment are unknown, because names of individuals are hard to obtain (Stewardship of Public Life, 3rd Quarter, 2002-Civil & Religious Liberty).

In the USA, more than 1,200 people—mainly non-U.S. nationals—were detained during investigations into the attacks. The detentions were surrounded by extreme secrecy and there have been reports of incommunicado detention and ill-treatment. Human rights concerns raised by the sweeping “anti-terrorism” legislation passed by Congress were compounded by the establishment by Presidential military order of special military commissions for the trial of non U.S.-nationals suspected of “terrorism”. These courts would create a “second class justice system” for foreign nationals as they would expressly flout some of the basic guarantees prevailing in the U.S. justice system (Amnesty International Annual Report, 2002).

(2) *Unaccompanied Immigrant Children*

Unaccompanied children arrive in the United States in several ways. They may arrive alone either by crossing the borders or through U.S. port of entry. Some arrive in the company of a family friend or non-traditional caregiver of the children. Some arrive in the company of a smuggler who has been paid to facilitate the child’s escape from home. Some were trafficked or smuggled into the U.S. by organized criminal enterprises. Approximately 40 percent of children are truly alone and lack relatives in the U.S., rendering them particularly vulnerable (Written testimony submitted by Ms. Wendy Young, Director of Government Relations and U.S. Programs, Women’s Commission on Refugee Women and Children).

In each of the last three fiscal years, the INS has reported an annual total of almost 5,000 unaccompanied children in its custody. At any given moment, the agency holds between 400–500 children in its facilities, their ages ranging from as young as six months up to seventeen years old. They come from various countries, most frequently El Salvador, Honduras, Guatemala, Mexico, and Colombia. Research done by the Women’s Commission on Refugee Women and Children have noted other troubled countries that children have been leaving—China, Kosovo, the Democratic Republic of Congo, Burundi, Sierra Leone, Somalia, Algeria, Afghanistan, Nigeria, Haiti, and India.

Upon apprehension by the INS, some of these children (without offense records) are placed in juvenile jails, commingled with youthful offenders and subjected to punitive treatment, such as handcuffing and shackling, and solitary confinement. In 1999, only 675 cases out of 1,958 incidents of children placed in secure confinement were the children suspected or adjudicated delinquent. In 2000, nondelinquent children accounted for 1,569 of the

1,933 instances of secure detention (Stewardship of Public Life, 2nd Quarter, 2002-Civil Rights & Religious Liberty).

### (3) *Juveniles and the Judicial System*

Since the early 1990s, almost every state has eliminated important gateways or individualized assessment procedures that youth have had to pass through before being deemed an adult in the eyes of the law.

- **Statutory Exclusion:** At least twenty-nine states limit or completely eliminate the traditional role of the juvenile court judge by excluding certain youth and certain crimes (ranging from serious violent crimes to lesser drug offenses) from juvenile court jurisdiction.

States with Statutory Exclusion (as of 1999) include: Alabama, Alaska, Arizona, California, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Louisiana, Maryland, Massachusetts, Minnesota, Mississippi, Montana, Nevada, New Mexico, New York, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Utah, Vermont, Washington, and Wisconsin.

- **Direct File:** At least fifteen states and the District of Columbia have given prosecutors discretion to bypass the judge and move juvenile cases directly into adult court.

States With Direct File Provisions (as of 1999) include: Arizona, Arkansas, California (added in 2000), Colorado, District of Columbia, Florida, Georgia, Louisiana, Massachusetts, Michigan, Montana, Nebraska, Oklahoma, Vermont, Virginia and Wyoming

- **Once an Adult, Always an Adult:** Since 1997, at least thirty-one states and the District of Columbia have enacted “once an adult, always an adult” statutes, meaning that youth convicted in adult court will typically remain in adult court, no matter how small and insignificant their subsequent offenses.

States with “Once an Adult, Always an Adult” Provisions include: Alabama, Arizona, California, Delaware, District of Columbia, Florida, Hawaii, Idaho, Indiana, Illinois, Iowa, Kansas, Maine, Michigan, Minnesota, Mississippi, Missouri, Nevada, New Hampshire, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, Wisconsin.

- **Redefining the Age of Adulthood:** An estimated 218,000 youth under age eighteen are automatically excluded from the juvenile justice system—not because of the severity of their crimes, nor because they are violent and habitual offenders—but solely because of their age. At least thirteen states have discarded the traditional age of eighteen and established a lower age of adulthood for youth who commit any crime, major or minor, significant or insignificant.

The majority of these sixteen- or seventeen-year-olds have committed minor property or drug offenses, but are sent into the adult system simply because they are legally defined as adults under state law.

States that have lowered the Age of Adulthood (as of 1999) include: Connecticut, New York, and North Carolina (age sixteen); Georgia, Illinois, Louisiana, Massachusetts, Michigan, Missouri, New Hampshire, South Carolina, Texas, and Wisconsin (age seventeen) (Coalition for Juvenile Justice, 11/26/02).

### (4) *Capital Punishment*

According to Amnesty International *2002 Report on the Americas (North and South)*

The USA was the only country in the region to carry out executions, including the first two federal executions since 1963.

The 66 people put to death in the USA included some with mental impairment and one prisoner who was under 18 at the time of the crime. In a landmark ruling the International Court of Justice found the USA had breached its international obligations by denying German citizens Karl and Walter LaGrand—executed in 1999—their right to communicate with their consulate. Death sentences continued being passed in all the region’s retentionist countries, but a halt in executions in Cuba indicated that an informal moratorium is in place.

The U.S. Congress failed to pass a bill that would have required the use of DNA testing in death penalty cases where this type of evidence is still available. On Jan. 31, 2000, under the leadership of Governor George Ryan,

the state of Illinois began observing a moratorium on the use of the death penalty after it had been proven through DNA testing that thirteen Illinois death row inmates were innocent of their accused crimes. There is now a stay of execution for all death row inmates in the state of Illinois. Fearing that this may be a reality for other states, Rep. Jesse L. Jackson Jr. (D-Ill.) wrote a letter to the president asking for federal moratoria. Rep. Jackson stated, "I am writing to implore you to suspend all federal executions until the Department of Justice can review the cases of those currently sitting on death row to ensure that no innocent person is executed ... Since Illinois reinstated the death penalty in 1976, the state had executed 12 people. During this same period, 13 people on death row were exonerated."

Senator Patrick Leahy (D-Vt.) also expressed concern about the mistaken use of the death penalty. He introduced the "Innocence Protection Act." The legislation would implement recommendations of the National Commission on the Future of DNA evidence, which supports the availability of DNA testing in the federal criminal justice system, where appropriate. An additional purpose would be to prevent the imposition of unconstitutional punishments through the exercise of power granted by Article I and the 14th Amendment to the U.S. Constitution. The bill also would ensure that wrongfully convicted persons have an opportunity to establish their innocence through DNA testing by requiring the preservation of DNA evidence for a limited period. Deoxyribonucleic acid testing (referred to as DNA testing) has emerged as the most reliable forensic technique for identifying criminals when biological material is left at a crime scene. DNA testing can, in some cases, conclusively establish the guilt or innocence of a criminal defendant. In other cases, DNA testing may not conclusively establish guilt or innocence, but may have significant probative value to a finder of fact. (Stewardship of Public Life, 2nd Quarter, 2002-Civil Rights & Religious Liberty).

## b. *Economic Rights*

### (1) *Health Care*

As 2002 draws to a close, Americans are facing increasingly daunting obstacles in attaining quality health care. Due in part to the economic downturn, the rising cost of health care, and a lack of political will to find a solution to the problem, the number of uninsured Americans is on the increase, as is the cost of health care. The Census Bureau reported that the number of uninsured Americans rose in both 2000 and 2001. It estimated that 39.8 million were uninsured in 2000 and 41.2 million in 2001. And those who are insured are experiencing increasing costs for health insurance premiums and prescription drugs. The cost of private health insurance has surged upward by more than 12 percent a year at the same time as consumers are faced with higher out-of-pocket costs and fewer benefits ("The Enduring Problem of the Uninsured," *The New York Times*, November 25, 2002). These factors, among others, confirm that the U.S. health system is confronting a crisis, as was noted in November 2002 by the National Academy of Sciences).

While Americans were faced with all these aforementioned challenges, the 107th U.S. Congress (2001–2002) and the administration failed to pass legislation to increase health-care access or to fix gaps in Medicare coverage. In addition to failing to pass 11 of 13 appropriations bills (the two passed were Defense and Military Construction), the 107th Congress deadlocked on legislation to provide a prescription drug benefit for Medicare beneficiaries, failed to pass mental health parity legislation, did not come to agreement on making it easier for generic drugs to get on the market, and missed the opportunity to ensure specific rights to patients in managed-care plans.

### (2) *Poverty/Anti-Hunger*

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.

Although there is a risk that some essential government programs to help low-income people will receive reduced funding in order that resources can be diverted to pay for other services, particularly homeland security and defense appropriations, the government has both the capacity and the responsibility to develop just public policy and provide sufficient resources to maintain a basic safety net for the protection of people in need that will be available at all times. The government and nonprofit and religious communities must work together in order to

reduce poverty and increase self-sufficiency. Charity can supplement, but it cannot and should not replace the role of government.

Since Temporary Assistance for Needy Families (TANF) began in 1996, the number of people on the welfare rolls throughout the nation has been reduced. There is, however, unfinished business with regard to those who have left the rolls. Individuals may have left the welfare rolls, but many have not escaped poverty. A number have gotten 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 supports for people moving into the workforce but earning low wages. The U.S. Congress should 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.

The 107th Congress (2001–2002) failed to reach agreement about how to reauthorize TANF. The 108th Congress (2003–2004) is expected to address the issue of reauthorization early in its session. Acknowledging current economic realities, we believe that TANF reauthorization must be undertaken in the context of market issues, including unemployment and inadequate wages. There are also important family issues such as caring for a disabled child or family member; the availability of affordable, high quality childcare; and the economic value of care giving in the home.

Reducing poverty will depend on addressing these concerns along with a range of related issues such as safe and affordable housing, equitable wages, education and training, and access to transportation and health care. Meeting these basic human needs would benefit the whole community by giving all people the opportunity to reach their potentials.

The following principles, agreed upon by mainline denominations (e.g., the American Baptist Churches in the USA, American Friends Service Committee, The Evangelical Lutheran Church in America, Korean Presbyterian Church in America, National Council of Churches, Presbyterian Church (U.S.A.), the Episcopal Church USA, United Methodist Church-General Board of Church and Society, Union of American Hebrew Congregations) restore poverty reduction in the context of TANF reauthorization.

For TANF to be effective in reducing poverty, it should meet the following criteria.

- Ensure that poverty reduction is a central goal of TANF. The cash benefits combined with wages and supportive services must be sufficient to allow each family to meet its basic needs.
- Provide sufficient federal and state funding. Funding for TANF should at a minimum be indexed to the rate of inflation. Continuation of state maintenance of effort should be required.
- Acknowledge the dignity of work, eliminate barriers to employment, and provide training and education necessary for inexperienced and young workers to get and hold jobs. Participation in postsecondary education should count as work. Supportive services provided should include childcare, transportation, and ancillary services to make participation possible and reasonable.
- Continue and encourage public/private partnerships to train workers and help them find jobs. If public jobs are created, they should lead to family-sustaining wages, meet Fair Labor Standards Act requirements, and not displace current workers. States should provide means by which employment programs can be evaluated at the local level for effectiveness and fairness.
- Allow TANF recipients to retain a substantial portion of wage earnings and assets before losing cash, housing, health, childcare, food assistance or other benefits. In no case should former TANF recipients receive less in combined benefits and income as a result of working than they received while they were on TANF.
- Be available to all people in need. Those who receive benefits should receive them according to their needs and for as long as the need exists. Time limits should not be imposed on people who are complying with the rules of the program. It is the state's responsibility to assure access to counseling, legal assistance, and information eligibility for child support, job training and placement, medical care, affordable housing, food programs, and education.
- Acknowledge the responsibility of both parents and government to provide for the well-being of children. The TANF should ensure that children benefit from the active and healthy participation of parents—whether custodial or not—in their lives. The barriers to participation by married parents in federal programs should be

removed. There should be no family caps and no full-family sanctions. Children should benefit from successful state efforts to collect child support assistance from non-custodial parents by receiving a greater cash grant.

- Address the needs of individuals with special situations. People who have been victims of domestic violence or stalking must be protected and have their privacy maintained. Some with disabling conditions may need extended periods of time to become employable; and it must be recognized that some people cannot or should not work under any circumstances. Legal immigrants should have access to the same benefits that are available to citizens.

- Uphold and affirm every person's value, whether employed or not. In compassion, we recognize that a small proportion of people on TANF may never be in a position to work outside the home. Exemptions should be offered for people with serious physical or mental illness, disabling conditions, or responsibilities as caregivers who work at home. States should have the option to use federal funds to help families to cope with multiple barriers to employment.

### c. *Political Rights—Access to Political Information*

As members of the voting public, we often draw our conclusions about which candidate to vote for by watching and listening to a debate. Where once these debates took place in local/regional town hall forums, they are now more likely to be held in a television studio and shown on paid cable networks as opposed to the free stations in one's local community. As more and more political events are placed on cable networks, the lower income population will have less access to information which could inform the way these citizens vote in local, state, and federal elections.

The weakness of the new election reform legislation assures continuing domination of the electoral process by the moneyed oligarchy. National newspapers are still available to all who have the change in their pockets to pick them up or are lucky enough to find a discarded one left in a public place, but newspaper coverage gives you the perspective of the writer. The growing number of pay-per-view stations with political debates, gives those with access the opportunity to judge a candidate as they see and hear for themselves what transpires. [For further information on this topic, see *Stewardship of Public Life*, 4th Quarter, 2000-Civil & Religious Liberty.]

### d. *Religious Rights*

Again following the 9/11 terrorist attacks in 2001, the primary concern under the heading of religious rights in the U.S. is whether religious freedom will be compromised in the name of homeland security. There is deep concern that houses of worship and religious gatherings will be infiltrated by government officials who are intent on monitoring these prayer services and gatherings as opposed to being a participants at these events. With that concern in mind, the Washington Offices of the various denominations addressed a letter to the attorney general, which stated the following:

Persons must be free to hold religious belief or unbelief without coercion, to meet together for public worship and witness, to speak prophetically from religious conviction to government and society, to live out their religious beliefs, and to be free from government intrusion, coercion, and control of the free exercise of conscience and religion.

September 11th has had a chilling effect on the religious expression of certain faith groups, particularly Muslims. We are concerned that ethnic, national, and religious profiling by law enforcement only reinforces this fear, and fosters an environment in which individuals regularly feel unable or that it is unwise to exercise their right to religious expression. We are very concerned that the Department of Justice has relaxed surveillance restrictions on domestic religious organizations. As communities of faith, we are concerned that changes in federal law and policy are causing innocent people to suffer needlessly. We believe that the efforts of our nation to confront and counter terrorism should be conducted with the least restrictive means necessary, as determined through open debate and deliberation. In our efforts to protect the freedom of our country against aggression from without, we must be vigilant against the suppression of freedom from within the United States itself. In providing a defense against possible attacks on the liberty of our people, we ought not adopt methods by which we compromise the very liberty we seek to defend. (Letter sent to Attorney General John Ashcroft by the Civil, Voting and Human Rights Task Force of the Washington Inter-religious community in August 2002).

## 2. *Central and West Africa*

The situation across Central and West Africa has remained much the same as reported in the "Human Rights Update 2001–2002" (see *Minutes*, 2002, Part I, pp. 687–91). In some places, however, there have been some positive signs of change.

a. *Civil Rights*

(1) *Freedom of Expression*

Most of the PC(USA) church partners in this region are unable to speak out about the human rights concerns in their country. Being arrested, interrogated, and jailed is a common response to someone calling attention to these concerns. Also, the fear of death is a reason some people will not speak out. While being concerned about human rights, average persons find their lives and livelihoods threatened by making any public statements regarding human rights abuses. Thus, many PC(USA) partners encourage this denomination to speak on their behalf and particularly so to the U.S. government.

(2) *Abuses by Military and Paramilitary Forces*

The military forces across Central and West Africa are usually underpaid and under trained. This has resulted in their seeking their salary from the people they encounter on the streets. In many of these countries, the people do not find safety and security in seeing the military or police in the streets.

War broke out in Côte d'Ivoire in 2002. The Ivoirien government responded to an army rebellion by committing abuses against innocent civilians, according to Human Rights Watch. Government forces also have killed and arrested individuals on the basis solely of their ethnicity, religion or support for the opposition party (*Côte d'Ivoire: Government Targeting Civilians*, Human Rights Watch, November 28, 2002).

b. *Political Rights*

In 2002, the political rights of the people in Central and West Africa was threatened by inadequate democratic development, poverty and war. The PC(USA) partners were not engaged in any significant political events and frequently worked to keep out of political issues in order to continue their ministries without disruption from authorities. Even so, uncounted people remain detained for political reasons in countries such as Burundi, Central Africa Republic, Cote d'Ivoire, Equatorial Guinea, Gambia, Guinea, Guinea Bissau, Rwanda, and Sudan. Some of them were possible prisoners of conscience.

(1) *Democratization*

“Democratic elections” were held across the region with varying degrees of being truly democratic. The PC(USA) partner leadership in the region strongly seeks better educational opportunities for the people to better prepare them for participation in democratic activities. Church schools are a high priority for all PC(USA) partners.

One example of difficulties still encountered can be seen in Equatorial Guinea where four main opposition parties withdrew from the country's presidential election on the grounds that the poll was rigged and fraudulent. This decision would guarantee that President Teodoro Obiang Nguema, who has held the position for twenty-two years, would continue in office.

(2) *Security Matters*

Throughout the Central and West Africa region, civil strife has continued to create situations that lead to serious human rights abuses. In Burundi, Central Africa Republic (CAR), Chad, Democratic Republic of Congo (DRC), Guinea, Liberia, Sierra Leone, or Sudan, thousands of unarmed civilians have suffered some of the most flagrant human rights violations in Africa.

In Sudan, the civil war has continued and oil companies have played an important role in human rights abuses linked to the forces they use to protect their oil fields or to the provision of aviation fuel to government aircraft which deliberately and indiscriminately bombed civilians in the war zones in the south of the country. Some 4.5 million people are believed to be internally displaced within Sudan and some 500,000 have sought refuge abroad. A recently signed peace agreement in Machakos, Kenya is thought to be the best hope for peace in Sudan for a long time. Churches in southern Sudan sponsored a meeting of principal southern opposition leaders. The NSCC

executive secretary, Dr. Haruun Ruun, said, “The south Sudanese have lost confidence in any central government. This forum is an attempt to bring together leaders of southern Sudan civil society, political and military groups.”

In the DRC, negotiations proceed toward ending the major international war that has resulted in so much loss of human life and denial of human rights. They have agreed to a power sharing authority that will see President Joseph Kabila being joined by four vice-presidents drawn from his supporters, rebel groups as well as the political opposition parties. The parties also agreed to base the transitional government on the principles of inclusiveness, nation building, accountability and respect for the territorial integrity of the DRC.

Cote d’Ivoire has been facing its worst crisis since its independence from France in 1960. Long considered a haven of peace in troubled West Africa, it has joined the ranks of countries affected by insurgency less than three years after experiencing its first successful coup d’etat. For the first time ever, the state no longer controls the entire territory. Hundreds of thousands of people have been displaced. Many have fled to neighboring countries.

### c. *Economic Rights*

#### (1) *Control of Resources*

- Oil—The situation in Nigeria and Sudan regarding oil and how the availability of the resources for use by the people remains largely the same. The Machakos Protocol has prompted some conversation where the Sudanese Government and Southern Sudan leadership are in dialogue on how to share the oil revenues.

- Military—Despite the change from a military to civilian government in Nigeria in 1999, there is still widespread deployment of army, navy, and paramilitary mobile police at oil facilities across the delta. Much greater sums of money are flowing from the federal government to the delta region, but ordinary people living in the delta see little if any benefit from these funds, according to Human Rights Watch. Discontent among the people of the delta remains high, with both the government and the oil companies. Occupations of oil facilities and other protests directed at the oil companies continue unabated (*Nigeria: No Democratic Dividend for Oil Delta*, Human Rights Watch, October 22, 2002).

- Diamonds— The UN Security Council extended the global ban on the direct and indirect importation of all rough diamonds from Sierra Leone. However, rough diamonds under the control of the Sierra Leonean government would continue to be exempt under the certificate of origin regime started in July 2000.

#### (2) *Land Rights*

The International Court of Justice ceded the Bakassi peninsula in Cameroun. Nigeria and Cameroun each look to this area for its economic potential in both oil and fishing. The Nigeria/Cameroun boundary dispute, while not new, is exacerbated by this new aspect. Peoples from both countries are affected by this international ruling.

### d. *Social and Cultural Rights*

#### *Women and Children*

Human Rights Watch has long denounced slavery in Sudan in the context of the nineteen-year civil war. In this contemporary form of slavery, government-backed and armed militia of the Baggara tribes raid to capture children and women who are then held in conditions of slavery in western Sudan and elsewhere. They are forced to work for free in homes and in fields, punished when they refuse, and abused physically and sometimes sexually. Raids are directed mostly at the civilian Dinka population of the southern region of Bahr El Ghazal. The government arms and sanctions the practice of slavery by this tribal militia, known as murahleen, as a low-cost part of its counterinsurgency war against the rebel Sudan People’s Liberation Movement/Army (SPLM/A), which is identified with the Dinka tribe of southern Sudan (*Slavery and Slave Redemption in Sudan*, Human Rights Watch, March 15, 2002).

On December 8, 2001, the criminal court in Nyala, Souther Darfur Sudan, summarily sentenced Abok Alfau Akok to death by stoning for committing adultery. Abok Alfau Akok, a married woman, is a Dinka of Christian beliefs who was pregnant at the time of the sentence. In early February 2002, the court of appeals in Southern Darfur overturned this sentence, ruling that the woman should be “reprimanded” instead of stoned to death. On

February 12, 2002, the criminal court in Nyala re-sentenced Abok Alfau Akok to seventy-five lashes. This sentence was carried out immediately without counsel or the right to appeal (*Dinka Women's Death Sentenced Overturned*, Human Rights Watch, March 8, 2002).

An appellate Shariah court in northern Nigeria upheld a "death by stoning" sentence against a woman for having sex outside marriage. The case of Amina Lawal, a thirty-year-old Nigerian woman sentenced to death, should raise grave concerns about how Islamic law is used in Nigeria and in other countries to brutalize and subordinate women. No country that values human dignity and the equality of all its citizens can afford to have a legal system in place that endorses discrimination, torture, and cruel and inhuman punishment.

Secretary general of the United Nations, Kofi Annan, has submitted a report on children and armed conflicts, for consideration by the security council, listing twenty-three parties including governments that continue to recruit or use child soldiers in conflict situations. The list includes Burundi, the Democratic Republic of Congo, and Liberia. [See also the United Nations update on *Optional Protocols to the Convention on the Rights of the Child On the Involvement of Children in Armed Conflict, and On the Sale of Children, Child Prostitution, and Child Pornography.*]

#### e. *Religious Rights*

##### (1) *Sudan*

The constitution, implemented in early 1999, provides for freedom of religion; however, the government severely restricts this right in practice. The government treats Islam as the state religion and has declared that it must inspire the country's laws, institutions, and policies. Authorities continued to restrict the activities of Christians, followers of traditional indigenous religions, and other non-Muslims as well as some Islamic groups. Non-Muslims are forbidden to proselytize, and apostasy, the conversion from Islam to Christianity, is a capital offense. The government's treatment of Islam as the state religion creates an atmosphere in which non-Muslims are treated as second-class citizens.

##### (2) *Nigeria*

The status of respect for religious freedom deteriorated during the year 2002 due to the implementation of an expanded version of Shari'a (Islamic law) in several northern states, which challenged constitutional protections for religious freedom and sparked interreligious violence. The constitution prohibits state and local governments from adopting an official religion; however, it also provides that states may elect to use Islamic (Shari'a) customary law and courts. In Nigeria there is a growing conflict between Christian and Muslims. More northern states have declared Sharia law, which has put increasing pressures on the Christians and other non-Muslims living there. Tensions are high as experienced when the Miss World contest in Kaduna was disrupted over a news article deemed an insult to Islam initiated rioting with many people being killed.

#### *A Special Note on Sudan*

On January 31, 2003, the Central/West Africa office of the Worldwide Ministries Division received the following statement released by the Reverend Dr. Haruun L. Ruun, executive secretary of the New Sudan Council of Churches. This document, issued by the PC(USA)'s Sudanese partner churches, is another call to the international community to work with these church leaders to end the ongoing civil war in this country that has claimed the lives of so many innocent people.

Statement of the New Sudan Council of Churches on the Future of the Peace Talks, January 31, 2003—Nairobi, Kenya

The Sudanese church leaders have been monitoring events following the resumption of the peace talks between the Government of the Sudan and the Sudan People's Liberation Movement/Army (SPLM/A) in the Kenyan capital, Nairobi, with much anxiety and concern. The gross violation of the Memorandum of Understanding regarding cessation of hostilities by the GoS, resulting in the attack of SPLM/A positions in Upper Nile and the subsequent capture of Leer town on January 26, is an apparent indication of a flagrant attempt to jeopardize the peace talks.

It was indeed unfortunate that the two parties to the on-going conflict could engage in trading hostilities as the talks were underway. That the GoS violated the MOU on the cessation of hostilities was a clear indication of a lack of seriousness on its part. The renewal of hostilities between the two parties should be stifled to avoid the dashing of hopes rekindled by the Machakos Protocol, which is a blueprint for the realization of peace in the Sudan.



In order to sustain the peoples' hope, we appeal to the warring parties to cease hostilities and give peace a chance. The Sudan peace talks have reached a crucial stage with renewed enthusiasm, as the international community is watching with great expectations. We therefore urge the negotiators to maintain the momentum of the peace talks by negotiating in good faith.

The Sudanese people have been consumed by the debilitating culture of war. They badly want peace. They want peace in order to rebuild and rehabilitate their broken lives. They want peace that guarantees stability and development. They want peace with justice.

We also appeal to the international community, especially the facilitators of the Sudanese peace talks to commit the negotiators to serious discussion that will culminate in a just and durable peaceful settlement to the twenty-year-old conflict.

It is our belief and hope that the GoS and the SPLM/A will heed to the cries of the Sudanese people by fully committing themselves to end the war; and to alleviate the untold suffering of the Sudanese people who deserve a break from the perpetual cycle of violence and its attendant byproducts.

The Sudanese church leaders would like to challenge the moral obligation of the two parties to respect and commit themselves to the October 15 Memorandum of Understanding, signed between the GoS and the SPLM/A on the cessation of hostilities. The MOU was renewed on November 8, effecting the cessation of hostilities as from January 1–March 31, “the period which the parties shall continue to negotiate outstanding issues.”

The Sudanese people have paid dearly with their blood in this war. It is therefore high time that they should reap the benefits of peace and tranquility in their lifetime. May the grace of God almighty be upon the peace negotiators so that as they discuss peace they should put humanity first before anything else.

### 3. *Southern and East Africa*

Two thousand and two saw the end of two of Africa's most protracted civil conflicts in Angola and Sierra Leone, a peaceful democratic transition in Kenya and the creation of the African Union as the successor body to the Organization of African Unity. At the same time, the year witnessed new strife in Zimbabwe. In addition, many African nations face further challenges in dealing with the humanitarian legacies of decades of conflict, underdevelopment, and marginalization.

#### *Civil and Political Rights*

##### (1) *Angola*

Following the February 22, 2002, death in combat of rebel leader Jonas Savimbi and some of his most senior generals, the Angolan military opened direct talks with Union for the Total Independence of Angola (UNITA) leaders for the first time in a decade. On April 4, the Angolan government and UNITA forces signed a ceasefire formally ending twenty-seven years of civil war. The agreement called for the demobilization of UNITA soldiers and the implementation of the 1994 Lusaka Peace Accord (*BBC Focus on Africa* 13:3, p. 6; *Angola Peace Monitor* 8:6, February 26, 2002).

More than eighty thousand UNITA soldiers moved rapidly into quartering areas. Five thousand were incorporated into the national army; the rest were demobilized in preparation for their reintegration into civilian society, along with 350,000 members of their families. In October, the government launched the “We Are With You” campaign, under which former fighters each received \$100, blankets, seeds, tools, and other goods to help them to resettle. Provincial authorities were delegated the task of finding land for the returnees. The Angolan government appointed UNITA nominees to government posts earmarked for them in terms of the agreement. By the end of the year, the demobilization camps were scheduled to be closed and the joint commission, created to oversee the implementation of the peace agreement, was dissolved, leaving the Angolan government and UNITA to deal with medium- and long-term issues on a bilateral basis. The UNITA itself, which had fragmented in the later stages of the war, reunified and became eligible for state funding in the run up to national elections, to be held within two years (*Angola Peace Monitor* 9:2 (November 15, 2002) and 9:3, December 5, 2002).

With the end of the war, new challenges have emerged. Decades of conflict and social fragmentation have left Angola with a humanitarian crisis that the United Nations (UN) considers to be one of the worst in the world. Nearly one third of all Angolan children die before their fifth birthday as a result of war or war-induced poverty. As many as one third of the country's 13 million people have been displaced by the war. Angola remains one of the most mined countries in the world with more than 2,000 uncleared minefields. The frequency of landmine casualties, already numbering in the hundreds each year, may increase as more and more people traverse unfamiliar territory in an effort to return home. Landmines will also impede renewed agricultural activity, limiting the country's ability to address acute food shortages. The UN and other humanitarian agencies are already

providing life-saving assistance to two million people in more than 200 locations across Angola. The number of people at risk could more than double next year without substantial investment in development and aid. Sustainable peace requires fundamental changes, including a turn towards greater openness and, above all, investment of the country's oil wealth in meeting the humanitarian, social, and economic crises (*Angola Peace Monitor* 9:1, October 3, 2002).

The Angolan government and United Nations agencies are working together to organize the safe and orderly resettlement of these families, but they face a number of problems. The government has formulated clear policies and structures to regulate resettlement and humanitarian assistance, but human rights groups have questioned the capacity of domestic and international agencies to implement these plans, particularly in light of the poor response of the international community to funding appeals. Moreover, they warn that current policy is primarily concerned with preventing the harassment of humanitarian personnel and looting of humanitarian supplies, while insufficient attention has been given to ensuring the safety and protection of returning refugees. This is particularly worrying as many families are returning to their home areas spontaneously—or, in some cases, are reportedly being forcibly resettled. “In case of forced resettlement or harassment of returnees and others, the strategy focuses on monitoring and sensitisation, the promotion of community-based protection initiatives, and the development of referral systems for victims rather than direct intervention with government authorities regarding the protection of IDPs (Internally Displaced People)” (Human Rights Watch, *The War is Over: The Crisis of Angola=s Internally Displaced Continues*, July 2002; and *EU-SADC Summit Must Focus on Human Rights*, November 6, 2002).

Other threats to peace and human rights also remain. Human rights organizations report an increase in human rights abuses in the oil-rich enclave of Cabinda, where the Angolan government appears to have revived a military campaign against separatist rebels (United Nations Integrated Regional Information Network, *Activists Urge UN to Act on Allegations of Abuse*, January 10, 2003).

## (2) Kenya

The forces for democratic change won an overwhelming victory in the 2002 presidential election in Kenya. “This [was] the most significant election in Kenya ever. It [was] the first election in which the sitting president [did] not [run]. The forces of change [were] pitted in a bitter struggle with the forces of continuity “(James Karanja, an NCK election observer).

President Mwai Kibaki of National Rainbow Coalition (NARC) was elected with a 53 percent plurality of the popular vote—this even in the face of the current constitution which gives the sitting president near-autocratic powers. Immediately following his election, the newly elected president made two promises that have (in the words of one observer) “... Kenyans savoring a more delicious hope than they have ever tasted.” He promised to make the completion of and adoption of the new constitution an early priority of his administration (and of Parliament). In addition to requiring a presidential candidate to attain at least 50 percent of the popular vote (something former President Daniel arap Moi never achieved) the new constitution removes presidential powers to hire and fire anyone he/she chooses and the presidential immunity from being sued or impeached. The Moi administration routinely abused each of these powers. The proposed new constitution also provides for the office of prime minister, which is at the head of government and has to be approved by parliament.

President Kibaki also made a promise that the principle of “one person, one vote” would become the law of the land. While already the standard in Kenya electoral politics, this principle was badly abused in the last two elections in which Kenya's 210 electoral districts saw districts with as few as 4,000 voters placed on a near equal footing with those with as many as 302,000 voters. This one-person-one-vote principle may also go a long way towards erasing some of the ethnic animosity that has grown up during the Moi years. Therefore, all in all, a very hopeful beginning for the great nation of Kenya in the New Year 2003.

## (3) Zimbabwe

The human rights situation in Zimbabwe continued to deteriorate throughout the year as President Robert Mugabe and his ruling party, the Zimbabwe African National Union-Patriotic Front (ZANU-PF), resorted to intimidation and patronage in a bid to bolster dwindling political support.

Human rights organizations documented a growing pattern of abuses in the months prior to both the March 9–10, 2002, presidential elections and the September 28–29, 2002, local elections, including a rapid growth in the

use of arbitrary arrest, violence (including sexual violence), and intimidation by the state and its supporters. The government regularly invoked the Public Order and Security Act to restrict basic freedoms of speech and assembly (International Crisis Group, *Zimbabwe: The Politics of National Liberation and Internal Division*, October 17, 2002, p. 7). Amnesty International charged that ZANU-PF was using party militias—led by the “war veterans” responsible for the occupation of commercial farms—as proxy forces to attack members of the opposition Movement for Democratic Change (MDC) (Amnesty International, *Background Briefing to the 58th UN Commission on Human Rights*, March 11, 2002). In a pastoral letter entitled “The Truth shall make you free ...” the Zimbabwe Council of Churches expressed its concern about the selective application of laws, the prevalence of political violence, and the role of “war veterans” (World Council of Churches and the All-Africa Conference of Churches, *Report of Ecumenical Peace Observers*, March 2002).

The levels of pre-election violence and intimidation rendered free and fair polling effectively impossible. The vast majority of Zimbabweans recruited church and civil society organizations to observe the March elections were denied accreditation by the government. Foreign ecumenical observers reported that a large number of voters were turned away from the polls—as many as 10 percent in some areas—while others were discouraged by the long wait at polling stations. In the end, President Robert Mugabe claimed victory with 56 percent of the vote to MDC leader Morgan Tsvangirai’s 42 percent. Shortly after the results were announced, the commonwealth voted to suspend Zimbabwe for one year to protest what it viewed as electoral manipulation (*BBC Focus on Africa* 13:3, p. 6; Amnesty International, *Zimbabwe: Hundreds detained in politically-motivated crackdown*, March 12, 2002).

Immediately after the election, the Zimbabwean government detained 1,400 people, mostly MDC polling agents and independent election observers trained by the Zimbabwe Election Support Network but refused accreditation (Amnesty International, *Zimbabwe: Hundreds detained in politically-motivated crackdown*, March 12, 2002). More than seventy MDC local government candidates were in jail at the time of the September local government elections, and many were prevented from registering. The Zimbabwe Human Rights Forum documented 58 political killings and more than 1,000 cases of torture in the first nine months of 2002 (International Crisis Group, *Zimbabwe: The Politics of National Liberation and Internal Division*, October 17, 2002, p. 7; and Human Rights Watch, *EU-SADC Summit Must Focus on Human Rights*, November 6, 2002).

Following President Mugabe’s re-election, the Zimbabwean government adopted new legislation criminalizing the publication of “falsehoods” and giving the government the right to accredit journalists. The security forces subsequently launched a crackdown on the independent press, arresting fourteen journalists in the four months following the election. These strong-arm tactics led the Committee to Protect Journalists to name Zimbabwe as one of the world’s ten worst places to be a journalist in 2002 (Committee to Protect Journalists, *Zimbabwe Special Report: On a Rampage*, July 11, 2002). In August, the offices of a private radio station were destroyed by a bomb (*BBC Focus on Africa* 13:4, August 2002, p. 9). In October, the government announced its intention to “plug loopholes” in the Access to Information and Protection of Privacy Act. Zimbabwean media rights organizations protested the proposed amendments and resolved to support journalists who refuse to comply with the government’s accreditation process (Media Institute of Southern Africa, *Statement following the national journalists and media workers’ meeting*, October 21, 2002).

In an effort to consolidate support, the Zimbabwean government has also pursued land and agriculture policies that have exacerbated the impact of a serious drought to produce a full-scale food emergency. Prior to independence, colonial land expropriation policies enabled white commercial farmers to acquire huge tracts of fertile land, leaving black people restricted to crowded “tribal reserves” of little agricultural value. For twenty years after independence in 1980, this situation changed little. In 2000, the Zimbabwean government passed new laws allowing expropriation of land without compensation, and encouraging landless peasants to occupy commercial farmland (Human Rights Watch, *Zimbabwe: Abuses Plague Land Reform*, March 8, 2002); see also <http://www.hrw.org/reports/2002/zimbabwe>).

In May, the government issued eviction notices to nearly three thousand mainly white commercial farmers. More than half decided to ignore the notices, and in mid-August, the government began arresting the resisters. President Mugabe urged the farmers to comply so that their land could be redistributed to black farmers in time for them to prepare the land for the onset of the rainy season, in an effort to avoid further disruption to agriculture and forestall a worsening of Zimbabwe’s severe food crisis. Critics pointed out, however, that a number of government ministers and senior party officials are among those who have been allocated part of the 27 million acres of prime farmland involved (*BBC Focus on Africa* 13:4, May 2002, p. 5). Tens of thousands of farm

workers have also lost their homes, and many have been the targets of attacks because they are perceived as being MDC supporters (Amnesty International, *Background Briefing to the 58th Session of the UN Commission on Human Rights*, March 11, 2002; and International Crisis Group, *Zimbabwe: The Politics of National Liberation and Internal Division*, October 17, 2002, p. 4). Meanwhile, the government failed to provide adequate support to small farmers. The Famine Early Warning System reports that fewer than 10 percent of the country's farmers have been able to obtain maize seed through the government's input support program (International Crisis Group, *Zimbabwe: The Politics of National Liberation and Internal Division*, October 17, 2002, p. 5).

As a result, production of maize, the staple food crop for most Zimbabweans, has fallen by two-thirds compared to last year, and wheat production has halved. It is estimated that as many as 6.7 million Zimbabweans will require food aid by the end of 2002. Church leaders and human rights advocates have accused the government of manipulating food distribution to reward supporters and punish opponents. In May, the government sealed off a food warehouse in Matabeleland North for two months, forcing the Catholic Commission for Justice and Peace to halt its relief program for 30,000 children in the area. After the MDC won the local government elections in September, the feeding program was stopped again. According to local press reports, government officials have openly warned communities not to expect relief if they vote for the MDC (International Crisis Group, *Zimbabwe: The Politics of National Liberation and Internal Division*, 17 October 2002, pp.3-4).

#### 4. *Central, South, and Southeast Asia*

For the purposes of the mission-in-partnership work of the PC(USA) these three regions are put in one office. For purposes of this update, they are considered separately. The comments that follow are not in any way exhaustive and interested readers are encouraged to avail themselves of a variety of sources that give a far more comprehensive view of human rights in these regions and the constituent countries. The focus of this paper is on the possible import of the human rights situation in each place in terms of how it might impact our partner churches in that place. In this regard, Central Asia is unique as there are not yet autonomous partner churches in existence.

##### a. *Civil and Political Rights*

###### (1) *Central Asia*

Civil rights violations continued to be a problem throughout the region. For example, Tajikistan deported five Afghans with no reason given, as reported and condemned by the United Nations High Commission on Human Rights (UNHCR). Human Rights Watch reported on a death sentence being handed down in Uzbekistan in spite of testimony by the victim and two witnesses that their confessions and incriminating statements were coerced under torture. In a more positive move, *Irin News* reported that Uzbekistan announced that it would pardon more than half of its prisoners, out of some 40,000, including those jailed for dissent, according to local media reports. Human rights activists estimate there are 6,400 political prisoners in Uzbek jails, with torture widespread. *The Economist* reported that in Kazakhstan a journalist who has been a leading critic of the authoritarian government was beaten up and had to be treated in a hospital. He was later arrested and charged with raping a fourteen-year-old girl, apparently in an attempt to charge him with a crime that would leave him with a shadow over him even if found innocent. Other journalists have been harassed, apparently on the order of the authorities, and a business newspaper critical of the government was firebombed. In Kyrgystan, Human Rights Watch reports similar actions against journalists. In addition police continue to torture people, trials are unjust and politically motivated, and prison conditions are deplorable.

Political rights have also suffered in Central Asia. Amnesty International has spoken out about a court case in Uzbekistan involving three men charged with religious extremism and antistate crimes. A hopeful sign in Kazakhstan was their joining the International Organisation for Migration, which works to assure the orderly migration of persons in need of international assistance; Tajikistan and Kyrgystan had previously joined. In Kyrgystan, Human Rights Watch reported multiple abuses by security forces with no consequences. Unarmed demonstrators were shot and killed, and there were frequent restrictions on freedom of assembly.

There were continuing problems with religious rights. In Uzbekistan, Human Rights Watch condemned the guilty verdict and death sentence given to a man accused of propagating religious extremism. Keston reported that a local Baptist was fined for preaching the gospel in Tajikistan, and another was ordered to leave the country.

However, two churches that had been ordered earlier in the year to stop meeting in homes were later allowed to resume services.

## (2) *South Asia*

In most of this region governments are chosen and operate as constitutional democracies. Individuals have particular protections by the constitution and in their access to the legal system. Those rights are real only to the extent that legal enforcement agencies and the judicial system are not suborned by excessive delay, power and monetary considerations. As Human Rights Watch notes, “The entire Asian region suffered a political earthquake in the aftermath of the September 11 attacks.” Throughout the region initial governmental condemnation of the attacks was followed by use of the antiterrorism excuse as cover for repression and by opposition to the U.S. antiterror campaign and its methods. New and restrictive security legislation was enacted in Pakistan and India.

The military is an outright political force in Pakistan and still exercises direct rule despite losing in the last, highly but unsuccessfully manipulated, election to more militantly Islamic parties. In the post 9/11 environment, in which Pakistan officially supported the United States and a very focal and militant part of the population was in support of the Taliban, the majority of the population walks a very careful line. The openly secular or pro-economic freedom and development citizens are highly intimidated in the current climate. The most difficult situation is faced by the tiny minority Christians who could lose their small influence as new rules on elections to the legislature could limit their votes to minority reserved seats and lead the vast majority of legislators to have no need to consider them in their campaigning or constituent service. Pakistan continues to carry a large number of Afghani refugees.

In Nepal this is a time of great upheaval and insecurity. The country is involved in a civil war between Maoist forces and the government. That government is led by a king who is in power thanks to a highly questioned murder of the previous ruling family and whose exercise of power has little constitutional grounding. The Maoists control increasing parts of the country and are increasingly violent. Many medical institutions and schools have been required to shut down. Even in the capital city the Maoists successfully demand popular participation in work stoppages and shop closures. The issue of child soldiers remains current in Nepal and Bangladesh. Bhutanese refugees in Nepal and Myanmar refugees in Bangladesh remain an issue.

The conflict in Kashmir has heated up considerably into military action. Complaints of serious human rights abuses are common against both the Indian authorities and the Pakistan-backed rebels.

The conflict continues in Sri Lanka and it is fueled by human rights violations by both the government and the Tamil Tigers.

## (3) *Southeast Asia*

Vietnam, Laos, Cambodia—with their legacy of conflict and communism—have human rights issues that focus on government control of the population. Myanmar and Thailand share a majority Buddhist culture, yet their backgrounds, current political systems, and human rights issues are very different. Myanmar, with its military dictatorship, is only slowly opening to trade and religious people of all traditions tread a very fine line with regard to government interference. Freedom movements for ethnic independence have been severely repressed. Thailand’s human rights issues relate to problems with refugees and the border with Myanmar and the treatment of Thai women particularly in the sex trade. Indonesia and Malaysia—both majority Muslim countries—have been impacted by popular anger over perceived U.S. opposition to Islamic agendas. In Indonesia the separatist struggles continue and are marked by a religious divide as well as economic issues. East Timor struggles with newfound independence, the legacy of a violent divisive struggle to get there, and dependence on Australia to backstop order and justice.

Singapore, Malaysia, and Indonesia took the opportunity of the aftermath of September 11, 2001, to enact restrictive security laws. The ongoing struggle in Indonesia was made more complicated as loyalties to Islam and perceptions of western affiliation were heightened and politicized. Indonesia finally had to admit there was ongoing terrorism and support for terrorism in the country with the explosion in Java killing Australian tourists.

### b. *Economic Rights*

#### (1) *South Asia*

Throughout the region a mainstay of the economy, tourism, has suffered a major blow. This is most crucially seen in places like Nepal and Pakistan, but there is also a problem in India. This was particularly true during the time of increased tension and western-feared nuclear exchange over Kashmir.

(2) *Southeast Asia*

Throughout the region a mainstay of the economy, tourism, was already suffering from the general poor regional economy and armed conflict in a number of areas. It suffered a further major blow with September 11 and is not likely to revive quickly. While some liberalization has resulted in more available goods for those of means in Myanmar, there is increased hunger especially in the rural areas.

c. *Social and Cultural Rights*

(1) *South Asia*

There is not a country in the region in which women can be said to receive equal human rights. The sexual exploitation of women is especially of concern with thousands of women from Nepal going to other Asian countries with no protection. Issues of discrimination against lower caste and tribal persons continue in India.

(2) *Southeast Asia*

Across the area there are significant concerns around the rights of children and women. Work related migration, both internal to a country and to other countries, places those most vulnerable in situations open to exploitation and abuse. Also across the region there is the issue of majority oppression of the expression of minority ethnic identity. In places like Myanmar, Indonesia, and Vietnam, that has resulted in violence, internal displacement, external refugees, and organized separatist movements.

d. *Religious Rights*

(1) *South Asia*

While Christians' rights are constitutionally protected, the reality is that it is very difficult to be a practicing Christian in Pakistan today. The blasphemy laws continue in effect and have a confining effect on Christians' freedom to articulate and share their faith. The repeated attacks on Christian churches and institutions make militants' terrorist threats urgently credible. Christians are often seen as "western" or "American" and are therefore considered to be appropriate targets for retribution when militants suffer attack or defeat. On the day this report is written we receive reports that Christians continue under severe attack with "grenading" of a Presbyterian church's 2002 Christmas Eve Service in Daska, Pakistan, which killed three and injured ten.

In India there is a continuing climate of hostility toward Christian mission activity especially evangelism. Many Indian Christians are very concerned about "proselytism"—which is understood to be manipulative attempts to convert someone—particularly when there is a connection to persons or churches from outside of India. As the ruling Hindu nationalist party continues to hold power and shows little interest in or vulnerability to charges of failing to protect religious minorities, a climate of anxiety continues.

(2) *Southeast Asia*

Religious rights are violated in a variety of countries. In Myanmar, Christians are constrained from building or opening places of worship and official government support heavily favors the Buddhist temples and sanctioned orders. However, the government continues its tight control and limitation of Buddhist monastic orders. In Vietnam, Cambodia, and Laos there are stringent regulations limiting faith expression and organization. In Indonesia there is continued violence between militant Muslim groups and Christians in the eastern islands and the government is still ineffectual in limiting this discord.

5. *East Asia/Pacific*

The National Council of Churches in the Philippines with the World Council of Churches and the Christian Conference of Asia sponsored an International Ecumenical Conference on Terrorism in a Globalized World in Manila, Philippines on September 23–26, 2002. One hundred thirty-five church leaders, scholars, and peace advocates from twenty-eight countries met at the conference and issued a declaration, which in part states that:

We grieve with the American people as we remember the pain resulting from criminal acts of terrorism on September 11. We grieve the death and destruction inflicted on the people of Afghanistan that began the so-called “war on terror” on October 7. We remember as we grieve the victims of the U.S. wars of direct and indirect intervention and aggression on the people of Hiroshima, Nagasaki, Vietnam, Korea, Philippines, China, Chile, Nicaragua, El Salvador, Columbia, Indonesia, Iraq, Palestine. Indeed, the story of U.S. aggression on many countries in the world and the massive affliction of terrorism did not just begin on September 11. Today, the entire human community, as with all of creation, suffer the devastation of this despicable “war on terror”, and we ask why?

Christians and Muslims have both suffered the ravages of war. The “war on terror” has worsened the vulnerability of religious minorities in many countries. It has eroded inter-religious relations and has polarized Muslim and Christian communities, pushing India and Pakistan to the brink of nuclear war. The “war on terror” is demolishing the gains of long and tortuous years of human struggle for self-determination, human rights, civil liberties and democracy. They are being sacrificed in the U.S. quest for peace and security. The U.S. “war on terror” has justified violence inflicted on any state, nation, group or individual deemed threatening to national interests as defined by the U.S. alone. This is a major threat to global security. This is a re-ordering of global political and a repudiation of international law. On September 11 the U.S. became a victim of terrorism, an experience many other countries have known for so long. Now, after Afghanistan and the obscene loss of human life, the U.S. is directing its guns and bombs against other so-named “rogue states”, and singled out several countries with Islamic nationalists as harboring terrorists groups.

The “war on terror” is state terrorism of historic dimensions. It is not a just response to the events of September 11th. It is an opportunistic use of violence to consolidate and expand U.S. economic, political, cultural and military hegemony. This U.S. global hegemony has a name. It is Empire.

The participants at this conference called for interfaith solidarity to resist war and globalization and committed themselves to making another world possible, a world of peace with justice and integrity of all creation. It is a judgment call and may be hard for us, Americans, to hear what is stated in the declaration. And yet, it is a prophetic voice of our time, which is very critical of U.S. foreign policy. What can we say in response to the declaration?

a. *Civil Rights*

(1) *Korea*

Peace and justice issues continue to be a deep concern for people of the region. At the time of the writing of this report, there was a series of public demonstration being held throughout South Korea in response to a recent homicide by personnel of the U.S. military forces in Korea. Two middle school girls were killed under the crushing weight of an American military armored vehicle, and the verdict of the U.S. military court was not guilty, and the Korean civil court was not allowed to be involved in these proceedings or have a voice in this matter. There have been many unfortunate crimes committed in Korea by the U.S. troops since 1945, but no justice has prevailed in most of these criminal cases. The root causes of this injustice are attributed to the unbalanced SOFA (the USA-Korea Status of Forces Agreement). The people of Korea are calling for a fundamental revision of SOFA on the basis of realistic and equal agreement. They have begun to question the true original intention of the presence of U.S. forces in Korea—are the U.S. troops in Korea to protect the peace and freedom of the Korean Peninsula or an occupied force? Our partner church wants equal protection for Koreans, under the law, from U.S. military violence against Korean civilians.

On June 13, 2000, a new era in Korean history was launched by Kim Dae Jung, president of South Korea, visit to Pyongyang, North Korea, in which he held an unprecedented summit with North Korean leader, Kim Jung II, taking a giant step toward reconciliation and reunification of the peninsula. Since the bitter war of 1950 in Korea, the country has remained separated leaving scars and hurts in the hearts of many for more than fifty years. This summit was the first real attempt to pursue peace and reconciliation of the Korean people, which was followed by exchange visits of separated family members who had not seen each other for more than fifty years.

(2) *Japan*

The U.S. military presence continues to be a deep concern for the people of Okinawa and other U.S. military bases in Japan. Concerned citizens of Okinawa continue to oppose the U.S. military bases in the island that cause a negative environmental impact, a high rate of accidents, and an increase in crime. In addition, despite strong opposition from peace activists and religious groups, including our ecumenical partners in Japan, the revised

“Guidelines for Defense Cooperation between Japan and the USA” was approved by the Japanese Diet, partly by pressure from the U.S. Immediately following the U.S.-led Afghanistan war, Japan sent its war ship to support the U.S. forces in the region. This act is a direct conflict with the Japan’s peace constitution, which the U.S. helped to draft immediately after World War II.

Other civil rights concerns in the region include discriminatory laws and actions and government misuse of power in controlling the rights of people. Minorities in Japan, such as Burakumin, Ainu, and Koreans often find themselves the victims of cultural discrimination. In Taiwan, Australia, New Zealand, and Philippines, cultural and aboriginal peoples’ rights and opportunities continue to be a concern.

### (3) *China*

China, in recent years, has instituted more laws and regulations, which has led to an increase in the number of lawyers. Open opposition to the Chinese communist party, however, is still not tolerated. Yet, within the Chinese society, the people do enjoy much more freedom, as long as they do not criticize the communist government. North Korea, on the other hand, prohibits freedom of speech, the press, assembly, and association. All forms of cultural and media activities are under the tight control of the North Korean government.

### (4) *Philippines*

The fighting between the Philippine government forces and the Moro Islamic Liberation Front in the southwestern part of Mindanao is a long-standing issue. In this context, the deployment of U.S. military personnel into the Philippines is not welcomed by Filipino people and the PC(USA) partner church rejects the re-entry of U.S. armed forces to the country and asks them to leave the country immediately. The U.S. military presence and activities violate the national sovereignty and territorial integrity, and aggravate armed conflicts.

## b. *Political Rights*

### (1) *China*

The People’s Republic of China is an authoritarian state in which political power resides in the hands of the Chinese Communist Party. In general, citizens of China lack the right to express opposition to the current party-led political system. Despite its one-party system, a democratic process is slowly but indeed evolving in the People’s Republic. Politically, the Chinese Communist Party seems to have mellowed within the last twenty-five years. Many old ideological guards have been retired and phased out, and younger, better-educated ones are coming into the party on the national, provincial, and local levels.

### (2) *Korea*

In North Korea, the government denies its citizens their basic rights. The regime subjects its citizens to rigid controls. On the other hand, South Korea respects the human rights of its citizens. However, the existence of the National Security Law continues to infringe upon citizen’s civil liberties, including the right to free expression.

## c. *Economic Rights*

Although most countries in East Asia have recovered from the recent collapse of their economy, the social implication is still visible. Millions of people are still unemployed, and in the case of Korea, the middle class has been virtually wiped out. The gap between the rich and poor has widened in Korea, China, Philippines, Taiwan, and poverty and hunger are on the increase. Japan is undergoing economic crisis, and many employees have been laid off. The effects of the economic problems are also perceived as a contributing factor in the increase in the number of violations against the rights of workers.

### (1) *China*

China, with its market-based economy, has been expanding steadily. Economic reforms have raised the standard of living for many. Since the entry to World Trade Organization (WTO), China is experiencing heavy capital investments from outside world. “In the midst of a global economic slowdown many Taiwan corporations have made heavy investments in China, transferring the livelihood of Taiwan’s traditional industrial workers and technology producers westward. Taiwan is being bled dry, its political culture increasingly driven by China trade” (*Taiwan Church News*, vol. XIX, No.4). China has a cheap labor market. Many factory owners, wanting to



minimize their operation cost, benefit from this cheap labor market, while their human rights are violated. Many export-oriented factories' working conditions are very poor, which contributes to accident of their workers.

## (2) *Philippines*

In the Philippines, more than a million Filipino migrant women workers are exported to Hong Kong, Singapore, Japan, Korea, Taiwan, 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.

## (3) *North Korea*

North Korea continues to suffer from famine and malnutrition due largely to the failure of socialist economy. Much of the population has been literally starving and many died of hunger. In search of food, people are crossing the northern border to China. Some are finding ways to reach South Korea. Hundred of these North Koreans have been resettled in South Korea in recent years.

### d. *Social and Cultural Rights*

The Constitution of China provides that all its nationalities are equal. Currently, there are more than 120 autonomous counties or regions in China. In accordance with the law of China, these national autonomous areas including Tibet and Xinjiang exercise all rights of self-government. Furthermore, each autonomous area has a school with its own language, which is supported by the central government (see *Beijing Review*, No. 4–10, 1991, p. 32). However, the standard of the minority schools falls short of the Han majority schools as well as employment opportunities.

A growing concern in China is the abandonment of disabled children and female children. One of the main reasons for this is poverty and ignorance on the part of parents, who do not know how to deal with disabled children, as well as one child per family policy. Also, the one child policy is creating a discipline problem, so much so that a child is called, “prince” or “princess.”

### e. *Religious Rights*

In 2002, there were no significant changes in religious rights in East Asia and the Pacific Rim. Although the East Asia and the Pacific Rim countries provide for freedom of religion in their constitutions, how this religious freedom is practiced varies from country to country. For example, the constitutions of Japan, Taiwan, South Korea, the Philippines, Hong Kong, Macau, Fiji, and Vanuatu provide for freedom of religion, and the government respects this right in practice. Also, religious groups are not required to be registered or licensed in Japan. However, to receive an official recognition as a religious body, which provides tax benefits and other advantages, a group must register with local or national authorities as a “religious corporation.” In reality, almost all religious groups in Japan are registered. Since 1995, amendments have been made to the Religious Corporation Law allowing the government to increase its oversight over religious groups and to require greater disclosure of financial assets by a religious corporation.

In Hong Kong and Macau, the Basic Law provides for freedom of religion, and people enjoy autonomy in the area of religious freedom under the “one country, two systems” concept that defines the relationship of Hong Kong and Macau to the rest of China.

The Constitution of North Korea also provides for freedom of religious belief, but in practice the government discourages organized religious activity except that which is registered with government. The constitution stipulates that religion should not be used for purposes of dragging in foreign powers or endangering public security. There are three church buildings in Pyongyang—Bongsoo, Chilgol Protestant churches, and a Changchun Catholic church. The Korean Christian Federation of DPRK had reported that there are five hundred house churches with ten thousand members in North Korea. However, this summer it was reported that the church gained three thousand new members, which makes a total of thirteen thousand members in North Korea.

In China, Article 36 of the constitution guarantees religious freedoms. It states the “citizens of the People’s Republic of China enjoy freedom of religion. No organization, whether public or individual may compel citizens to believe in, or not to believe in, any religion; nor may they discriminate against citizens who believe in, or do not believe in, any religion .... Religious bodies and religious affairs are not subject to any foreign domination.”

The Chinese government officially recognizes five religious groups: Buddhism, Catholicism, Protestantism, Taoism, and Islam. All churches, temples, mosques, monasteries, and other fixed locations for worship must be registered with the relevant patriotic association. These registered organizations are legally protected. Many Protestant 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 governmental regulation. China is now one of the fastest growing churches in the world where one new church is being organized every six hours. It has printed and distributed thirty million copies of the Bible in 2002, and there are nineteen theological seminaries in the country where young men and women are trained to serve as pastors.

There are concerns with regard to the potential impact of ethnic separatist movements upon religious freedom in China. The Chinese government prohibits religious manifestations that advocate independence of Tibet, Taiwan, and Xinjiang. The government is closely monitoring any religious activities that might engage in independence movement. China claims Tibet and governs it as an autonomous region. Tibetan people seem to enjoy religious freedom. They freely practice their faith in Buddhism, and the central government of China supports upkeep of the temples in Tibet.

In Xinjiang autonomous region, a majority of the people are Muslim. The Chinese government has tightened control of religious activities in response to a separatist disturbance and bombing campaign in recent years. It is reported some of the mosques are closed or destroyed, and unsanctioned religious classes have been canceled.

## 6. *Europe*

### a. *Civil Rights—Russia, Belarus, and the Ukraine*

In 2002, serious deficiencies in respecting the civil rights of its citizens continued in the Russian Federation. Throughout the year, the war, which reignited in 1999 against Muslim separatists continued in the Caucasus republic of Chechnya. Human Rights Watch reported the widespread looting, arbitrary detention, torture, and “disappearance” of Chechens in Russian custody. Chechen fighters escalated their wave of assassinations of civil servants and religious leaders seen as cooperating with the government.

The already brutal military campaign against their own country’s citizens escalated in the aftermath of the hostage taking by Chechen rebels in a Moscow theater in October 2002 in which 41 Chechens were shot and 128 other Russians died from the gas used to incapacitate everyone in the theater.

During the year, President Vladimir Putin embraced the concept and the language of the international “war on terrorism” to justify the intensified military action in Chechnya.

Racial attacks against Africans and Chechens continued as a major civil rights concern. So-called “skinhead violence” in major cities such as Moscow went largely uninvestigated and unresolved. In a survey by the Moscow Protestant Chaplaincy Task Force on Racial Attacks, 66 percent of African respondents reported having been physically attacked on the basis of their race while living in Moscow. And, as the war in Chechnya dragged on, Chechens across the country were increasingly the object of assault and harassment.

In Ukraine, tens of thousands of demonstrators took to the streets in September demanding the resignation of President Leonid Kuchma. The largest protest in the country’s twelve-year history focused on election tampering, corruption, and the alleged involvement of the president in the 2000 murder of a respected journalist. In a special report from the Council of Europe’s Committee for the Prevention of Torture, police were accused of interrogation methods including electric shock, burns, and asphyxiation with masks or bags. In response, the Ukrainian government promised to reform police recruiting and to improve training.

### b. *Social and Cultural Rights*

#### (1) *Turkey*

Turkey is in transition. Since the formation of the European Union, the country has made a conscious effort to look west, rather than continue its more natural and accustomed eastward stance. It has eagerly sought to join the European Community (EC); it seems to have gone out of its way to stay closely allied with the United States, to the extent that it has formed economic and military alliances with Israel, at the risk of alienating its other Middle Eastern neighbors. Despite the urging of the United States and the EC, Turkey has not offered appreciable evidence of any intention on its part to seek a settlement of the Cyprus problem. As its population is religiously

and culturally Muslim, the country has lived an ambiguous identity until, in the autumn of 2002, it elected a new government that is clearly Islamist in its orientation. The head of the party of the newly elected government is formerly an effective mayor of Istanbul. However, he had read an Islamic “politically incorrect” poem at a public function and was jailed for two years.

Turkey continues to have problems involving its Kurdish minority and has considerable issues with religious liberty, especially toward Christian ethnic minorities in the Eastern part of the country. More recently, it has allowed the registration of a number of Protestant churches consisting of Turkish Christians.

## (2) *Albania*

The EU performance grade of Albania in the area of human trafficking has improved from a three (the worst possible grade) to a two. Leaders have been speaking much about the need to improve in this area. New high-speed boats have been purchased to patrol the Albanian Coast and the Adriatic Sea between Albania and Italy. Reports for the last two months are that human trafficking from Albania to Italy has been close to 100 percent eliminated. Some traffickers have been arrested. Some of the boats of traffickers have been impounded; others have been destroyed. The loss of money to the bosses in the human trafficking area has generated a large increase in drug trafficking.

The Roma people have historically been outcasts in Albanian society, but at present the government is not opposing the efforts of religious and humanitarian groups to reach out to them. Increasing numbers of ministries, programs, projects, and funding is appearing that is related to the Roma people and their children. Some of these programs aim at reintegrating Roma youth back into the educational system. Many sixteen- to eighteen-year-old Roma children have no education beyond the second grade. One program in Kosova taught forty Roma children for six months. The promise was that if these children could pass a test administered by the school system then they would be readmitted to the school system. One hundred percent of the forty children passed the test and re-entered the system. The effectiveness of some programs is increased when the children are taken out of their homes. This is because some of the parents sell the children to human traffickers.

### c. *Political Rights*

In each of the countries of Russia, Ukraine, and Belarus, limitations on press freedoms marked significant challenges to political rights in 2002. The Russian Parliament passed highly restrictive provisions to the Law on Media in October. Some politicians characterized the changes as “basically initiating censorship” in Russia. While President Putin ultimately vetoed the more restrictive law, the limited coverage of human rights violations in Chechnya and the tightly controlled press reporting of the Moscow theater hostage crisis attested to reduced press freedoms under the Putin administration. In Ukraine, outrage among journalists and media monitoring groups reached new heights in 2002. Human Rights Watch documented the manipulation of the news by state directives allowing for only one, pro-presidential perspective to dominate television broadcasting. Television stations that did not comply faced court challenges, arbitrary tax inspections, and license withdrawals. Journalists, themselves, faced harassment, salary cuts, demotions, and dismissal. In Belarus, the most authoritarian of modern European states, independent reporting is almost nonexistent. The threat of dismissal with its impact on income, the ability to pay rent, and provide for family remains a powerful deterrent to challenging state imposed press controls.

### d. *Religious Freedom*

#### (1) *Spain*

On May 7, 2002, the Moderator of the 213th General Assembly (2001) of the Presbyterian Church (U.S.A.), Dr. Jack Rogers, his wife Sharon, then Europe Coordinator Duncan Hanson, Spanish Evangelical Church General Secretary Alfredo Abad, and the Regional Facilitators Bryce and Phyllis Little visited the director general and associate director general of Spain’s Ministry of Justice.

Speaking in support of the Protestant community of Spain, Dr. Rogers expressed concern that retired Protestant clergy and religious workers are not treated the same in retirement as Catholic (Roman) priests and lay workers. They, Protestants and Catholics, pay into social security retirement out of their wages, but only Catholic retirees receive retirement social security benefits. Spanish law states that there should be equal treatment of all

Spanish citizens regardless of religious orientation, but in fact Protestant leaders' human rights are being violated. This act of discrimination needs to be corrected so they receive equal treatment under the laws of Spain.

(2) *Albania*

Albania's constitution provides for equal religious freedom for all people. In practice no religious group is presently hindered in the practice of its faith. Traditionally, the government favors what they call the four traditional religions: Islam, Orthodoxy, Roman Catholicism, and Bektashi (which is a form of Islam). Legally, there are no laws to guarantee anyone's religious freedom as provided for in the constitution or to implement the constitution.

(3) *Russia*

While the Russian constitution provides for freedom of religion and the government generally respects those freedoms, the year 2002 saw a significant increase in the violation of religious rights. According to the Keston News Service, at least nineteen foreign church workers had their visas revoked or denied through September. Most significantly, the cancellation of visas for a Roman Catholic bishop and a priest placed increased emphasis on the ongoing war of words between the Russian Orthodox Church and the Roman Catholic Church and on the seemingly close cooperation between government officials and Orthodox leaders. Members of some traditions, including Jehovah's Witnesses, the Mormons, some Protestant groups, the Unification Church, and the Russian Orthodox Church Abroad (which does not recognize the authority of the Moscow patriarchy) continued to face discrimination in their efforts to rent facilities and conduct group activities. And for Russia's Buddhists, August 2002 saw a decision by the foreign ministry to deny a visa to the Dalai Lama to visit the three Buddhist republics in Russia.

(4) *Belarus*

In November 2002, "the most repressive religion law in Europe" (Keston News Service) entered into force in Belarus. The provisions of the law were striking: all unregistered religious activity became illegal, all communities with fewer than twenty members became illegal, any religious activity in private homes—apart from an occasional small meeting—became illegal, all religious literature became subject to censorship. In advance of its signature by President Alexander Lukashenko, representatives of many governments (including the U.S. government) and many international organizations urged the veto of the bill. While the full weight of the new legislation is not known at this writing, many Protestant leaders expressed their fear that their worshiping communities would be suppressed. Some leaders expressed their decision to defy the new law. Across the map of Europe, the implementation of the Belarussian law will be the most watched religious rights issue of 2003.

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

[Note: Stateless, landless people prefer to be called "Roma" instead of the often-pejorative term "gypsies," which is used more commonly in the vernacular.]

(a) *Civil Rights*

One of the most dramatic human rights discrepancies in Europe today is the situation of the Roma. Due to this fact the OSCE Ministerial Council decided in December 1998 to strengthen the Contact Point for Roma and Sinti Issues in the Office for Democratic Institutions and Human Rights (ODIHR).

Heads of state or government made specific declarations concerning Roma and Sinti in paragraph thirty-one of the Istanbul Summit Declaration: "We deplore violence and other manifestations of racism and discrimination against minorities, including Roma and Sinti. We commit ourselves to ensure that laws and policies fully respect the rights of Roma and Sinti and, where necessary, to promote anti-discrimination legislation to this effect" (Organization for Security and Co-operation in Europe (OSCE) High Commissioner on National Minorities, *Report on the Situation of Roma and Sinti in the OSCE Area*, p. 25).

In 1999, the Czech government approved a policy resolution that acknowledges the “mistakes and injustice caused by centuries of discrimination” against Roma, and adopts a “basic attitude of . . . respect for Romany national feeling, traditions and culture.” Similar resolutions and frameworks have been signed by the Bulgarian, Hungarian, and Slovak governments (Organization for Security and Co-operation in Europe (OSCE) High Commissioner on National Minorities, *Report on the Situation of Roma and Sinti in the OSCE Area*, pp. 50–51). In 2000 the OSCE High commissioner on National Minorities gave a detailed report about the situation of Roma and Sinti in the OSCE countries (Organization for Security and Co-operation in Europe (OSCE) High Commissioner on National Minorities, *Report on the Situation of Roma and Sinti in the OSCE Area*).

A number of international nongovernmental organizations are watching human rights violations and presenting information to the public and help fighting against it: Among them Human Rights Watch (see <http://www.hrw.org>); Amnesty International (see <http://www.amnesty.org>); and the European Roma Rights Center (see <http://www.errc.org>) in Budapest.

Many Roma have experienced various forms of discrimination in their daily lives because of their Roma identity. Members of the Roma minority lack equal treatment before the courts and governmental and administrative agencies to a different extent in all Central, Eastern and Southeastern European countries. Anti-Roma prejudices and stereotypes have a deep impact. In several OSCE participating states, there are cases reported of denied entrance to hotels, restaurants, swimming pools, and other service establishments for Roma (Organization for Security and Co-operation in Europe [OSCE] High Commissioner on National Minorities, *Report on the Situation of Roma and Sinti in the OSCE Area*, p. 38).

“Hostility against Roma is a generalized attitude, and there is particular concern over the way prejudiced attitudes and stereotypes affect public officers, journalists, and other persons working in social institutions. The racist nature of this violence and discrimination is increasingly acknowledged” (The Roma Center for Social Intervention and Studies (Romani CRISS), *Implementation and Its Shortcomings: An Update on the Situation of Roma and Sinti in the OSCE*, Working Paper for the OSCE Human Dimension Implementation Meeting, November 1997, p. 2). It has been reported in recent years from the Czech Republic, Bulgaria and the Slovak Republic, Albania, Austria, Bosnia, Croatia, Hungary, Poland, Romania, Russia, Ukraine, and Yugoslavia that Roma have been increasingly victimized by extreme-rightist groups like skinheads (Organization for Security and Co-operation in Europe (OSCE) High Commissioner on National Minorities, *Report on the Situation of Roma and Sinti in the OSCE Area*, p. 40). Some of these violent actions against Roma have been reportedly officially sanctioned or not persecuted and victims of many attacks have had difficulty securing legal redress. There might be a gray area of such cases because it is known that many victims do not press charges, because they expect little results from the justice system.

Moreover it is reported that judges refuse cases brought by Roma as racially motivated crimes, because the Roma are not legally recognized as an ethnic minority in some countries. This is based on the dilemma that “the laws of some OSCE states include prohibitions on gathering and maintaining ethnically coded data, while various international bodies concerned with combating discrimination affirmatively encourage States to collect data that would enable them to monitor discrimination” (Organization for Security and Co-operation in Europe (OSCE) High Commissioner on National Minorities, *Report on the Situation of Roma and Sinti in the OSCE Area*, p. 19).

A number of incidents of police brutality in which Roma have died have remained unsolved. According to the Romanian Helsinki Committee (see Human Rights Watch, *World Report*, [www.hrw.org](http://www.hrw.org)), a Romanian public prosecutor declined in nine out of ten cases to file charges of misconduct against police officers. The OSCE high commissioner on national minorities reported about cases in Bulgaria, Hungary, and Slovakia. Human Watch reports that “Roma continued to suffer shocking levels of harassment, violent attacks, and malicious discrimination in Croatia, Hungary, Romania, the Czech Republic, Bulgaria, Serbia, Macedonia, and Slovakia, marring much of the region’s record of progress on other human rights issues. Law enforcement authorities in all of these countries typically did not investigate violent attacks on Roma (see Human Rights Watch, *World Report*, [www.hrw.org](http://www.hrw.org)).

Roma were the target of pogroms in Kosovo because they were suspected of collaborating with the Serbs. There are reports about this situation that give evidence that about 200,000 Roma lived in Kosovo before the war. It was their custom to live a settled existence there since hundreds of years. They had a high employment rate and the number of intellectuals among them was considered to have been the highest in Europe. Today more than three-fourths of the Kosovo Roma are refugees. Around 3,300 refugees, most of them Roma, have for the past three years led a difficult and insecure refugee life in Macedonia. Some 70,000–80,000 refugees from Kosovo are seeking asylum in different Western countries.

The human rights situation in many of the EU accession countries has been used as an argument to delay EU membership. On the other hand, this pressure has led to support of a number of antidiscrimination and democratization programs. Another aspect of restrictive EU enlargement is outlined by human rights organizations: that fears of “a deluge of Romani migration” are the causes for delays in European Union enlargement, and may even cause some countries to be excluded from membership in the European Union. A statement of Conference of European Churches (CEC) and Churches’ Commission for Migrants in Europe (CCME) in this respect comes to the conclusion:

As Roma are not only a minority in the accession countries but across Europe, the European Commission shall be requested to do more work on the issue of anti-Roma prejudice among the majority population in European societies, developing models of education for the majority to overcome prejudice. Such endeavors should be applicable to present and future EU member states, so that divisions and fears can be overcome. The threat with which EU accession countries are sometimes reproached that freedom of movement, one of the main concepts of the European Union, would be endangered by Roma movements, need to be avoided, and integration into the EU has to be approached more positively in this sphere, too”(Churches’ Commission for Migrants in Europe, Conference of European Churches, *Living in Community-Towards equal opportunities and overcoming discrimination*. The situation of Roma in Central and Eastern Europe; Conference in Bratislava, May 2–6, 2001).

Issues related to Romani migration, flight, itinerancy, and asylum have been discussed among churches and NGOs in recent years. The topic has been increasingly critical since migration laws within the Schengen Agreement have been changed and bilateral agreements between Schengen countries and Central and Eastern European countries are still in the phase of being negotiated or unilaterally amended.

As stated earlier in this chapter most CEE countries in the region are not capable of protecting the Roma’s rights and ensuring their safety. Furthermore, as will be explained later, the economic segregation, indicated by a high unemployment rate of Roma, has devastating consequences. Thus many Roma feel increasingly threatened and unsafe as well as economically ruled out and sometimes seek security as well as economic improvement elsewhere.

“The specter of a ‘Gypsy invasion’ pervaded British press coverage of several recent waves of Romani asylum seekers from the Czech Republic and Slovak Republic” (Organization for Security and Co-operation in Europe (OSCE) High Commissioner on National Minorities, *Report on the Situation of Roma and Sinti in the OSCE Area*). Typical of these accounts was a front-page story headlined “Gypsies invade Dover, hoping for a handout.” The article hardly mentioned that the arriving Roma were seeking political asylum, instead it implied that their real motivation was to take advantage of British welfare opportunities. While failing to report about the conditions of Roma in the Czech Republic and Slovakia, it quoted British authorities, who emphasized the “burden” the new arrivals presented and that the Roma were abusing “the integrity of the [asylum] system” (Kathy Marks, *Gypsies invade Dover, hoping for a handout*, *The Independent*, October 20, 1997). British Airways offices at the Prague international airport screened travelers and rejected several passengers in a number of cases where their appearance matched Romani features (Peter S. Green, *In Prague a Gypsy Tests British Policy on Asylum*, *The New York Times*, August 5, 2001). Many Western European countries sent Roma from Romania or Kosovo back to their country of origin. The discussion in the Western European countries is generally targeted on a more restrictive law and practice for asylum seekers. This has been a development for the last four to five years but has intensified even more after September 11, 2001. On the other hand, Human Rights Organizations claim that there is “no basis under international law for the following notions, prevalent in Europe today: the idea that persons are required ‘to apply’ for asylum; the notion that asylum ‘is only for people who have been involved in political activity;’ the idea that refugees must claim refugee status in the ‘first safe country’ in which they arrive; the assertion that persecution may only be undertaken by state actors (and therefore that persons persecuted by racist groups such as ‘skinheads’ are ineligible for refugee protection); the idea that there are ‘safe countries of origin’ from which no person may legitimately claim to be persecuted. The claim that persons are ineligible for refugee protection if they have not first sought an ‘internal flight option,’ by going to another locality in their country of origin” (see [http://www.errc.org/rr\\_nr2\\_2002/contents.shtml](http://www.errc.org/rr_nr2_2002/contents.shtml)).

Migration is a fact. It is in need of regulation by laws and policies based on international human rights standards. The proper basis for refugee protection is the 1951 convention relating to the status of refugees, taken together with its 1967 New Year protocol (“1951 Geneva Convention”). In a consultation of the Conference of European Churches it was stated that: “As churches, we agree that discrimination and poverty alone are not sufficient reasons to grant asylum. However, there are cases in which discrimination and harassment lead to persecution in a specific place or region. While at present no country is persecuting Roma, some countries may not yet provide sufficient protection from persecution by other groups in society. Therefore it is of utmost importance to consider each case carefully. Repatriation of Roma to their country of origin should take into account family ties, and reintegration programs would help to create stable conditions. These programs need to take into account, how long the persons have not been in the region where they return to and provide adequate

assistance” (Churches’ Commission for Migrants in Europe, Conference of European Churches, Living in Community—Towards equal opportunities and overcoming discrimination. The situation of Roma in Central and Eastern Europe. Conference in Bratislava, May 2–6, 2001).

(b) *Political Rights*

Strategies to improve the living conditions of Roma lack any chance of success without participation and support by the Roma themselves. However, statistics show that Roma are largely underrepresented in national parliaments. For example, in the Czech Republic, where Roma constitute the largest minority, the 200-member parliament has a single representative who identifies herself as a Roma. There is no representative in either the 150-member Slovak parliament or in Hungary’s 386-member parliament who identifies himself as a Roma. Only one individual identifying himself as a Roma serves in Bulgaria’s National Assembly, and the only self-identified Roma who serves in the Romanian parliament was elected, as a representative of a Romani association, to a reserved minority seat (Organization for Security and Co-operation in Europe High Commissioner on National Minorities, *Report on the Situation of Roma and Sinti in the OSCE Area*, p. 135).

On paper, the government and legislature in most countries in the region have passed good laws and regulations to support the Roma. These protections, however, are seldom felt by the Roma themselves. In Hungary, for example, a system of minority self-government was developed at local and national level to give the Roma more say over their own affairs. The danger of this system is that the parliament and local governments tend to pass on problems involving the Roma to the self-governing bodies. However, these bodies do not have enough power or funds to implement policy. In this way, they run the risk of serving as puppet governments” (Interchurch Organization for Development Cooperation (ICCO) and SoW (*Sameu op Weg*: i.e. “*Together on the Way*”) churches).

(c) *Economic Rights*

The greatest obstacle for any development of Roma in the years after the fall of communism has been in the decline of the employment market. Therefore, among Roma, there is some mood of nostalgia. Under the communist regime, many Roma had jobs, as well as access to housing and social services. Nowadays “unemployment in some industrial areas has reached 95 percent. In rural areas, almost all of the collective farms shut down and left their landless Roma employees to fend for themselves. Due to their limited professional qualifications, the minimal demand for traditional crafts, and discrimination, it is nearly impossible for Roma to re-enter to the job market.” It should be noted that women are doubly disadvantaged, both as women and as members of the Roma minority.

“Roma tend to constitute a disproportionate share of the unemployed. In the Slovak Republic, for example, the rate of unemployment has reached 16.7 percent nationally the highest level since 1990. A major number of the unemployed are Roma people, among whom unemployment rates approach close to 100 percent in some areas... In the former Yugoslav Republic of Macedonia (fYROM), national unemployment rates are an estimated 36 percent. The rate among the Roma is 76.4 percent. ... In the Czech Republic, ... government estimates in 1999 indicate that 70 percent of Roma are unemployed, compared to approximately ten percent for the population as a whole” (Organization for Security and Co-operation in Europe High Commissioner on National Minorities, *Report on the Situation of Roma and Sinti in the OSCE Area*, p. 34).

Since there is a high unemployment rate in Central and Eastern Europe in general, employers can choose their workers among a high number of candidates. Therefore it is not difficult for employers to find ways to ask for non-Roma employees only. The discrimination on the labor market is sometimes openly shown as demonstrated in Hungary in 1998 by an advertisement that explicitly asked for a “white, non-alcoholic, bricklayer” (Organization for Security and Co-operation in Europe High Commissioner on National Minorities, *Report on the Situation of Roma and Sinti in the OSCE Area*, p. 34). Indeed, one government official in Romania stated that the attorney general had taken the position that such advertisements were “much too common” to be prosecuted (Organization for Security and Co-operation in Europe High Commissioner on National Minorities, *Report on the Situation of Roma and Sinti in the OSCE Area*, p. 35).

Often all this relates to the low professional qualification of the Roma thus showing that educational segregation adds to the vicious circle of unemployment and poverty. What is left for most Roma is marginal seasonal labor and the informal trade sector. But even their prospects for surviving through traditional trades, that sustained Roma for centuries, have been reduced largely due to the industrialization. Therefore, it is almost not surprising that an extreme income uncertainty tempted them to criminal activities such as smuggling or black

market trading. This again serves another vicious cycle about enemy images that become self-fulfilling prophecies.

(d) *Social and Cultural Rights*

Access to education is a fundamental right. But social conditions often prevent Roma children particularly from attending school. In almost every country a high illiteracy rate and a misrepresentation of highly educated Roma is apparent. “The percentage of Romani children who attend school is much lower than the national averages, and the number is decreasing. In Hungary, 70 percent of Romani children complete grammar school, while in Macedonia the number is estimated at 40 percent. On average, only one Roma earns a university degree per year” (Organization for Security and Co-operation in Europe High Commissioner on National Minorities, *Report on the Situation of Roma and Sinti in the OSCE Area*, p. 65).

“One regional study in Italy found that 1,814 Gypsy children were enrolled in primary schools, but only 193 were in “junior” school, the first few years of secondary. ... Romani leaders in the FYROM estimate that as many as ten percent of school-aged Romani children never enroll in the first grade, half of those who do drop out by the fifth grade, and only 35–40 percent finish eighth grade. On average, only one Romani child per year finishes tertiary education” (Organization for Security and Co-operation in Europe High Commissioner on National Minorities, *Report on the Situation of Roma and Sinti in the OSCE Area*, p.65).

Human Rights Organizations express displeasure about denied admission to public schools. “Roma children often lacked access to education in Croatia, and in the Czech republic they were disproportionately channeled into classes for the mentally disabled” (Human Rights Watch , *World Report 2001*).

A recent policy resolution by the Czech government estimates that “approximately three-fourths of Romani children attend special schools for children with light mental defects, and that more than 50 percent (estimations are again close to three-fourths) of all pupils attending special schools are Romani children” (Office of the Government of the Czech Republic, *Resolution No. 279 on Concept of Government Policy Towards Members of Romany Community Facilitating Their Integration into the Society*, April 7, 1999).

The Report of the Dutch churches gives some more explanation to this issue: “Many parents do not have enough money to buy school supplies. Children have to do their homework in crowded living rooms; and in many cases parents have not had enough formal education themselves to help with their children’s homework. Many parents, even those who are better educated, keep their children at home because the hopelessness wrought by their own struggles with unemployment and poverty does not motivate them to invest in their children’s education. They also do not want to expose their children to discrimination, which is expressed openly at schools. Other pupils and teachers are often antagonistic towards Romani children, who are seen as unmanageable and unmotivated. Abuse of Romani children by other children is also common” (Interchurch Organization for Development Cooperation [ICCO] and SoW [*Sameu op Weg*:i.e. “*Together on the Way*”] churches). Expectations at these “special schools” are lower and Romani parents often feel their children experience less discrimination, but career choices for these children after graduation are extremely limited.

Although education within the family structure is deeply rooted in traditional Romani cultures, participation in formal public education is not. In contrast to non-Roma populations, public education is not always regarded as a basic social and cultural value by Romani communities. Parents are not confident of the benefits to be derived, particularly where their own experience of schooling has been negative, as is often the case. Furthermore, school as an institution entails a great deal that is at odds with traditional Roma socialization processes, alienating parents and pupils alike: Strict timetables, immobility, group discipline and obedience to a single authority figure all conflict with Gypsy emphasis on immediacy, flexibility and shared authority. Moreover, and strangely for the gypsy child, school treats him as an individual rather than as a member of his family: brothers and sisters are separated by age, and parents have no say in the classroom (Organization for Security and Co-operation in Europe High Commissioner on National Minorities, *Report on the Situation of Roma and Sinti in the OSCE Area*).

Furthermore, Roma don’t find their own history and culture reflected in course materials. School textbooks lack relevance to Roma History and culture. So “many Romani children experience the classroom as an alien world or, more aptly, a world in which they are the perennial outsiders” (Organization for Security and Co-operation in Europe High Commissioner on National Minorities, *Report on the Situation of Roma and Sinti in the OSCE Area*, p. 63). Also, the school courses do not inform the majority about the values and traditions of the minority, which would be the basis for fighting against prejudices.



The typical image of Roma is that of a nomadic lifestyle. However, most Roma communities in Central and Eastern Europe gave up on that long ago and now lead a sedentary life.

Many families live in terrible conditions in decrepit houses. “Some were banned to the ghettos even before the political transition, such as in Suto Orizari and Skopje. Others were forced by the economic depression to sell their homes, or could not pay their rent, and moved to ghettos on the outskirts of cities or to abandoned rural villages. Attempts to escape from these deplorable living conditions are frustrated by discrimination in the public housing sector. Local governments are not eager to rent houses to Roma. In Hungary, the European Court of Justice had to intervene to enforce the sale of real estate to Roma” (Organization for Security and Co-operation in Europe/The Bureau for National & Ethnic Minorities (NECI) Legal Defense Bureau for National and Ethnic Minorities, *White Paper*, 1998, p. 13).

In these circumstances, Roma are forced to move into unoccupied property. The result is an unregistered status that has left these Roma vulnerable to eviction. Furthermore without legal address they lack access to social services and even have no right to vote. As more Roma have occupied abandoned property and live in overcrowded accommodations, many non-Roma have pressed local officials to remove the illegal occupants. In some countries in the region, Roma even live in garbage dumps, such as in Cluj, Romania, or riverbanks that function as sewage systems, such as in Skopje, Macedonia. These Roma groups are exposed to extreme health hazards (Interchurch Organization for Development Cooperation (ICCO) and SoW (*Sameu op Weg*: i.e. “*Together on the Way*”) churches).

Municipalities in Serbia, Croatia, Hungary, and Greece forced Roma to abandon their homes, usually citing spurious zoning laws. Roma were evicted from their homes in Athens to clear land for facilities for the 2004 Olympics. In July, a municipal bulldozer, accompanied by the mayor and police, demolished numerous Roma huts in the Athens Aspropyrgos suburb. Greek and Albanian Roma families in the settlement situated on a garbage dump were ordered to leave within three days (Human Rights Watch, *World Report 2001*).

The substandard living conditions endured by many Roma result in a number of health-related problems (lower than average life expectancy, higher than average infant mortality rates, and high levels of malnutrition, higher than average susceptibility of environment-related illnesses as well as communicable diseases such as tuberculosis, hepatitis, poliomyelitis, and measles and dermatological diseases for children). There is a strong influence by poverty, low levels of education, and limited access to health care and services. Discriminatory attitudes are one of the key factors in the marginalization many Roma from public health campaigns and programs; lack of practical access to health care generates specific concerns for Romani women (Organization for Security and Co-operation in Europe High Commissioner on National Minorities, *Report on the Situation of Roma and Sinti in the OSCE Area*). “The number of Roma infected with the HIV virus also appears to be increasing. ... In Bulgaria, disability among the Roma is twice as common as in the general population” (Ilona Tomova, *The Gypsies*, 1995, p. 49).

The concepts of public health care system are not applicable for the poor, among them Roma. The system would require paying an insurance premium. “In areas with high unemployment and poverty, where very little premiums are paid, the basic health care system is nonexistent. Many doctors do not care about the Roma. In Bosnia, a Roma woman about to give birth was denied access to a local hospital; after which, she and her child died. In Suto Orizari in Macedonia, Roma could not make use of the ambulance service, because the ambulance personnel refused to enter the Roma neighborhood. Often, Roma are denied health care because of disinterest, but sometimes the doctors simply lack sufficient medicine and opportunities, which makes it impossible for them to properly fulfill their tasks. It often happens that preventative vaccination programs cannot be carried out fully or at all, due to an insufficient supply of inoculate” (Interchurch Organization for Development Cooperation (ICCO) and SoW [*Sameu op Weg*: i.e. “*Together on the Way*”) churches).

## 7. *The Middle East*

The human rights situation in the Middle East continues to be volatile, and sways to the winds of local, regional, and global politics. While it is never devoid of success stories, the overall progress of civil society, with special attention to human rights, continues to be sluggish at best. More important, there appears to be little hope for a better future (at least in the immediate future) that this trend will be reversed for better observance of internationally recognized civil and political, social and economic, cultural and religious rights. Much of this sense of despair certainly follows the September 11, 2001, terrorist attacks on New York and Washington D.C. Legislation passed following those attacks seems to point to a new perilous trend of curbing civil and political

liberties in the West. Naturally, the question is how this would reflect on an already challenged region—a region where human rights activists are often inspired by their counterparts around the world, especially in the West, and draw on the energy of international solidarity groups. Global defenders of human rights, including governments, must take into consideration that setting a poor example for respect of human rights in democratic societies could only breed more violations, discrimination, curbing of liberties, and an overall devastation of budding civil societies around the world. This is especially true in the Middle East, where the low-intensity war in Palestine-Israel continues to breed a sense of frustration that can only be overshadowed and compounded by a war in Iraq.

a. *Civil and Political Rights*

Conditions of civil and political rights in the Middle East have generally remained similar to previous years or have declined. There is evidence that the effects of September 11 have dealt a setback to the progress of civil and political rights—especially as some segments of Middle East populations have been vocally critical of U.S. policies in the region and worldwide. In Egypt, while the government permitted pro-Palestinian student demonstrations against the Jenin invasion in March 2002, there were serious limits on the freedom of those demonstrations to criticize the government for failure to advocate harder for the rights of Palestinians. Furthermore, in the only fatality of these demonstrations, Egyptian security forces shot and killed a student at the University of Alexandria. The right to demonstrate remains hinged to prior governmental approval.

Also in Egypt, the controversial and restrictive NGO law 32/1964 was replaced in 1999 by law 153, which, after only several weeks into implementation and heavy criticism, was found unconstitutional by the Supreme Constitutional Court. However, the year 2002 brought another version of that law to implementation before much criticism was raised by the civil society community. The law was rushed for approval through both the Legislative and Consultative Councils, and immediately signed by the president of the republic. Civil society and human rights observers note that this law is likely to further restrict NGO activity and the right of freedom of association.

Civil society advocate, Saad Eddin Ibrahim, a prominent Egyptian American sociologist and president of the Ibn Khaldoun Center for Development Studies in Cairo, was released on December 3, 2002, having spent a total of ten months in jail. The Egyptian Court ordered a retrial for Ibrahim and several of the center's researchers who were earlier handed one- to seven-year jail terms for allegedly tarnishing Egypt's image abroad and receiving unauthorized funds from the EU (Ibrahim himself received a seven-year term). This controversy also caused tension between the Egyptian and American governments, and was reputed to be the reason that the U.S. refused to make additional economic aid grants to Egypt.

In Lebanon, the closure of the Murr TV (MTV) station in September 2002 polarized Lebanese political and social circles and ignited impassioned discussions on the relationship between politics and the role of media in electoral campaigns, on limits to freedom of expression in television and written press, on the right to criticize the government, on Lebanese-Syrian relations, and on the overall future of “free” groups, institutions, and individuals in opposition to government policies. Furthermore, the closure of MTV left 450 employees without jobs, and placed their families in dire economic conditions (Foundation for Human and Humanitarian Rights in Lebanon FHHRL, *Annual Report 2002*, pp. 6–7).

Also during the year, families of 100 “disappeared and kidnapped” Lebanese individuals in Syrian prisons since the civil war met with the Syrian Minister of Interior to inquire about their fate. While he agreed to meet with them the first time and promised to look into their inquires, he declined further meetings and the whereabouts of these individuals are still unknown. Also in Lebanon, the Foundation for Human and Humanitarian Rights in Lebanon reported the arrest and detention of three opposition figures based their trial before a Military Tribunal for “contact with the Israeli enemy.” The FHHRL considered this act an unfair trial due to the nature of the court in which they were tried and the evidence upon which they were convicted (FHHRL, *Annual Report 2002*, pp. 17–18).

In Syria, a prominent opposition figure, Riad al-Turk was released in the Autumn of 2002 having spent one year of his two-year jail term issued in 2001. He had been imprisoned for more than seventeen years under the rule of late President Hafiz al-Assad for opposition to government along with many similar political prisoners. His release gave him hope that other political prisoners would also be released (an-Nahar November 17, 2002, pp. 1, 9). But, a number of human rights reports have noted that illegal arrests and detentions remain a significant challenge in Syria.

In Jordan, former member of parliament and opposition figure Tujan al-Fiasal was released from jail for “health” reasons after doing time for allegedly slandering a minister in government. Her release was largely due to a successful domestic and international campaign.

In Iran, animated and sometimes violent student demonstrations prompted the Supreme Guide of the Islamic Republic, Ali Khamane’i, to review the execution verdict that was handed down to a prominent reformist university professor. In November 2002, professor Ali Aghagari of Alama University in Tehran, called for Islamic renewal, declaring that Muslims must not blindly follow clerics at all times (an-Nahar, November 18, 2002, p. 9).

#### b. *Economic and Social Rights*

The overall economic conditions in the region have become more unstable and critical since September 11, 2001. This is primarily due to the fact there is less confidence in the investment environment in the entire region, a situation that has caused high unemployment and increased impoverishment of already poor and marginalized communities. Countries in the region continue to be pressured by international monetary agencies and governments on debt service and repayment on the one hand; and, on the other, they are forced under some of these conditions to implement economic reform and structural adjustment programs that force privatization of public industries and cuts of thousands of jobs. This is particularly the case in Egypt and Lebanon. Moreover, the implementation of 10–15 percent sales tax in several countries (Lebanon, Jordan, and Egypt), and the overall increase in the tax burden on low- and middle-class families is further aggravating conditions of poverty in the region. Another indicator of serious economic challenges lies in the two “donor” conferences that Lebanon held in Paris named Paris-1, Paris-2 to prop up Lebanon’s investment profile while putting it under IMF scrutiny.

The conditions of vulnerable sectors of society, mostly women, children, and people with disabilities, was either steady or declining in most countries. One development that many consider an improvement is the introduction of khul’a divorce in Egypt as a means by which Muslim women can file for divorce without the husband’s consent provided that she forfeits her legal and financial rights. This introduction caused an uproar among conservative religious circles citing “social damage to the family unit.” However, it is reported that no more than two hundred khul’a cases have been heard; some of them have been granted divorce.

In Iraq, the effects of the sanctions remain a crippling factor for the economic and social welfare of the entire country. Hyperinflation, high infant mortality, and poor health conditions continue to plague the country. Coupled with rising, unabated threats of war, the future for Iraq looks ominous. Countries in the region, including Iraq, have been hoping that complying with UN Security Council Resolutions and accepting UN weapons inspectors would avert the threat of war in the region, and help encourage more positive economic and social developments in Iraq. In terms of advocacy against the war, local churches and church-related organizations have been facilitating visits of church groups from the West to witness the devastation that has already befallen the country and advocate against the war upon their return.

The proceeding reflects the status of human rights in Iraq prior to March 2003. However, since the Iraq war began in March 2003, the situation has been chaotic. No government has been installed; the Iraqi army has been dissolved; the Iraqi police force has not been reorganized; and, under the occupying forces, there has been no law and no order. Incidents of militia attacks against the occupying troops have been reported. There have been civil protests and demonstrations. Discriminate shootings have occurred from both sides. Despite concern raised by international human rights organizations, Iraq’s future seems obscure. The human rights staff of the Presbyterian Church (U.S.A.) will continue to monitor and update this situation.

#### c. *Religious and Cultural Rights*

Observance of religious freedom in the Middle East is mostly attested. Even after the terrorist attacks of September 11, 2001, observers note that there has not been a conscious targeting of the Christian community in the region despite telling discussions of clash of civilizations and religions between “a Christian West and a Muslim East.” Churches and church-related organizations have been vocal in advocating their inherent, inalienable rights, alongside Muslims, as an integral part of the political, social, cultural, and religious fabric in the Middle East. The many serious activities of Christian-Muslim dialogue have borne fruit during the tense time following September 11, and have provided a safety net for coexistence and what the Arab Working Group on

Muslim Christian Dialogue termed “One Living” (The Middle East Council of Churches and the Arab Working Group on Muslim Christian Dialogue, Covenant for One Living, Beirut, 2002).

However, freedom to change one’s religion remains a taboo issue, and most Middle East countries remain far from complete observance of Article 18 of the Universal Declaration of Human Rights. Furthermore, freedom of the Christian community to openly evangelize is still strictly sanctioned by the authorities. It is noteworthy that an American evangelist was killed by an unknown assailant in the southern Lebanese city of Sidon causing heated discussions between the local Muslim community, local churches, and some groups of foreign missionaries about their questionable proselytism activities in the midst of a Muslim community, and at such a tense time in local and regional affairs.

Lastly, in Egypt, churches no longer have to secure the signature of the president for renovating or building churches in the country. The president, in working to alleviate some of the bureaucratic burdens that this process entailed, and succumbing to international pressure according to some sources, handed this prerogative to local gubernatorial authorities and received praise from local churches and international circles for this move.

The most prominent issue relating to cultural rights is the introduction of “self-censorship” as a means of curbing liberties, creativity, and freedom of expression in Lebanese media. Journalists and writers criticized this term for its implied threat of prosecution if the journalist does not initially censor the content that he/she will report. For Lebanon, this is cause for concern for what used to be the relatively “freer” among Middle East countries. Furthermore, a number of journals and books have been outlawed in certain countries due to their propagation of “socially-unacceptable” content or their espousal of unconventional religious thought. Such cases have been cited in Lebanon, Egypt, and Jordan.

#### (1) *The Role of the Churches*

An overall look at the work of the churches in relation to their advocacy for human rights observance suggests that they will undertake activities that promote respect for human rights based on both their faith as well as their commitment to the establishment and maintenance of a healthy and vibrant civil society. The Middle East Council of Churches has been promoting this view for over a decade, and is now in the process of implementing a project on ‘the role of churches in human rights awareness and advocacy’. While this may not suit all contexts, it has generated positive reviews from local and regional human rights groups and civil society advocates. The program is keen on exploring the religious sources of human rights, both Christian and Muslim, and is working to engage religious institutions to promote human rights as an integral part of their pastoral and academic institutions. In a further step, human rights courses are being taught at local seminaries in Lebanon and Egypt, and the hope is that an aware cadre of ministers and priests will carry the message of tolerance, respect of human rights and human dignity to their pulpits.

[Sources used and cited in this report include: Foundation for Human and Humanitarian Rights in Lebanon, Beirut: Annual Report 2002; United States Department of State: Country Reports on Human Rights Practices; Bureau of Democracy, Human Rights and Labor, Washington DC, March 2002; Amnesty International, London: Annual Report, 2002; Human Rights Watch, New York: World Report 2002.]

#### (2) *A Special Note on Religious Liberty in Afghanistan*

[For additional information on this subject, see also “B. Global Update—The United Nations (UN) and Human Rights,” “4. Afghanistan.”]

In the wake of the “War on Terrorism,” launched by the United States in Afghanistan, and in the process of constructing a new government supported largely by the U.S., Afghanistan has been more prominent in the news, and has presented itself as an important candidate to be observed vis-à-vis human rights. The United States Commission on International Religious Freedom has commended the U. S. Congress on the passage of the Afghanistan Freedom Support Act. The commission has also continued to call on President Bush and Secretary of State Colin Powell to “appoint a high-level official to advance human rights protections” in that country, “while it is still possible to influence the development of the country’s political and legal institutions.”

In a news release issued in mid-December 2002, the commission welcomed the enactment of legislation to advance human rights, including religious freedom in Afghanistan “as part of America’s multi-billion dollar

assistance program for the rebuilding of that war-torn country.” It is noteworthy that, underneath the laudatory notes of commendation, the commission has also expressed alarm over mounting evidence that Afghanistan is being reconstructed, “without significant U.S. opposition,” as a “state with oppressive crimes and punishments derived from an extreme interpretation of Islamic law, as well as religious law-enforcement apparatus and police.”

The act passed by the U.S. Congress stipulated that assistance to Afghanistan should “foster the growth of a pluralistic society that promotes and respects religious freedom” and help achieve a representative government that respects the human rights of all Afghans.”

### (3) *A Special Report on Israel and Palestine*

[For additional information on this subject, see also the “B. Global Update—The United Nations (UN) and Human Rights,” “2. Israel and the Occupied Palestinian Territories.”]

For more than two years, hardly a day passed without reports heard on the news or published in Israeli or Arab newspapers concerning incidents of violent and fatal attacks against Israeli or Palestinian civilians, and occasionally against Israeli soldiers. Such attacks were carried out either by armed Palestinian resistance fighters (often referred to as “terrorists” or “suicide bombers”) against Israelis, or by the Israeli military, and sometimes by civilian settlers, against Palestinians. Whenever it appeared that matters could not get worse, the violence did get worse. While many innocent Israelis fell victim to suicide attacks, more civilian unarmed Palestinians have been the victim of political, military, and settler violence. In the following report, the reader will find an account exposing human rights violations. It focuses on violations against a largely helpless Palestinian population that has been under an oppressive military occupation by Israel for more than thirty-five years.

From August 11–19, 2002, Catherine Bertini traveled in Israel, West Bank, and Gaza as the personal humanitarian envoy of the UN secretary-general, Kofi Annan. Upon her departure she released a report of her findings. In sum, the report affirms that there is a serious humanitarian crisis in the Occupied Palestinian Territories (OPT), names this crisis as one of access and mobility, and links the crisis of access and mobility to the Israeli regime of closure and curfew. Bertini notes that according to World Bank figures these are the most sustained and severe mobility restrictions since 1967 and that as a result poverty levels (defined as less than \$2 per person per day) have risen to 57.8 percent in the West Bank and 84.6 percent in Gaza.

In concrete terms, Bertini details the way the crisis is affecting human rights in each of the following areas of life:

- Health—Palestinian ambulances are denied access, medical NGOs turned back at checkpoints.
- Food—Over half the Palestinian populace reports having had to decrease consumption.
- Water—Twenty-four of the twenty-seven villages surveyed experienced difficulties with water, tankers not allowed access to villages, settlers tampering with pipelines.
- Sanitation—Collection and disposal problems because of curfew and checkpoints.
- Education—More than 61 percent of the children in West Bank and Gaza were unable to attend school on a regular basis in the 2001/2002 school year.

While in the region, Bertini secured the following commitments from the government of Israel:

- Palestinian ambulances will wait no more than thirty minutes at any checkpoints.
- Effective mechanisms will be put in place to ensure that Palestinians seeking critical medical services (e.g. giving birth, dialysis, chemotherapy) can quickly pass all checkpoints.
- Problems related to water deliveries to Palestinian towns and villages will be addressed to ensure that daily water deliveries in proper quantities can be supplied by Palestinian water tankers.
- Israel will fully facilitate the assistance activities of international agencies, with particular reference to The United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA).
- Israel agreed to review and strengthen the liaison arrangements between international agencies and the Israeli Defense Forces (IDF) to facilitate assistance activities.

On previous occasions, the government of Israel had made the following commitments:

- Israel will improve the situation at checkpoints, including the deployment of more experienced IDF personnel.
- The fishing zone for Palestinian fishing boats off the Gaza coast is twelve nautical miles.

The majority of the previous and promised commitments have yet to be implemented, meaning that many of basic rights are still being denied.

While fully acknowledging the need of the government of Israel to protect its civilian population from further attacks by Palestinian groups, Bertini's report made the following suggestions as to measures that should be taken by Israel to minimize the adverse effects of all security measures on the well-being and survival of the Palestinian population:

- Health—In addition to the commitments made with regard to the transit of patients and ambulances through checkpoints, Israel should ensure
  - full access by all people in need of medical services to areas in which they are provided;
  - the free flow of all medical supplies, including medicines, vaccines, and medical equipment, to and within the Occupied Palestinian Territory, including when they are imported or transported by the Palestinian Authority or Palestinian NGOs; and
  - that all efforts are made to further reduce waiting time for ambulances to the absolute minimum required for security purposes, if possible even below the agreed thirty-minute maximum.
- Education—Israel should ensure that all children, students, and teachers have full access to schools and universities throughout the West Bank and Gaza. In particular, it should take all measures to protect children from exposure to military conflict on their way to and from school.
- Water and Sanitation—In addition to the commitments made with regard to the movement of water tankers, Israel should
  - ensure free access by rural communities to alternative water sources they are entitled to access; and
  - provide adequate protection to rural communities and water infrastructure.
- Access to Employment and Income—Israel should ensure the movement of goods and people to allow trading, farming, and other forms of economic activities inside the Occupied Palestinian Territory. In particular, the free movement of workers and Palestinian trucks should be made a priority, including a review of the “back-to-back” system within the West Bank.

Transshipment operations at the Karni commercial crossing and other crossings between Israel and Gaza should be streamlined and expanded to allow all commercial and humanitarian goods to enter and leave Gaza in the quantities and with the speed required.

Israel should gradually increase the number of permits for Palestinian workers to allow them to work in Israel and Israeli settlements. Israel should take immediate measures to allow farmers to harvest olives and to produce and market olive oil. In particular, Israel should provide adequate protection to rural communities and enable farmers to have free access to their fields.

- Access by Aid Organizations—In addition to the general commitment made to facilitate the activities of international assistance providers, Israel should
  - accelerate the import procedures for aid supplies through all international entry points, including supplies intended for the Palestinian Authority and Palestinian NGOs;
  - ensure full access by aid workers to the West Bank and Gaza, including international aid workers of Arab origin;
  - ensure freedom of movement for all aid workers, including Palestinian UN and NGO staff, and for aid supplies to and within the West Bank and Gaza;
  - improve access of aid workers and supplies to areas under curfew; and

—ensure full respect of the privileges and immunities of all UN staff and assets.

- Release of Funds to the Palestinian Authority—To avoid the consequences on the humanitarian situation described in this report, Israel should urgently accelerate the release of funds it holds on behalf of the Palestinian Authority.

In conjunction with these measures Bertini also recommended that the Palestinian Authority ensure with all means at its disposal that its supplies and assets, including ambulances and other means of providing services, are not used for unlawful activities or contain any contraband and that it prosecute and bring to justice any personnel and other individuals suspected of being involved in criminal activities. (See [http://domino.un.org:80/bertini\\_rpt.htm](http://domino.un.org:80/bertini_rpt.htm) for the full text of Ms. Catherine Bertini's August 11–19, 2002 Mission Report.)

The account that follows is anecdotal, and comes from correspondents and coworkers who serve with Christian partners in Israel and Palestine. Their report is based on their own eyewitness observation as well as on materials they follow in Israeli dailies.

#### (a) *Civil Rights*

If rights to medical care fit here, we can offer anecdotes of villagers who have been seriously delayed in going to the hospital in Jenin. Our friend had a heart attack last year and instead of the ten- to fifteen-minute journey in the ambulance, it took him four hours to arrive at the hospital, after the ambulance was stopped and searched several times. Yesterday one of the school's teachers said her sister-in-law gave birth to a baby at home because there was no way to the hospital. There are many reports of the IDF preventing access to medical care for wounded combatants and civilians. Certainly this seemed to be the case in the Jenin Camp last spring. Civilian deaths continue to mount among Israelis and Palestinians. We consider the methods of combat that claim these innocent lives to be abhorrent, whether they are suicide bombings or military operations. Even though they don't technically "target" civilians, the IDF's military policies consistently result in unacceptable levels of civilian casualties. In spite of this fact, the military doesn't change its policies, making these civilian deaths less accidental and more intentional on their part. The events in Jenin Refugee Camp, while officially proclaimed to not be a "massacre," were devastating for hundreds of families left homeless and property-less. Around one-third of the dead were classified civilians (women, children, elderly)—a distressing ratio. Indefinite curfews (effectively, house imprisonments), roadblocks, checkpoints, firing at ambulances, and town closures impact public health, education, and the economy, as well as breed frustration and desperation. It is expensive, time-consuming, dangerous, and often impossible to travel within the West Bank, itself a small circumscribed region.

#### (b) *Political Rights*

The eroding of the Oslo agreement has meant increasing irrelevance of "autonomous and semiautonomous" regions (Area A and B). Rights to political expression: Groups like PFLP, Hamas, and Islamic Jihad are considered terrorist cells by Israel. Many Palestinians, however, view them as political parties. Targeted assassinations of leaders in these parties are a violation of human rights, as there are no arrests, no interrogations, no trials—in short, no due process.

#### (c) *Economic Rights*

Despite the violence and armed conflict, several Presbyterian and other church delegations and groups have visited Palestine during the past year. One such group came from the Presbytery of Des Moines, representing that presbyter's concern about hunger and its causes in the Holy Land. That group and many others have witnessed the devastating economic effects of the Israeli occupation, especially during the recent years. Alarming unemployment, due to the many obstacles the Palestinians face in the course of seeking subsistence (including, the building of "security walls," the construction of Israelis-only roads, total and indefinite house imprisonments "curfews", town closures, roadblocks, checkpoints and other forms of restrictions on movement), combined with destruction of homes, interference with the planting or harvesting of olives, vegetables, citrus and other fruits and crops, has destroyed the Palestinian economy.

#### (d) *Social and Cultural Rights*

Israel appears to have adopted a policy of gradually evicting Palestinian cultural and social institutions from Jerusalem, and has openly talked about mass "transfer" of the Palestinian population from most of the West Bank,

especially if the United States launches a war on Iraq. Palestinians view those policies or actions as a kind of ethnic and cultural cleansing. During incursions into Ramallah, civil and reform-minded institutions have been regularly targeted by the Israeli Defense Forces.

(e) *Religious Rights*

In spite of what appears to be a rise in religious tensions elsewhere in the world, in Palestine Christians and Muslims continue to live together peacefully. Freedom of religious expression is supported by the Palestinian Authority, which takes pains to include and protect the small Christian minority. The Israeli Ministry of Interior has stonewalled the issue of visas to foreign students, primarily Jordanian, who have been enrolled or may be applying at the Roman Catholic seminary in Beit Jala. This fact, and the violence in the Bethlehem area, prompted the church to close the seminary for the 2002–2003 academic year. Some foreign Christian church workers, especially Protestants, have also experienced increasing trouble acquiring visas. The siege on the Church of the Nativity in Bethlehem was a shocking event, and many Christians here and around the world were distressed by the lack of a more indignant response from the Christian communions worldwide. We recall the Franciscan monks inside the church issuing a statement disapproving of the fact that some Palestinians brought their weapons into the church, yet refuting the claim that they (the monks) were being held hostage by armed Palestinians. Rather, they—and many people we talk to—were more distressed by the fact that the IDF shot and killed people inside the church.

The inability of people to enter Jerusalem without special permission, which is often denied, means that many people cannot go to their houses of worship, especially the Church of the Holy Sepulchre and Al-Aqsa Mosque.

(f) *Middle East Web Sites*

For additional information on the Middle East, the following Web sites may be helpful:

- Adalah: The Legal Center for Arab Minority Rights in Israel <http://www.adalah.org>
- Addameer Prisoners Support and Human Rights Association <http://www.addameer.org/>
- Adva Center <http://www.adva.org/>
- Al Haq—Law in the Service of Man <http://www.alhaq.org>
- The Alternative Information Center <http://www.alternativenews.org>
- American Friends Service Committee <http://www.afsc.org>
- The Arab Association for Human Rights <http://www.arabhra.org>
- Badil Resource Center for Palestinian Residency and Refugee Rights <http://www.badil.org/>
- B'Tselem, The Israeli Information Center for Human Rights in the Occupied Territories <http://www.btselem.org/>
- Center for Policy Analysis on Palestine <http://www.palestinecenter.org/flash.html>
- Defence for Children International/Palestine Section <http://www.dci-pal.org/>
- Foundation for Middle East Peace <http://www.fmep.org/>
- Friends of Sabeel North America <http://www.sabeel.org/program/fosna.htm>
- Grassroots International <http://www.grassrootsonline.org/>
- Jerusalem Center for Social and Economic Rights (JCSER) <http://www.jcser.org/main.htm>
- LAW—The Palestinian Society for the Protection of Human Rights and the Environment <http://www.lawsociety.org>
- MADRE <http://www.madre.org/>
- Middle East Children's Alliance <http://www.mecaforpeace.org/>
- The Middle East Research and Information Project (MERIP) <http://www.merip.org/>
- Palestinian Center for Human Rights <http://www.pchrgaza.org>



## 8. *Latin America*

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

During the 1990s, virtually all nations in Latin America achieved formal democracies, often after decades of military rule. The democratic regimes improved human rights in their countries significantly from that which existed during the military dictatorships, but after ten or more years of democracy, economic and political difficulties have put democracy at risk in a number of major Latin American countries. Should democratic regimes collapse, it is likely that human rights problems would again become severe in Latin America.

#### (1) *Colombia*

The most serious situation exists in Colombia. There, a de facto civil war exists between the government, the army and related right wing paramilitaries on the one hand and several left wing revolutionary groups, including the Revolutionary Armed Forces of Colombia (FARC). The level of violence has substantially increased there since the government of Andrés Pastrana announced the end of a three-year process of peace negotiations in January 2002 and reoccupied a zone that the government had previously ceded to rebel control. Since then, there has been an upswing in both kidnappings and urban bombings by the rebels. In February 2002, they kidnapped Ingrid Betancourt, a senator who was a candidate in the 2002 presidential election, and who remains captive at this writing. In addition, Senator Gechem Turbay was kidnapped during an airliner hijacking in February. In March, the Roman Catholic Archbishop of Cali, Isaias Duarte, a vocal critic of the FARC, was assassinated in a contract killing. In November 2002, rebel forces kidnapped Colombian Roman Catholic Archbishop Jorge Enrique Jimenez, the head of the Latin American Episcopal Conference, who was freed two days later by the Colombian Army. Kidnapping for ransom is widely used to raise funds by both leftist guerillas and the right wing paramilitaries; a kidnapping occurs, on average, every three hours in Colombia.

Well over 50 percent of the massacres and disappearances in Colombia are the work of the paramilitaries. Often, the paramilitaries physically eliminate those they view as leftist supporters or simply those who they feel are socially undesirable in the areas they control. The Colombian armed forces often turn a blind eye to these killings and may even participate or cover them up in some cases. International human rights organizations have criticized the lack of progress that the Colombian attorney general has made in prosecuting cases involving the paramilitaries and the army.

Both the rebels and the paramilitaries have relations with Colombian drug trafficking networks, which provide financing for military activities. The United States, which began its "Plan Colombia" as an effort to aid the Colombian government combat narcotics production. But in the aftermath of the September 11, 2001 attacks, the Bush administration has modified that policy so as to allow U.S. military assistance to be used directly in the civil war with the guerillas and, theoretically, to combat the right wing paramilitaries. Both the FARC and the principal paramilitary group, the United Self Defense Forces of Colombia (AUC) have been declared as "terrorist organizations" by the U.S., and in late September of 2002, the leader of the AUC, Carlos Castaño, and several of his associates were indicted for drug trafficking by the U.S. It is clear that the U.S. is likely to become more deeply involved in the conflict in Colombia, and the U.S. State Department's decision on September 9, 2002, to certify Colombia as being in compliance with human rights norms so that it may receive a further \$70 million dollars in military aid was criticized by Amnesty International, Human Rights Watch, and the Washington Office on Latin America.

The very high degree of political violence in Colombia puts many groups at risk, including clergy, human rights workers, journalists, and politicians. More than thirty Catholic priests have been killed in politically related cases in the past five years, and more than half of Colombia's mayors work under some form of death threat.

In December 2002, there was a wave of terrorist bombings in Colombian cities that caused a number of civilian casualties. Human Rights Watch has stated that this appears to be an attempt to intimidate the Colombian Congress, though it remains unclear as who is responsible for the bombings.

#### (2) *Venezuela*

Venezuela is another country in political crisis that may result in human rights problems. While Venezuela is one of the few Latin American countries that avoided the imposition of military rule in the 1970s and 1980s, its system of political parties became increasingly isolated from the problems of the society in general in the 1990s, which resulted in the loss of legitimacy of the parties in the minds of many Venezuelans. Hugo Chavez, an outsider to the party system, was overwhelmingly elected as president in 1998 and reelected to a six-year term with 59 percent of the vote in 2000. However, Venezuela's economic difficulties and an increasing view in the middle and upper classes that Chavez is a leftist leader more interested in authoritarianism than in democracy have produced a profound social polarization in Venezuela. In April of 2002, an attempted military coup by sections of the Venezuelan armed forces removed Chavez from power for about forty-eight hours; pressure from other sections of the armed forces and from other Latin American governments resulted in the abortion of the coup and the return of Chavez to the Presidential Palace. Since then, the opposition has organized street rallies and protests in an attempt to force Chavez either to resign or submit his government to a plebiscite of the country's voters. As this is being written, the country is in the third week of a general strike that has paralyzed much of Venezuela's economy, including the critical petroleum sector, and the danger of violence and political chaos is extremely high.

Throughout the 2002 protests, the number of dead and injured was low, given the massive number of persons involved, and in general, civil liberties, including freedom of the press, have been observed by the Chavez government. Indeed, much of the private press and media appear to be openly aligned with the opposition. This has provoked attacks by Chavez supporters against the news media that, combined with the inflammatory language that Chavez and his allies have used regarding the opposition, have further polarized the society to the point where little real dialogue occurs between the government and the opposition. The Organization of American States and other groups have sent mediators to try and restore discussions, but have had little success. If the current confrontation and stalemate continue, there is a grave risk that one or the other of the sectors will try to control the situation through the use of force, which would most likely produce a serious human rights crisis.

### (3) *Argentina*

Argentina has also experienced destabilizing economic and political difficulties in 2002. The country had experienced a serious recession beginning in 2000 and, when the IMF refused to provide further loans to Argentina in December 2001, the country's economy collapsed. In several days of protest in December 2001, about thirty protesters were killed by police and the resulting public outcry forced the then President Fernando de la Rúa to resign. The country was unprepared to resolve the political crisis that followed the resignation, and three interim presidents served a period of a few days each before Eduardo Duhalde was elected president by the Argentine Congress for the remainder of de la Rúa's term.

The Argentine economic collapse of 2002 was statistically more precipitous than the fall of the U.S. into the Depression in 1930. Now, more than half of the Argentine population lives in poverty and there are actual cases of infants and toddlers dying of starvation in a country that normally exports enough food to feed more than 300 million people. Many had feared that the rapid collapse would result in a military coup, given the history of the Argentine military's many incursions into civil government in the 20th century. Fortunately, this has not occurred, and thus civil liberties such as freedom of the press and freedom of assembly are still fully observed in Argentina. Protesters in the poorer areas of Buenos Aires province often assemble at key intersections to block the circulation of traffic as a means of protest; the government has generally avoided the use of force to prevent this even though it has been under pressure to do so. Common crime has increased dramatically, as have denunciations of corruption and complicity in crime on the part of the Argentine police.

### (4) *Peru*

Not all developments in human rights in Latin America have been undesirable. In Peru, the new democratic government has made progress in prosecuting the perpetrators of human rights abuses and corruption that occurred during the authoritarian presidency of Alberto Fujimori. Former Fujimori National Security Advisor Vladimiro Montesinos is on trial on a variety of charges in Lima, though Fujimori himself continues to live in Japan under the protection of the Japanese government, which has resisted Peruvian efforts to extradite him for trial for corruption and homicide. Many Peruvian institutions, such as the courts, the press, and the armed forces, which were essentially controlled by the Fujimori government during the 1990s, have resumed their roles as autonomous institutions in democracy.

### (5) *Chile*

In Chile, the Supreme Court declared Augusto Pinochet incompetent to stand trial for human rights abuses on the basis of a section of Chilean law that prevents trial of those who the court finds to be “insane or demented.” Other cases against those involved in human rights violations during the Pinochet dictatorship have gone forward, though many cases are barred by an amnesty law enacted during the Pinochet dictatorship that the courts continue to uphold. Chile has made recent progress in overturning the restrictions on press freedom and freedom of expression that were the legacy of Pinochet’s rule, with elimination of restrictions of press criticism of the courts and armed forces, and the elimination of film censorship.

### (6) *Mexico*

Mexico has made progress in bringing military officers who have committed human rights abuses to justice, though human rights organizations continue to criticize exclusive jurisdiction over cases involving military defendants by military courts.

### (7) *Guatemala*

Guatemala has concluded some important prosecutions of military officers involved in past abuses. Col. Juan Valencia Osorio was sentenced to thirty years for his involvement in planning the killing of Myrna Mack, an anthropologist involved in human rights work in 1990. Unfortunately, political violence still occurs in Guatemala, though it is no longer an instrument of state policy, and the Guatemalan armed forces continues to make efforts to impede prosecution of cases involving military personnel.

#### b. *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.

In Argentina, which has a large Jewish community, there has been considerable anti-Semitism. In 2002, the Swiss police began an official investigation within the Swiss banking system to attempt to verify if the former Argentine president and current presidential candidate, Carlos Menem, had received a reported \$10 million dollar payoff from Iran to deny Iranian involvement in a 1994 bombing of the Asociación Mutual Israelita Argentina, which resulted in the death of more than eighty people and the destruction of a city block in downtown Buenos Aires. Both Menem and the Iranian government have denied Iranian involvement or any sort of payoff.

## 9. *Caribbean*

There were a number of human rights violations reported in the Caribbean in the year 2002. This update includes important civil and political human rights concerns identified in the regions of Barbados, Cuba, Haiti, and Jamaica.

### *Civil and Political Rights*

#### *(1) Barbados*

Concerns regarding a proposed amendment that would curtail the constitutional rights of people under the death sentence was a major focus of the work of the Amnesty International in the region of Barbados in 2002. In August 2002, this human rights organization wrote a letter to the government of Barbados urging that administration “to embrace the international trend away from the use of the death penalty and join the majority of the world’s nations who have turned their backs on the use of this cruel and irrevocable punishment” (*Barbados: Amnesty International open letter on the death penalty*, Amnesty International, News Service No: 150, August 27, 2002). Under the proposed new amendment, the rights of prisoners and intergovernmental rights groups would be limited in this way:

- Prisoners would be prevented from challenging their executions on the grounds of the length of time they have spent under sentence of death and the prison conditions under which they are held.
- The length of time allowed for intergovernmental human rights bodies to examine complaints from prisoners (*Barbados: Amnesty International open letter on the death penalty*, Amnesty International, News Service No: 150, August 27, 2002).

#### *(2) Cuba*

Cuba continues to not observe at least the form of a multiparty democracy. There continue to be cases of imprisonment or harassment of opponents of the Castro regime, though the Cuban government says that any limitations on human right in Cuba are a result of the need to maintain unity in the face of the U.S. economic blockade. However, there is an increasing degree of religious liberty in Cuba, and this has allowed the churches to engage in some degree of public ministries, including ministries in Cuban prisons.

Two events in Cuba, occurring within weeks of one another in 2003, caused grave concern for advocates of human rights. In March more than seventy-five dissidents were sentenced to prison for periods of time up to twenty-eight years. This reversed a trend towards greater tolerance of dissent. In April, three hijackers were executed after very brief legal processes.

An open letter by Cuban church leaders stated: “We reject the death penalty and are deeply sorry that by implementing it the moratorium that has been maintained by the Cuban government, in practice, has been broken. This we have said to the authorities.”

The letter also requested that these events be viewed in an international context that includes increased hostility on the part of the United States toward Cuba as well as the war on Iraq. Measures taken by the U.S. to increase pressure on the Cuban government in the past year include a dramatic decrease in the number of U.S. visas granted to Cubans, changes in the regulations governing travel to Cuba by U.S. citizens, and active support of dissidents in Cuba.

The human rights organization Amnesty International states: “At the same time that it deplores this escalation in grave violations by Cuban authorities, Amnesty International recognizes the negative effect of the US embargo on the enjoyment of the full range of human rights in Cuba, and recommends . . . that the US government revise its policy with a view to ending the harmful practice.”

#### *(3) Haiti*

Human rights violations were widespread in the region of Haiti in 2002, according to reports published by Amnesty International. Incidents of intimidation and violence were reported against journalists in the region and many of the journalists were forced to leave Haiti or go into hiding (*Haiti: Journalists pay a high price for freedom of expression*, Amnesty International, News Service No. 204, November 15, 2002).

In an effort to escape some of the harsh conditions in their native land for a better life, on October 29, 2002, more than 200 Haitian asylum seekers risked their lives to come to the U.S. However, their vision for a better life was ended when their vessel ran aground off Key Biscayne, Florida, and they were placed at the Krome Detention Facility and at a local hotel used by the Immigration and Naturalization Services (INS) to detain women and children. In a letter dated November 21, 2002, to President George W. Bush, U. S. Congresspersons Lincoln Diaz-Balart and Ileana Ros-Lehtinen stated that

It was [their] belief that upon interdiction, INS needs to afford Haitians with due process, including a series of fair interviews through which they may be able to present evidence to substantiate their claim of credible fear of persecution, and that those who establish an initial “credible fear” case be released while their political asylum claims are being processed.

On December 10, 2002, the International Human Rights Day, Amnesty International made a plea to the government of Haiti to take steps to end the political and human rights abuses in this region, violence which continues to contribute to many Haitian asylum seekers risking their lives to live their native land in search of a better life in the U.S. and other regions. In its press release, this human right organizations “called on the government and all political parties in Haiti to publicly reject the vicious cycle of political violence and human rights abuses currently gripping the country. . . All parties are responsible for the abuses committed by their partisans. Now is the time for all political leaders to demonstrate their rejection of the tradition of impunity by taking concrete steps to bring those involved to justice (*Haiti: political leaders must reject violence*, Amnesty International, News Service No.: 227. December 10, 2002; see also the *North American Update: Immigration and U.S. Asylum Seekers* for information on this subject).

#### (4) *Jamaica*

The use of force by the Jamaican police toward suspects was a major human rights concern in this region in 2002. This issue received even greater attention due to alleged comments by a coroner to the effect that “nothing is wrong with a propensity to shoot. . . shoot first and ask questions after” (*Jamaica: Braeton inquest—Justice must be done and seen to be done*, Amnesty International, News Service No. 64, April 11, 2002).

In July 2002, Amnesty International released a statement that further demonstrates this human rights organization’s concern that the human rights of those suspected of a crime should not be violated by the police. This organization called upon both the United Kingdom and Jamaican authorities to do the following:

- Publicly state that human rights violations by police officers will not be tolerated under any circumstances and that the need to investigate crime or deal with public disorder can never be used as a justifications for human rights violations.
- Publicly promote the need for policing to be conducted lawfully and in keeping with human rights standards.
- Ensure that torture and cruel, inhumane, and degrading treatment are defined as crimes in Jamaican law and that laws, regulations and practice on the use of force and firearms conform to international human rights standards.
- Ensure that strict guidelines govern the use of firearms and other security equipment and that the use of such equipment is carefully monitored.
- Provide meaningful information to the public about the human rights content of the training and assistance that is being given to the police, including monitoring procedures to prevent firearms and other potentially lethal equipment from begin given to police officers who are likely to commit unlawful killings or cause unwarranted justices. Training should be practical, relevant to police work and based on international and regional human rights standards.
- Ensure that international donor assistance such as that from the UK should aim to promote these principles (Jamaica/United Kingdom: Human rights must be at heart of crime-fighting initiatives, Amnesty International, News Service, No. 123, July 17, 2002).

# A STUDY GUIDE ON HUMAN RIGHTS

Correlated with the  
Human Rights Update 2002–2003 to the  
215th General Assembly (2003)  
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 action for human rights concerns.

## ORGANIZATION FOR THE STUDY

This guide provides a process for four sessions. Most of the resources needed for the study can be found in the *Human Rights Update 2002–2003*, and its appendixes. Further action and study suggestions are included as well as human rights and church organizations the study group may contact for more information. It is suggested that all members of the study group receive a copy of the *Human Rights Update 2002–2003* 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\\_rights2002-03.pdf](http://www.pcusa.org/oga/publications/human_rights2002-03.pdf)).

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

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

1. Churches often schedule study sessions on Sunday mornings, or in the evening, allowing one and a half or one hour 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 that 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 study session.

## SUGGESTED RESOURCES FOR USE WITH THE STUDY GUIDE

In addition to the *Human Rights Update 2002–2003* report, the following resources are suggested for use with this study guide:

*Bible* (Scripture citations included in this study are from the New Revised Standard Version (NRSV))

*The Book of Confessions*

*Book of Order*

*Human Rights Watch World Report 2003* and/or *Amnesty International 2003*

*The Mission Year Book for Prayer & Study 2004*

“General Assembly 2003,” *Church & Society*, July/August 2003

Local, national, and international newspapers

Flip chart, markers, notepads, pencils, and/or ink pens

Four copies of a world map

## SESSION ONE

### DISCUSSION SUGGESTIONS

1. Open with prayer.
2. Ask for a volunteer to read the following passage from Matthew 5:43–48 (NRSV).

“You have heard that it was said, ‘You shall love your neighbor and hate your enemy.’ But I say to you, Love your enemies and pray for those who persecute you, so that you may be children of your Father in heaven; for he makes his sun rise on the evil and on the good, and sends rain on the righteous and on the unrighteous. For if you love those who love you, what reward do you have? Do not even the tax collectors do the same? And if you greet only your brothers and sisters, what more are you doing than others? Do not even the Gentiles do the same? Be perfect, therefore, as your heavenly Father is perfect.”

3. It may be said that Matthew 5:43–48 challenges us, individually and corporately, to seek reconciliation with those who may persecute us. Discuss.
4. Ask the participants to take five minutes to reflect on the materials that were included in the Global Update, and to list on their notepads individuals and/or groups experiencing persecution. Invite the participants to share their responses. Record their feedback on the flip chart.
5. Ask the participants to take five minutes to reflect on the materials that were included in the Global Update, and to list on their notepads those individuals and/or groups who are working to bring about justice, peace, and love in regions of the world experiencing tremendous persecution.
6. Explore the efforts of the Presbyterian Church (U.S.A.) described in the Global Update as this denomination seeks to respond to the human right concerns brought to its attention by its partner churches? In what ways are you supporting these efforts?
7. Close with prayer. Invite the participants to lift up a region in the world that has or is currently experiencing persecution.

### IDEAS FOR FURTHER STUDY AND RESOURCES

“Chapter III. The Church and Its Mission,” *Book of Order 2002–2003*, Section G-3.0000–G-3.0401, [published by the Office of the General Assembly (OGA), available from the Presbyterian Distribution Service (PDS) 1-800-524-2612, Order #OGA-02-001-Standard Version, #OGA-02-001 Large Print].

*God’s Work in Our Hands: Employment, Community and Christian Vocation*, [published by the Advisory Committee on Social Witness Policy (ACSWP), available from the Presbyterian Distribution Service (PDS) 1-800-524-2612, VHS Order #68-600-96-005].

*God’s Work in Our Hands: Employment, Community and Christian Vocation*, [published by the Office of the General Assembly (OGA), available from the Presbyterian Distribution Service (PDS) 1-800-524-2612, Booklet Order #OGA-95-012].

Review the Universal Declaration of Human Rights (Appendix One).

*Mission Year Book for Prayer & Study* [published by the Congregational Ministries Division (CMD), available from the Presbyterian Distribution Service (PDS) 1-800-524-2612].

The “National Issues” section of the *Church & Society* July/August 2003 issue [published by the National Ministries Division (NMD), available from the Presbyterian Distribution Service 1-800-524-2612, Order # 72-630-03-604].

*The Globalization of Economic Life: Challenges to the Church* by Gordon Douglas, [a churchwide study document published by the Advisory Committee on Social Witness Policy (ACSWP) 2001, available from the Presbyterian Distribution Service (PDS) 1-800-524-2612, Order #68-600-01-002].



*The Employment Effects of Free Trade and Globalization* by the International Labor Rights Fund, [a churchwide study document published by the Advisory Committee on Social Witness Policy (ACSWP), available from the Presbyterian Distribution Service (PDS) 1-800-524-2612, Order #68-600-01-003].

## **PREPARATION FOR SESSION TWO**

Read the North America regional update.

Read the United States section of the *Human Rights Watch World Report 2003* (<http://www.hrw.org>) and/or Amnesty International ([www.amnestyusa.org](http://www.amnestyusa.org)).

Review a local and national newspaper.

Review the United States of America on the world map.

Review the Constitution of the United States of America.

## SESSION TWO

### DISCUSSION SUGGESTIONS

1. Open with prayer.

2. Ask for a volunteer to read the following passage from John 21:15–17 (NRSV).

When they had finished breakfast, Jesus said to Simon Peter, “Simon son of John, do you love me more than these?” He said to him, “Yes, Lord; you know that I love you.” Jesus said to him, “Feed my lambs.” A second time he said to him, “Simon son of John, do you love me?” He said to him, “Yes, Lord, you know that I love you.” Jesus said to him, “Tend my sheep.” He said to him the third time, “Simon son of John, do you love me?” Peter felt hurt because he said to him the third time, “Do you love me?” And he said to him, “Lord, you know everything; you know that I love you.” Jesus said to him, “Feed my sheep.”

3. Poverty/anti-hunger human right issues are included in the North America update. In what ways does John 21:15–17 offer insight for the church’s commitment to respond to these concerns?

4. Ask for a volunteer to read the Preamble to the Constitution of the United States of America.

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.

5. Ask the participants to spend five minutes reflecting on what the founders of the Constitution of the United States might have intended by the use of the phrase “promote the general Welfare.” Invite them to share their responses with the entire group. Record their feedback on a flip chart.

6. The Poverty/Anti-Hunger section of the North America update states, “Reducing poverty will depend on addressing these concerns along with a range of related issues such as safe and affordable housing, equitable wages, education and training, and access to transportation and health care. Meeting these basic human needs would benefit the whole community by giving all people the opportunity to reach their potential.” Describe other ways meeting basic human needs may benefit the whole community.

7. Close with a prayer. Invite the participants to name a religious or secular organization that is addressing issues of poverty/anti-hunger in their local communities, state, and nation.

### IDEAS FOR FURTHER STUDY AND RESOURCES

Review the Universal Declaration of Human Rights (Appendix One).

Contact a human rights Presbyterian Church (U.S.A.) group (Appendix Four).

Contact a human rights organization (Appendix Five).

Review the “Global Issues and Peacemaking” section of *Church & Society* July/August (See Section One for order information).

*Connecting Diversity in Community: Race, Class, Gender, and Religion* [a resource published by the Advisory Committee on Social Witness Policy (ACSWP), available from the Presbyterian Distribution Service (PDS) 1-800-524-2612, DVD Order #68-600-03-001; VHS Order #68-600-03-002].

### PREPARATION FOR SESSION THREE

Read the *Human Rights Updates 2002–2003* international regional updates.

Review the international section of a national newspaper (e.g., *The New York Times*) and other national publications (e.g., *Human Rights Watch World Report 2003*).

Review a world map.

## SESSION THREE

### DISCUSSION SUGGESTIONS

1. Open with prayer.
2. Ask for a volunteer to read the following passage from Ephesians 2:19 (NRSV):

So then you are no longer strangers and aliens, but you are citizens with the saints and also members of the household of God,

3. How does the above passage inform your understanding of your relationship with people living outside the United States of America?

4. Divide the participants into three small groups. Hand each group a copy of a world map. Ask one group to discuss and make a list of the civil and political rights concerns addressed in this year's Regional Update, excluding the United States of America. A second group will discuss and make a list of the economic and social and cultural concerns addressed in the Regional Update, excluding the United States of America. The third group will discuss and make a list of the religious rights concerns addressed in the Regional Update, excluding the United States of America. Allow the groups ten minutes for this exercise.

5. Invite the participants to compare and contrast how the civil, political, economic, social and cultural, and religious human rights concerns described in the Regional Update section of the *Human Rights Update 2002–2003* relate to previous understandings of these areas as described in the media and/or other human rights publication. List the responses on a flip chart.

6. Ask a volunteer to reread Ephesians 2:19 (NRSV). Allow the participants three minutes to silently focus on this passage.

7. Close with prayer. Invite the participants to share how they as individuals, as members of a local congregation, might continue or begin to make a social witness to ensure that the civil, political, economic, social and cultural, and religious rights of all people are protected.

### IDEAS FOR FURTHER STUDY AND RESOURCES

*The Mission Year Book for Prayer & Study*. [See Session One for ordering information.]

“The Church in Its Own Life” section of *Church & Society* July/August 2003 issue. [See Session One for ordering information.]

Contact a local, state, or international human rights organization (e.g. see Appendixes Four and Five) to learn what human rights issues they are addressing.

### PREPARATION FOR SESSION FOUR

Reread the entire *Human Rights Update 2002–2003*.

Reflect on the information that was shared in Sessions One–Session Three. (If an individual did not participate in the previous sessions, she or he is encouraged to consult with the facilitator of those discussions and/or other participants for further information about those sessions.)

Reread the Preamble to the Constitution of the United States of America.

Read “The Universal Declaration of Human Rights” (Appendix One).

## SESSION FOUR

### DISCUSSION SUGGESTION

1. Open with prayer.
2. Ask a volunteer to read the following section from the “Confession of 1967,” *The Book of Confessions*, 9.07.

In Jesus Christ, God was reconciling the world to [Godself]. Jesus Christ is God with [humanity]. He is the eternal Son of the Father, who became man and lived among us to fulfill the work of reconciliation. He is present in the church by the power of the Holy Spirit to continue and complete his mission. This work of God, the Father, Son, and Holy Spirit, is the foundation of all confessional statements about God, [humanity], and the world. Therefore, the church calls men [and women] to be reconciled to God and to one another.

3. Allow the participants three minutes to reflect on the text that was just read. Invite them to discuss how addressing the human rights concerns included in the *Human Rights Update 2002–2003* and/or other human rights materials they have read may lead to the kind of reconciliation described in *The Book of Confessions*, 9.07.
4. Divide the participants into small groups. Allow the groups to spend ten minutes sharing their reflections on the second “*Whereas*” as recorded in the Preamble of the Universal Declaration of Human Rights

*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,

5. Ask the participants if their behavior or lifestyle changed in light of the international terrorist attacks that have taken place during the course of the last two years. If so, how?
6. In light of the human rights concerns brought to your attention in the *Human Rights Update 2002–2003*, describe how you as an individual, as a congregation, presbytery, synod, and as a General Assembly can employ your resources to support the efforts of the United Nations, human rights organizations, and ecumenical agencies to end human rights violations.
7. Close with the Lord’s Prayer.

### IDEAS FOR FURTHER STUDY AND RESOURCES

Read *Hope for a Global Future: Toward Just and Sustainable Human Development* [published by the Office of the General Assembly (OGA), available from the Presbyterian Distribution Service (PDS) 1-888-728-7228, PDS #OGA-96-013].

Contact a human rights organization (e.g. See Appendixes Four and Five) to learn more about domestic and international human rights concerns.

Participate in a local, state, or national interfaith event.

Consider hosting a church or community event in celebration of the annual Human Rights Day on December 10.

Consider developing a monthly “Minute for Mission” on human rights.

## 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

### 215TH GENERAL ASSEMBLY (2003) ACTIONS ON HUMAN RIGHTS

[All references can be found in the *Minutes*, 2003, Part I.]

*Human Rights Update 2002–2003* [*Minutes*, 2003, Part I, p. 613; Please note that 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\\_rights2002-03.pdf](http://www.pcusa.org/oga/publications/human_rights2002-03.pdf).]

“A Call to Listen to Our Partners in the Midst of Crisis Situations” [Ibid., p. 652.]

“A Covenant Between The General Assembly of the Presbyterian Church (U.S.A.) and The Evangelical Seminary of Puerto Rico” [Ibid., p. 557.]

“A Joint Statement on Peace and Reunification of Korea” [Ibid., p. 653.]

“Clergywomen’s Experiences in Ministry: Realities and Challenges” [Ibid., p. 293.]

“Gathering for God’s Future: Witness Discipleship, Community: A New Call to Worldwide Mission” [Ibid., p. 624.]

“Iraq and Beyond” [Ibid., p. 656.]

“Presbyterian Health, Education, and Welfare Association Report” [Ibid., p. 516.]

“Presbyterians Do Mission in Partnership Policy Statement” [Ibid., p. 587.]

“Program Design for Racial Ethnic and Immigrant Communities” [Ibid., p. 536.]

“Reclaiming the Vision: A Mission Strategy to Strengthen the Partnership Between Presbyterian Church (U.S.A.) and Its Related Schools, Colleges, and Universities” [Ibid., p. 521.]

“Report on the Review of the World Council of Churches” [Ibid., p. 340]

“Resolution Calling for the Abolition of For-Profit Private Prisons” [Ibid., p. 439.]

“Resolution on Africa” [Ibid., p. 590.]

“Resolution on Israel and Palestine: End the Occupation Now” [Ibid., p. 635.]

“Response to Referral on Hate Groups and Hate Crimes” [Ibid., p. 498.]

“Review of the Situation of Prostitution Around Military Bases” [Ibid., p. 585.]

“Sending a Delegation to the Middle East” [Ibid., p. 630.]

“Strategy for Ministry with Hispanic-Latino Constituencies in the Presbyterian Church (U.S.A.) [Ibid., p. 531.]

“The Commitment to Peacemaking” [Ibid., p. 647.]

*Overture 03-14. On the Crisis of Migrant Worker Deaths in the Borderlands—From the Presbytery of de Cristo.* [Ibid., p. 613.]

*Overture 03-18. On Offering Moral Counsel to Protect Mothers and Their Babies Late in Pregnancy—From the Presbytery of Huntingdon. Concurrence: Presbyteries of Lackawanna, San Gabriel, and Sacramento.* [Ibid., pp. 53–54, 512.]

*Overture 03-22. On Reaffirming the Church's Commitment to Older Adult Ministry—From the Presbytery of Greater Atlanta. [Ibid., p. 400.]*

*Overture 03-23. On Appointing a Pastoral Group Whose Primary Concern Would be Gay, Lesbian, Bisexual, and Transgendered Members and Their Families in Our Local Churches—From the Presbytery of Greater Atlanta. [Ibid., pp. 43–44, 401.]*

*Overture 03-24. On Reaffirming the Church's Commitment for an End to the U.S. Embargo Against Cuba and the Restoration of Diplomatic Relations—From the Presbytery of Santa Fe. [Ibid., p. 615.]*

*Overture 03-25. On Calling on the U.S. and Russia to Fulfill Their Commitments Under the Nonproliferation Treaty—From the Presbytery of New Covenant. [Ibid., p. 648.]*

*Overture 03-28 On Concurring with the "Action for Wellness and Healing for Our Present and Future Generations of Saint Lawrence Island Yupik People"—From the Presbytery of Yukon. [Ibid., p. 500.]*

*Overture 03-29. On Ratifying the Convention on Climate Change and the Kyoto Protocol—From the Presbytery of Newton. [Ibid., p. 617.]*

*Overture 03-30. On Calling on the U.S. and Russia to Fulfill Their Commitments Under the Nonproliferation Treaty—From the Presbytery of Mission. [Ibid., p. 649.]*

*Overture 03-31. On Strengthening Our Christian Peacemaking Vision and Witness in Wartime—From the Presbytery of Hudson River. [Ibid., p. 651.]*

*Overture 03-33. On Opposing the Free Trade Area of the Americas in Its Current Form—From the Presbytery of San Francisco. [Ibid., p. 618.]*

*Overture 03-34. On Creating a Study Guide on the History and Evolving Present Day Situation of the Middle East—From the Presbytery of Chicago. [Ibid., p. 622.]*

*Commissioners' Resolution 03-9. On Calling to Prayer and Action—SARS Epidemic and Taiwan. [Ibid., pp. 40–41, 631.]*

*Commissioners' Resolution 03-14. On Calling for Solidarity with the People and Churches of Pakistan. [Ibid., p. 660.]*

*Commissioners' Resolution 03-15. On Encouragement of Local Congregations. [Ibid., p. 550.]*

*Commissioners' Resolution 03-16. On Displaced Persons in Colombia. [Ibid., p. 633.]*

*Commissioners' Resolution 03-17. On Prayer for Peace. [Ibid., p. 661.]*

*Commissioners' Resolution 03-18. On the Guatemala Peace Process. [Ibid., p. 662.]*

*Commissioners' Resolution 03-27. On Celebrating the Ministry of Women. [Ibid., p. 331.]*

*Commissioners' Resolution 03-30. On Assisting the Inhabitants of the Island of Vieques on the Task of Cleaning Up After the End of the Navy Bombing Practices. [Ibid., p. 502]*

## APPENDIX THREE

### HUMAN RIGHTS UPDATES 1989–2002

[Copies of the 1989–2002 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-95-013.

*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).

## APPENDIX FOUR

### 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 Director, Social Justice  
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  
E-mail: [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 FIVE

### 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 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.,  
Community Action Bulletin (an action/information bulletin for the religious community)  
10th Floor  
New York, NY 10001  
(212) 807-8400

#### *Center for Human Rights*

New York Office 2-2914  
United Nations  
New York, NY 10017  
(212) 963-5930

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

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 Office, National Council of Churches*  
475 Riverside Drive  
New York, NY 10115  
(212) 870-2424

The Human Rights Office at the NCCC provides an annual packet of materials for a service of worship on Human Rights Day, December 10th. The office monitors human rights situations particularly as they concern partner churches around the globe. The office participates in any emergency response network and advocates for human rights concerns at the United Nations and other international forums.

#### Human Rights Watch

Africa Watch  
485-5th Ave.

Americas Watch  
New York, NY 10017

Asia Watch  
(212) 972-8400

Helsinki Watch  
Middle East Watch

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.

#### *Lawyers' Committee on Human Rights*

330-7th Ave., 10th Floor  
New York, NY 10001  
(212) 629-6170

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."