

# Withdrawal/Redaction Sheet

## Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. cable	re Eizenstat meeting (10 pages)	08/13/1997	P1/b(1)
002. cable	re fisticuffs (3 pages)	10/02/1997	P1/b(1)
003. cable	re Dominican Highlights (3 pages)	10/10/1997	P1/b(1)
004. cable	re background on visit (4 pages)	10/20/1997	P1/b(1)

---

**COLLECTION:**

Clinton Presidential Records  
 NSC Cables  
 Jan 1997-Dec 1998 ([sweatshop ...])  
 OA/Box Number: 520000

---

**FOLDER TITLE:**

[08/13/1997-10/20/1997]

2018-1072-F

kc2337

---

**RESTRICTION CODES**

**Presidential Records Act - [44 U.S.C. 2204(a)]**

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

**Freedom of Information Act - [5 U.S.C. 552(b)]**

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

# Withdrawal/Redaction Marker

## Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. cable	re Eizenstat meeting (10 pages)	08/13/1997	P1/b(1)

### COLLECTION:

Clinton Presidential Records  
NSC Cables  
Jan 1997-Dec 1998 ([sweatshop ...])  
OA/Box Number: 520000

### FOLDER TITLE:

[08/13/1997-10/20/1997]

2018-1072-F

kc2337

### RESTRICTION CODES

#### Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

#### Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

# Cable

---

**PREC:** PRIORITY  
**CLASS:** UNCLASSIFIED  
**LINE1:** PAAUZYUW RUEHLHA1445 2521621-UUUU--RHEHAAX.  
**LINE2:** ZNR UUUUU ZZH  
**LINE3:** P 091620Z SEP 97  
**LINE4:** FM AMCONSUL LAHORE  
**OSRI:** RUEHLH  
**DTG:** 091620Z SEP 97  
**ORIG:** AMCONSUL LAHORE  
**TO:** RUEHIL/AMEMBASSY ISLAMABAD PRIORITY 4849  
RUEHC/SECSTATE WASHDC 9328  
**INFO:** RUCNCLC/COLLECTIVE CHILD LABOR  
RUEHKP/AMCONSUL KARACHI 4660  
RUSBPW/AMCONSUL PESHAWAR 0864  
RUCPDC/USDOC WASHDC  
RUEBWJA/DEPARTMENT OF LABOR  
**SUBJ:** PUNJAB EXPORT INDUSTRIES RESPOND TO CHILD LABOR  
PROBLEM  
**TEXT:**  
UNCLAS SECTION 01 OF 02 LAHORE 1445  
USDOC FOR 4530/IEP/OSA/KSTAUFFER  
USDOL FOR S.ROSEN  
USTR FOR J. ROSENBAUM

E.O. 12958: N/A

TAGS: ELAB, ETRD, PHUM, PK

SUBJECT: PUNJAB EXPORT INDUSTRIES RESPOND TO CHILD LABOR  
PROBLEM

REF: ISLAMABAD 7330

1. SUMMARY. THE FORWARD-LOOKING ENTREPRENEURIAL INDUSTRIALISTS OF SIALKOT HAVE RESPONDED CONVINCINGLY TO THE THREAT OF LOSS OF EXPORT MARKETS DUE TO THEIR USE OF CHILD LABOR. WE HAVE SEEN NO EVIDENCE TO SUGGEST THAT CHILD LABOR CONTINUES TO BE USED IN THE SURGICAL EQUIPMENT MANUFACTURING PROCESS. CHILD LABOR IS NOW BEING ELIMINATED FROM THE SPORTING GOODS SECTOR, WITH AN EMPHASIS ON SOCCER BALL STITCHING WORK. IN THE PROVINCE AT LARGE, CARPET MANUFACTURERS AND EXPORTERS ARE STILL STRUGGLING WITH RIVAL ATTEMPTS TO ESTABLISH A CERTIFICATION PROCESS, BUT PROGRESS IS VISIBLE ON THE HORIZON. END SUMMARY.

2. IN SEPARATE VISITS TO SIALKOT, LAHORE POLOFF (AUG 18-19) AND PAKISTAN ECON/COMM DESK OFF (AUG 29) WERE IMPRESSED BY THE ENTREPRENEURIAL ATTITUDE OF THE INDUSTRIAL CLASS THERE. THE CIVIC LEADERS OF SIALKOT ARE FORWARD-LOOKING BELIEVERS IN THE SUPREMACY OF FREE ENTERPRISE. THEY FREQUENTLY MAKE REFERENCE TO THE CITY'S PRIVATE MEDICAL AND EDUCATIONAL INSTITUTIONS, CONTRASTING THEM WITH THE POORLY-PERFORMING STATE HOSPITALS AND SCHOOLS. THEY BOAST OF RELATIVELY HIGH LITERACY RATES AND PER CAPITA INCOME. HAVING ESTABLISHED A DRY PORT AND TWO SMALL EXPORT

PROCESSING ZONES ON INDUSTRIAL ESTATES, THEY ARE NOW AIMING FOR CONSTRUCTION OF A CARGO AIRPORT, SO THAT THEY CAN SHIP THEIR GOODS DIRECTLY OVERSEAS. SIALKOT LEADERS PROJECT A BELIEF IN TAKING MATTERS INTO THEIR OWN HANDS, RATHER THAN APPROACHING PROBLEMS WITH AN ATTITUDE OF FATALISM.

#### SURGICAL EQUIPMENT

3. THIS CAN-DO ATTITUDE WAS REFLECTED IN THE EFFORTS OF THE SURGICAL EQUIPMENT MANUFACTURING INDUSTRY TO MEET FDA QUALITY CONTROL STANDARDS BACK IN 1994. HAVING MET THE FDA'S GOOD MANUFACTURING PRACTICES (GMP) STANDARDS, THEY ARE NOW SCRAMBLING TO MEET ISI 9000 STANDARDS AND WISHING THAT THE EUROPEANS WOULD SIMPLY ACCEPT GMP UNDER A MUTUAL RECOGNITION AGREEMENT.

4. MEANWHILE, THE SURGICAL EQUIPMENT MANUFACTURERS HAVE TAKEN DECISIVE ACTION TO ELIMINATE CHILD LABOR FROM THEIR SECTOR. THEY FREELY ADMIT THAT THIS WAS NOT DONE THROUGH ALTRUISM, RATHER FROM A SIMPLE DESIRE TO RESPOND TO THE DEMANDS OF THE MARKET AND MAINTAIN THEIR EXPORTS. TO SATISFY THESE GOALS, THEY SIMPLY STOPPED HIRING BELOW THE LEGAL AGE AND TOLD UNDERAGE WORKERS TO REAPPLY AFTER REACHING AGE 15. THE RESULT, THEY SAY, WAS A DEGREE OF SOCIAL DISLOCATION. THEY CLAIM TO HAVE SEEN SOME OF THEIR FORMER EMPLOYEES BEGGING. HOWEVER, THEY SAY, THE UNDERLYING LEVEL OF CHILD LABOR IN THEIR SECTOR WAS NOT SO GREAT AS TO CAUSE SERIOUS SOCIAL PROBLEMS. OUR VISITS DID NOT REVEAL THE PRESENCE OF CHILDREN IN SURGICAL FACTORIES, THE ILO HAS REPORTED THAT CHILD LABOR IN THE SECTOR IS "NEGLIGIBLE" AND THE HUMAN RIGHTS COMMISSION OF PAKISTAN HAS CONFIRMED WITH US THAT IT SEEMS THAT CHILD LABOR HAS ENDED IN THIS SECTOR. THE SURGICAL EQUIPMENT MANUFACTURERS' ASSOCIATION WELCOMES INDEPENDENT INSPECTION, BUT HAS NOT DEVELOPED ITS OWN CERTIFICATION REGIME. THE INDUSTRY IS DISTURBED BY THE FACT WHILE THEY HAVE REFORMED THEIR PRACTICES, THEY ARE STILL REQUIRED TO PAY A DUTY OF 7.8% IN THE U.S. DUE TO THE REVOCATION OF GSP PRIVILEGES FOR THIS SECTOR.

#### SPORTING GOODS AND LEATHER GLOVES

5. IN THE SPORTING GOODS AND LEATHER GLOVES INDUSTRIES WE SAW NO EVIDENCE OF CONTINUING FACTORY CHILD LABOR. WE ARE AWARE THAT AS OUR VISITS WERE NOT SURPRISES, ANY CHILDREN WORKING IN THESE OR IN THE SURGICAL EQUIPMENT FACTORIES, COULD THEORETICALLY HAVE BEEN REMOVED PRIOR TO OUR ARRIVAL.

UNCLAS SECTION 02 OF 02 LAHORE 1445

E.O. 12958:N/A

HOWEVER, IT IS ACKNOWLEDGED BY ALL THOSE IN THE INDUSTRY THAT FULL- AND PART-TIME STITCHING OF SOCCER BALLS AT HOME BY CHILDREN REMAINS WIDESPREAD. THE ILO ESTIMATES 7,000 CHILDREN ARE EMPLOYED IN THIS SECTOR AND IT IS GENERALLY ACCEPTED THAT THIS FIGURE IS PROBABLY BELOW THE MARK.

6. IN FEBRUARY 1997, THE ILO, UNICEF AND THE SIALKOT

CHAMBER OF COMMERCE AND INDUSTRY SIGNED THE ATLANTA AGREEMENT, WHICH PRESENTED A PLAN FOR THE ELIMINATION OF CHILD STITCHING WITHIN 18 MONTHS AFTER IMPLEMENTATION. THE PLAN HAS TWO BASIC PROGRAM ELEMENTS. THE FIRST IS THE PREVENTION AND MONITORING PROGRAM, IN WHICH CONTRACTORS, STITCHERS AND STITCHING FACILITIES ARE REGISTERED AND THE ESTABLISHMENT OF BOTH INTERNAL AND INDEPENDENT MONITORING SYSTEMS. THIS PROGRAM IS ACCOMPANIED BY A SOCIAL PROTECTION PROGRAM TO REHABILITATE AND EDUCATE CHILD STITCHERS AS WELL AS A PROGRAM TO HIRE STITCHERS OVER AGE 14 FROM FAMILIES WHERE CHILD WORKERS HAVE BEEN DISPLACED, THUS PROTECTING FAMILY INCOME AND PREVENTING GREATER POVERTY. EVEN BEFORE THE AUGUST IMPLEMENTATION DATE FOR THE PLAN, EXPORTERS ARGUED THAT 40% OF THE PREVIOUS LEVEL OF SOCCER BALL STITCHING CHILD LABOR HAS ALREADY BEEN ELIMINATED. HOWEVER, IT APPEARS LIKELY THAT THE LAST POCKETS OF CHILD LABOR EMPLOYED BY SOME OF THE SMALLER FIRMS, MAY, AS THE PLAN ROLLS ON, PROVE THE HARDEST NUTS TO CRACK.

6. WE HAVE SEEN A SOCCER BALL FACTORY AND A STITCHING CENTER THAT APPEAR CLOSER TO MODERN AMERICAN STANDARDS THAN THE POPULAR IMAGE OF A "SWEATSHOP". IF THIS STANDARD OF EXCELLENCE CAN BE APPLIED TO THE VARIETY OF FACTORIES THAT ARE UNDER CONSTRUCTION IN NORTHERN PUNJAB, THE DICKENSIAN OPERATIONS AROUND DOWNTOWN SIALKOT COULD EVENTUALLY BECOME A THING OF THE PAST.

#### CARPETS

7. EFFORTS TO ELIMINATE CHILD LABOR IN THE HAND-MADE RUG AND CARPET MANUFACTURING INDUSTRY HAVE BEEN LESS SUCCESSFUL. IN THIS SECTOR, MANY MORE THOUSANDS OF CHILDREN TOIL IN VILLAGES AROUND SIALKOT, AND INDEED THROUGHOUT THE PUNJAB AND SINDH. A FEW SCHOOLS AND REHABILITATION EFFORTS HAVE BEEN PURSUED, BUT THEY AFFECT ONLY A SMALL FRACTION OF THE CHILDREN INVOLVED.

8. THE EFFORTS OF RUGMARK INTERNATIONAL TO ESTABLISH A CREDIBLE INDEPENDENT CERTIFICATION PROGRAM HAVE BEEN OPPOSED BY MANY CARPET MANUFACTURERS AND EXPORTERS, AND HAVE BEEN HAMPERED BY A SERIES OF MISUNDERSTANDINGS THROUGH WHICH PROPONENTS OF CERTIFICATION WERE DIVIDED BY RIVALRIES. HOWEVER, THIS WEEK, TWO IMPORTANT BREAKTHROUGHS OCCURRED. THE PAKISTAN CARPET MANUFACTURERS AND EXPORTERS ASSOCIATION CAME OUT IN FAVOR OF CHILD LABOR FREE INSPECTION, MONITORING, AND CERTIFICATION. THEY WILL ESTABLISH THEIR OWN MONITORING PROGRAM, UNDER THE AEGIS OF THE CHILD CARE FOUNDATION, AN INDUSTRY-LED, BUT BROADLY BASED NGO WHICH CARRIES OUT REHABILITATION EFFORTS. THEY HAVE ALSO AGREED TO COOPERATE WITH AN INDEPENDENT CERTIFICATION PROCESS TO BE ESTABLISHED, IT IS HOPED, IN EARLY 1998 BY RUGMARK INTERNATIONAL. THE SECOND BREAKTHROUGH OCCURRED AT A MEETING HELD AT THE CONSULATE ON SEPTEMBER 8, WHERE REPRESENTATIVES OF RUGMARK INTERNATIONAL AND LOCAL SUPPORTERS OF RUGMARK CERTIFICATION OVERCAME MONTHS OF DIVISION, MISUNDERSTANDING, AND RANCOR BY AGREEING TO A SERIES OF PRINCIPLES OF COOPERATION, LEADING TO THE EARLY

1998 ESTABLISHMENT OF A RUGMARK PAKISTAN PROGRAM WHICH MEETS THE INTERNATIONAL STANDARD RUGMARK INTERNATIONAL CURRENTLY ENJOYS. IT IS HOPED THAT THIS PROGRAM WILL HELP PAKISTAN TO RECOVER ITS MARKET SHARE IN THE USA, GERMANY, AND THE NETHERLANDS, WHERE RUGMARK INDIA AND RUGMARK NEPAL ARE ACCEPTED AS SEALS OF ASSURANCE THAT CHILDREN HAVE NOT BEEN INVOLVED IN THE PRODUCTION OF CARPETS SO LABELLED. HOWEVER, THERE IS NO GUARANTEE THAT LOCAL PERSONALITY CONFLICTS WILL NOT CAUSE THIS AGREEMENT TO UNWIND.  
PYATT

**SECT:** SECTION: 01 OF 02  
<^SECT>SECTION: 02 OF 02

**SSN:** 1445  
<^SSN>1445

**TOR:** 970909074613 M2921808  
<^TOR>970909074729 M2921809

**DIST:**  
SIT: NSC

# Cable

---

**PREC:** ROUTINE  
**CLASS:** UNCLASSIFIED  
**LINE1:** RAAUZYUW RUEHBKA8021 2690744-UUUU--RHEHAAX.  
**LINE2:** ZNR UUUUU ZZH  
**LINE3:** R 260744Z SEP 97  
**LINE4:** FM AMEMBASSY BANGKOK  
**OSRI:** RUEHBK  
**DTG:** 260744Z SEP 97  
**ORIG:** AMEMBASSY BANGKOK  
**TO:** RUEHC/SECSTATE WASHDC 3010  
**INFO:** RUDKIA/AMCONSUL CHIANG MAI 0134  
**SUBJ:** 1997 COUNTRY HUMAN RIGHTS REPORT FOR THAILAND

**TEXT:**

UNCLAS SECTION 01 OF 10 BANGKOK 018021

FOR DRL/CRT, INLB/DRL/CRT, EAP/BCLTV - CHRIS RICH

E.O. 12958: N/A

TAGS: PHUM, ELAB, KSEP, TH

SUBJ: 1997 COUNTRY HUMAN RIGHTS REPORT FOR THAILAND

REF: STATE 133677

1. SENSITIVE BUT UNCLASSIFIED - NOFORN - ENTIRE TEXT
2. FOLLOWING IS THE 1997 COUNTRY HUMAN RIGHTS REPORT FOR THAILAND.
3. THAILAND IS A DEMOCRATICALLY GOVERNED CONSTITUTIONAL MONARCHY WITH A HISTORY UNTIL RECENTLY OF MILITARY COUPS AND POWERFUL BUREAUCRATIC-MILITARY INFLUENCE OVER POLITICAL LIFE. THE KING IS A SYMBOL OF NATIONAL UNITY AND EXERTS STRONG INFORMAL INFLUENCE; HE HAS THE CONSTITUTIONALLY MANDATED POWER, TO DATE NEVER USED, TO VETO LEGISLATION (REQUIRING TWO-THIRDS OF PARLIAMENT TO OVERRIDE) OR DISSOLVE THE ELECTED HOUSE OF REPRESENTATIVES. THE PRESENT COALITION GOVERNMENT, ELECTED IN 1996, IS LED BY GENERAL CHAVALIT YONGCHAIYUDH'S NEW ASPIRATION PARTY. THE JUDICIARY IS INDEPENDENT BUT HAS A REPUTATION FOR CORRUPTION. THE SECURITY APPARATUS HAS WIDE-RANGING LEGAL POWERS, DERIVED PRIMARILY FROM PAST MILITARILY CONTROLLED ADMINISTRATIONS. MILITARY LEADERS STILL HAVE AN INFORMAL BUT INFLUENTIAL ROLE IN INTERNAL POLITICS. SINCE 1992, THE ARMED FORCES HAVE BECOME INCREASINGLY PROFESSIONAL AND SUBJECT TO CIVILIAN CONTROL. THE POLICE HAVE PRIMARY RESPONSIBILITY FOR INTERNAL SECURITY AND LAW ENFORCEMENT. ELEMENTS OF BOTH THE ARMED FORCES AND THE ROYAL THAI POLICE HAVE A REPUTATION FOR CORRUPTION. THAILAND IS A NEWLY INDUSTRIALIZING COUNTRY WITH A STRONG FREE ENTERPRISE SYSTEM. THE GOVERNMENT GENERALLY PROVIDES

PROTECTION FOR INDIVIDUAL ECONOMIC INTERESTS, INCLUDING PROPERTY RIGHTS. A LACK OF TRANSPARENCY IN MANY GOVERNMENT PROCESSES IN SOME CASES CREATES AN UNEVEN PLAYING FIELD. ALTHOUGH INDUSTRIAL AND SERVICE SECTORS CONTRIBUTE OVER HALF THE GROSS NATIONAL PRODUCT, ROUGHLY 60 PERCENT OF THE POPULATION IS RURAL AND AGRARIAN. GOVERNMENT EFFORTS TO CLOSE THE GAP BETWEEN THE URBAN AND RURAL POPULATIONS HAVE BEEN LARGELY INEFFECTIVE. RURAL DISSATISFACTION WAS THE THEME OF LARGE GATHERINGS ORGANIZED BY THE "FORUM OF THE POOR" IN THE SPRING.

THE GOVERNMENT GENERALLY RESPECTS THE HUMAN RIGHTS OF ITS CITIZENS, BUT SOME SIGNIFICANT PROBLEMS REMAIN. POLICE ELEMENTS KILLED A NUMBER OF CRIMINAL SUSPECTS DURING APPREHENSION ATTEMPTS, AND POLICE AND GOVERNMENT LEADERS HAVE SEEMED TACITLY TO ENDORSE A HEAVY-HANDED APPROACH TOWARD NARCOTICS TRAFFICKING SUSPECTS. THE GOVERNMENT CONTINUED TO DEMONSTRATE A LACK OF INTEREST IN VIGOROUS PROSECUTION OF SECURITY FORCES PERSONNEL ACCUSED OF EXTRAJUDICIAL KILLINGS.

WHILE THE GOVERNMENT GENERALLY CONTINUED TO ADHERE TO ITS POLICY OF PROVIDING ASYLUM TO THOSE FLEEING PERSECUTION FROM NEIGHBORING COUNTRIES, THERE WERE SEVERAL INSTANCES OF INVOLUNTARY RETURN TO BURMA AND DENIAL OF ASYLUM TO MEMBERS OF BURMESE ETHNIC MINORITIES BY MILITARY AND CIVILIAN AUTHORITIES.

THE THAI PRESS REMAINS FREE AND ACTIVE, ALTHOUGH THE GOVERNMENT TOOK SOME STEPS WHICH APPEARED DESIGNED TO DISCOURAGE FREE SPEECH, PARTICULARLY WITH REGARD TO REPORTING OF ECONOMIC CONDITIONS, WHICH HAVE TAKEN A NOTABLE TURN FOR THE WORSE.

AN INGRAINED CULTURE OF CORRUPTION PERSISTS IN MANY ELEMENTS OF THE CIVILIAN BUREAUCRACY AND THE SECURITY FORCES. ROUTINE DEMANDS FOR BRIBES UNDERMINE THE RULE OF LAW AND PERMIT A CLIMATE OF IMPUNITY FOR VARIOUS ILLEGAL ACTIVITIES. PROGRESS TOWARD THE ESTABLISHMENT OF AN INDEPENDENT ELECTION COMMISSION AND A CORPS OF OMBUDSMEN WAS REDIRECTED TO INCLUDE THOSE AND OTHER POLITICAL REFORMS IN A PROPOSED CONSTITUTION TO BE VOTED ON THIS YEAR.

#### RESPECT FOR HUMAN RIGHTS

SECTION 1. RESPECT FOR INTEGRITY OF THE PERSON, INCLUDING FREEDOM FROM

##### A. POLITICAL AND OTHER EXTRAJUDICIAL KILLING

THERE WERE NO REPORTS OF POLITICAL KILLINGS IN 1997. HOWEVER, IN A CLIMATE OF INCREASINGLY PROLIFIC AND VIOLENT NARCOTICS TRAFFICKING, SOME POLICE UNITS CONTINUED TO USE DEADLY FORCE AGAINST SOME SUSPECTS DURING ARREST ATTEMPTS. WHILE THERE WERE NO CASES IN WHICH EVIDENCE INDICATED THAT SUSPECTS WERE EXECUTED AFTER APPREHENSION, PUBLIC STATEMENTS BY SEVERAL HIGH-RANKING POLICE FIGURES IMPLY ENDORSEMENT OF USE OF EXCESSIVE FORCE. PUBLISHED ACCOUNTS AND ACCOUNTS FROM REPUTABLE SOURCES INDICATE THAT AT LEAST 19 CRIMINAL SUSPECTS WERE KILLED DURING ARREST; OVER A DOZEN WERE SUSPECTED OF NARCOTICS TRAFFICKING. STATISTICS ARE NOT YET AVAILABLE REGARDING DEATHS OF

SUSPECTS WHILE IN THE CUSTODY OF POLICE IN 1997. ONE DEATH OCCURRED UNDER PARTICULARLY SUSPICIOUS CIRCUMSTANCES. IN JANUARY, A HANDCUFFED ROBBERY SUSPECT HUNG HIMSELF IN HIS PRISON CELL. THE SUSPECT WAS FOUND IN A SITTING POSITION WITH A SHOELACE TIED AROUND HIS NECK. NO POLICE OFFICERS WERE CONVICTED OF WRONGDOING IN DEATHS UNCLAS SECTION 02 OF 10 BANGKOK 018021

FOR DRL/CRT, INLB/DRL/CRT, EAP/BCLTV - CHRIS RICH

E.O. 12958: N/A

TAGS: PHUM, ELAB, KSEP, TH

SUBJ: 1997 COUNTRY HUMAN RIGHTS REPORT FOR THAILAND

DURING ARREST. ROUTINE EXONERATION OF POLICE OFFICERS CONTRIBUTES TO A CLIMATE OF IMPUNITY AND DISCOURAGES RELATIVES OF THE DECEASED FROM PRESSING FOR PROSECUTION. FAMILIES RARELY TAKE ADVANTAGE OF A PROVISION IN THE LAW WHICH ALLOWS PERSONAL SUITS AGAINST POLICE OFFICERS FOR CRIMINAL ACTION DURING ARREST, BUT SOME LAWSUITS HAVE BEEN FILED THIS YEAR AND ARE UNDER CONSIDERATION. THERE WERE NO DEVELOPMENTS IN THE 1996 KILLINGS OF ENVIRONMENTAL PROTESTER THONG-IN KAEW-WATTHA AND OF FARMER ACTIVIST JOON BHOONKHUNTOD. THERE WERE NO DEVELOPMENTS IN THE 1995 UNSOLVED MURDER OF CONSERVATION ACTIVIST WINAI CHANTAMANAQ.

#### B. DISAPPEARANCE

THERE WERE NO REPORTS OF POLITICALLY MOTIVATED DISAPPEARANCES. THERE WERE NO DEVELOPMENTS IN THE 1994 DISAPPEARANCE OF ENVIRONMENTAL ACTIVIST SUCHADA KHAMFUBUTRA THE 1991 DISAPPEARANCE OF LABOR CONGRESS OF THAILAND PRESIDENT THANONG PO-AN. THE NUMBER OF MISSING PRODEMOCRACY PROTESTERS FROM 1992 DEMONSTRATIONS WAS REDUCED TO 38, AFTER ONE INDIVIDUAL WAS LOCATED. HER DISAPPEARANCE HAD NOT BEEN RELATED TO POLITICAL ACTIVITY.

#### C. TORTURE AND OTHER CRUEL, INHUMAN, OR DEGRADING TREATMENT OR PUNISHMENT

THE CRIMINAL CODE FORBIDS CRUEL, INHUMAN, OR DEGRADING TREATMENT OR PUNISHMENT.

THERE WERE CREDIBLE REPORTS THAT POLICE OCCASIONALLY BEAT CRIMINAL SUSPECTS IN ORDER TO COERCE A CONFESSION. THE GOVERNMENT MADE NO VISIBLE EFFORTS TO PROSECUTE, CONVICT, AND PUNISH THOSE WHO COMMITTED ABUSES IN PAST YEARS. PRISON CONDITIONS ARE SPARTAN BUT DO NOT IN GENERAL THREATEN THE LIFE OR HEALTH OF INMATES. SLEEPING ACCOMMODATIONS AND ACCESS TO MEDICAL CARE ARE AREAS OF CONCERN THAT REQUIRE CONTINUED ATTENTION TO MEET MINIMUM INTERNATIONAL STANDARDS. SOME PRISON GUARDS RESORT TO PHYSICAL ABUSE OF BOTH THAI AND FOREIGN PRISONERS IN RESPONSE TO DISCIPLINARY PROBLEMS. CREDIBLE SOURCES HAVE REPORTED IN PAST YEARS THAT PRISONERS CAUGHT IN ESCAPE ATTEMPTS ARE OFTEN SEVERELY BEATEN. SOLITARY CONFINEMENT AND HEAVY LEG IRONS ARE SOMETIMES USED TO PUNISH DIFFICULT PRISONERS. MEDICAL CARE IN PRISONS IS INADEQUATE. TO CARE FOR A TOTAL PRISON POPULATION OF

112,000, THE CORRECTIONS DEPARTMENT EMPLOYS ONLY 10 FULL-TIME AND 11 PART-TIME DOCTORS AND 4 DENTISTS. IN APRIL, FOUR LAO WOMEN BEING HELD IN THE RAYONG DISTRICT POLICE STATION WERE RAPED BY MALE INMATES OVER A FOUR-DAY PERIOD. ALTHOUGH THAI REGULATIONS MANDATE THAT PRISONERS BE SEPARATED BY GENDER, OVERCROWDING LED POLICE TO PLACE THESE WOMEN IN A SUB-CELL TO WHICH MALE PRISONERS HAD ACCESS. THE GOVERNMENT RESPONDED TO THIS INCIDENT BY TRANSFERRING THREE POLICE OFFICERS TO INACTIVE POSTS. THREE OTHER POLICE LIEUTENANT COLONELS ARE FACING DISCIPLINARY INVESTIGATION. ACCESS TO PRISONERS IS NOT RESTRICTED, AND THE GOVERNMENT PERMITS VISITS BY HUMAN RIGHTS MONITORS. CONDITIONS AT BANGKOK'S SUAN PHLU IMMIGRATION DETENTION CENTER (IDC) WERE POOR, AS THE SYSTEM WAS OVERWHELMED BY A SUBSTANTIAL INFLUX OF UNDOCUMENTED WORKERS IN THE SOUTHERN BORDER AREA. OVERCROWDING AND SHORTAGES OF FOOD AND WATER HAVE BEEN SEVERE, ESPECIALLY WHEN THE IDC'S POPULATION NEARLY DOUBLED TO 2,600. CONDITIONS IN PROVINCIAL DETENTION CENTERS ARE SIGNIFICANTLY WORSE, AND MANY DETAINEES TRANSFERRED TO BANGKOK ARRIVED IN A DEBILITATED STATE. THE GOVERNMENT RESPONDED TO THIS PROBLEM BY ALLOCATING FUNDS FOR SIX ADDITIONAL PROVINCIAL FACILITIES, EACH WITH A CAPACITY OF ROUGHLY 300 DETAINEES. IMMIGRATION DETENTION FACILITIES ARE NOT ADMINISTERED BY THE DEPARTMENT OF CORRECTIONS AND ARE NOT SUBJECT TO MANY OF THE REGULATIONS FOUND IN THE REGULAR PRISON SYSTEM. SOME IDC DETAINEES WHO CANNOT AFFORD REPATRIATION HAVE BEEN HELD FOR SEVERAL YEARS.

#### D. ARBITRARY ARREST, DETENTION, OR EXILE

WITH FEW EXCEPTIONS, WHICH INCLUDE CRIMES IN PROGRESS, THE LAW REQUIRES THAT POLICE OFFICERS MAKING AN ARREST HAVE WARRANTS, AND AUTHORITIES RESPECT THIS PROVISION IN PRACTICE. ARRESTED PERSONS MUST BE INFORMED OF THE LIKELY CHARGES AGAINST THEM IMMEDIATELY AFTER ARREST. POLICE HAVE THE AUTHORITY TO EXTEND THE DETENTION PERIOD TO 7 DAYS IN ORDER TO COMPLETE AN INVESTIGATION. AFTER 7 DAYS, THE POLICE MUST PRESENT THE CASE TO THE PUBLIC PROSECUTOR TO DETERMINE IF THE CASE SHOULD BE PURSUED. WHILE DETAINEES HAVE A RIGHT TO HAVE A LAWYER PRESENT DURING QUESTIONING, THEY ARE OFTEN NOT INFORMED OF THIS RIGHT. FOREIGN PRISONERS ARE OFTEN FORCED TO SIGN CONFESSIONS AND STAND TRIAL WITHOUT BENEFIT OF A TRANSLATOR. THERE IS A FUNCTIONING BAIL SYSTEM. THE ONLY LEGAL BASIS FOR DETENTION BY THE POLICE WITHOUT SPECIFIC CHARGES FOR LONG PERIODS (UP TO 480 DAYS) IS THE ANTI-COMMUNIST ACTIVITIES ACT, WHICH WAS NOT INVOKED IN 1997. AS OF JUNE, THERE WERE 112,689 PRISON INMATES IN THAILAND. OF THAT NUMBER, 16,213 WERE PRE-TRIAL DETAINEES. PRETRIAL UNCLAS SECTION 03 OF 10 BANGKOK 018021

FOR DRL/CRT, INLB/DRL/CRT, EAP/BCLTV - CHRIS RICH

E.O. 12958: N/A

TAGS: PHUM, ELAB, KSEP, TH

SUBJ: 1997 COUNTRY HUMAN RIGHTS REPORT FOR THAILAND

DETAINEES ARE NOT USUALLY SEGREGATED FROM THE GENERAL PRISON

POPULATION, ALTHOUGH THOSE FACING NARCOTICS CHARGES ARE SOMETIMES HELD IN A SEPARATE FACILITY. OF THE 12 BURMESE ACTIVISTS HELD IN THE SPECIAL DETENTION CENTER IN 1996, FOUR WERE RELEASED. EIGHT REMAIN IN CUSTODY FOR VIOLATING THE REGULATIONS OF THE RATCHABURI REFUGEE CAMP. THE LONGEST-HELD OF THE EIGHT HAS BEEN DETAINED SINCE JUNE 1994. NONE OF THE EIGHT HAS A SCHEDULED TRIAL DATE. EXILE IS NOT USED AS A MEANS OF POLITICAL CONTROL.

#### E. DENIAL OF FAIR PUBLIC TRIAL

THE CONSTITUTION PROVIDES FOR AN INDEPENDENT JUDICIARY, AND, ALTHOUGH GENERALLY REGARDED AS INDEPENDENT, THE JUDICIARY HAS A REPUTATION FOR VENALITY.

THE CIVILIAN JUDICIAL SYSTEM HAS THREE LEVELS OF COURTS: COURTS OF FIRST INSTANCE, COURTS OF APPEAL, AND THE SUPREME COURT. A SEPARATE MILITARY COURT HEARS CRIMINAL AND CIVIL CASES PERTAINING TO MILITARY PERSONNEL AS WELL AS THOSE BROUGHT DURING PERIODS OF MARTIAL LAW. THERE IS NO RIGHT TO APPEAL MILITARY COURT DECISIONS. ISLAMIC (SHARI'A) COURTS PROVIDE DUE PROCESS AND HEAR ONLY CIVIL CASES CONCERNING MEMBERS OF THE MUSLIM MINORITY.

THE CONSTITUTION PROVIDES FOR PRESUMPTION OF INNOCENCE. ACCESS TO COURTS OR ADMINISTRATIVE BODIES TO SEEK REDRESS IS PROVIDED FOR AND PRACTICED.

THERE IS NO TRIAL BY JURY. TRIALS FOR MISDEMEANORS ARE DECIDED BY A SINGLE JUDGE, AND MORE SERIOUS CASES REQUIRE TWO OR MORE JUDGES. WHILE MOST TRIALS ARE PUBLIC, THE COURT MAY ORDER A TRIAL CLOSED. THIS IS DONE MOST OFTEN IN CASES TOUCHING ON NATIONAL SECURITY OR THE ROYAL FAMILY. CAREER CIVIL SERVICE JUDGES PRESIDE OVER THE COURTS. JUDICIAL APPOINTMENTS AND STRUCTURES ARE NOT SUBJECT TO PARLIAMENTARY REVIEW.

DEFENDANTS TRIED IN ORDINARY CRIMINAL COURTS ENJOY A BROAD RANGE OF LEGAL RIGHTS, INCLUDING ACCESS TO A LAWYER OF THEIR CHOOSING. A GOVERNMENT PROGRAM PROVIDES FREE LEGAL ADVICE TO THE POOR, BUT INDIGENT DEFENDANTS ARE NOT AUTOMATICALLY PROVIDED WITH COUNSEL AT PUBLIC EXPENSE. MOST FREE LEGAL AID COMES FROM PRIVATE GROUPS, INCLUDING THE THAI LAWYERS' ASSOCIATION AND THE THAI WOMEN LAWYERS' ASSOCIATION.

THERE ARE NO KNOWN POLITICAL PRISONERS ASIDE FROM ONE MUSLIM PRIEST, SORAYUT SAKUNNASANTISAT, WHO IS SERVING AN UNUSUALLY LENGTHY CRIMINAL SENTENCE OF 18 YEARS IMPRISONMENT AFTER HE LED A 1990 POLITICAL PROTEST IN PATTANI. HE WAS CONVICTED OF OFFENSES AGAINST THE MONARCHY AND NATIONAL SECURITY. BY MID-1997, OTHER MUSLIMS WHO HAD BEEN HELD IN CONNECTION WITH THE POLITICAL PROTEST HAD BEEN RELEASED.

#### F. ARBITRARY INTERFERENCE WITH PRIVACY, FAMILY, HOME, OR CORRESPONDENCE

THE LAW IN MOST INSTANCES REQUIRES POLICE TO OBTAIN A WARRANT PRIOR TO A SEARCH. WARRANTS ARE ISSUED BY THE POLICE WITH PRIOR MINISTRY OF INTERIOR OR PROVINCIAL GOVERNOR APPROVAL AND ARE NOT SUBJECT TO JUDICIAL REVIEW. POLICE HAVE AT TIMES ENDORSED BLANK SEARCH WARRANTS OR USED LEGITIMATE WARRANTS TO BEGIN INTRUSIVE SEARCHES OUTSIDE THE STATED EVIDENTIARY DOMAIN. IN FEBRUARY, A POLICE TASK FORCE

SWEPT THROUGH BANGKOK'S KLONG TOEY AREA AND SEARCHED HOUSES WITHOUT HAVING WARRANTS. THIS TYPE OF OPERATION IS PERMITTED UNDER THE CRIMINAL CODE WHEN IT TAKES PLACE UNDER THE SUPERVISION OF SENIOR OFFICIALS, BUT SOME LEGAL SOURCES REGARDED THE ACTION AS EXCESSIVE.

CREDIBLE WESTERN SOURCES REPORTED BEING SUBJECT TO A WARRANTLESS SEARCH OF THEIR PREMISES OR PERSON BY LOW-LEVEL POLICE OFFICIALS.

THE ANTI-COMMUNIST ACTIVITIES ACT ALLOWS OFFICIALS ENGAGED IN "COMMUNIST SUPPRESSION OPERATIONS" TO CONDUCT SEARCHES WITHOUT WARRANTS, BUT THESE POWERS HAVE RARELY BEEN INVOKED IN RECENT YEARS AND WERE NOT INVOKED DURING THE YEAR.

SECURITY SERVICES MONITOR PERSONS ESPOUSING EXTREMIST OR HIGHLY CONTROVERSIAL VIEWS, INCLUDING FOREIGN NATIONALS.

SECTION 2. RESPECT FOR CIVIL LIBERTIES, INCLUDING:

A. FREEDOM OF SPEECH AND PRESS

THE CONSTITUTION PROVIDES FOR, AND CITIZENS GENERALLY ENJOY, A LARGE MEASURE OF FREEDOM OF SPEECH. HOWEVER, THE LAW PROHIBITS CRITICISM OF THE ROYAL FAMILY (LESE MAJESTE), THREATS TO NATIONAL SECURITY, OR SPEECH LIKELY TO INCITE DISTURBANCES OR INSULT BUDDHISM. FREEDOM OF THE PRESS IS ALSO CONSTITUTIONALLY GUARANTEED.

IN JULY, POLICE FORCES ENTERED TWO FOREIGN-RUN BROKERAGE FIRMS AND SEARCHED FOR EVIDENCE THAT THOSE FIRMS HAD DISTRIBUTED FAXES WITH INACCURATE FINANCIAL INFORMATION. THE POLICE HAD A WARRANT ALLEGING THAT THESE FAXES WOULD UNDERMINE GOVERNMENT STABILITY. THIS INCIDENT DREW HEAVY PRESS AND PUBLIC CRITICISM AND WAS WIDELY INTERPRETED AS AN UNJUSTIFIED AND HEAVY-HANDED EFFORT TO SIGNAL GOVERNMENT DISPLEASURE WITH NEGATIVE ECONOMIC NEWS.

NEWSPAPERS AND PERIODICALS PRACTICE SOME SELF-CENSORSHIP,  
UNCLAS SECTION 04 OF 10 BANGKOK 018021

FOR DRL/CRT, INLB/DRL/CRT, EAP/BCLTV - CHRIS RICH

E.O. 12958: N/A

TAGS: PHUM, ELAB, KSEP, TH

SUBJ: 1997 COUNTRY HUMAN RIGHTS REPORT FOR THAILAND

ESPECIALLY WITH REGARD TO THE MONARCHY AND NATIONAL SECURITY ISSUES. HOWEVER, STRONG MEDIA CRITICISM OF POLITICAL PARTIES, PUBLIC FIGURES, AND THE GOVERNMENT IS COMMON AND VIGOROUS. JOURNALISTS ARE GENERALLY FREE TO COMMENT ON GOVERNMENT ACTIVITIES WITHOUT FEAR OF REPRISALS. HOWEVER, IN AUGUST, UNKNOWN PARTIES DETONATED AN EXPLOSIVE DEVICE OUTSIDE OF THE HOME OF A NEWSPAPER EXECUTIVE KNOWN FOR HIS HIGHLY CRITICAL VIEWS OF THE GOVERNMENT. THIS BOMBING WAS WIDELY PERCEIVED AS THE ACT OF PRO-GOVERNMENT INDIVIDUALS WARNING THE EXECUTIVE TO MODERATE HIS POLITICAL COMMENTARIES.

IN JUNE, THE GOVERNMENT ESTABLISHED A MEDIA MONITORING COMMITTEE. OPERATING UNDER THE AUSPICES OF THE MINISTRY OF THE INTERIOR, THE COMMITTEE'S ANNOUNCED PURPOSE WAS TO CLARIFY INACCURATE REPORTING AND LIMIT SENSATIONALISM IN THE THAI MEDIA. THE COMMITTEE HAS NO SPECIFIC POWERS AND DID

NOTHING MORE THAN ISSUE OCCASIONAL "WARNINGS" TO JOURNALISTS. IT HAS HAD LITTLE OR NO IMPACT. HOWEVER, THE COMMITTEE'S FORMATION, COMBINED WITH RESTRICTIONS CONTEMPLATED BY CONSTITUTION DRAFTERS, GALVANIZED JOURNALISTS TO ORGANIZE A LONG-ENVISIONED THAI PRESS COUNCIL. THIS INDEPENDENT AND SELF-REGULATORY BODY HAS THE GOAL OF PROMOTING GREATER PROFESSIONALISM IN JOURNALISM BY ENCOURAGING VOLUNTARY ADHERENCE TO SPECIFIC ETHICAL GUIDELINES.

UNDER THE PRINTING AND ADVERTISEMENT ACT OF 1941, THE ROYAL THAI POLICE SPECIAL BRANCH ISSUES WARNINGS TO PUBLICATIONS FOR VARIOUS VIOLATIONS SUCH AS DISTURBING THE PEACE, INTERFERING WITH PUBLIC SAFETY, OR OFFENDING PUBLIC MORALS. TWENTY-TWO SUCH WARNINGS WERE ISSUED IN 1996. THIRTY-EIGHT WERE ISSUED IN THE FIRST SEVEN MONTHS OF 1997. THE 1941 ACT PERMITS POLICE CLOSURE OF NEWSPAPERS OR PRINTING PRESSES IN TIME OF WAR OR NATIONAL EMERGENCY, AND THEN ONLY WITH A COURT ORDER.

RADIO AND TELEVISION STATIONS ARE LICENSED BY THE GOVERNMENT AND OPERATED UNDER THE DIRECT OR INDIRECT OVERSIGHT OF THE GOVERNMENT AND THE MILITARY FORCES. RADIO STATIONS MUST RENEW THEIR LICENSES EVERY YEAR, AND THEIR SIGNALS ARE BROADCAST VIA GOVERNMENT TRANSMITTERS. THEY ARE REQUIRED BY LAW TO BROADCAST GOVERNMENT-PRODUCED NEWSCASTS TWICE DAILY, 30 MINUTES EACH IN THE MORNING AND EVENING.

PROGRAMMERS ARE GENERALLY FREE TO DETERMINE THE CONTENT AND NATURE OF TELEVISION BROADCASTS. HOWEVER, AS WITH THE PRINT MEDIA, SELF CENSORSHIP EXISTS. STATIONS OCCASIONALLY EDIT OR "BLACK OUT" PORTIONS OF PROGRAMMING DEEMED POLITICALLY SENSITIVE OR PORNOGRAPHIC. A GOVERNMENT INTERNAL CENSORSHIP BOARD EXISTS IN THE PRIME MINISTER'S OFFICE, BUT IT RARELY TAKES ACTION.

THREE CABLE TELEVISION NETWORKS OPERATE IN THAILAND AND ENJOY ALMOST COMPLETE AUTONOMY UNDER THE INDIRECT OVERSIGHT OF THE MASS COMMUNICATIONS AUTHORITY OF THAILAND. IN ADDITION, SINCE 1996, THAILAND HAS HAD A WHOLLY-INDEPENDENT ULTRA HIGH FREQUENCY TELEVISION STATION MANAGED BY A PRIVATE CONSORTIUM INCLUDING THE OUTSPOKEN NATION MULTIMEDIA GROUP. DOMESTIC PUBLICATIONS CONTINUE TO PRESENT A WIDE RANGE OF POLITICAL AND SOCIAL COMMENTARY. UNLESS CRITICAL OF THE ROYAL FAMILY OR THE MONARCHY, FOREIGN AND DOMESTIC BOOKS NORMALLY ARE NOT CENSORED AND CIRCULATE FREELY. POLICE HAVE BUT GENERALLY DO NOT EXERCISE THE AUTHORITY TO BAN THE IMPORTATION OF PUBLICATIONS. SOME PUBLICATIONS, MAINLY PORNOGRAPHIC MATERIAL BUT ALSO INCLUDING BOOKS WRITTEN BY COMMUNISTS, HAVE BEEN PROHIBITED FOR MANY YEARS. IN MARCH, THE CABINET APPROVED A RESOLUTION ABOLISHING A REGULATION BANNING PUBLICATION OR POSSESSION OF COMMUNIST-ORIENTED PRINTED MATTER, BUT THE RESOLUTION HAS NOT YET RECEIVED PARLIAMENTARY APPROVAL.

AN ANTIPORNOGRAPHY LAW ALLOWS POLICE TO RESTRICT OR CONFISCATE PUBLICATIONS AND OTHER MATERIALS DEEMED OBSCENE; THE INTERPRETATION GIVEN USUALLY COVERS HARD-CORE PORNOGRAPHIC MATERIALS.

ACADEMIC AND TECHNICAL RESEARCH IS GENERALLY CONDUCTED FREELY.

#### B. FREEDOM OF PEACEFUL ASSEMBLY AND ASSOCIATION

THE LEGAL SYSTEM RECOGNIZES THE RIGHT OF PEACEFUL ASSEMBLY, AND THE GOVERNMENT RESPECTS THIS RIGHT IN PRACTICE. PRIVATE ASSOCIATIONS MUST REGISTER WITH THE GOVERNMENT, BUT PERMITS ARE NOT REQUIRED FOR PRIVATE MEETINGS OR GATHERINGS UNLESS HELD ON PUBLIC PROPERTY; THESE ARE ROUTINELY GRANTED.

C. FREEDOM OF RELIGION

FREEDOM OF RELIGION IS PROTECTED BY LAW, AND THE GOVERNMENT GENERALLY RESPECTS THIS RIGHT IN PRACTICE. THE DE FACTO STATE RELIGION IS THEREVADA BUDDHISM, BUT OTHER RELIGIONS ARE NOT RESTRICTED.

RELIGIOUS MINORITIES WERE CONCERNED BY ATTEMPTS BY SOME TO DECLARE BUDDHISM AN OFFICIAL STATE RELIGION UNDER THE PROPOSED NEW CONSTITUTION, BUT DRAFTERS RESISTED PRESSURE FOR SUCH A STEP.

D. FREEDOM OF MOVEMENT WITHIN THE COUNTRY, FOREIGN TRAVEL,  
UNCLAS SECTION 05 OF 10 BANGKOK 018021

FOR DRL/CRT, INLB/DRL/CRT, EAP/BCLTV - CHRIS RICH

E.O. 12958: N/A

TAGS: PHUM, ELAB, KSEP, TH

SUBJ: 1997 COUNTRY HUMAN RIGHTS REPORT FOR THAILAND

EMIGRATION, AND REPATRIATION

THE RIGHT, PROVIDED FOR UNDER THE CONSTITUTION, OF CITIZENS TO CHANGE THEIR RESIDENCE OR WORKPLACE WAS UNABRIDGED. TRAVEL IS RESTRICTED IN CERTAIN BORDER AREAS WHERE FOREIGN OR VESTIGIAL DOMESTIC INSURGENT GROUPS REMAIN ACTIVE. LONG-STANDING RESTRICTIONS ON THE TRAVEL AND DOMICILE OF CERTAIN VIETNAMESE ALIENS WHO IMMIGRATED TO THAILAND IN 1945-46 AND CHINESE WHO IMMIGRATED BETWEEN 1953 AND 1961 REMAIN IN PLACE. IN ADDITION, SOME LONG-TERM NONCITIZEN RESIDENTS OF THAILAND, INCLUDING SEVERAL HUNDRED THOUSAND TRIBAL PEOPLE, ARE REQUIRED TO SEEK PERMISSION FROM LOCAL AUTHORITIES OR THE ARMY FOR FOREIGN OR DOMESTIC TRAVEL. IN PRACTICE, AUTHORITIES RARELY ENFORCE THESE RESTRICTIVE MEASURES, AND REGISTERED RESIDENT ALIENS ARE ABLE TO MOVE FREELY WITHIN THE COUNTRY.

IN SEPTEMBER 1996, THE GOVERNMENT ISSUED A REGULATION ALLOWING ILLEGAL ALIEN WORKERS ALREADY IN THE COUNTRY TO REGISTER AND OBTAIN WORK PERMITS FOR MANUAL LABOR EMPLOYMENT IN 43 OF THE 76 PROVINCES. FROM SEPTEMBER 1996 UNTIL MAY 1997, OVER 323,000 OF AN ESTIMATED 700,000 TO ONE MILLION ALIENS REGISTERED, AND OVER 313,000 WERE ISSUED WORK PERMITS. ALIENS TAKING ADVANTAGE OF THIS REGULATION ARE ALLOWED TO WORK AND MOVE FREELY FOR A TWO-YEAR PERIOD, AFTER WHICH THE GOVERNMENT RESERVES THE RIGHT TO FORMALLY DEPORT THEM.

SEVERAL REGULATIONS INTENDED AND USED TO HELP REDUCE TRAFFICKING IN WOMEN AND CHILDREN FOR PURPOSES OF PROSTITUTION COULD ALSO BE USED TO INFRINGE ON THE RIGHT TO TRAVEL FREELY. ONE RARELY USED STATUTE, DATING FROM THE LAST CENTURY, REQUIRES A WOMAN TO OBTAIN HER HUSBAND'S

PERMISSION BEFORE TRAVELING ABROAD. ALSO, FEMALE PASSPORT APPLICANTS UNDER THE AGE OF 36 MUST UNDERGO INTERVIEWS REGARDING THEIR EMPLOYMENT AND FINANCES. PASSPORT APPLICATIONS BY SINGLE WOMEN AND CHILDREN UNDER THE AGE OF 14 MUST ALSO BE APPROVED BY THE DEPARTMENT OF PUBLIC WELFARE.

THAILAND CONTINUED TO PROVIDE FIRST ASYLUM TO SMALL NUMBERS OF VIETNAMESE AND LAO REFUGEES PENDING THEIR RESETTLEMENT ABROAD BY THIRD COUNTRIES. FOLLOWING REPATRIATION OF THE REMAINING SCREENED-OUT (I.E., NON-REFUGEE) VIETNAMESE, THE SIKHIU CAMP WAS CLOSED ON FEBRUARY 20. MORE THAN 1,000 SCREENED-OUT LAO WERE SCHEDULED FOR REPATRIATION BY YEAR'S END, AFTER WHICH THE NA PHO CAMP WAS TO BE CLOSED. THERE WERE NO REPORTS OF NEW REFUGEES ARRIVING FROM EITHER LAOS OR VIETNAM AND NO REPORTS THAT THAI OFFICIALS HAD TURNED BACK PERSONS SEEKING ASYLUM FROM THOSE COUNTRIES.

AS BURMESE ARMY ACTIVITY DROVE REFUGEES INTO THAILAND, THE GOVERNMENT GENERALLY FOLLOWED ITS POLICY OF PROVIDING ASYLUM TO NEW ARRIVALS. HOWEVER, IN JANUARY, THAI SECURITY FORCES WERE UNABLE TO PROTECT REFUGEES IN THREE CAMPS IN TAK PROVINCE AGAINST INTRUDING BURMESE FORCES. THERE WERE ALSO INCIDENTS IN FEBRUARY AND MAY IN WHICH THAI TROOPS AND/OR CIVILIAN OFFICIALS FORCED HUNDREDS OF ASYLUM SEEKERS BACK INTO BURMA. THERE ALSO WERE CREDIBLE REPORTS THAT CIVILIAN AUTHORITIES PERIODICALLY RETURNED GROUPS OF SHAN ASYLUM SEEKERS TO THE BORDER.

THE GOVERNMENT PROVIDED ASYLUM TO OVER 25,000 CAMBODIANS WHO CROSSED INTO SURIN AND TRAT PROVINCES TO ESCAPE FACTIONAL FIGHTING.

THE GOVERNMENT CONTINUED TO PERMIT THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES (UNHCR) TO EXERCISE ITS MANDATE WITH REGARD TO VIETNAMESE AND LAO CAMPS, AS WELL AS IN THE SAFE AREA, A CAMP FOR ETHNIC BURMAN STUDENTS AND DISSIDENTS IN THE INTERIOR OF RATCHABURI PROVINCE. RESIDENTS AT THE LATTER SITE HAD REGULAR ACCESS TO THE UNHCR, WHICH CONCLUDED THAT CONDITIONS GENERALLY MET INTERNATIONAL STANDARDS FOR THE PROTECTION AND WELFARE OF ASYLUM SEEKERS. THE GOVERNMENT GENERALLY CONTINUED TO RESTRICT ACCESS TO THE SAFE AREA TO THOSE PERSONS FROM BURMA TO WHOM THE UNHCR ACCORDED "PERSON OF CONCERN" STATUS PRIOR TO MID-1996. ALSO, THE GOVERNMENT BARRED RESETTLEMENT ABROAD OF ANY BURMESE EXCEPT "PERSONS OF CONCERN" WHO HAD BEEN ADMITTED TO THE SAFE AREA. THE GOVERNMENT RESTRICTED THE UNHCR'S ACTIVITIES TO THE MONITORING OF THE REFUGEE SITUATION BUT OFFERED NGO'S LEEWAY TO PROVIDE FOOD, MEDICAL SERVICES, HOUSING, AND OTHER CARE. WHILE BURMESE OUTSIDE OF THE CAMPS WERE PERIODICALLY ARRESTED AS ILLEGAL ALIENS, THE GOVERNMENT DID NOT DEPORT ANY BURMESE RECOGNIZED BY THE UNHCR AS A "PERSON OF CONCERN." AT YEAR'S END, A NUMBER OF BURMESE DISSIDENTS REMAINED IN IMMIGRATION DETENTION CENTERS IN CENTRAL THAILAND.

### SECTION 3. RESPECT FOR POLITICAL RIGHTS: THE RIGHT OF CITIZENS TO CHANGE THEIR GOVERNMENT

THE CONSTITUTION PROVIDES FOR THE RIGHT OF CITIZENS TO CHOOSE OR CHANGE THEIR GOVERNMENT THROUGH FREE AND FAIR ELECTIONS BASED ON UNIVERSAL SUFFRAGE. THE CURRENT

GOVERNMENT WAS ELECTED IN NOVEMBER 1996, IN AN ELECTION WHICH WAS GENERALLY VIEWED AS FREE BUT MARRED BY WIDESPREAD VOTE-BUYING, WHICH HAS BEEN RECURRENT IN THAI ELECTIONS. THE CONSTITUTION PROHIBITS MONKS AND NUNS FROM VOTING OR UNCLAS SECTION 06 OF 10 BANGKOK 018021

FOR DRL/CRT, INLB/DRL/CRT, EAP/BCLTV - CHRIS RICH

E.O. 12958: N/A

TAGS: PHUM, ELAB, KSEP, TH

SUBJ: 1997 COUNTRY HUMAN RIGHTS REPORT FOR THAILAND

RUNNING FOR OFFICE. THE LACK OF ANY PROVISION FOR ABSENTEE BALLOTS EFFECTIVELY DISENFRANCHISES MILLIONS OF WORKERS WHO HAVE MIGRATED TO INDUSTRIAL AREAS AND CANNOT SPARE THE TIME OR MONEY TO RETURN TO THEIR VILLAGES TO CAST VOTES. THE GOVERNMENT DID NOT MEET THE CONSTITUTION'S FEBRUARY DEADLINE FOR THE ESTABLISHMENT OF AN ELECTION COMMISSION AND OFFICE OF THE OMBUDSMAN. THIS DEADLINE APPEARED TO BE RENDERED MOOT BY PROPOSALS INCLUDED IN A NEW CONSTITUTION, THE DRAFT OF WHICH IS TO BE VOTED ON THIS YEAR. AT PRESENT, THE INTERIOR MINISTRY RETAINS MOST OF THE IMPORTANT ELECTION SUPERVISION FUNCTIONS.

THE CONSTITUTION AND LAW REQUIRE THAT POLITICAL PARTIES FIELD A MINIMUM NUMBER OF CANDIDATES AND HAVE AT LEAST ONE MEMBER ELECTED TO THE HOUSE OF REPRESENTATIVES IN ORDER TO REMAIN REGISTERED AS A PARTY. THE SUPREME COURT ORDERED THE DISSOLUTION OF FOUR POLITICAL PARTIES FOR FAILING TO MEET THOSE CRITERIA IN THE NOVEMBER 1996 ELECTION.

WHILE THERE ARE NO LEGAL RESTRICTIONS ON THEIR POLITICAL PARTICIPATION, WOMEN ARE GENERALLY UNDERREPRESENTED IN NATIONAL POLITICS, ESPECIALLY AT SENIOR LEVELS. THERE WAS ESSENTIALLY NO CHANGE IN THE NUMBER OF WOMEN ASSIGNED OR ELECTED TO POSITIONS OF LEADERSHIP. WOMEN MAKE UP UNDER 10 PERCENT OF THE SENATE, PARLIAMENT, AND CIVIL SERVICE, AND THEY ACCOUNT FOR BETWEEN ONE AND TWO PERCENT OF THE GENERAL/FLAG RANK MILITARY OFFICERS. THERE ARE NO WOMEN IN THE CURRENT CABINET.

NO LAWS PROHIBIT THE PARTICIPATION OF ETHNIC MINORITIES, BUT FEW HOLD POSITIONS OF AUTHORITY IN NATIONAL POLITICS OR THE CIVIL SERVICE. ETHNIC MINORITIES IN THE NORTH OFTEN LACK DOCUMENTATION OF CITIZENSHIP, EFFECTIVELY BARRING THEIR PARTICIPATION IN THE POLITICAL PROCESS (SEE SECTION 5). MUSLIMS FROM THE SOUTH HOLD SIGNIFICANT ELECTED POSTS IN THE GOVERNMENT, ALTHOUGH THEY CONTINUE TO BE UNDERREPRESENTED IN LOCAL AND PROVINCIAL GOVERNMENT POSITIONS (WHICH ARE APPOINTED BY THE CENTRAL GOVERNMENT).

#### SECTION 4. GOVERNMENTAL ATTITUDE REGARDING INTERNATIONAL AND NONGOVERNMENTAL INVESTIGATION OF ALLEGED VIOLATIONS OF HUMAN RIGHTS

LOCAL HUMAN RIGHTS ORGANIZATIONS OPERATE WITHOUT GOVERNMENT RESTRICTION. INTERNATIONAL HUMAN RIGHTS NGO'S GENERALLY WORK FREELY ON CONTROVERSIAL ISSUES, INVESTIGATING AND PUBLISHING THEIR FINDINGS WITHOUT HINDRANCE. THE GOVERNMENT SOMETIMES CRITICIZED THESE GROUPS FOR BEING POLITICALLY MOTIVATED AND BIASED, BUT DID NOT PENALIZE OR HINDER HUMAN

RIGHTS OBSERVERS.

SECTION 5. DISCRIMINATION BASED ON RACE, SEX, RELIGION,  
DISABILITY, LANGUAGE, OR SOCIAL STATUS

THE CONSTITUTION PROVIDES FOR EQUAL TREATMENT UNDER THE LAW WITHOUT RESPECT TO RACE, SEX, RELIGION, DISABILITY, LANGUAGE, OR SOCIAL STATUS. IN PRACTICE, SOME DISCRIMINATION EXISTS, AND GOVERNMENT ENFORCEMENT OF EQUAL PROTECTION STATUTES IS UNEVEN.

WOMEN - DOMESTIC ABUSE CONTINUES TO BE A SERIOUS PROBLEM AFFECTING THE WELFARE OF MANY WOMEN; RELIABLE REPORTS INDICATE THAT DOMESTIC ABUSE CROSSES ALL SOCIAL CLASSES. ONE NGO ESTIMATES THAT AS MANY AS 50 PERCENT OF WOMEN IN BANGKOK'S SLUM AREAS ARE VICTIMS OF ABUSE. POLICE DO NOT ENFORCE LAWS AGAINST SUCH VIOLENCE VIGOROUSLY, AND DOMESTIC VIOLENCE OFTEN GOES UNREPORTED. UNDER THE CRIMINAL CODE, SPOUSAL AND CHILD ABUSE IS COVERED UNDER ASSAULT PROVISIONS, BUT RULES OF EVIDENCE OFTEN MAKE PROSECUTING SUCH CASES DIFFICULT. SINCE 1994, A PILOT PROJECT IN THREE BANGKOK POLICE STATIONS HAS PROVIDED FEMALE TEAMS TOTALING 13 INVESTIGATORS TO HANDLE AND ENCOURAGE REPORTING OF RAPE AND ABUSE CASES. UNDER THAI LAW, A MAN CANNOT BE PROSECUTED FOR SPOUSAL RAPE.

PROSTITUTION, ALTHOUGH ILLEGAL, FLOURISHES AND IS DEEPLY INGRAINED. GOVERNMENT AND NGO ESTIMATES OF THE NUMBER OF WOMEN AND CHILDREN ENGAGED IN PROSTITUTION VARY WIDELY BECAUSE OF TEMPORARY SEX WORKERS AND THE MIGRATORY NATURE OF PROSTITUTION. THE MINISTRY OF PUBLIC HEALTH'S OFFICIAL ESTIMATE OF PROSTITUTES IS UNDER 70,000, ALTHOUGH SOME NGO'S AND GOVERNMENT DEPARTMENTS USE A FIGURE OF APPROXIMATELY 200,000, WHICH IS PROBABLY MORE CREDIBLE.

THE MAJORITY OF THOSE ENGAGING IN PROSTITUTION ARE NOT KEPT UNDER PHYSICAL CONSTRAINT, BUT A LARGE NUMBER LABOR IN DEBT BONDAGE. SOME WOMEN ARE FORCED INTO PROSTITUTION, ALTHOUGH THE NUMBER OF SUCH CASES IS DIFFICULT TO DETERMINE.

INCIDENTS OF COERCED PROSTITUTION MOST COMMONLY INVOLVE WOMEN FROM HILL TRIBES OR FROM NEIGHBORING COUNTRIES. BECAUSE THEY CANNOT SPEAK THAI AND ARE CONSIDERED ILLEGAL IMMIGRANTS, THESE WOMEN ARE PARTICULARLY VULNERABLE TO PHYSICAL ABUSE, CONFINEMENT, AND EXPLOITATION. THIS GROUP IS NOT PROTECTED UNDER THE AMNESTY OFFERED TO ILLEGAL ALIEN WORKERS (SEE SECTION 2.D.). THE NUMBER OF BURMESE AND CAMBODIAN WOMEN AND CHILDREN TRAFFICKED AND IN SOME CASES ABDUCTED FOR PROSTITUTION IS REPORTED TO HAVE INCREASED. VIETNAMESE AND CHINESE NATIONALS WERE ALSO REPORTEDLY TRAFFICKED TO THAILAND. OBSERVERS BELIEVE THAT THEIR  
UNCLAS SECTION 07 OF 10 BANGKOK 018021

FOR DRL/CRT, INLB/DRL/CRT, EAP/BCLTV - CHRIS RICH

E.O. 12958: N/A

TAGS: PHUM, ELAB, KSEP, TH

SUBJ: 1997 COUNTRY HUMAN RIGHTS REPORT FOR THAILAND

ILLEGAL BORDER CROSSING FOR THE PURPOSES OF PROSTITUTION IS ACCOMPLISHED WITH THE COMPLICITY OF LOCAL OFFICIALS. THE GOVERNMENT AND NGO'S HAVE ESTABLISHED VOCATIONAL

TRAINING AND EDUCATION PROGRAMS TO COMBAT THE LURE OF PROSTITUTION FOR YOUNG THAI WOMEN AND THEIR FAMILIES. DESPITE OCCASIONAL HIGHLY PUBLICIZED RAIDS ON BROTHELS, HOWEVER, THE GOVERNMENT HAS NOT EFFECTIVELY ENFORCED LAWS AGAINST PROSTITUTION, AND, IN MANY CASES, BROTHELS OPERATE WITH THE CONNIVANCE OF LOCAL GOVERNMENT REPRESENTATIVES AND POLICE. THERE CONTINUE TO BE CREDIBLE REPORTS OF INVOLVEMENT BY SOME CORRUPT POLICE, MILITARY AND GOVERNMENT OFFICIALS IN TRAFFICKING SCHEMES. THAI LAW DOES PROHIBIT THE TRAFFICKING OF WOMEN AND CHILDREN FOR THE PURPOSES OF PROSTITUTION OR SLAVE LABOR.

WOMEN GENERALLY HAVE EQUAL LEGAL RIGHTS, BUT INEQUALITIES REMAIN IN DOMESTIC LAW. WHEREAS A MAN MAY SUE FOR DIVORCE ON THE GROUNDS THAT HIS WIFE HAS COMMITTED ADULTERY, A WOMAN FACES THE ADDITIONAL LEGAL BURDEN OF PROVING THAT HER HUSBAND HAS MAINTAINED OR HONORED ANOTHER WOMAN IN A MANNER EQUAL TO HIS WIFE. WOMEN FACE MORE STRINGENT REQUIREMENTS TO OBTAIN PASSPORTS THAN DO MEN (SEE SECTION 2.D.).

WOMEN REPRESENT 47 PERCENT OF THE ECONOMICALLY ACTIVE POPULATION AND THEIR NUMBERS ARE INCREASING IN PROFESSIONAL POSITIONS. GOVERNMENT REGULATIONS REQUIRE EMPLOYERS TO PAY EQUAL WAGES AND BENEFITS FOR EQUAL WORK REGARDLESS OF GENDER. HOWEVER, THERE IS A SIGNIFICANT GAP BETWEEN AVERAGE SALARIES EARNED BY MEN AND WOMEN BECAUSE WOMEN ARE CONCENTRATED IN TRADITIONALLY LOWER PAYING JOBS. WOMEN IN PRACTICE ALSO TEND TO RECEIVE LOWER PAY FOR EQUAL WORK IN VIRTUALLY ALL SECTORS OF THE ECONOMY.

WOMEN GENERALLY HAVE ACCESS TO HIGHER EDUCATION; CURRENTLY, MORE THAN HALF THE UNIVERSITY GRADUATES EACH YEAR ARE WOMEN. CHILDREN - THE GOVERNMENT HAS TAKEN STEPS TO PROMOTE THE RIGHTS AND WELFARE OF CHILDREN, ALTHOUGH CHILD LABOR, A RELATIVELY SHORT COMPULSORY EDUCATION SYSTEM (UP TO THE SIXTH GRADE), AND CHILD PROSTITUTION REMAIN AREAS OF CONCERN. THAILAND'S SOCIAL WELFARE PLAN FOR UNDERPRIVILEGED PEOPLE ALLOCATED OVER THREE BILLION BAHT FOR CHILDREN'S PROGRAMS FROM 1997-2001, NEARLY DOUBLE THE AMOUNT ALLOTTED FOR THE PREVIOUS FIVE YEAR PLAN.

GOVERNMENT AND NGO SOURCES ESTIMATE THAT THE NUMBER OF PROSTITUTES UNDER THE AGE OF 18 RANGE FROM 20,000 TO 40,000. IN 1996, THE GOVERNMENT ENACTED A STRONGER LAW AGAINST TRAFFICKING IN, PATRONIZING, OR PROFITING FROM CHILD PROSTITUTES. HOWEVER, AS OF MID-1997, POLICE SOURCES WERE NOT ABLE TO CONFIRM THAT ANYONE HAD BEEN ARRESTED FOR VIOLATIONS OF THAT LAW, WHICH PROVIDES FOR UP TO SIX YEARS' IMPRISONMENT. EFFORTS TO CURB THE TRADE IN CHILDREN FOR COMMERCIAL SEX APPEAR TO HAVE HAD LITTLE SUCCESS.

THE OFFICE OF THE JURIDICAL COUNCIL IS CONSIDERING TWO SEPARATE DRAFTS OF A BILL TO STRENGTHEN PENALTIES FOR CHILD ABUSE AND PROVIDE FUNDS TO ASSIST ABUSED CHILDREN.

THE CRIMINAL CODE PROVIDES FOR THE PROTECTION OF CHILDREN FROM ABUSE, AND LAWS ON RAPE AND ABANDONMENT PROVIDE FOR HARSHER PENALTIES WHEN THE VICTIM IS A CHILD. AS IN THE CASE OF DOMESTIC VIOLENCE AGAINST WOMEN, HOWEVER, POLICE ARE OFTEN RELUCTANT TO PURSUE ABUSE CASES, AND RULES OF EVIDENCE MAKE PROSECUTION OF CHILD ABUSE CASES DIFFICULT.

PEOPLE WITH DISABILITIES - THE LAW REQUIRES FIRMS TO HIRE ONE DISABLED PERSON FOR EVERY TWO HUNDRED WORKERS, BUT THIS REGULATION HAS NOT BEEN ENFORCED. EMPLOYERS MAY BE EXEMPTED

BY CONTRIBUTING TO A FUND WHICH BENEFITS PEOPLE WITH DISABILITIES. NATIONWIDE, THERE ARE SEVEN GOVERNMENT-RUN AND 10 NGO-RUN TRAINING CENTERS FOR PEOPLE WITH DISABILITIES. THERE ARE NO LAWS MANDATING ACCESS TO PUBLIC FACILITIES FOR DISABLED PERSONS.

RELIGIOUS MINORITIES - MUSLIMS REPRESENT FOUR TO FIVE PERCENT OF THE COUNTRY'S POPULATION AND CONSTITUTE THE MAJORITY IN THE FOUR SOUTHERNMOST PROVINCES THAT BORDER MALAYSIA. ALTHOUGH THE GOVERNMENT HAS ATTEMPTED TO INTEGRATE THE MUSLIM COMMUNITY INTO SOCIETY THROUGH DEVELOPMENTAL EFFORTS AND EXPANDED EDUCATIONAL OPPORTUNITIES, SOCIETAL DISCRIMINATION REMAINS WIDESPREAD. NATIONAL/RACIAL/ETHNIC MINORITIES - PROGRESS IN INTEGRATING ETHNIC MINORITIES INTO SOCIETY IS LIMITED. ONLY HALF THE ESTIMATED 500,000 TO 600,000 MEMBERS OF HILL TRIBES REPORTEDLY POSSESS DOCUMENTATION THAT EITHER LISTS THEM AS CITIZENS OR PLACES THEM ON THE RECORD AS BEING ELIGIBLE FOR FUTURE CITIZENSHIP. THE REST LACK DOCUMENTATION, AND THUS ACCESS TO ADEQUATE EDUCATION AND HEALTH CARE. NONCITIZENS ARE ALSO BARRED FROM PARTICIPATING IN THE POLITICAL PROCESS. UNDOCUMENTED HILL TRIBE PEOPLE CANNOT OWN LAND AND ARE NOT SUBJECT TO LABOR LAWS, INCLUDING MINIMUM WAGE REQUIREMENTS. APPROXIMATELY 45,000 VIETNAMESE IMMIGRANTS AND 40,000 CHINESE IMMIGRANTS RESIDE IN OUTER PROVINCES AND LIVE UNDER A SET OF LAWS AND REGULATIONS RESTRICTING THEIR MOVEMENTS, RESIDENCES, EDUCATION, AND OCCUPATIONS (SEE SECTION 2.D.). GOVERNMENT RESTRICTIONS HAVE LIMITED THE NUMBER OF IMMIGRANTS WHO CAN ACQUIRE CITIZENSHIP. DESPITE A STRONG DESIRE FOR THAI CITIZENSHIP, FEWER THAN 100 VIETNAMESE AND 3,000 TO 4,000 CHINESE HAVE BEEN ABLE TO NATURALIZE IN THE LAST 32 YEARS. THAI-BORN CHILDREN OF THESE IMMIGRANTS ARE NOW ABLE TO REQUEST THAI CITIZENSHIP THROUGH DISTRICT UNCLAS SECTION 08 OF 10 BANGKOK 018021

FOR DRL/CRT, INLB/DRL/CRT, EAP/BCLTV - CHRIS RICH

E.O. 12958: N/A

TAGS: PHUM, ELAB, KSEP, TH

SUBJ: 1997 COUNTRY HUMAN RIGHTS REPORT FOR THAILAND

OFFICES, AND SUCH REQUESTS ARE ROUTINELY GRANTED. APPROXIMATELY 10,000 THAI-BORN VIETNAMESE CHILDREN HAVE ACQUIRE CITIZENSHIP IN THAT MANNER, AS HAVE 8,000 THAI-BORN CHINESE CHILDREN.

#### SECTION 6. WORKER RIGHTS

A. THE RIGHT OF ASSOCIATION - THE LAW GRANTS FREEDOM OF ASSOCIATION TO PRIVATE SECTOR WORKERS. WORKERS HAVE THE RIGHT TO FORM AND JOIN UNIONS OF THEIR CHOOSING WITHOUT PRIOR AUTHORIZATION; TO DECIDE ON THE CONSTITUTIONS AND RULES OF THESE ASSOCIATIONS AND UNIONS; TO EXPRESS THEIR VIEWS WITHOUT GOVERNMENT OR EMPLOYER INTERFERENCE; TO CONFEDERATE WITH OTHER UNIONS; TO RECEIVE PROTECTION FROM DISCRIMINATION, DISSOLUTION, SUSPENSION, OR TERMINATION BY ANY OUTSIDE AUTHORITY BECAUSE OF UNION ACTIVITIES; AND TO HAVE EMPLOYEE REPRESENTATION IN DIRECT NEGOTIATIONS WITH EMPLOYERS. HOWEVER, NO LAW EXPLICITLY PROTECTS WORKERS FROM

DISCRIMINATION DUE TO THEIR PARTICIPATION IN ORGANIZING NEW UNIONS THAT HAVE NOT YET BEEN OFFICIALLY REGISTERED. UNION LEADERS REPORT THAT EMPLOYERS OFTEN DISCRIMINATE AGAINST WORKERS SEEKING TO ORGANIZE UNIONS. IN STATE ENTERPRISES, THE LAW ALLOWS WORKERS IN EACH STATE ENTERPRISE TO FORM A SINGLE "ASSOCIATION" AFTER AT LEAST 30 PERCENT OF THE ENTERPRISE'S EMPLOYEES SUBMIT A PETITION TO THE MINISTRY OF LABOR TO REGISTER SUCH AN ASSOCIATION. THESE ASSOCIATIONS SUBMIT EMPLOYEE GRIEVANCES TO MANAGEMENT AND PROPOSE CHANGES IN BENEFITS AND WORKING CONDITIONS BUT MAY NOT NEGOTIATE WAGES. ASSOCIATIONS DO NOT HAVE THE RIGHT TO CONFEDERATE OR TO JOIN PRIVATE SECTOR FEDERATIONS. UNOFFICIAL CONTACTS BETWEEN PUBLIC AND PRIVATE SECTOR UNIONS CONTINUE, HOWEVER, AND THE GOVERNMENT HAS NOT INTERFERED WITH THESE RELATIONSHIPS.

THE LAW DENIES ALL STATE ENTERPRISE WORKERS THE RIGHT TO STRIKE. IN THE PRIVATE SECTOR, TO BE CONSIDERED LEGAL A PROPOSED STRIKE MUST BE APPROVED BY A MAJORITY OF THE UNION MEMBERS IN A SECRET BALLOT AND BE REGISTERED BEFOREHAND WITH THE MINISTRY OF LABOR.

IN 1991 THE INTERNATIONAL LABOR ORGANIZATION (ILO) CRITICIZED LABOR LAW AMENDMENTS ADOPTED BY A MILITARY-APPOINTED LEGISLATURE IN MARCH 1991 THAT DISSOLVED STATE ENTERPRISE UNIONS, TRANSFERRED THEIR ASSETS, LIMITED THE NUMBER OF ASSOCIATIONS THAT MAY BE FORMED IN EACH STATE ENTERPRISE, SET RELATIVELY HIGH MINIMUM MEMBERSHIP REQUIREMENTS FOR ASSOCIATIONS, DENIED ASSOCIATIONS THE RIGHT TO AFFILIATE WITH PRIVATE SECTOR UNIONS, AND COMPLETELY FORBADE STRIKES IN STATE ENTERPRISES. ALTHOUGH THE GOVERNMENT HAS NOT VIGOROUSLY ENFORCED THESE RESTRICTIONS, IT PLEDGED TO PASS A NEW VERSION OF THE LAW THAT WOULD RESTORE FOR THE MOST PART THE RIGHTS ENJOYED BY STATE ENTERPRISE WORKERS PRIOR TO THE 1991 CHANGES. A DRAFT BILL, WHICH FAILED TO BECOME LAW DURING THE 1995-96 BANHARN GOVERNMENT, WAS RESUBMITTED TO PARLIAMENT BY THE CHAVALIT GOVERNMENT IN DECEMBER 1996. THE BILL PASSED THE HOUSE BUT WAS AMENDED BY THE SENATE IN AUGUST 1997. THE SENATE VERSION CONTAINED ELEMENTS WHICH DIMINISH LABOR RIGHTS AND WAS PREVIOUSLY CRITICIZED WHEN REVIEWED BY THE ILO.

SUBSEQUENTLY, THE SENATE VERSION OF THE BILL WAS REJECTED BY THE HOUSE AND THE BILL IS PRESENTLY BEING CONSIDERED BY A JOINT HOUSE-SENATE SCRUTINIZING COMMITTEE. IF THIS COMMITTEE REACHES A COMPROMISE THE BILL COULD BE ENACTED THIS YEAR. THE GOVERNMENT HAS THE AUTHORITY TO RESTRICT PRIVATE SECTOR STRIKES THAT WOULD "AFFECT NATIONAL SECURITY OR CAUSE SEVERE NEGATIVE REPERCUSSIONS FOR THE POPULATION AT LARGE." THE GOVERNMENT SELDOM INVOKES THIS PROVISION AND DID NOT DO SO IN 1997. LABOR LAW ALSO FORBIDS STRIKES IN "ESSENTIAL SERVICES," DEFINED MUCH MORE BROADLY THAN THE ILO CRITERIA FOR SUCH SERVICES. NO STRIKES WERE DISAPPROVED ON THOSE GROUNDS IN 1996. THE NUMBER OF LEGAL STRIKES HAS AVERAGED FEWER THAN 10 ANNUALLY FOR THE PAST 10 YEARS.

OVER HALF OF THE WORK FORCE IS EMPLOYED IN THE UNORGANIZED AGRICULTURAL SECTOR. LESS THAN 2 PERCENT OF THE TOTAL WORK FORCE, THOUGH NEARLY 11 PERCENT OF INDUSTRIAL WORKERS, IS UNIONIZED. CULTURAL TRADITIONS AND UNFAMILIARITY WITH THE CONCEPT OF INDUSTRIAL RELATIONS ARE OFTEN CITED AS THE REASONS FOR LOW RATES OF LABOR ORGANIZATION.

WHILE VIOLENCE AGAINST LABOR LEADERS IS RARE, THE 1991 DISAPPEARANCE OF OUTSPOKEN LABOR LEADER THANONG PO-AN REMAINS UNSOLVED (SEE SECTION 1.B.). THERE IS A LEGACY OF CORRUPT PUBLIC SECTOR UNION LEADERS WHO WERE EXPLOITED BY THE MILITARY FORCES, POLITICIANS, OR EMPLOYERS FOR THEIR OWN PURPOSES, BUT PRIVATE UNIONS GENERALLY OPERATE INDEPENDENTLY OF THE GOVERNMENT AND OTHER OUTSIDE ORGANIZATIONS. UNIONS ARE FREE TO ASSOCIATE INTERNATIONALLY WITH OTHER TRADE UNION ORGANIZATIONS, AND THEY MAINTAIN A WIDE VARIETY OF SUCH AFFILIATIONS.

B. THE RIGHT TO ORGANIZE AND BARGAIN COLLECTIVELY - THE 1975 LABOR RELATIONS ACT RECOGNIZES THE RIGHT OF PRIVATE SECTOR WORKERS TO ORGANIZE AND BARGAIN COLLECTIVELY AND DEFINES THE MECHANISMS FOR SUCH NEGOTIATIONS AND FOR GOVERNMENT-ASSISTED CONCILIATION AND ARBITRATION IN CASES UNDER DISPUTE. IN UNCLAS SECTION 09 OF 10 BANGKOK 018021

FOR DRL/CRT, INLB/DRL/CRT, EAP/BCLTV - CHRIS RICH

E.O. 12958: N/A  
TAGS: PHUM, ELAB, KSEP, TH  
SUBJ: 1997 COUNTRY HUMAN RIGHTS REPORT FOR THAILAND

PRACTICE, GENUINE COLLECTIVE BARGAINING OCCURS ONLY IN A SMALL FRACTION OF WORKPLACES AND IN MOST INSTANCES CONTINUES TO BE CHARACTERIZED BY A LACK OF SOPHISTICATION ON THE PART OF EMPLOYEE GROUPS AND AUTOCRATIC ATTITUDES ON THE PART OF EMPLOYERS. WAGE INCREASES FOR MOST WORKERS COME AS A RESULT OF INCREASES IN THE MINIMUM WAGE, RATHER THAN AS A RESULT OF COLLECTIVE BARGAINING.

THE GOVERNMENT SETS WAGES FOR BOTH CIVIL SERVANTS AND STATE ENTERPRISE EMPLOYEES. A SYSTEM OF LABOR COURTS CREATED IN 1980 EXERCISES JUDICIAL REVIEW OVER MOST ASPECTS OF LABOR LAW FOR THE PRIVATE SECTOR. WORKERS MAY ALSO SEEK REDRESS FOR THEIR GRIEVANCES FROM THE TRIPARTITE LABOR RELATIONS COMMITTEE. REDRESS OF GRIEVANCES FOR STATE ENTERPRISE WORKERS IS HANDLED BY THE STATE ENTERPRISE LABOR RELATIONS COMMITTEE. LABOR LEADERS GENERALLY DID NOT INDICATE DISSATISFACTION WITH THE TREATMENT THAT THEIR CONCERNS RECEIVED IN THESE FORUMS, ALTHOUGH THEY COMPLAINED THAT UNION LEADERS DISMISSED UNJUSTLY USUALLY ARE AWARDED ONLY MONETARY COMPENSATION.

NO SEPARATE LABOR LEGISLATION APPLIES TO EXPORT PROCESSING ZONES, WHERE WAGES AND WORKING CONDITIONS OFTEN ARE BETTER THAN NATIONAL NORMS BECAUSE OF THE PREPONDERANCE OF WESTERN AND JAPAN-BASED MULTINATIONAL FIRMS.

C. PROHIBITION OF FORCED OR COMPULSORY LABOR - THE CONSTITUTION PROHIBITS FORCED OR COMPULSORY LABOR, EXCEPT IN THE CASE OF NATIONAL EMERGENCY, WAR, OR MARTIAL LAW. HOWEVER, THERE ARE REPORTS OF SWEATSHOPS IN THE INFORMAL SECTOR THAT PHYSICALLY RESTRAIN WORKERS FROM LEAVING THE PREMISES. THERE ARE NO ESTIMATES OF HOW MANY SUCH WORKSHOPS EXIST, BUT THE GROWING NUMBER OF ILLEGAL ALIENS FROM BURMA, CAMBODIA, AND LAOS INCREASES THE OPPORTUNITIES FOR SUCH ABUSE.

FOR SEVERAL YEARS, THE ILO HAS CITED THAILAND FOR VIOLATIONS OF CONVENTION 29 ON FORCED LABOR. IN 1995 THAILAND WAS THE SUBJECT OF A COUNTRY "OBSERVATION," BUT THE ILO DECLINED TO MAKE THAILAND THE SUBJECT OF A SPECIAL PARAGRAPH. THE PRIMARY FOCUS OF ILO CRITICISM IS FORCED CHILD LABOR, ESPECIALLY CHILD PROSTITUTION. SINCE THE ILO RAISED THESE CONCERNS, THE GOVERNMENT HAS COOPERATED IN SETTING UP IMPORTANT INSTITUTIONAL LINKS, PARTICULARLY WITH THE INTERNATIONAL PROGRAM ON THE ELIMINATION OF CHILD LABOR, TO HELP ADDRESS THE PROBLEM(SEE SECTION 5). THOUGH THE GOVERNMENT PASSED A STRONG ANTI-PROSTITUTION BILL IN 1996, RAISING CRIMINAL PENALTIES FOR TRAFFICKERS OF WOMEN, OWNERS OF PLACES OF PROSTITUTION AND PARENTS WHO SOLD THEIR CHILDREN INTO THE SEX INDUSTRY, THIS LAW HAS NOT BEEN EFFECTIVELY ENFORCED.

D. STATUS OF CHILD LABOR PRACTICES AND MINIMUM AGE FOR EMPLOYMENT - THE LEGAL MINIMUM AGE FOR EMPLOYMENT IS 13 YEARS. A BILL RAISING THE MINIMUM AGE FOR EMPLOYMENT TO 15 YEARS HAS PASSED THE LOWER HOUSE AND IS BEING CONSIDERED BY THE SENATE. NEARLY 90 PERCENT OF CHILDREN COMPLETE SIX GRADES OF COMPULSORY EDUCATION AT AGE 12; ONLY 60 PERCENT OF 13-YEAR-OLDS ARE ENROLLED IN SEVENTH GRADE, BUT THIS PERCENTAGE IS INCREASING. THE LAW PERMITS THE EMPLOYMENT OF CHILDREN BETWEEN THE AGES OF 13 AND 15 ONLY IN "LIGHT WORK," WHERE THE LIFTING OF HEAVY LOADS AND EXPOSURE TO TOXIC MATERIALS OR DANGEROUS EQUIPMENT OR SITUATIONS IS RESTRICTED. THE EMPLOYMENT OF CHILDREN AT NIGHT (10 P.M. TO 6 A.M.), OR IN VENUES WHERE ALCOHOL IS SERVED, IS PROHIBITED BY LAW. AN ANALYSIS BASED ON POPULATION AND SCHOOL ENROLLMENT DATA SHOWS THAT BETWEEN 850,000 AND 1,480,000 CHILDREN WORK IN THAILAND, MOSTLY ON FAMILY FARMS. BETWEEN 240,000 AND 410,000 (2 TO 4 PERCENT OF THE 6 TO 14 AGE GROUP) ARE ESTIMATED TO BE IN URBAN EMPLOYMENT AT PARTICULAR RISK OF LABOR ABUSE. MOST CHILDREN EMPLOYED IN URBAN SETTINGS WORK IN THE SERVICE SECTOR, PRIMARILY AT GAS STATIONS AND RESTAURANTS. CHILD LABOR IS NOT EVIDENT IN LARGER FOREIGN OR THAI EXPORT ORIENTED FACTORIES. NGO'S HAVE FOUND IT DIFFICULT TO PENETRATE THE SHOPHOUSES WHICH EMPLOY CHILDREN UNDER HARSH CONDITIONS TO MAKE GOODS FOR ASSEMBLY IN SMALL AND MEDIUM SIZED FACTORIES. CONSEQUENTLY, NO COMPREHENSIVE SURVEY OF CHILD LABOR IN THIS SECTOR EXISTS. THE MINISTRY OF LABOR HAS INCREASED THE NUMBER OF INSPECTORS SPECIFICALLY RESPONSIBLE FOR CHILD LABOR ISSUES, ALTHOUGH NOT ALL OFFICERS ARE ENGAGED IN FULL-TIME INSPECTION WORK. ENFORCEMENT OF CHILD LABOR LAWS IS NOT RIGOROUS AND INSPECTORS USUALLY RESPOND ONLY TO SPECIFIC PUBLIC COMPLAINTS OR EXPOSES IN NEWSPAPERS. THE INCLINATION WHEN DEALING WITH VIOLATORS IS TO NEGOTIATE PROMISES OF BETTER FUTURE BEHAVIOR, RATHER THAN TO SEEK PROSECUTION AND PUNISHMENT.

THE GOVERNMENT'S ATTEMPT TO ADDRESS THE PROBLEM OF CHILD LABOR BY PROPOSING TO EXTEND COMPULSORY EDUCATION FROM 6 TO 9 YEARS STALLED. THE EDUCATION MINISTRY HAS INSTEAD LAID PLANS FOR EXPANDING FACILITIES IN LOCAL AREAS SO THAT CHILDREN WHO WISH TO CONTINUE THEIR STUDIES DO NOT NEED TO LEAVE THEIR HOMES.

E. ACCEPTABLE CONDITIONS OF WORK - A TRIPARTITE WAGE  
COMMITTEE CONSISTING OF GOVERNMENT, EMPLOYER, AND WORKER  
UNCLAS SECTION 10 OF 10 BANGKOK 018021

FOR DRL/CRT, INLB/DRL/CRT, EAP/BCLTV - CHRIS RICH

E.O. 12958: N/A

TAGS: PHUM, ELAB, KSEP, TH

SUBJ: 1997 COUNTRY HUMAN RIGHTS REPORT FOR THAILAND

REPRESENTATIVES INCREASED THE DAILY LEGAL MINIMUM WAGE BY 7.6 PERCENT IN SEPTEMBER. MINIMUM WAGE RATES NOW RANGE BETWEEN 128 BAHT AND 157 BAHT PER DAY DEPENDING UPON THE COST OF LIVING IN VARIOUS PROVINCES. THIS WAGE IS NOT ADEQUATE TO PROVIDE A DECENT STANDARD OF LIVING FOR AN URBAN WORKER AND FAMILY. WITH EXTENDED FAMILY MEMBERS' FINANCIAL CONTRIBUTIONS, THE MINIMUM WAGE PROVIDES THE BASIS FOR A MARGINALLY ADEQUATE OVERALL STANDARD OF LIVING. HOWEVER, MORE THAN HALF OF WORKERS COUNTRYWIDE RECEIVE LESS THAN THE MINIMUM WAGE, ESPECIALLY IN RURAL PROVINCES. UNSKILLED MIGRANT WORKERS, AS WELL AS ILLEGAL ALIENS, OFTEN WORK FOR WAGES SIGNIFICANTLY LESS THAN THE MINIMUM WAGE. THE MINIMUM WAGE DOES NOT APPLY TO UNDOCUMENTED HILL TRIBE PEOPLE. THE MINISTRY OF LABOR IS RESPONSIBLE FOR ENSURING THE EMPLOYERS MEET MINIMUM WAGE REQUIREMENTS. DESPITE ENCOURAGEMENT OF EMPLOYEES TO REPORT VIOLATIONS TO LABOR INSPECTORS, ENFORCEMENT OF MINIMUM WAGE LAWS IS MIXED.

THE GOVERNMENT HAS NOT MANDATED A UNIFORM WORKWEEK FOR THE ENTIRE LABOR FORCE. BY REGULATION, COMMERCIAL EMPLOYEES WORK A MAXIMUM OF 54 HOURS PER WEEK, EMPLOYEES IN INDUSTRY WORK 48, AND THOSE IN "DANGEROUS" WORK SUCH AS IN THE CHEMICAL, PETROLEUM, MINING, OR OTHER INDUSTRIES INVOLVING HEAVY MACHINERY, 42. TRANSPORTATION WORKERS ARE RESTRICTED TO NO MORE THAN 8 HOURS PER DAY. ENFORCEMENT OF THESE STANDARDS IS WEAK. THERE IS NO 24-HOUR REST PERIOD MANDATED BY LAW.

WORKING CONDITIONS VARY WIDELY. THE RATE OF INJURY FROM INDUSTRIAL ACCIDENTS HAS REMAINED CONSTANT FOR THE LAST TEN YEARS AT 4.5 PERCENT OF THE TOTAL WORKFORCE, EVEN AS THE WORKFORCE HAS INCREASED FIVE-FOLD. IN THE LAST SIX YEARS, THE AVERAGE RATE OF WORK-RELATED DEATHS WAS AN ALARMING 25 PER 1000 WORKERS. OCCUPATIONAL DISEASES ARE RARELY DIAGNOSED OR COMPENSATED AND FEW DOCTORS OR CLINICS SPECIALIZING IN OCCUPATIONAL DISEASES EXIST. IN MEDIUM-SIZED AND LARGE FACTORIES, GOVERNMENT HEALTH AND SAFETY STANDARDS ARE OFTEN MAINTAINED, BUT LAX ENFORCEMENT OF SAFETY STANDARDS IS COMMON. IN THE LARGE INFORMAL SECTOR, THE HEALTH AND SAFETY ENVIRONMENT IS SUBSTANDARD. EMPLOYERS ARE ABLE TO IGNORE SAFETY REGULATIONS IN PART BECAUSE NON-UNIONIZED WORKERS OFTEN DO NOT UNDERSTAND SAFETY AND HEALTH STANDARDS AND DO NOT REPORT VIOLATIONS. WHEN 188 WORKERS DIED IN THE MAY 1993 KADER TOY FACTORY FIRE NEAR BANGKOK, THE GOVERNMENT BROUGHT SUIT AGAINST EIGHT PERSONS, INCLUDING THE MANAGING DIRECTOR. THE CASE COMMENCED IN JUNE 1994 AND HAS CONTINUED IN ONCE-WEEKLY SESSIONS WITHOUT CONCLUSION. THERE IS NO LAW AFFORDING JOB PROTECTION TO EMPLOYEES WHO REMOVE THEMSELVES FROM DANGEROUS WORK SITUATIONS. THE MINISTRY OF LABOR AND SOCIAL WELFARE PROMULGATES HEALTH AND SAFETY REGULATIONS

REGARDING CONDITIONS OF WORK. LABOR INSPECTORS ARE  
RESPONSIBLE FOR ENFORCEMENT OF HEALTH AND SAFETY  
REGULATIONS; THE STRICTEST PENALTY IS SIX MONTHS IN JAIL.  
ITOH

**SECT:** SECTION: 01 OF 10  
<^SECT>SECTION: 02 OF 10  
<^SECT>SECTION: 03 OF 10  
<^SECT>SECTION: 04 OF 10  
<^SECT>SECTION: 05 OF 10  
<^SECT>SECTION: 06 OF 10  
<^SECT>SECTION: 07 OF 10  
<^SECT>SECTION: 08 OF 10  
<^SECT>SECTION: 09 OF 10  
<^SECT>SECTION: 10 OF 10

**SSN:** 8021  
<^SSN>8021  
<^SSN>8021  
<^SSN>8021  
<^SSN>8021  
<^SSN>8021  
<^SSN>8021  
<^SSN>8021  
<^SSN>8021  
<^SSN>8021

**TOR:** 970926040721 M2948865  
<^TOR>970926040737 M2948866  
<^TOR>970926040907 M2948877  
<^TOR>970926040849 M2948869  
<^TOR>970926041028 M2948880  
<^TOR>970926041043 M2948881  
<^TOR>970926041133 M2948882  
<^TOR>970926041246 M2948883  
<^TOR>970926041302 M2948885  
<^TOR>970926041352 M2948886

**DIST:**  
SIT: BADER GAGNON KRISTOFF NORRIS PRITCHARD SUETTINGER  
SIT: NSC

# Cable

---

**PREC:** PRIORITY  
**CLASS:** UNCLASSIFIED  
**LINE1:** PAAUZYUW RUEHCAA3120 2721847-UUUU--RHEHAAX.  
**LINE2:** ZNR UUUUU ZZH  
**LINE3:** P 291845Z SEP 97  
**LINE4:** FM SECSTATE WASHDC  
**OSRI:** RUEHC  
**DTG:** 291845Z SEP 97  
**ORIG:** SECSTATE WASHDC  
**TO:** RUEHOL/AMEMBASSY BONN PRIORITY 4462  
RUEHLO/AMEMBASSY LONDON PRIORITY 3161  
RUEHOT/AMEMBASSY OTTAWA PRIORITY 9101  
RUEHFR/AMEMBASSY PARIS PRIORITY 2959  
RUEHRO/AMEMBASSY ROME PRIORITY 1550  
RUEHKO/AMEMBASSY TOKYO PRIORITY 1561  
**INFO:** ////  
**SUBJ:** REQUEST FOR INFORMATION REGARDING VIEWS OF G-7  
LABOR MINISTERS  
**TEXT:**  
UNCLAS STATE 183120

PLEASE PASS TO LABOR OFFICERS; PARIS PLEASE PASS USOECD

E.O. 12958: N/A

TAGS: ELAB, GM, UK, CA, FR, IT, JA, OECD

SUBJECT: REQUEST FOR INFORMATION REGARDING VIEWS OF G-7  
LABOR MINISTERS

1. IN PREPARATION FOR THE UPCOMING OECD LABOR MINISTERIAL IN PARIS (OCTOBER 14-15), SECRETARY OF LABOR ALEXIS HERMAN IS INTERESTED IN KNOWING THE MAJOR THEMES WHICH HER COUNTERPARTS ARE STRESSING IN THEIR PRONOUNCEMENTS ON LABOR MARKET ISSUES AND RELEVANT GOVERNMENT INITIATIVES. FOR POSTS' INFORMATION, KEY TOPICS WHICH WILL BE DISCUSSED BY MINISTERS AT PARIS INCLUDE THE FOLLOWING: 1) LOW PAID WORKERS AND UNSKILLED JOB SEEKERS; 2) ENHANCING THE EFFECTIVENESS OF ACTIVE LABOR MARKET POLICIES: A STREAMLINED PUBLIC EMPLOYMENT SERVICE; 3) LIFELONG LEARNING TO MAINTAIN EMPLOYABILITY; AND 4) WORK ORGANIZATION AND WORKING TIME ARRANGEMENTS. SECRETARY HERMAN HAS INDICATED THAT SHE PLANS TO USE THE FORUM OF THE MINISTERIAL TO PRESS MEMBER STATES TO BOLSTER EFFORTS TO COMBAT CHILD LABOR AND ERADICATE SWEATSHOPS IN THE GARMENT INDUSTRY.

2. ADDRESSEE POSTS ARE REQUESTED TO PROVIDE A BRIEF SYNOPSIS (1-2 PAGES) OF THE MINISTERS' THINKING AND

PRIORITY CONCERNS. DEPARTMENT OF LABOR (DOL) WOULD ALSO WELCOME RECEIVING COPIES OF ANY SPEECHES OR PRESS REPORTS

(IN ENGLISH) WHICH ENCAPSULATE THEIR VIEWS (PLEASE FAX TO WILLIAN BRUNFIELD AT 202-219-5613). IF POSSIBLE, DOL WOULD LIKE TO HAVE RESPONSES BY OCTOBER 3. ASSISTANCE IN THIS NATTER IS VERY NUCH APPRECIATED.  
EIZENSTAT

**SECT:** SECTION: 01 OF 01

**SSN:** 3120

**TOR:** 970929144850 M2953019

**DIST:**  
SIT: NSC

# Cable

---

**PREC:** PRIORITY  
**CLASS:** UNCLASSIFIED  
**LINE1:** PAAUZYUW RUEHVNA1563 2730945-UUUU--RHEHAAX.  
**LINE2:** ZNR UUUUU ZZH  
**LINE3:** P 300945Z SEP 97  
**LINE4:** FM AMEMBASSY VIENTIANE  
**OSRI:** RUEHVN  
**DTG:** 300945Z SEP 97  
**ORIG:** AMEMBASSY VIENTIANE  
**TO:** SECSTATE WASHDC PRIORITY 4512  
**INFO:** ////  
**SUBJ:** DRAFT 1997 HUMAN RIGHTS REPORT FOR LAOS

**TEXT:**  
UNCLAS SECTION 01 OF 04 VIENTIANE 001563

QQQQ  
NOFORN

DEPARTMENT FOR DRL/CRT

ALSO FOR EAP/BCLTV

E.O. 12958: N/A  
TAGS: PHUM, ELAB, KSEP, LA  
SUBJECT: DRAFT 1997 HUMAN RIGHTS REPORT FOR LAOS

REF: STATE 133677

SENSITIVE BUT UNCLASSIFIED - NOFORN -- ENTIRE TEXT.

1. FOLLOWING ARE CHANGES FOR THE 1997 HUMAN RIGHTS REPORT FOR LAOS:

INTRODUCTION:

PARA 4 - FROM THE SENTENCE "THERE HAS BEEN A GENERAL TREND AWAY FROM THE HARSH CONDITIONS THAT EXISTED AFTER THE LPRP ASSUMED POWER IN 1975, BUT SERIOUS PROBLEMS REMAIN" DELETE THE WORD "SERIOUS."

PARA 4 - CHANGE THE NEXT SENTENCE:

"CITIZENS DO NOT HAVE THE RIGHT TO CHANGE THEIR GOVERNMENT" TO:

"CITIZENS DO NOT HAVE THE RIGHT TO CHANGE THEIR GOVERNMENT, BUT RECENT LAWS PROVIDE THE PEOPLE WITH MORE OPPORTUNITY TO SELECT REPRESENTATIVES TO THE NATIONAL ASSEMBLY."

PARA 4 - CHANGE THE LAST SENTENCE, "PRISON CONDITIONS REMAIN HARSH, AND SOME SOCIETAL DISCRIMINATION AGAINST WOMEN AND MINORITIES PERSISTS," TO:

"PRISON CONDITIONS REMAIN HARSH, AND SOME SOCIETAL DISCRIMINATION AGAINST MINORITIES PERSISTS. VARYING DEGREES OF DISCRIMINATION AGAINST WOMEN EXIST WITHIN THE CULTURES OF MOST ETHNIC GROUPS.

SECTION 1: A. POLITICAL AND OTHER EXTRAJUDICIAL KILLINGS

PARA 2 - CHANGE PARA TO:

IN MAY, GOVERNMENT TROOPS SHOT TWO EUROPEAN TOURISTS CAMPED IN A REMOTE AREA, KILLING ONE AND WOUNDING THE OTHER, POSSIBLY PROMPTED BY ATTACKS ON GOVERNMENT TROOPS BY ANTI-GOVERNMENT ELEMENTS IN THE AREA WHICH HAD BEEN PARTICULARLY FIERCE THAT WEEK. THOSE INVOLVED HAD NOT MADE ADEQUATE EFFORTS TO IDENTIFY THE CAMPERS BEFORE FIRING, NOR HAS THE GOVERNMENT PUBLICLY CHARGED THE SOLDIERS.

PARA 3 - CHANGE PARA TO:

ATTACKS BY ARMED BANDS ON GOVERNMENT, FOREIGN AND LAO TRAVELERS AND BUSINESSMEN CONTINUED IN THE CENTRAL AND NORTH CENTRAL REGION. MOTIVES FOR THE ATTACKS SEEM TO INVOLVE A MIXTURE OF INSURGENCY, CLAN RIVALRY, HIGHWAY ROBBERY AND REACTION TO ENCROACHING DEVELOPMENT. ACCORDING TO ONE UNCONFIRMED REPORT EARLY IN THE YEAR, GOVERNMENT TROOPS KILLED THIRTEEN ETHNIC HMONG INSURGENTS IN A 1996 JUNGLE CONFRONTATION.

B. DISAPPEARANCE

PARA 1 CHANGE THE SENTENCE "THERE WERE NO REPORTS OF POLITICALLY MOTIVATED DISAPPEARANCES" TO:

"THERE WERE NO CREDIBLE REPORTS OF POLITICALLY MOTIVATED DISAPPEARANCES"

D. ARBITRARY ARREST, DETENTION OR EXILE:

PARA 1 - DELETE THE SENTENCE "THERE HAVE BEEN NO REPORTS OF THIS TYPE OF ARREST IN THE PAST 4 YEARS."

PARA 2 - CHANGE THE PARAGRAPH "THERE CONTINUED TO BE ALLEGATIONS THAT THE GOVERNMENT HAS DETAINED THREE HMONG MALES SINCE 1992 BECAUSE OF THEIR ASSOCIATION WITH THE UNITED STATES GOVERNMENT PRIOR TO 1975. THE LAO GOVERNMENT HAS THUS FAR NOT RESPONDED DIRECTLY TO REPEATED INQUIRIES ABOUT THESE ALLEGATIONS."

TO: AN UNCONFIRMED REPORT THAT EIGHT HMONG WERE ARRESTED BY THE GOVERNMENT IN XIENG KHOUANG PROVINCE HAS BEEN SUBMITTED TO THE NEWLY ESTABLISHED HUMAN RIGHTS MONITORING UNIT IN THE MINISTRY OF FOREIGN AFFAIRS (SECTION 3) WHICH IS INVESTIGATING THE CHARGE.

(NOTE: THE ALLEGATIONS IN PARA 2 FIRST APPEARED IN THE 1995 REPORT AND WERE REPEATED IN 1996. SINCE THERE WERE NO PRIOR REFERENCES TO THE THREE HMONG MALES, AND SINCE POST HAS RECEIVED NO SIMILAR ALLEGATIONS FROM HMONG HUMAN RIGHTS ACTIVIST GROUPS, WE NOW BELIEVE THE 1995 REPORT WAS IN ERROR, AND THAT THE "THREE HMONG MALES" MAY HAVE BEEN CONFUSED WITH THE DETAINEES MENTIONED IN SECTION E - UNCLAS SECTION 02 OF 04 VIENTIANE 001563

QQQQ  
NOFORN

DEPARTMENT FOR DRL/CRT

ALSO FOR EAP/BCLTV

E.O. 12958: N/A  
TAGS: PHUM, ELAB, KSEP, LA  
SUBJECT: DRAFT 1997 HUMAN RIGHTS REPORT FOR LAOS

REF: STATE 133677

DENIAL OF FAIR PUBLIC TRIAL. POST THEREFORE RECOMMENDS DELETING PARA 2. END NOTE.)

E. DENIAL OF FAIR PUBLIC TRIAL:

PARA 3 - CHANGE PARA, WHICH BEGINS "ALTHOUGH REGULATIONS..." TO:

THE GOVERNMENT HELD SEMINARS FOR COURT OFFICIALS DURING THE YEAR TO INCREASE AWARENESS OF LEGAL RIGHTS AND PROCEDURES, AND GOVERNMENT PUBLICATIONS HAVE RUN ARTICLES DESCRIBING CITIZENS' RIGHTS. CURRENTLY, ALTHOUGH REGULATIONS PROVIDE FOR PUBLIC TRIAL, WIDESPREAD IGNORANCE OF CONSTITUTIONAL RIGHTS AMONG BOTH CITIZENS AND LAW ENFORCEMENT AUTHORITIES AT TIMES RESULTS IN TRIALS THAT ARE LITTLE MORE THAN PUBLIC ANNOUNCEMENTS OF PREDETERMINED VERDICTS. POLITICALLY SENSITIVE TRIALS HAVE NOT BEEN OPEN TO THE PUBLIC, ALTHOUGH TRIALS OF CIVIL CRIMES APPEARED TO BE OPEN; THESE ARE INCREASINGLY PUBLICIZED IN THE MEDIA.

PARA 6 - CHANGE THE SENTENCE "ALSO IN 1992, THREE MEN DETAINED SINCE 1975 WERE SENTENCED TO LIFE TERMS FOR CRIMES ALLEGEDLY COMMITTED DURING THEIR TENURE AS OFFICIALS OF THE PREVIOUS REGIME" TO:

"THERE HAS BEEN NO NEW INFORMATION CONCERNING THREE MEN SENTENCED IN 1992 TO LIFE TERMS FOR CRIMES ALLEGEDLY COMMITTED DURING THEIR TENURE AS OFFICIALS OF THE PREVIOUS REGIME."

F. ARBITRARY INTERFERENCE WITH PRIVACY, FAMILY, HOME, OR CORRESPONDENCE:

PARA 3 - DELETE PARA AND SUBSTITUTE THE FOLLOWING:

THE NATIONAL ASSEMBLY PASSED A NEW LAND LAW WHICH REAFFIRMED THE CONSTITUTIONAL PROVISION THAT LAND IS THE PROPERTY OF THE NATIONAL COMMUNITY. THE LAW SETS STANDARDS FOR THE SIZE OF LAND HOLDINGS, BUT PARTIES MAY LEASE ADDITIONAL LAND FROM THE STATE. INDIVIDUALS MAY ACQUIRE LAND USE RIGHTS THROUGH STATE GRANTS, TRANSFER OR INHERITANCE. WHILE THE LAW DOES NOT RECOGNIZE LAND CLAIMS OF THOSE WHO FLED ABROAD, CLAIMS FOR HOUSES AND PHYSICAL PROPERTY ARE RECOGNIZED. IN THE PAST, MANY CITIZENS WHO FLED THE COUNTRY HAVE REGAINED CONFISCATED PROPERTY BY DEMONSTRATING THEIR INTENT TO REPATRIATE.

PARA 4 - DELETE THE SENTENCE "THE GOVERNMENT HAS EASED THE PROHIBITION AGAINST FOREIGNERS STAYING WITH LAO FAMILIES IN URBAN AREAS."

CHANGE THE NEXT SENTENCE TO "THE GOVERNMENT ALLOWS CITIZENS TO MARRY FOREIGNERS, BUT ONLY WITH PRIOR GOVERNMENT APPROVAL."

SECTION 2: RESPECT FOR CIVIL LIBERTIES:

A. FREEDOM OF SPEECH AND PRESS:

PARA 2 - CHANGE THE LAST SENTENCE " THESE ARE WIDELY RECEIVED IN THE MEKONG RIVER VALLEY, WHERE THE MAJORITY OF THE POPULATION LIVES." TO:

"THESE ARE WIDELY RECEIVED NATIONWIDE VIA AN INCREASING NUMBER OF SATELLITE DISHES."

PARA 3 - CHANGE 1996 TO 1997

PARA 5 - CHANGE THE LAST SENTENCE, "ENFORCEMENT OF THESE RESTRICTIONS HAS BEEN LAX" TO:

"ENFORCEMENT OF THESE RESTRICTIONS, LAX IN RECENT YEARS, WAS STEPPED UP IN 1997."

PARA 6 - CHANGE PARA, WHICH BEGINS "THE GOVERNMENT RESTRICTS," TO:

THE GOVERNMENT, WHICH ONCE RESTRICTED ACADEMIC FREEDOM BY LIMITING THE FOREIGN TRAVEL OF ACADEMICIANS AND PROFESSIONALS, NOW ACTIVELY SOLICITS SCHOLARSHIPS AND TRAINING PROGRAMS ABROAD FROM DONOR COUNTRIES. GROUPS OF 30 OR MORE PROFESSIONALS HAVE TRAVELED TO SINGAPORE AND ELSEWHERE IN RECENT YEARS FOR TRAINING RELATED TO MEMBERSHIP IN ASEAN. THE MINISTRY OF EDUCATION STILL APPROVES ALL GRANTS FOR STUDY AND RESEARCH ABROAD, HOWEVER, AND THE GOVERNMENT ALSO MONITORS AND MAY RESTRICT THE ACTIVITIES OF WESTERN SCHOLARS DOING UNCLAS SECTION 03 OF 04 VIENTIANE 001563

QQQQ  
NOFORN

DEPARTMENT FOR DRL/CRT

ALSO FOR EAP/BCLTV

E.O. 12958: N/A

TAGS: PHUM, ELAB, KSEP, LA

SUBJECT: DRAFT 1997 HUMAN RIGHTS REPORT FOR LAOS

REF: STATE 133677

RESEARCH IN LAOS.

C. FREEDOM OF RELIGION

PARA 3 - CHANGE THE SENTENCE "THERE CONTINUED TO BE CREDIBLE REPORTS THAT LOCAL AUTHORITIES DETAINED SOME CLERGY FOR ALLEGEDLY CRITICIZING OTHER RELIGIONS AND HARASSED, ARRESTED, AND JAILED OTHER RELIGIOUSLY ACTIVE CLERGY" TO:

"THE GOVERNMENT GRANTED APPROVAL TO FOUR PROTESTANT CONGREGATIONS FOR THE RENOVATION OR CONSTRUCTION OF CHURCH BUILDINGS IN THE VIENTIANE AREA. THERE CONTINUE TO BE REPORTS THAT SOME LOCAL AUTHORITIES HARASSED PRACTICING CHRISTIANS."

PARA 3 - DELETE THE SENTENCE "THERE WERE ALSO UNCONFIRMED REPORTS THAT LAO CHRISTIANS WERE SOMETIMES BARRED FROM THE PARTY OR FROM GOVERNMENT EMPLOYMENT AND THAT SOME RURAL LAO WERE NOT ALLOWED TO CONVERT TO THE BAHAI FAITH."

D. FREEDOM OF MOVEMENT WITHIN THE COUNTRY, FOREIGN TRAVEL, EMIGRATION, AND REPATRIATION

PARA 3 - CHANGE THE SENTENCE "THERE WERE NO FORCIBLE REPATRIATIONS TO LAOS IN 1996; HOWEVER, NINE LAO WERE VOLUNTARILY REPATRIATED TO LAOS BY UNHCR DURING THE YEAR" TO:

" THERE WERE NO FORCIBLE REPATRIATIONS TO LAOS IN 1997; HOWEVER, UNHCR ASSISTED VOLUNTARY REPATRIATION OF 26 LAO FROM THIRD COUNTRIES, 222 FROM CHINA, AND 33 FROM THAILAND DURING THE YEAR."

SECTION 3: RESPECT FOR POLITICAL RIGHTS

PARA 2 - AT THE END OF THE PARA ADD THE SENTENCE:

"NATIONAL ASSEMBLY ELECTIONS ARE SCHEDULED FOR DECEMBER 1997.

PARA 3 - AT THE BEGINNING OF THE PARA, ADD THE SENTENCE "THE GOVERNMENT HAS INCREASED SUPPORT FOR THE WOMEN IN DEVELOPMENT PROGRAM DESIGNED IN PART TO INCREASE

PARTICIPATION OF WOMEN IN THE POLITICAL SYSTEM."

PARA 6 - CHANGE THE FIRST SENTENCE, " THERE ARE NO DOMESTIC HUMAN RIGHTS GROUPS," TO:

"THERE ARE NO DOMESTIC HUMAN RIGHTS GROUPS, ALTHOUGH LAOS HAS SIGNED SEVEN UNITED NATIONS HUMAN RIGHTS INSTRUMENTS."

DELETE THE SECOND TO LAST SENTENCE, "THE GOVERNMENT GENERALLY DOES NOT COOPERATE WITH INTERNATIONAL HUMAN RIGHTS ORGANIZATIONS."

CHANGE THE LAST SENTENCE, "IT HAS, HOWEVER, PERMITTED U.N. HUMAN RIGHTS OBSERVERS TO MONITOR THE TREATMENT OF RETURNING REFUGEES WITHOUT INTERFERENCE AND RESPONDED TO INQUIRIES ABOUT SPECIFIC HUMAN RIGHTS QUESTIONS" TO:

"LAOS, WHICH HAS ACCEDED TO THE GENEVA CONVENTION AND THE 1977 PROTOCOLS ON INTERNATIONAL HUMANITARIAN LAW, DOES HAVE ONGOING CONTACTS WITH THE INTERNATIONAL RED CROSS. THE LAO WOMEN'S UNION WORKED CLOSELY WITH THAI NGO'S TO BRING JUSTICE IN THE CASE OF THREE LAO WOMEN RAPED WHILE INCARCERATED IN THAILAND. THE GOVERNMENT HAS PERMITTED U.N. HUMAN RIGHTS OBSERVERS TO MONITOR THE TREATMENT OF RETURNING REFUGEES WITHOUT INTERFERENCE AND, IN SEPTEMBER, DESIGNATED THE FOREIGN MINISTRY'S DEPARTMENT OF TREATIES AND INTERNATIONAL LAWS AS THE ORGAN FOR RESPONDING TO INQUIRIES ABOUT SPECIFIC HUMAN RIGHTS QUESTIONS."

SECTION 5: DISCRIMINATION BASED ON RACE, SEX, RELIGION, DISABILITY, LANGUAGE OR SOCIAL STATUS:

WOMEN - PARA 1 - CHANGE THE SENTENCE: "THE GOVERNMENT RELIES ON THE WOMEN'S UNION, A PARTY-SANCTIONED ORGANIZATION, AND YOUTH ORGANIZATIONS TO EDUCATE GIRLS AND YOUNG WOMEN ABOUT THE SCHEMES OF RECRUITERS FOR BROTHELS AND SWEATSHOPS IN THAILAND AND ELSEWHERE." TO:  
UNCLAS SECTION 04 OF 04 VIENTIANE 001563

QQQQ  
NOFORN

DEPARTMENT FOR DRL/CRT

ALSO FOR EAP/BCLTV

E.O. 12958: N/A  
TAGS: PHUM, ELAB, KSEP, LA  
SUBJECT: DRAFT 1997 HUMAN RIGHTS REPORT FOR LAOS

REF: STATE 133677

"THE GOVERNMENT HAS INCREASED MONITORING AND EDUCATIONAL PROGRAMS PROVIDED BY THE WOMEN'S UNION AND THE YOUTH

UNION, BOTH PARTY-SANCTIONED ORGANIZATIONS, DESIGNED TO EDUCATE GIRLS AND YOUNG WOMEN ABOUT THE SCHEMES OF RECRUITERS FOR BROTHELS AND SWEATSHOPS IN THAILAND AND ELSEWHERE."

NATIONAL/RACIAL/ETHNIC MINORITIES -

PARA 1 - CHANGE THE SENTENCE "WHILE THE GOVERNMENT ENCOURAGES THE PRESERVATION OF MINORITY CULTURES AND TRADITIONS, MINORITY TRIBES HAVE LITTLE VOICE IN GOVERNMENT DECISIONS AFFECTING THEIR LANDS AND THE ALLOCATION OF NATURAL RESOURCES" TO:

"THE GOVERNMENT ENCOURAGES THE PRESERVATION OF MINORITY CULTURES AND TRADITIONS. LIKE ALL PEOPLES LIVING IN REMOTE AREAS, MINORITY TRIBES HAVE LITTLE VOICE IN GOVERNMENT DECISIONS AFFECTING THEIR LANDS AND THE ALLOCATION OF NATURAL RESOURCES."

PARA 2 - CHANGE THE SENTENCES "IN RECENT YEARS, THE GOVERNMENT HAS INITIATED PROJECTS DESIGNED TO INTEGRATE THE HMONG INTO THE GENERAL SOCIETY, AND AN INCREASING NUMBER OF THOSE WHO FLED THE COUNTRY AFTER 1975 HAVE REPATRIATED TO LAOS WITHOUT SUFFERING PERSECUTION. TWO U.N. OBSERVERS WHO MONITORED REPATRIATION EFFORTS REPORTED NO INCIDENTS OF ABUSE OR DISCRIMINATION DURING THE YEAR." TO:

"THE GOVERNMENT CONTINUED TO ASSIST CITIZENS, LARGELY MEMBERS OF ETHNIC MINORITIES, WHO RETURNED TO LAOS AFTER HAVING FLED FOLLOWING THE INDOCHINA WAR. CENTRAL AND LOCAL GOVERNMENT OFFICIALS WORKED WITH INTERNATIONAL ORGANIZATIONS TO PROVIDE LAND AND A SUSTAINABLE LEVEL OF ECONOMIC SECURITY. TWO U.N. OBSERVERS WHO MONITORED REPATRIATION EFFORTS REPORTED NO INCIDENTS OF ABUSE OR DISCRIMINATION DURING THE YEAR."

SECTION 6: WORKER RIGHTS

C. PROHIBITION OF FORCED OR COMPULSORY LABOR

CHANGE "THE LABOR CODE PROHIBITS FORCER LABOR EXCEPT IN TIME OF WAR OR NATIONAL DISASTER, WHEN THE STATE MAY CONSCRIPT LABORERS." TO:

"THE LABOR CODE PROHIBITS FORCED LABOR EXCEPT IN TIME OF WAR OR NATIONAL DISASTER, WHEN THE STATE MAY CONSCRIPT LABORERS. THE CODE ALSO APPLIES TO CHILDREN UNDER 15, AND THE LAW IS EFFECTIVELY ENFORCED IN LAOS. HOWEVER, AN INCREASING NUMBER OF CHILDREN HAVE BEEN LURED INTO OTHER COUNTRIES FOR SEXUAL EXPLOITATION AND SLAVE LABOR (SEE SECTION 6D BELOW)."

D. STATUS OF CHILD LABOR PRACTICES AND MINIMUM AGE FOR EMPLOYMENT:

ADD A SECOND PARAGRAPH AS FOLLOWS:

"THE GOVERNMENT IS INCREASINGLY CONCERNED ABOUT LAO CHILDREN BEING LURED FOR SEXUAL EXPLOITATION AND SLAVE LABOR IN OTHER COUNTRIES AND HAS ESTABLISHED A NATIONAL COMMISSION ON MOTHERS AND CHILDREN CHAIRED BY THE FOREIGN MINISTER. THE COMMISSION, WORKING WITH THE LAO WOMEN'S UNION, YOUTH UNION, JUSTICE MINISTRY AND LABOR MINISTRY, HAS CONDUCTED WORKSHOPS AROUND THE COUNTRY DESIGNED TO MAKE PARENTS AND TEENAGERS AWARE OF THE DANGERS."  
CHAMBERLIN

**SECT:** SECTION: 01 OF 04  
<^SECT>SECTION: 02 OF 04  
<^SECT>SECTION: 03 OF 04  
<^SECT>SECTION: 04 OF 04

**SSN:** 1563  
<^SSN>1563  
<^SSN>1563  
<^SSN>1563

**TOR:** 970930063331 M2954369  
<^TOR>970930063332 M2954370  
<^TOR>970930063417 M2954371  
<^TOR>970930063550 M2954376

**DIST:**  
SIT: NSC

# Withdrawal/Redaction Marker

## Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
002. cable	re fisticuffs (3 pages)	10/02/1997	P1/b(1)

### COLLECTION:

Clinton Presidential Records  
NSC Cables  
Jan 1997-Dec 1998 ([sweatshop ...])  
OA/Box Number: 520000

### FOLDER TITLE:

[08/13/1997-10/20/1997]

2018-1072-F

kc2337

### RESTRICTION CODES

#### Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

#### Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

# Cable

---

**PREC:** ROUTINE  
**CLASS:** UNCLASSIFIED  
**LINE1:** RAAEZYUW RUEHABA0933 2761337-EEEE--RHEHAAX.  
**LINE2:** ZNY EEEEE ZZH (CCY CLASSIFICATION ADX0EC04FF MSI7183)  
**LINE3:** R 031337Z OCT 97  
**LINE4:** FM AMEMBASSY ABIDJAN  
**OSRI:** RUEHAB  
**DTG:** 031337Z OCT 97  
**ORIG:** AMEMBASSY ABIDJAN  
**TO:** SECSTATE WASHDC 3124  
**INFO:** ////  
**SUBJ:** COUNTRY REPORT ON HUMAN RIGHTS PRACTICES  
**TEXT:**  
UNCLAS E F T O SECTION 01 OF 10 ABIDJAN 010933

QQQQ  
C O R R E C T E D C O P Y (CLASSIFICATION)

SENSITIVE/NOFORN

DEPT. FOR AF/W, AF/RA, DRL/CRT, INLB/DRL/CRT

E.O. 12958: N/A  
TAGS: PHUM, IV

SUBJECT: COUNTRY REPORT ON HUMAN RIGHTS PRACTICES  
FOR 1997: COTE D'IVOIRE

1. SENSITIVE BUT UNCLASSIFIED - NOFORN -- ENTIRE TEXT.
2. FOLLOWING IS THE 1997 COUNTRY HUMAN RIGHTS REPORT FOR COTE D'IVOIRE.
3. FROM INDEPENDENCE IN 1960 UNTIL 1990, PRESIDENT FELIX HOUPHOUET-BOIGNY AND HIS DEMOCRATIC PARTY OF COTE D'IVOIRE (PDCI), THEN THE ONLY LEGAL POLITICAL PARTY, GOVERNED THE REPUBLIC OF COTE D'IVOIRE. THE PDCI MAINTAINED THIS POLITICAL DOMINANCE FOLLOWING MULTIPARTY PRESIDENTIAL AND LEGISLATIVE ELECTIONS IN 1990. FOLLOWING HOUPHOUET'S DEATH IN 1993, NATIONAL ASSEMBLY PRESIDENT HENRI KONAN BEDIE BECAME PRESIDENT BY CONSTITUTIONAL SUCCESSION, AND SERVED OUT THE REMAINDER OF HOUPHOUET'S TERM. DUE TO CONCERNS ABOUT THE ELECTORAL CODE AND VOTER REGISTRATION, THE MAJOR OPPOSITION PARTIES BOYCOTTED THE 1995 PRESIDENTIAL ELECTION AND TRIED TO INTERFERE WITH THE VOTING PROCESS; HOWEVER PRESIDENT BEDIE WON 96 PERCENT OF THE VOTE. THE MAJOR POLITICAL PARTIES THEN REACHED AN ACCORD WITH BEDIE

WHICH ALLOWED FOR FULL PARTY PARTICIPATION IN THE 1995 LEGISLATIVE ELECTIONS. THE JUDICIARY, ALTHOUGH NOMINALLY INDEPENDENT, IS SUBJECT TO EXECUTIVE BRANCH INFLUENCE.

SECURITY FORCES INCLUDE THE NATIONAL POLICE (SURETE) AND THE GENDARMERIE, A BRANCH OF THE ARMED FORCES WITH RESPONSIBILITY FOR GENERAL LAW ENFORCEMENT. THE GENDARMERIE IS A NATIONAL POLICE CHARGED WITH MAINTENANCE OF PUBLIC ORDER AND TERRITORIAL SECURITY. FORMED IN AUGUST 1996, "L'ETAT MAJOR DE LA SECURITE" FOCUSES ON INTERNAL SECURITY, SPECIFICALLY VIOLENT CRIME. A NATIONAL SECURITY COUNCIL, FORMED IN JULY 1996, COORDINATES SECURITY POLICY, BOTH INTERNAL AND EXTERNAL. THE SPECIAL ANTI-CRIME POLICE BRIGADE (SAVAC) CONTINUED ITS OPERATIONS. THE ARMED FORCES TRADITIONALLY HAVE ACCEPTED THE PRIMACY OF CIVILIAN AUTHORITY. SEVEN MEMBERS OF THE MILITARY ACCUSED OF PLOTTING A COUP IN 1995 WERE DISMISSED FROM THE MILITARY AND RELEASED IN DECEMBER 1996. SECURITY FORCES INCLUDING THE SAVAC COMMITTED NUMEROUS HUMAN RIGHTS ABUSES.

THE ECONOMY, LARGELY MARKET BASED BUT HEAVILY DEPENDENT ON THE AGRICULTURAL SECTOR, PERFORMED POORLY IN THE 1980'S AND EARLY 1990'S WHEN WEAK WORLD PRICES FOR COTE D'IVOIRE'S PRINCIPAL COMMODITIES AND AN OVERVALUED CURRENCY CAUSED A LONG PERIOD OF STAGNATION WHILE THE POPULATION CONTINUED TO GROW AT A RAPID RATE (3.8 PERCENT). SINCE THE DEVALUATION OF 1994 AND THE ACCOMPANYING REFORMS, HOWEVER, COTE D'IVOIRE'S ECONOMY HAS BOOMED, RETURNING TO REAL GDP GROWTH RATES OF 6 TO 7 PERCENT IN 1995, 1996, AND 1997. WHILE ANECDOTAL EVIDENCE OF INCREASED PROSPERITY ABOUNDS AND THE GOVERNMENT IS DEVOTING AN INCREASING SHARE OF ITS BUDGET TO BASIC HEALTH SERVICES AND EDUCATION, IT IS NOT YET ESTABLISHED WHETHER THE GROWTH HAS CAUSED A SIGNIFICANT REDUCTION IN POVERTY OR IMPROVEMENT IN SOCIAL INDICATORS SUCH AS MORTALITY OR LITERACY RATES. GROSS NATIONAL PRODUCT PER CAPITA IN 1996 WAS ABOUT \$730. PRINCIPAL EXPORTS ARE COCOA, COFFEE, WOOD, AND, TO AN INCREASING EXTENT, PETROLEUM. MOST OF THE RURAL POPULATION REMAINS DEPENDENT ON SMALLHOLDER CASH CROP PRODUCTION.

THE GOVERNMENT'S HUMAN RIGHTS RECORD IMPROVED CLEARLY IN SOME AREAS, ALTHOUGH SERIOUS ABUSES CONTINUED ALBEIT WITH LESS FREQUENCY. MEMBERS OF THE SECURITY FORCES COMMITTED EXTRAJUDICIAL KILLINGS, AND THE SECURITY FORCES BEAT AND ABUSED DETAINEES AND USED FORCE TO DISPERSE PROTESTORS. THE GOVERNMENT ALSO USED ARBITRARY ARREST AND DETENTION AND FAILED TO BRING PERPETRATORS OF THESE ABUSES TO JUSTICE. LEADERS OF THE PRINCIPAL STUDENT ORGANIZATION WERE DETAINED FOR VARIOUS PERIODS FROM DECEMBER 1996 TO FEBRUARY 1997. PROLONGED DETENTION

IS A PROBLEM, AND PRISON CONDITIONS ARE HARSH AND LIFE THREATENING. THE JUDICIARY DOES NOT ENSURE DUE PROCESS AND IS SUBJECT TO EXECUTIVE BRANCH INFLUENCE, PARTICULARLY IN POLITICAL CASES. THE GOVERNMENT LIMITS CITIZENS' RIGHTS TO CHANGE THEIR GOVERNMENT AND RESTRICTS FREEDOM OF SPEECH, THE PRESS, ASSEMBLY, ASSOCIATION AND MOVEMENT. DISCRIMINATION AND VIOLENCE AGAINST WOMEN AND FEMALE GENITAL MUTILATION (FGM) REMAIN PROBLEMS. A CAMPAIGN TO ELIMINATE FGM WAS ANNOUNCED BY THE GOVERNMENT IN SEPTEMBER 1996, BUT TO DATE WE ARE NOT AWARE OF ANY PARTICULAR ACTIONS TAKEN BY THE GOVERNMENT.

UNCLAS E F T O SECTION 02 OF 10 ABIDJAN 010933

QQQQ

C O R R E C T E D C O P Y (CLASSIFICATION)

SENSITIVE/NOFORN

DEPT. FOR AF/W, AF/RA, DRL/CRT, INLB/DRL/CRT

E.O. 12958: N/A

TAGS: PHUM, IV

SUBJECT: COUNTRY REPORT ON HUMAN RIGHTS PRACTICES FOR 1997: COTE D'IVOIRE

SECTION 1 RESPECT FOR THE INTEGRITY OF THE PERSON, INCLUDING FREEDOM FROM:

A. POLITICAL AND OTHER EXTRAJUDICIAL KILLING

THERE WERE NO REPORTS OF POLITICALLY MOTIVATED KILLINGS BY GOVERNMENT FORCES. AS VIOLENT CIVIL CRIME INCREASED, THE SECURITY FORCES FREQUENTLY RESORTED TO LETHAL FORCE AND COMMITTED NUMEROUS EXTRAJUDICIAL KILLINGS. CREDIBLE MEDIA REPORTS INDICATE THAT THE SPECIAL ANTI-CRIME POLICE BRIGADE (SAVAC) CONTINUED ITS SHOOT-TO-KILL POLICY WHEN PURSUING CRIMINAL SUSPECTS. ACCORDING TO PRESS ESTIMATES, SAVAC AND THE REGULAR POLICE KILLED MORE THAN 20 PERSONS. THE GOVERNMENT DID NOT PROSECUTE SAVAC OR POLICE PERSONNEL FOR THESE KILLINGS.

B. DISAPPEARANCE

THERE WERE NO REPORTS OF POLITICALLY MOTIVATED DISAPPEARANCES.

C. TORTURE AND OTHER CRUEL, INHUMAN, OR DEGRADING TREATMENT OR PUNISHMENT

DESPITE LEGAL PROTECTIONS FOR THE RIGHTS OF PERSONS IN CUSTODY, POLICE SOMETIMES BEAT DETAINEES OR

PRISONERS AS PUNISHMENT, OR TO EXTRACT CONFESSIONS, ACCORDING TO LOCAL HUMAN RIGHTS GROUPS. THERE WERE NO PUBLIC REPORTS OF GOVERNMENT OFFICIALS BEING TRIED FOR THESE ABUSES.

A JURIST'S UNION OFFICIAL REPORTED THAT POLICE CONTINUE TO BEAT SUSPECTS TO OBTAIN THEIR CONFESSIONS AND THAT SUSPECTS ARE AFRAID TO PRESS CHARGES AGAINST THE POLICE OFFICERS INVOLVED. PRESS PHOTOGRAPHS REGULARLY SHOW CRIMINAL DETAINEES WITH SWOLLEN OR BRUISED FACES AND BODIES. A POLICEMAN WHO LED A DOUBLE LIFE AS A GANGSTER WAS KILLED WHILE IN POLICE CUSTODY ON FEBRUARY 7, ACCORDING TO AN OPPOSITION PRESS REPORT.

POLICE FREQUENTLY USE VIOLENCE TO RESTRAIN DEMONSTRATORS. RIOT POLICE USED TEAR GAS AND TRUNCHEONS AGAINST PROTESTING STUDENTS ON SEVERAL OCCASIONS IN EARLY-TO-MID 1997. ACCORDING TO OPPOSITION PRESS REPORTS, A STUDENT WAS THROWN BY POLICE FROM THE FIRST FLOOR OF HIS STUDENT APARTMENT BUILDING ON THE NIGHT OF JANUARY 19 AFTER POLICE HAD DISRUPTED A MEETING ORGANIZED BY THE STUDENT UNION FESCI. HE LATER DIED FROM HIS INJURIES. GOVERNMENT PRESS REPORTS STATE THAT THE STUDENT JUMPED WHILE TRYING TO ESCAPE FROM POLICE.

PRISON CONDITIONS ARE HARSH AND LIFE THREATENING. PROBLEMS INCLUDE OVERCROWDING, MALNUTRITION, A HIGH INCIDENCE OF INFECTIOUS DISEASE AND LACK OF TREATMENT FACILITIES AND MEDICATION, WHICH ARE THE CONDITIONS RESPONSIBLE FOR A HIGH PRISONER DEATH RATE THROUGHOUT THE PRISON COMMUNITY. FROM 24 TO 44 PRISONERS DIED RECENTLY OF CHOLERA ACCORDING TO CONFLICTING PRESS REPORTS. SEVERAL JOURNALISTS RELEASED FROM PRISON IN LATE 1996 REPORTED THAT WHITE-COLLAR PRISONERS ARE ACCORDED MORE FAVORABLE TREATMENT.

ACCORDING TO A IVORIAN HUMAN RIGHTS LEAGUE (LIDHO) REPORT, CONDITIONS AT THE MAIN PRISON OF ABIDJAN ARE ESPECIALLY HAZARDOUS FOR WOMEN, WITH VIOLENT AND NONVIOLENT CRIMINALS, AS WELL AS MINORS, HOUSED TOGETHER. THERE ARE NO HEALTH FACILITIES FOR WOMEN, AND REPORTEDLY A NUMBER OF WOMEN HAVE GIVEN BIRTH AT THE PRISON WITHOUT MEDICAL ATTENTION. THERE ARE CREDIBLE REPORTS OF FEMALE PRISONERS BEING RAPED BY PRISON GUARDS. LIDHO REPORTS THAT IT WAS OFTEN DENIED ACCESS TO THE PRISON IN 1997.

#### D. ARBITRARY ARREST, DETENTION, OR EXILE

UNDER THE CODE OF PENAL PROCEDURE, A PUBLIC PROSECUTOR MAY ORDER THE DETENTION OF A SUSPECT FOR UP TO 48 HOURS WITHOUT BRINGING CHARGES. A MAGISTRATE MAY ORDER DETENTION UP TO 4 MONTHS BUT MUST ALSO PROVIDE THE MINISTER OF JUSTICE WITH A WRITTEN JUSTIFICATION FOR CONTINUED DETENTION ON A

MONTHLY BASIS. HOWEVER, THE LAW IS OFTEN VIOLATED. POLICE HAVE HELD PERSONS FOR MORE THAN 48 HOURS WITHOUT BRINGING CHARGES. ACCORDING TO A REPRESENTATIVE OF THE JURISTS' UNION, THIS PRACTICE IS COMMON, AND OFTEN MAGISTRATES ARE NOT ABLE TO VERIFY THAT THOSE NOT CHARGED ARE RELEASED.  
UNCLAS E F T O SECTION 03 OF 10 ABIDJAN 010933

QQQQ  
C O R R E C T E D C O P Y (CLASSIFICATION)

SENSITIVE/NOFORN

DEPT. FOR AF/W, AF/RA, DRL/CRT, INLB/DRL/CRT

E.O. 12958: N/A  
TAGS: PHUM, IV

SUBJECT: COUNTRY REPORT ON HUMAN RIGHTS PRACTICES FOR 1997: COTE D'IVOIRE

DEFENDANTS ARE NOT@UARANTEED THE RIGHT TO A JUDICIAL DETERMINATION OF THE LEGALITY OF THEIR DETENTION. A JUDGE MAY RELEASE PRETRIAL DETAINEES ON PROVISIONAL LIBERTY IF THE JUDGE BELIEVES THAT THE SUSPECT WILL NOT FLEE. IN AN ENCOURAGING DEVELOPMENT, THE ATTORNEY GENERAL HAS REFERRED IN PUBLIC TO THE LONG DETENTION PERIODS SUFFERED BY PRISONERS AWAITING TRIAL. ON DECEMBER 31, 1996, HE SAID THAT AS OF NOVEMBER 22, 1996 COTE D'IVOIRE'S PRINCIPAL PRISON, THE MACA, HAD A TOTAL PRISONER POPULATION OF 4,600. 1,741 OF THESE PEOPLE WERE DETAINEES WHO HAD YET TO BE TRIED. 470 HAD BEEN DETAINED FT MORE THAN 2 YEARS, 60 FOR AT LEAST 4 YEARS, AND 39 OTHERS BETWEEN 5 AND 12 YEARS. BASED ON THESE FIGURES, PRETRIAL DETAINEES MAKE UP ABOUT 35 PERCENT OF THE PRISON POPULATION.

INFORMATION PROVIDED BY ONE OF THE LAWYERS DEFENDING ACTIVE BOYCOTT MEMBERS SUGGESTS THAT APPROXIMATELY 147 PEOPLE ARE STILL AWAITING TRIAL. OF THIS GROUP, ONE HUNDRED PEOPLE HAVE BEEN GIVEN PROVISIONAL LIBERTY UNTIL THEIR TRIAL DATES AND 47 REMAIN IN DETENTION. AN ESTIMATED 474 SUCH PERSONS WERE ARRESTED. ALTHOUGH PROHIBITED BY LAW, POLICE RESTRICT ACCESS TO SOME PRISONERS. DESPITE THE FREQUENCY OF ARBITRARY ARREST, THERE IS NO ACCURATE TOTAL OF SUSPECTS HELD. THE GOVERNMENT DOES NOT USE FORCED EXILE.

E. DENIAL OF FAIR PUBLIC TRIAL

ACCORDING TO THE CONSTITUTION, THE JUDICIARY IS INDEPENDENT OF THE EXECUTIVE BRANCH IN ORDINARY CRIMINAL CASES. IN PRACTICE, HOWEVER, IT FOLLOWS THE LEAD OF THE EXECUTIVE IN NATIONAL SECURITY OR POLITICALLY SENSITIVE CASES. THERE CONTINUE TO BE

CREDIBLE REPORTS THAT THOSE WITH TIES TO THE OPPOSITION ARE TREATED MORE HARSHLY BY THE JUDICIAL SYSTEM THAN THOSE WITH TIES TO THE GOVERNMENT. JUDGES SERVE AT THE PLEASURE OF THE EXECUTIVE, AND THEREFORE REPORTS OF POLITICAL PRESSURE ON THE JUDICIARY ARE CREDIBLE.

THE FORMAL JUDICIAL SYSTEM IS HEADED BY A SUPREME COURT AND INCLUDES THE COURT OF APPEALS AND LOWER COURTS.

IN RURAL AREAS, TRADITIONAL INSTITUTIONS OFTEN ADMINISTER JUSTICE AT THE VILLAGE LEVEL, HANDLING DOMESTIC DISPUTES AND MINOR LAND QUESTIONS IN ACCORDANCE WITH CUSTOMARY LAW. DISPUTE RESOLUTION IS BY EXTENDED DEBATE, WITH NO KNOWN INSTANCE OF RESORT TO PHYSICAL PUNISHMENT. THE FORMAL COURT SYSTEM IS INCREASINGLY SUPERSEDING THESE TRADITIONAL MECHANISMS. IN AUGUST, 1996 A GRAND MEDIATOR WAS APPOINTED TO SETTLE DISPUTES THAT CANNOT BE SETTLED AT THE TRADITIONAL LEVEL. THIS OFFICE APPEARS DESIGNED TO BRIDGE TRADITIONAL AND MODERN METHODS OF DISPUTE RESOLUTION. HOWEVER, IT HAS YET TO BE USED.

MILITARY COURTS DO NOT TRY CIVILIANS. ALTHOUGH THERE ARE NO APPELLATE COURTS WITHIN THE MILITARY COURT SYSTEM, PERSONS CONVICTED BY A MILITARY TRIBUNAL MAY PETITION THE SUPREME COURT TO SET ASIDE THE TRIBUNAL'S VERDICT AND ORDER A RETRIAL.

THE LAW PROVIDES FOR THE RIGHT TO PUBLIC TRIAL, ALTHOUGH KEY EVIDENCE IS SOMETIMES GIVEN SECRETLY. THOSE CONVICTED HAVE THE RIGHT OF APPEAL, AND THE APPELLATE COURT, IN A DEPARTURE FROM THE NORM, OVERTURNED ON APPEAL THE CONVICTIONS OF SEVERAL ACTIVE BOYCOTT MEMBERS. SEVERAL OTHERS HAD THEIR SENTENCES REDUCED.

DEFENDANTS ACCUSED OF FELONIES OR CAPITAL CRIMES HAVE THE RIGHT TO LEGAL COUNSEL, AND THE JUDICIAL SYSTEM PROVIDES FOR COURT-APPOINTED ATTORNEYS FOR INDIGENT DEFENDANTS. IN PRACTICE, MANY DEFENDANTS CANNOT AFFORD PRIVATE COUNSEL, AND COURT-APPOINTED ATTORNEYS ARE NOT READILY AVAILABLE. ACCORDING TO ONE LAWYER, EVEN IF A DEFENDANT HAS AN ATTORNEY, HE MAY NOT BE NOTIFIED OF HIS TRIAL DATE UNTIL THE DAY BEFORE THE TRIAL, MAKING IT IMPOSSIBLE FOR HIS LAWYER TO ATTEND OR PROVIDE A DEFENSE.

THERE WERE NO REPORTS OF POLITICAL PRISONERS IN CIVILIAN JAILS AT YEAR'S END. HOWEVER, THREE STUDENT LEADERS BELONGING TO THE BANNED STUDENT ORGANIZATION FESCI WERE JAILED FROM JANUARY 7 UNTIL FEBRUARY 27 BEFORE BEING RELEASED BY ORDER OF THE PRESIDENT. 27 OTHER STUDENTS, WHO HAD BEEN DETAINED WITHOUT CHARGE FOR VARYING PERIODS SINCE DECEMBER 1996, WERE ALSO RELEASED AT THAT TIME. SEVEN UNCLAS SECTION 04 OF 10 ABIDJAN 010933

DEPT. FOR AF/W, AF/RA, DRL/CRT, INLB/DRL/CRT

E.O. 12958: N/A

TAGS: PHUM, IV

SUBJECT: COUNTRY REPORT ON HUMAN RIGHTS PRACTICES  
FOR 1997: COTE D'IVOIRE

MILITARY OFFICERS ACCUSED OF PLOTTING A COUP AND

JAILED WITHOUT TRIAL SINCE OCTOBER 1995 WERE  
DISMISSED FROM THE MILITARY BY A PRESIDENTIAL DECREE  
AND RELEASED FROM JAIL IN DECEMBER 1996. THEY HAD  
FORMED PART OF A GROUP OF 17 MILITARY PERSONNEL  
ACCUSED OF PLOTTING THE COUP, ACCORDING TO A PRESS  
REPORT.

F. ARBITRARY INTERFERENCE WITH PRIVACY, FAMILY,  
HOME, OR CORRESPONDENCE

THE CODE OF PENAL PROCEDURE SPECIFIES THAT A POLICE  
OFFICIAL OR INVESTIGATIVE MAGISTRATE MAY CONDUCT  
SEARCHES OF HOMES WITHOUT A JUDICIAL WARRANT IF  
THERE IS REASON TO BELIEVE THAT THERE IS EVIDENCE ON  
THE PREMISES CONCERNING A CRIME. THE OFFICIAL MUST  
HAVE THE PROSECUTOR'S AGREEMENT TO RETAIN ANY  
EVIDENCE SEIZED IN THE SEARCH AND IS REQUIRED TO  
HAVE WITNESSES TO THE SEARCH, WHICH MAY NOT TAKE  
PLACE BETWEEN 9 P.M. AND 4 A.M. IN PRACTICE, POLICE  
HAVE SOMETIMES USED A GENERAL SEARCH WARRANT WITHOUT  
A NAME OR ADDRESS. ON OCCASION, POLICE HAVE ENTERED  
HOMES OF NON-IVORIAN AFRICANS (OR APPREHENDED THEM  
AT LARGE), TAKEN THEM TO LOCAL POLICE STATIONS, AND  
EXTORTED SMALL AMOUNTS OF MONEY FOR ALLEGED MINOR  
OFFENSES.

SECURITY FORCES REPORTEDLY MONITORED SOME PRIVATE  
TELEPHONE CONVERSATIONS, BUT THE EXTENT OF THE  
PRACTICE IS UNKNOWN. THERE IS NO EVIDENCE THAT  
PRIVATE WRITTEN CORRESPONDENCE IS MONITORED BY  
AUTHORITIES.

SECTION 2 RESPECT FOR CIVIL LIBERTIES, INCLUDING:

A. FREEDOM OF SPEECH AND PRESS

ALTHOUGH THE CONSTITUTION PROVIDES FOR FREEDOM OF  
EXPRESSION, AND INDEPENDENT NEWSPAPERS FREQUENTLY  
CRITICIZE GOVERNMENT POLICIES, THE GOVERNMENT  
IMPOSES RESTRICTIONS. THE TWO GOVERNMENT-OWNED  
DAILY NEWSPAPERS OFFER LITTLE CRITICISM OF  
GOVERNMENT POLICY, WHILE GOVERNMENT-OWNED RADIO AND  
TELEVISION ONLY INFREQUENTLY REPORT ANY DISCONTENT  
WITH GOVERNMENT POLICY. MOREOVER, WHILE INDEPENDENT  
NEWSPAPERS (8 DAILY, SEVERAL WEEKLY), OPPOSITION

LEADERS, AND STUDENT GROUPS VOICE THEIR DISAPPROVAL OF GOVERNMENTAL OR PRESIDENTIAL ACTIONS FREQUENTLY AND SOMETIMES LOUDLY, THE GOVERNMENT DOES NOT TOLERATE WHAT IT CONSIDERS INSULTS OR ATTACKS ON THE HONOR OF THE COUNTRY'S HIGHEST OFFICIALS. IT IS A CRIME, PUNISHABLE BY 3 MONTHS TO 2 YEARS IN PRISON, TO OFFEND THE PRESIDENT, THE PRIME MINISTER, FOREIGN CHIEFS OF STATE OR GOVERNMENT, OR THEIR DIPLOMATIC REPRESENTATIVES, OR TO DEFAME INSTITUTIONS OF THE STATE. MOREOVER, A 1991 PRESS LAW CREATED A COMMISSION TO ENFORCE LAWS AGAINST PUBLISHING MATERIAL "UNDERMINING THE REPUTATION OF THE NATION OR DEFAMING INSTITUTIONS OF THE STATE." JOURNALISTS EXERCISE SELF-CENSORSHIP IN WRITING ABOUT THE PRESIDENT. A JOURNALIST WAS DETAINED IN THE CITY OF MAN ON JULY 9 FOR REPORTING ON A CASE OF THEFT INVOLVING A SUB-PREFECT. HE WAS RELEASED ON AUGUST 4.

THE GOVERNMENT OWNS BOTH TELEVISION CHANNELS AND TWO MAJOR RADIO STATIONS; ONLY THE PRIMARY GOVERNMENT RADIO AND TELEVISION STATIONS ARE BROADCAST NATIONWIDE. THERE ARE ALSO FOUR RADIO STATIONS NOT CONTROLLED BY THE GOVERNMENT (BRITISH BROADCASTING CORPORATION, RADIO FRANCE INTERNATIONAL, AFRICA NUMBER 1, AND A PRIVATE COMMERCIAL STATION CONCENTRATING ON ENTERTAINMENT). THERE IS ALSO A PRIVATE TELEVISION SUBSCRIPTION SERVICE, CANAL PLUS HORIZON. WHILE THE INDEPENDENT STATIONS HAVE COMPLETE CONTROL OVER THEIR EDITORIAL CONTENT, THE GOVERNMENT CONTINUES TO EXERCISE CONSIDERABLE INFLUENCE OVER OFFICIAL MEDIA PROGRAM CONTENT, NEWS COVERAGE, AND OTHER MATTERS, USING THESE MEDIA TO PROMOTE GOVERNMENT POLICIES. MUCH OF THE NEWS PROGRAMMING IS DEVOTED TO THE ACTIVITIES OF THE PRESIDENT, THE GOVERNMENT, THE PDCI, AND PRO-BEDIE GROUPS.

MANY PROMINENT SCHOLARS ARE ACTIVE IN OPPOSITION POLITICS AND ARE NOT KNOWN TO HAVE SUFFERED PROFESSIONALLY, ALTHOUGH SOME TEACHERS AND PROFESSORS SUGGEST THAT THEY HAVE BEEN TRANSFERRED BECAUSE OF THEIR POLITICAL ACTIVITIES. ACCORDING TO PRESS REPORTS AND STUDENT UNION STATEMENTS, STUDENTS CONTINUE TO BE USED AS INFORMANTS AT THE UNIVERSITY OF ABIDJAN.

UNCLAS E F T O SECTION 05 OF 10 ABIDJAN 010933

QQQQ

C O R R E C T E D C O P Y (CLASSIFICATION)

SENSITIVE/NOFORN

DEPT. FOR AF/W, AF/RA, DRL/CRT, INLB/DRL/CRT

E.O. 12958: N/A

TAGS: PHUM, IV

SUBJECT: COUNTRY REPORT ON HUMAN RIGHTS PRACTICES  
FOR 1997: COTE D'IVOIRE

B. FREEDOM OF PEACEFUL ASSEMBLY AND ASSOCIATION

THE CONSTITUTION PROVIDES FOR FREEDOM OF ASSEMBLY. IN PRACTICE, HOWEVER, THAT FREEDOM IS RESTRICTED WHEN THE GOVERNMENT PERCEIVES A DANGER TO PUBLIC ORDER, AS IT DID DURING THE OCTOBER 1995 ELECTIONS, WHEN IT USED LETHAL FORCE TO CONTROL ANTIGOVERNMENT DEMONSTRATIONS, WHICH IT HAD BANNED BY DECREE.

GROUPS THAT WISH TO HOLD DEMONSTRATIONS OR RALLIES ARE REQUIRED TO SUBMIT A NOTICE OF THEIR INTENT TO DO SO TO THE MINISTRY OF SECURITY OR INTERIOR 48 HOURS BEFORE THE PROPOSED EVENT. THE GOVERNMENT SOMETIMES DENIED THE OPPOSITION PERMISSION TO MEET IN PUBLIC OUTDOOR VENUES. FOLLOWING OPPOSITION DEMONSTRATIONS IN SEPTEMBER 1995, THE GOVERNMENT ANNOUNCED THAT "ALL MARCHES AND SIT-INS WOULD BE BANNED FOR A 3-MONTH PERIOD IN ALL STREETS AND PUBLIC PLACES." THE DECREE WAS SELECTIVELY APPLIED; ONLY OPPOSITION EVENTS WERE AFFECTED BY THE BAN. PENALTIES FOR INFRACTION RANGED FROM NO ACTION TO 12 MONTHS' IMPRISONMENT.

POLICE OCCASIONALLY PROHIBIT GATHERINGS TO PREVENT THE EXPRESSION OF CONTROVERSIAL VIEWS. AN "ANTI-VANDALISM" LAW PASSED BY THE NATIONAL ASSEMBLY IN 1992 HOLDS ORGANIZERS OF A MARCH OR DEMONSTRATION RESPONSIBLE IF ANY OF THE PARTICIPANTS ENGAGE IN VIOLENCE. LIDHO AND ALL MAJOR OPPOSITION PARTIES CONDEMNED THE LAW AS UNDULY VAGUE AND AS ONE THAT IMPOSED COLLECTIVE PUNISHMENT FOR THE CRIMES OF A FEW.

THE CONSTITUTION STATES THAT PEOPLE ARE FREE TO ORGANIZE ASSOCIATIONS, AND THE IMPLEMENTING LAW STATES THAT ORGANIZATIONS MUST REGISTER, BUT DOES NOT REQUIRE ANY AUTHORIZATION. CONSEQUENTLY, OPPOSITION PARTIES ASSERT THAT THE CONSTITUTION PERMITS PRIVATE ASSOCIATIONS TO FORM AND SINCE THE CONSTITUTION DOES NOT MENTION REGISTRATION, REQUIRING ASSOCIATIONS TO REGISTER IS UNCONSTITUTIONAL. THE GOVERNMENT REJECTS THIS INTERPRETATION AND REQUIRES ALL ORGANIZATIONS TO REGISTER BEFORE COMMENCING ACTIVITIES. THERE WERE NO REPORTS IN THE PAST 5 YEARS OF DENIAL OF REGISTRATION.

THE LAW PROHIBITS THE FORMATION OF POLITICAL PARTIES ALONG ETHNIC OR RELIGIOUS LINES. IN 1991 THE GOVERNMENT BANNED THE PREVIOUSLY REGISTERED STUDENT UNION FESCI AFTER A STUDENT WAS KILLED BY OTHER

STUDENTS. THE BAN WAS NEVER RESCINDED, ALTHOUGH FESCI WAS ALLOWED TO OPERATE OPENLY UNTIL MAY 1994 WHEN THE GOVERNMENT AGAIN INSISTED THAT THE ORGANIZATION WAS BANNED, ARRESTING SEVERAL MEMBERS OF ITS EXECUTIVE BUREAU. FESCI CONTINUES TO CONTEND THAT IT WAS NEVER LEGALLY BANNED AND HAS BEEN ACTIVE IN DEMONSTRATIONS, CEREMONIES, AND POLITICAL PARTY CONVENTIONS. AFTER MUCH PUBLIC DEBATE ABOUT FESCI'S LEGAL STATUS, THE GOVERNMENT PUBLISHED IN JANUARY 1997 A COPY OF THE 1991 DECREE BANNING FESCI. AT THAT TIME, THE GOVERNMENT TOLD FESCI MEMBERS THAT THEY COULD CONTINUE THEIR ACTIVITIES AS LONG AS THEY CHANGED THE NAME OF THEIR ORGANIZATION. AS EXPECTED, THE STUDENT MEMBERS REFUSED.

THREE STUDENT LEADERS WHO HAD BEEN CONVICTED JANUARY 7 UNDER THE "ANTI-VANDALISM" LAW AND LAWS AGAINST DISTURBING THE PUBLIC ORDER WERE PARDONED BY THE PRESIDENT ON FEBRUARY 27. 27 OTHER STUDENTS, INCLUDING THE FESCI LEADER, WERE ALSO RELEASED ON THAT DAY. THESE STUDENTS HAD NOT BEEN FORMALLY CHARGED, BUT HAD BEEN DETAINED FOR VARYING PERIODS OF TIME SINCE DECEMBER 1996 (SEE SECTION 1E).

#### C. FREEDOM OF RELIGION

THE CONSTITUTION PROVIDES FOR FREEDOM OF RELIGION, AND THERE ARE NO KNOWN IMPEDIMENTS TO RELIGIOUS EXPRESSION. THERE IS NO DOMINANT RELIGION, AND NO FAITH IS OFFICIALLY FAVORED. THE GOVERNMENT PERMITS THE OPEN PRACTICE OF RELIGION, AND THERE ARE NO RESTRICTIONS ON RELIGIOUS CEREMONIES OR TEACHING. NEVERTHELESS, SOME MUSLIMS FEEL THAT THEIR RELIGIOUS OR ETHNIC AFFILIATION MAKES THEM TARGETS OF DISCRIMINATION BY THE GOVERNMENT WITH REGARD TO HIGH GOVERNMENTAL POSITIONS AND NATIONAL IDENTITY DOCUMENTATION.

NATIVE MUSLIMS ARE FREQUENTLY SUBJECT TO PETTY HARASSMENT AS PART OF GENERAL PRESSURE AGAINST MUSLIMS FROM NEIGHBORING COUNTRIES AND, DESPITE BEING A PLURALITY OF THE POPULATION, ARE A DEFINITE UNCLAS E F T O SECTION 06 OF 10 ABIDJAN 010933

QQQQ

C O R R E C T E D C O P Y (CLASSIFICATION)

SENSITIVE/NOFORN

DEPT. FOR AF/W, AF/RA, DRL/CRT, INLB/DRL/CRT

E.O. 12958: N/A

TAGS: PHUM, IV

SUBJECT: COUNTRY REPORT ON HUMAN RIGHTS PRACTICES

FOR 1997: COTE D'IVOIRE

MINORITY AT ALL LEVELS OF GOVERNMENT.

D. FREEDOM OF MOVEMENT WITHIN THE COUNTRY, FOREIGN TRAVEL, EMIGRATION, AND REPATRIATION  
THE LAW PROVIDES FOR THESE RIGHTS, AND THE GOVERNMENT RESPECTS THEM IN PRACTICE. WHILE THE GOVERNMENT DOES NOT GENERALLY RESTRICT INTERNAL TRAVEL, UNIFORMED POLICE REGULARLY EXTORT SMALL AMOUNTS OF MONEY OR GOODS FOR CONTRIVED OR MINOR INFRACTIONS BY MOTORISTS OR PASSENGERS ON PUBLIC CONVEYANCES. CITIZENS NORMALLY MAY TRAVEL ABROAD AND EMIGRATE FREELY, AND HAVE THE RIGHT OF VOLUNTARY REPATRIATION. THERE ARE NO KNOWN CASES OF REVOCATION OF CITIZENSHIP. HOWEVER, THE GOVERNMENT SOMETIMES RESTRICTS FOREIGN TRAVEL FOR POLITICAL REASONS.

COTE D'IVOIRE IS A SIGNATORY TO THE 1951 UNITED NATIONS CONVENTION ON REFUGEES AND ITS 1967 PROTOCOL; IT HAS SIGNED BUT NOT RATIFIED THE ORGANIZATION OF AFRICAN UNITY CONVENTION GOVERNING THE SPECIFIC ASPECTS OF REFUGEE PROBLEMS IN AFRICA. THE RIGHT TO FIRST ASYLUM IS RECOGNIZED BY LAW AND CUSTOM. FOLLOWING A MARCH, 1997 CENSUS, THE ESTIMATED NUMBER OF LIBERIAN REFUGEES DROPPED FROM 305,000 TO 210,000.

THE GOVERNMENT COOPERATES WITH THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES IN HEALTH, EDUCATION AND FOOD DISTRIBUTION PROGRAMS FOR REFUGEES. IT INITIALLY AGREED IN PRINCIPLE TO PERMIT LIBERIAN REFUGEES TO CAST ABSENTEE BALLOTS IN THAT COUNTRY'S ELECTIONS, BUT LATER JOINED OTHER WEST AFRICAN STATES IN REJECTING THE IDEA. HOWEVER, SEVERAL THOUSAND REFUGEES REPORTEDLY RETURNED TO LIBERIA TO VOTE IN THE JULY 19 ELECTIONS, THEN RE-ENTERED COTE D'IVOIRE WITHOUT INCIDENT.

THERE WERE NO CASES OF FORCED REPATRIATION IN 1997. WHILE HOPEFUL THAT THIS YEAR'S CEASEFIRE AND DEMOCRATIC ELECTIONS WILL STABILIZE LIBERIA, THE IVORIAN GOVERNMENT HAS INDICATED THAT IT DOES NOT EXPECT MASSIVE NEAR-TERM REPATRIATION TO OCCUR AND WILL NOT PRESSURE REFUGEES TO DEPART BEFORE THEY ARE READY TO DO SO.

SECTION 3 RESPECT FOR POLITICAL RIGHTS: THE RIGHT OF CITIZENS TO CHANGE THEIR GOVERNMENT

ALTHOUGH THE CONSTITUTION PROVIDES CITIZENS WITH THE RIGHT TO CHANGE THEIR GOVERNMENT PEACEFULLY THROUGH DEMOCRATIC MEANS, THE GOVERNMENT LIMITED THIS RIGHT IN PRACTICE. THE OPPOSITON COMPLAINED THAT THE GOVERNMENT USED THE 1994 ELECTORAL CODE TO PLACE FORMIDABLE OBSTACLES IN THE PATHS OF POLITICAL RIVALS. THE RASSEMBLEMENT DES REPUBLICAINS HELD

THAT ALASSANE OUATTARA, A LEADING OPPOSITION RIVAL TO BEDIE, HAD BEEN UNFAIRLY EXCLUDED FROM ENTERING THE PRESIDENTIAL RACE DUE TO THE CODE'S PARENTAGE, RESIDENCY, AND CITIZENSHIP REQUIREMENTS. THE OPPOSITION ALSO COMPLAINED OF FAULTY VOTER REGISTRATION PROCEDURES AND OF UNFAIR RESTRICTIONS ON DEMONSTRATIONS AFTER THE GOVERNMENT ISSUED A 3-MONTH BAN ON MARCHES AND SIT-INS IN SEPTEMBER 1995 IN AN ATTEMPT TO GUARANTEE PUBLIC ORDER (SEE SECTION 2.B.)

UNDER A MULTIPARTY SYSTEM ADOPTED IN 1990, ELECTIONS ARE HELD EVERY 5 YEARS BY SECRET BALLOT. ALL CITIZENS OVER 21 YEARS OF AGE CAN VOTE, AND POLITICAL PARTIES ARE LEGALLY FREE TO ORGANIZE.

A PRESIDENTIAL ELECTION WAS HELD IN 1995. THE MAJOR OPPOSITION PARTIES BOYCOTTED THE ELECTION QUESTIONING THE ELECTORAL CODE'S CANDIDACY REQUIREMENTS AND VOTER REGISTRATION IRREGULARITIES. THE OPPOSITION DEFIED THE NATIONAL LAWS REGARDING LAW AND ORDER AND CALLED FOR "ACTIVE BOYCOTT" OF THE POLLS DURING THE PRESIDENTIAL ELECTION. THEY BLOCKED POLLING PLACES FROM ACCESS BY VOTERS AND PREVENTED DELIVERY OF ELECTION MATERIALS TO THE POLLS. ONLY THE RULING PDCI AND A SINGLE SMALL OPPOSITION PARTY, THE PIT, FIELDED PRESIDENTIAL CANDIDATES. PRESIDENT BEDIE WON 96 PERCENT OF THE VOTES CAST.

AFTERWARD, THE MAJOR POLITICAL PARTIES REACHED AN ACCORD THAT ENSURED FULL PARTY PARTICIPATION IN THE 1995 LEGISLATIVE ELECTIONS. THESE ELECTIONS WERE, HOWEVER, SUSPENDED IN 3 OF THE 175 DISTRICTS DUE TO GOVERNMENT CONCERN OVER BETE-BAOULE ETHNIC VIOLENCE AND VOTERS DISPLACED AS A RESULT OF THE ACTIVE BOYCOTT. ELECTION RESULTS FROM ANOTHER THREE UNCLAS E F T O SECTION 07 OF 10 ABIDJAN 010933

QQQQ

C O R R E C T E D C O P Y (CLASSIFICATION)

SENSITIVE/NOFORN

DEPT. FOR AF/W, AF/RA, DRL/CRT, INLB/DRL/CRT

E.O. 12958: N/A

TAGS: PHUM, IV

SUBJECT: COUNTRY REPORT ON HUMAN RIGHTS PRACTICES FOR 1997: COTE D'IVOIRE

DISTRICTS WERE DECLARED INVALID BY THE CONSTITUTIONAL COUNCIL. ELECTIONS IN THESE SIX DISTRICTS AND TWO OTHER OPEN SEATS WERE HELD ON

DECEMBER 29, 1996 AND PROCEEDED IN AN ORDERLY, TRANSPARENT MANNER.

WHILE THERE ARE NO LEGAL IMPEDIMENTS TO WOMEN ASSUMING POLITICAL LEADERSHIP ROLES, ONLY 14 OF THE 169 DEPUTIES ELECTED TO THE NATIONAL ASSEMBLY ARE WOMEN. WOMEN HOLD THREE OF THE 17 LEADERSHIP POSITIONS IN THE ASSEMBLY. THERE ARE THREE WOMEN IN THE 30-MEMBER PRESIDENTIAL CABINET, 3 MEMBERS OF THE SUPREME COURT, 3 AMBASSADORS AND ONE PREFECT (REGIONAL GOVERNOR). THERE ARE NO IMPEDIMENTS TO THE EXERCISE OF POLITICAL RIGHTS BY ANY OF THE OVER 60 ETHNIC GROUPS.

SECTION 4 GOVERNMENTAL ATTITUDE REGARDING INTERNATIONAL AND NONGOVERNMENTAL INVESTIGATION OF ALLEGED VIOLATIONS OF HUMAN RIGHTS

LIDHO, FORMED IN 1987 AND RECOGNIZED BY THE GOVERNMENT IN JULY 1990, HAS ACTIVELY INVESTIGATED ALLEGED VIOLATIONS OF HUMAN RIGHTS AND ISSUED PRESS RELEASES AND REPORTS, SOME CRITICAL OF THE GOVERNMENT. OTHER GROUPS SUCH AS THE INTERNATIONAL MOVEMENT OF DEMOCRATIC WOMEN (MIFED) HAVE HELD SEMINARS AND PUBLISHED PRESS RELEASES CRITICAL OF GOVERNMENT ABUSES OF HUMAN RIGHTS. THE MINISTRY OF FAMILY AND WOMENS' AFFAIRS AND THE MINISTRY OF COMMUNICATION HAVE RECENTLY TAKEN PART IN SEVERAL NGO-SPONSORED CAMPAIGNS TO FIGHT FEMALE GENITAL MUTILATION (FGM) AND VIOLENCE AGAINST WOMEN, INCLUDING DOMESTICS.

FOREIGN GOVERNMENT FUNDING ALLOWED GERDDES, A LOCAL NGO, TO TRAIN THE PRESIDENTS OF VOTING BUREAUS. OBSERVATOIRE NATIONAL DES ELECTIONS (ONE), AN UMBRELLA GROUP OF LOCAL NGO'S RECEIVED OFFICIAL SANCTION AND GOVERNMENT COOPERATION FOR OBSERVING THE DECEMBER 29, 1996 ELECTIONS.

THE GOVERNMENT HAS COOPERATED WITH INTERNATIONAL INQUIRIES INTO ITS HUMAN RIGHTS PRACTICES.

SECTION 5 DISCRIMINATION BASED ON RACE, SEX, RELIGION, DISABILITY, LANGUAGE, OR SOCIAL STATUS

DISCRIMINATION BASED ON RACE, ETHNICITY, NATIONAL ORIGIN, SEX, OR RELIGION IS PROHIBITED BY LAW, BUT IN PRACTICE WOMEN OCCUPY A SUBORDINATE ROLE IN SOCIETY. IN OTHER RESPECTS, THE GOVERNMENT ENFORCES THESE PROVISIONS.

WOMEN

THE PRESIDENT CONVENED A DAY OF CONSULTATIONS ON THE STATUS OF WOMEN ON FEBRUARY 22. ON MARCH 10, HE ORDERED THE RELEASE OF FANTA KEITA, A FOURTEEN-YEAR OLD GIRL, WHO HAD KILLED HER HUSBAND AFTER BEING FORCED INTO MARRIAGE. THE CASE HAD BEEN A RALLYING

CRY FOR THE NGO, THE IVORIAN ASSOCIATION FOR THE DEFENSE OF WOMEN (AIDF). REPRESENTATIVES OF AIDF AND OTHER WOMEN'S ORGANIZATIONS STATE THAT SPOUSAL ABUSE (USUALLY WIFE BEATING)--WHILE NOT WIDESPREAD--DOES OCCUR AND OFTEN LEADS TO DIVORCE. DOCTORS STATE THAT THEY RARELY SEE THE VICTIMS OF WIFE BEATING. A SEVERE SOCIAL STIGMA IS ATTACHED TO SUCH VIOLENCE, AND NEIGHBORS OFTEN INTERVENE IN A DOMESTIC QUARREL TO PROTECT A WOMAN WHO IS THE OBJECT OF PHYSICAL ABUSE. THE COURTS AND POLICE VIEW SUCH DOMESTIC VIOLENCE AS A FAMILY PROBLEM, UNLESS SERIOUS BODILY HARM IS INFLICTED OR THE VICTIM LODGES A COMPLAINT, IN WHICH CASE THEY MAY INITIATE CRIMINAL PROCEEDINGS. AIDF AND MIFED HAVE PROTESTED THE INDIFFERENCE OF AUTHORITIES TO FEMALE VICTIMS OF VIOLENCE AND CALLED ATTENTION TO DOMESTIC VIOLENCE AND FEMALE CIRCUMCISION. THE GROUPS ALSO REPORTED THAT WOMEN WHO ARE THE SUBJECT OF RAPE OR DOMESTIC VIOLENCE ARE OFTEN IGNORED WHEN THEY ATTEMPT TO BRING THE VIOLENCE TO THE ATTENTION OF THE POLICE. THE GOVERNMENT DOES NOT COLLECT STATISTICS ON THE RAPE OR OTHER PHYSICAL ABUSE OF WOMEN. THE GOVERNMENT HAS NO CLEAR CUT POLICY REGARDING SPOUSE ABUSE BEYOND THE STRICTURES AGAINST VIOLENCE IN THE CIVIL CODE.

IN RURAL AREAS, WOMEN AND MEN DIVIDE THE LABORS, WITH MEN CLEARING THE LAND AND ATTENDING TO CASH CROPS LIKE COCOA AND COFFEE WHILE WOMEN GROW VEGETABLES AND OTHER STAPLES. GOVERNMENT POLICY ENCOURAGES FULL PARTICIPATION BY WOMEN IN SOCIAL AND ECONOMIC LIFE, BUT THERE IS CONSIDERABLE INFORMAL UNCLAS E F T O SECTION 08 OF 10 ABIDJAN 010933

QQQQ

C O R R E C T E D C O P Y (CLASSIFICATION)

SENSITIVE/NOFORN

DEPT. FOR AF/W, AF/RA, DRL/CRT, INLB/DRL/CRT

E.O. 12958: N/A

TAGS: PHUM, IV

SUBJECT: COUNTRY REPORT ON HUMAN RIGHTS PRACTICES FOR 1997: COTE D'IVOIRE

RESISTANCE AMONG EMPLOYERS IN HIRING WOMEN WHOM THEY CONSIDER LESS DEPENDABLE BY VIRTUE OF POTENTIAL PREGNANCY. WOMEN ARE UNDERREPRESENTED IN SOME PROFESSIONS AND IN THE MANAGERIAL SECTOR AS A WHOLE. SOME WOMEN ALSO ENCOUNTER DIFFICULTY IN OBTAINING LOANS AS THEY CANNOT MEET THE LENDING CRITERIA MANDATED BY BANKS. THESE CRITERIA INCLUDE SUCH ELEMENTS AS TITLE TO A HOUSE AND PRODUCTION OF

PROFITABLE CASH CROPS, SPECIFICALLY COFFEE AND COCOA. NOTABLY, WOMEN IN THE FORMAL SECTOR, HOWEVER, ARE PAID ON AN EQUAL SCALE WITH MEN.

#### CHILDREN

THE MINISTRIES OF SOCIAL AFFAIRS AND OF HEALTH AND SOCIAL PROTECTION SEEK TO SAFEGUARD THE WELFARE OF CHILDREN, AND THE GOVERNMENT HAS ALSO ENCOURAGED THE FORMATION OF NGO'S SUCH AS THE ABIDJAN LEGAL CENTER FOR THE DEFENSE OF CHILDREN. IN SEPTEMBER 1996 THE GOVERNMENT ANNOUNCED A SERIES OF MEASURES AIMED AT REDUCING THE POPULATION OF STREET CHILDREN. THESE STEPS INCLUDE HOLDING PARENTS LEGALLY AND FINANCIALLY RESPONSIBLE FOR THEIR ABANDONED CHILDREN AND THE DEVELOPMENT OF TRAINING CENTERS WHERE ABANDONED CHILDREN CAN LEARN A TRADE. IN JANUARY, 200 CHILDREN FROM DABOU WERE ABOUT TO BEGIN TRAINING IN SUCH A CENTER, CREATED FROM EIGHT BUILDINGS RENOVATED BY THE GOVERNMENT. SOME CHILDREN ARE EMPLOYED AS DOMESTICS AND ARE SUBJECT TO SEXUAL ABUSE, HARASSMENT AND OTHER FORMS OF TORTURE BY THEIR EMPLOYERS, ACCORDING TO AIDF AND PRESS REPORTS.

PRIMARY EDUCATION IS COMPULSORY BUT THIS REQUIREMENT IS NOT EFFECTIVELY ENFORCED. MANY CHILDREN LEAVE SCHOOL AFTER ONLY A FEW YEARS. THERE IS A PARENTAL PREFERENCE FOR EDUCATING BOYS, WHICH IS NOTICEABLE THROUGHOUT THE COUNTRY BUT MORE PRONOUNCED IN RURAL AREAS, ESPECIALLY IN THE NORTH. ACCORDING TO AN INTERNATIONAL MONETARY FUND REPORT, GIVING STATISTICS FOR 1987-1992, STATED THAT 81 PERCENT OF MALES AND 58 PERCENT OF FEMALES ATTEND PRIMARY SCHOOLS. A 1996 UNITED NATIONS DEVELOPMENT PROGRAM REPORT STATES THAT 1993 COMBINED PRIMARY, SECONDARY, AND TERTIARY SCHOOL ENROLLMENT WAS 31.1 PERCENT OF FEMALES AND 47.5 PERCENT OF MALES.

FEMALE GENITAL MUTILATION (FGM), WHICH IS WIDELY CONDEMNED BY INTERNATIONAL HEALTH EXPERTS AS DAMAGING TO BOTH PHYSICAL AND PSYCHOLOGICAL HEALTH, IS A SERIOUS PROBLEM. THERE IS NO LEGISLATION THAT SPECIFICALLY PROHIBITS FGM, AND IT IS CONSIDERED ILLEGAL ONLY AS A VIOLATION OF GENERAL LAWS PROHIBITING CRIMES AGAINST PERSONS. IT IS PRACTICED PARTICULARLY AMONG THE RURAL POPULATION IN THE NORTH AND WEST. THE PROCEDURE IS USUALLY PERFORMED ON YOUNG GIRLS OR AT PUBERTY AS PART OF A RITE OF PASSAGE; IT IS ALWAYS DONE OUTSIDE MODERN MEDICAL FACILITIES. ACCORDING TO THE WORLD HEALTH ORGANIZATION, AS MANY AS 60 PERCENT OF IVORIAN WOMEN HAVE UNDERGONE FGM.

THE IVORIAN ASSOCIATION FOR THE DEFENSE OF WOMEN CONTINUES TO PURSUE A CAMPAIGN, BEGUN IN MAY 1996, AGAINST FGM, DOWRY, PATTERNS OF INHERITANCE AND OTHER PRACTICES WHICH IT CONSIDERS HARMFUL TO WOMEN.

THE NGO PRESIDENT ENLISTED PRESIDENT BEDIE'S SUPPORT FOR THE CAMPAIGN AND THE MINISTER OF COMMUNICATIONS LENT PERSONAL SUPPORT BY ATTENDING AND SPEAKING AT SEMINARS. IN SEPTEMBER 1996 THE MINISTRY OF THE FAMILY AND WOMEN'S AFFAIRS ANNOUNCED A CAMPAIGN AGAINST FGM, BUT NEW LAWS PROHIBITING FGM WHICH HAVE BEEN IN PREPARATION SINCE THAT DATE HAVE YET TO BE PRESENTED FOR A VOTE. MEANWHILE, TRADITIONAL AUTHORITIES CONTINUE TO UPHOLD THE PRACTICE.

PEOPLE WITH DISABILITIES

THERE ARE NO LAWS MANDATING ACCESSIBILITY FOR THE DISABLED. LAWS EXIST PROHIBITING THE ABANDONMENT OF THE MENTALLY OR PHYSICALLY DISABLED, AS WELL AS ENJOINING ACTS OF VIOLENCE DIRECTED AT THEM. TRADITIONAL PRACTICES, BELIEFS, AND SUPERSTITIONS VARY, BUT INFANTICIDE IN CASES OF SERIOUS BIRTH DISABILITIES IS LESS COMMONPLACE THAN IN THE PAST. DISABLED ADULTS ARE NOT THE SPECIFIC TARGETS OF ABUSE, BUT IT IS DIFFICULT FOR THEM TO COMPETE WITH ABLE-BODIED WORKERS IN THE TIGHT JOB MARKET. THE GOVERNMENT SUPPORTS SPECIAL SCHOOLS, ASSOCIATIONS, AND ARTISANS' COOPERATIVES FOR THE DISABLED.

NATIONAL/RACIAL/ETHNIC MINORITIES  
UNCLAS E F T O SECTION 09 OF 10 ABIDJAN 010933

QQQQ  
C O R R E C T E D C O P Y (CLASSIFICATION)

SENSITIVE/NOFORN

DEPT. FOR AF/W, AF/RA, DRL/CRT, INLB/DRL/CRT

E.O. 12958: N/A  
TAGS: PHUM, IV

SUBJECT: COUNTRY REPORT ON HUMAN RIGHTS PRACTICES  
FOR 1997: COTE D'IVOIRE

AMONG BOTH IVORIANS AND NON-IVORIANS, IT IS A WIDELY-HELD PERCEPTION THAT POLICE ROUTINELY ABUSE AND HARASS NON-IVORIAN AFRICANS RESIDING IN COTE D'IVOIRE (WHO REPRESENT ONE-THIRD OF THE THE TOTAL POPULATION). THIS ACTIVITY REFLECTS THE IVORIAN CONCLUSION THAT FOREIGNERS ARE RESPONSIBLE FOR HIGH LOCAL CRIME RATES AND THE CONCERN OVER IVORIAN NATIONAL IDENTITY. ELECTION LAW CHANGES IN 1995 LIMITED CANDIDATES TO THOSE WHO COULD PROVE THAT BOTH PARENTS HAD BEEN BORN IN COTE D'IVOIRE, AND SEVERAL RECENT, WELL-PUBLICIZED CASES HAVE DEMONSTRATED THAT THE CONCEPT OF "IVORIANNES" IS

BEING USED TO DETERMINE EMPLOYABILITY.

MEMBERS OF THE BETE ETHNIC GROUP ALLEGE DISCRIMINATION BY THE MORE POWERFUL BAOULE TRIBAL GROUP. THE BAOULES ARE THE SINGLE LARGEST TRIBAL GROUP IN THE COUNTRY AND HAVE BEEN POLITICALLY DOMINANT. ACCORDING TO THE BETE, IN 1970 MEMBERS OF THE ARMY KILLED 4,000 BETE IN THE GAGNOA REGION. GAGNOA SAW FOUR MORE DEATHS RESULTING FROM TENSIONS BETWEEN THE GROUPS BEFORE THE 1995 PRESIDENTIAL ELECTIONS. SOME BAOULE SETTLERS AND NATIVE GUERE PEOPLES OF THE DUEKOUÉ REGION IN WESTERN COTE D'IVOIRE FOUGHT IN AUGUST, LEADING TO FIVE DEATHS AND SIGNIFICANT PROPERTY DAMAGE.

#### SECTION 6 WORKER RIGHTS

##### A. THE RIGHT OF ASSOCIATION

THE LAW PROVIDES WORKERS THE RIGHT TO FORM UNIONS. THE GOVERNMENT-SPONSORED LABOR CONFEDERATION, THE GENERAL UNION OF WORKERS OF COTE D'IVOIRE (UGTCI), DOMINATED MOST UNION ACTIVITY. THE UGTCI'S HOLD ON THE LABOR MOVEMENT LOOSENED IN 1991 WHEN SEVERAL FORMERLY UGTCI-AFFILIATED UNIONS BROKE AWAY AND BECAME INDEPENDENT. IN 1992 11 FORMERLY INDEPENDENT UNIONS JOINED TOGETHER TO FORM THE FEDERATION OF AUTONOMOUS TRADE UNIONS OF COTE D'IVOIRE. UNIONS ARE FREE TO JOIN THESE AND OTHER GROUPS. REGISTRATION OF A NEW UNION REQUIRES 3 MONTHS UNDER THE LAW.

THE RIGHT TO STRIKE IS PROVIDED BY THE CONSTITUTION AND BY STATUTE. THE LABOR CODE REQUIRES A PROTRACTED SERIES OF NEGOTIATIONS AND A 6-DAY NOTIFICATION PERIOD BEFORE A STRIKE MAY TAKE PLACE, EFFECTIVELY MAKING LEGAL STRIKES DIFFICULT TO ORGANIZE. THE UGTCI SELDOM CALLS STRIKES. NON-UGTCI UNIONS FREQUENTLY CALLED STRIKES. POLICE USED TEAR GAS ON MARCH 25 TO DISRUPT A STRIKE BY EMPLOYEES OF THE STATE-RUN NAVAL CONSTRUCTION YARD. THREE INJURIES RESULTED, ACCORDING TO PRESS REPORTS. UNIONS ARE FREE TO JOIN INTERNATIONAL BODIES.

##### B. THE RIGHT TO ORGANIZE AND BARGAIN COLLECTIVELY

THE LABOR CODE GRANTS ALL CITIZENS THE RIGHT TO JOIN UNIONS EXCEPT MEMBERS OF THE POLICE AND MILITARY, AND TO BARGAIN COLLECTIVELY. COLLECTIVE BARGAINING AGREEMENTS ARE IN EFFECT IN MANY MAJOR BUSINESS ENTERPRISES AND SECTORS OF THE CIVIL SERVICE. IN MOST CASES IN WHICH WAGES ARE NOT ESTABLISHED IN DIRECT NEGOTIATIONS BETWEEN UNIONS AND EMPLOYERS, SALARIES ARE SET BY JOB CATEGORIES BY THE MINISTRY OF EMPLOYMENT AND CIVIL SERVICE. LABOR INSPECTORS HAVE THE RESPONSIBILITY TO ENFORCE A LAW WHICH PROHIBITS ANTIUNION DISCRIMINATION.

THERE ARE NO EXPORT PROCESSING ZONES.

C. PROHIBITION OF FORCED OR COMPULSORY LABOR

THERE WERE NO REPORTS OF FORCED LABOR, WHICH IS PROHIBITED BY LAW. THIS LEGAL PROHIBITION APPLIES TO CHILDREN AND IT IS EFFECTIVELY ENFORCED. THE INTERNATIONAL LABOR ORGANIZATION'S COMMITTEE OF EXPERTS IN ITS 1993 ANNUAL REPORT QUESTIONED A DECREE THAT PLACES CERTAIN CATEGORIES OF PRISONERS AT THE DISPOSAL OF PRIVATE ENTERPRISES FOR WORK ASSIGNMENTS WITHOUT THEIR APPARENT CONSENT. THERE HAS BEEN NO CHANGE IN THIS DECREE.

D. STATUS OF CHILD LABOR PRACTICES AND MINIMUM AGE FOR EMPLOYMENT

THE GOVERNMENT PROHIBITS FORCED AND BONDED CHILD LABOR AND ENFORCES THIS PROHIBITION EFFECTIVELY (SEE SECTION 6.C.)

IN MOST INSTANCES, THE LEGAL MINIMUM WORKING AGE IS UNCLAS E F T O SECTION 10 OF 10 ABIDJAN 010933

QQQQ

C O R R E C T E D C O P Y (CLASSIFICATION)

SENSITIVE/NOFORN

DEPT. FOR AF/W, AF/RA, DRL/CRT, INLB/DRL/CRT

E.O. 12958: N/A

TAGS: PHUM, IV

SUBJECT: COUNTRY REPORT ON HUMAN RIGHTS PRACTICES FOR 1997: COTE D'IVOIRE

16 YEARS, AND THE MINISTRY OF EMPLOYMENT AND CIVIL SERVICE ENFORCES THIS PROVISION EFFECTIVELY IN THE CIVIL SERVICE AND IN LARGE MULTINATIONAL COMPANIES. LABOR LAW LIMITS THE HOURS OF YOUNG WORKERS, DEFINED AS THOSE UNDER THE AGE OF 18. HOWEVER, CHILDREN OFTEN WORK ON FAMILY FARMS, AND SOME CHILDREN ROUTINELY ACT AS VENDORS, SHOE SHINERS, ERRAND BOYS, CAR WATCHERS AND WASHERS OF CAR WINDOWS IN THE INFORMAL SECTOR IN CITIES. THERE ARE RELIABLE REPORTS OF SOME USE OF CHILD LABOR IN INFORMAL SECTOR MINING AND ALSO OF CHILDREN WORKING IN "SWEATSHOP" CONDITIONS IN SMALL WORKSHOPS. MANY CHILDREN FORMALLY LEAVE THE SCHOOL SYSTEM, WHEN THEY ARE BETWEEN THE AGES OF 12 AND 14, HAVING FAILED SECONDARY SCHOOL ENTRANCE EXAMS; PRIMARY EDUCATION IS MANDATORY AND FREE BUT FAR FROM UNIVERSALLY ENFORCED, PARTICULARLY IN RURAL AREAS.

E. ACCEPTABLE CONDITIONS OF WORK

THE GOVERNMENT ADMINISTRATIVELY DETERMINES MONTHLY MINIMUM WAGE RATES, WHICH WERE LAST ADJUSTED IN MAY 1996. A SLIGHTLY HIGHER MINIMUM WAGE RATE APPLIES FOR CONSTRUCTION WORKERS. THE GOVERNMENT ENFORCES THE MINIMUM WAGE RATES ONLY FOR SALARIED WORKERS EMPLOYED BY THE GOVERNMENT OR REGISTERED WITH THE SOCIAL SECURITY OFFICE. MINIMUM WAGES VARY ACCORDING TO OCCUPATION, WITH THE LOWEST SET AT CFA 35,000 PER MONTH, OR ABOUT 58 DOLLARS AT CURRENT EXCHANGE RATES. THE MAJORITY OF THE LABOR FORCE WORKS IN AGRICULTURE OR IN THE INFORMAL SECTOR WHERE THE MINIMUM WAGE DOES NOT APPLY.

THROUGH THE MINISTRY OF EMPLOYMENT AND THE CIVIL SERVICE, THE GOVERNMENT ENFORCES A COMPREHENSIVE LABOR CODE GOVERNING THE TERMS AND CONDITIONS OF SERVICE FOR WAGE EARNERS AND SALARIED WORKERS AND PROVIDING FOR OCCUPATIONAL SAFETY AND HEALTH STANDARDS. THOSE EMPLOYED IN THE FORMAL SECTOR ARE REASONABLY PROTECTED AGAINST UNJUST COMPENSATION, EXCESSIVE HOURS, AND ARBITRARY DISCHARGE FROM EMPLOYMENT. THE STANDARD LEGAL WORKWEEK IS 40 HOURS. THE LAW REQUIRES OVERTIME PAYMENT ON A GRADUATED SCALE FOR ADDITIONAL HOURS. THE LABOR CODE PROVIDES FOR AT LEAST ONE 24-HOUR REST PERIOD PER WEEK.

GOVERNMENT LABOR INSPECTORS CAN ORDER EMPLOYERS TO IMPROVE SUBSTANDARD CONDITIONS, AND A LABOR COURT CAN LEVY FINES IF THE EMPLOYER FAILS TO COMPLY. IN THE LARGE INFORMAL SECTOR OF THE ECONOMY, HOWEVER, INVOLVING BOTH URBAN AND RURAL WORKERS, THE GOVERNMENT'S OCCUPATIONAL HEALTH AND SAFETY REGULATIONS ARE ENFORCED ERRATICALLY AT BEST. WORKERS IN THE FORMAL SECTOR HAVE THE RIGHT, UNDER THE LABOR CODE, TO REMOVE THEMSELVES FROM DANGEROUS WORK WITHOUT JEOPARDY TO CONTINUED EMPLOYMENT BY UTILIZING THE MINISTRY OF LABOR INSPECTION SYSTEM TO DOCUMENT DANGEROUS WORKING CONDITIONS. HOWEVER, WORKERS IN THE INFORMAL SECTOR CANNOT ORDINARILY REMOVE THEMSELVES FROM SUCH LABOR WITHOUT LOSING THEIR EMPLOYMENT.

WALKER

SECT: SECTION: 01 OF 10  
<^SECT>SECTION: 02 OF 10  
<^SECT>SECTION: 03 OF 10  
<^SECT>SECTION: 04 OF 10  
<^SECT>SECTION: 05 OF 10  
<^SECT>SECTION: 06 OF 10  
<^SECT>SECTION: 07 OF 10  
<^SECT>SECTION: 08 OF 10  
<^SECT>SECTION: 09 OF 10  
<^SECT>SECTION: 10 OF 10

SSN: 0933  
<^SSN>0933

<^SSN>0933  
<^SSN>0933  
<^SSN>0933  
<^SSN>0933  
<^SSN>0933  
<^SSN>0933  
<^SSN>0933  
<^SSN>0933  
<^SSN>0933

**TOR:** 971006202324 M2964488  
<^TOR>971006202657 M2964494  
<^TOR>971006202658 M2964495  
<^TOR>971006203451 M2964513  
<^TOR>971006225159 M2964616  
<^TOR>971006225159 M2964617  
<^TOR>971006225201 M2964619  
<^TOR>971006225201 M2964620  
<^TOR>971006225217 M2964621  
<^TOR>971006225217 M2964622

**DIST:**  
SIT: NSC

# Withdrawal/Redaction Marker

## Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
003. cable	re Dominican Highlights (3 pages)	10/10/1997	P1/b(1)

### COLLECTION:

Clinton Presidential Records  
NSC Cables  
Jan 1997-Dec 1998 ([sweatshop ...])  
OA/Box Number: 520000

### FOLDER TITLE:

[08/13/1997-10/20/1997]

2018-1072-F  
kc2337

### RESTRICTION CODES

#### Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

#### Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

# Cable

---

**PREC:** IMMEDIATE  
**CLASS:** UNCLASSIFIED  
**LINE1:** OAAUZYUW RUEHLOA1785 2871051-UUUU--RHEHAAA.  
**LINE2:** ZNR UUUUU ZZH  
**LINE3:** O 141051Z OCT 97  
**LINE4:** FM AMEMBASSY LONDON  
**OSRI:** RUEHLO  
**DTG:** 141051Z OCT 97  
**ORIG:** AMEMBASSY LONDON  
**TO:** RUEHIA/USIA WASHDC IMMEDIATE 8320  
**INFO:** RHEHAAA/WHITEHOUSE WASHDC  
RUEHMO/AMEMBASSY MOSCOW 9047  
RUEHCV/AMEMBASSY CARACAS 0058  
RUEHTV/AMEMBASSY TEL AVIV 0333  
RUEHBS/AMEMBASSY BRUSSELS 6529  
RUEATRS/DEPT OF TREASURY WASHDC  
RUEAIIA/CIA WASHDC  
RUEHBR/AMEMBASSY BRASILIA 1863  
RUEKJCS/SECDEF WASHDC  
RUEKJCS/DIA WASHDC  
RUEHEG/AMEMBASSY CAIRO 3318  
RUCPDOG/USDOC WASHDC  
RUDOVFA/3AF RAF MILDENHALL UK//PA//  
RHDLCNE/CINCUSNAVEUR LONDON UK//019//  
RUEHC/SECSTATE WASHDC 0201  
RUEHNO/USMISSION USNATO 9895  
RUEHFR/AMEMBASSY PARIS 1939  
RUEHRO/AMEMBASSY ROME 0351  
RUEHVEN/USMISSION USVIENNA  
RUEBBEA/DOT WASHDC  
RUEHAM/AMEMBASSY AMMAN 7895  
RUEHAC/AMEMBASSY ASUNCION 0675  
RUEHOL/AMEMBASSY BONN 3608  
RUCNDT/USMISSION USUN NEW YORK 1786  
RUEHBU/AMEMBASSY BUENOS AIRES 0242  
**SUBJ:** LONDON MEDIA REPORT, MONDAY, OCTOBER 14, 1997  
  
A) BROADCAST MEDIA  
  
NO MAJOR INTERNATIONAL AFFAIRS BROADCAST COVERAGE  
**TEXT:** UNCLAS SECTION 01 OF 04 LONDON 011785

USIA

PERISHABLE INFORMATION - DO NOT SERVICE  
USIA FOR I/GWEU; R/C; R/MR; WEU; NEA; VOA NEWS/CA; PL  
LSECRET; B/TV/WP;  
STATE FOR EUR/P AND PLS PASS ACDA/PA; EUR/PA; EUR/P/SP;  
EUR/WE; EUR/NE; IO/CU; NEA/P; EB/TT; INR/P; PM; S/IR;  
CSD ISA FOR ILN; FOR NEA; OASD/PA;

USDOC PASS USTR/PA  
WHITEHOUSE FOR RC-WEUROPE, NSC FOR BERGER;  
USMISSION USNATO FOR USIS  
PARIS FOR USIS; UNESCO; OECD;  
VIENNA PASS USDEL-CSCE;

E.O.12958:N/A

SUBJECT: LONDON MEDIA REPORT, MONDAY, OCTOBER 14, 1997

A) BROADCAST MEDIA

NO MAJOR INTERNATIONAL AFFAIRS BROADCAST COVERAGE

B) MAJOR PRESS STORIES

1. CLINTON IN LATIN AMERICA
2. U.S.-EU TRADE ISSUES
3. NORTHERN IRELAND

C) SUMMARY

1. CLINTON IN LATIN AMERICA

THE MAJOR BROADSHEETS REPORT AND EDITORIALIZE ON THE PRESIDENT'S TRIP TO LATIN AMERICA, NOTING THE LACK OF "FAST TRK" AUTHORITY TO ACCOMPANY HIS VISIT AND THE FRICTIONS THAT EXIST BETWEEN THAT REGION AND THE U.S.

2. U.S.-EU TRADE ISSUES

TWO PAPERS DISCUSS POTENTIAL FOR MAJOR CLASHES BETWEEN THE UNITED STATES AND THE EUROPEAN UNION OVER HELMS-BURTON AND ILSA LEGISLATION.

3. NORTHERN IRELAND

ALL PAPERS REPORT AND EDITORIALIZE ON MEETING BETWEEN BRITISH PRIME MINISTER BLAIR AND SINN FEIN LEADER GERRY ADAMS, WITH MOST NOTING THAT THE BRITISH GOVERNMENT SEEMS TO BE GETTING LITTLE IN RETURN FOR THE STEPS IT HAS TAKEN.

D) TEXT

1. CLINTON IN LATIN AMERICA

"YANKEE COME HERE: CLINTON SHOULD ADD LATIN AMERICA TO HIS LEGACY"  
THE CONSERVATIVE "TIMES" (10/13) EDITORIALIZES: "... BILL CLINTON HAS EMBARKED ON THE FIRST FULL TOUR OF SOUTH AMERICA BY A U.S. PRESIDENT SINCE THAT OF JIMMY CARTER ALMOST TWO DECADES AGO. THE REGION IS ONE OF EVER-INCREASING SIGNIFICANCE TO AMERICA'S INTERESTS. IN ITS OWN WAY, MR. CLINTON'S MERE PRESENCE IN BRAZIL, ARGENTINA AND VENEZUELA MAKES THIS ONE OF THE MOST IMPORTANT OVERSEAS VENTURES OF HIS TENURE. IT IS UNLIKELY THAT IT WILL BE ANOTHER 20 YEARS BEFORE A SUCCESSOR MAKES A SIMILAR TRIP.... MR. CLINTON ENTERED A CAUTIONARY NOTE EVEN BEFORE HIS DEPARTURE. HE STRESSED THE PRIORITY HE WOULD PLACE ON ENHANCED EFFORTS AGAINST THE DRUG CARTELS AND POLITICAL CORRUPTION. THOSE REMARKS WILL HAVE CAUSED SOME IRRITATION IN HIS HOST COUNTRIES. THEY REFLECT,

HOWEVER, THE PRESIDENT'S POLITICAL SITUATION. THE SINGLE-MINDED EFFORTS OF SEN. JESSE HELMS HAVE MADE THE ALLEGED CONNECTION BETWEEN PUBLIC OFFICIALS AND THE NARCOTICS INDUSTRY IN BOTH MEXICO AND COLUMBIA A SERIOUS ISSUE IN WASHINGTON.....  
MR. CLINTON WOULD LIKE TO MAKE THE EXPANSION OF FREE TRADE THE CENTERPIECE OF HIS AGENDA. HIS EARLY DECISION TO EMBRACE NAFTA WAS UNCLAS SECTION 02 OF 04 LONDON 011785

USIA

PERISHABLE INFORMATION - DO NOT SERVICE  
USIA FOR I/GWEU; R/C; R/MR; WEU; NEA; VOA NEWS/CA; PL  
LSECRET; B/TV/WP;  
STATE FOR EUR/P AND PLS PASS ACDA/PA; EUR/PA; EUR/P/SP;  
EUR/WE; EUR/NE; IO/CU; NEA/P; EB/TT; INR/P; PM; S/IR;  
CSD ISA FOR ILN; FOR NEA; OASD/PA;  
USDOC PASS USTR/PA  
WHITEHOUSE FOR NSC-WEUROPE, NSC FOR BERGER;  
USMISSION USNATO FOR USIS  
PARIS FOR USIS; UNESCO; OECD;  
VIENNA PASS USDEL-CSCE;

E.O.12958:N/A

SUBJECT: LONDON MEDIA REPORT, MONDAY, OCTOBER 14, 1997

AMONG THE MOST POSITIVE ACTS OF HIS PRESIDENCY. THE TIMING OF HIS TOUR THOUGH IS SLIGHTLY INCONVENIENT. THE PRESIDENT IS STRUGGLING TO SECURE CONGRESSIONAL SUPPORT FOR HIS FULL POWER OVER TRADE NEGOTIATIONS. HIS OPPONENTS HAVE PAINTED FREE TRADE AS THE MEANS BY WHICH AMERICAN FIRMS WILL EXPORT EMPLOYMENT FROM THE MIDWEST TO SOUTH AMERICAN SWEATSHOPS.

FOR THAT REASON, THE PRESIDENT WILL CHOOSE TO TREAD CAREFULLY. HE SHOULD NOT ALLOW THESE SHORT-TERM FACTORS TO OBSCURE AMERICA'S FUTURE. MR. CLINTON SHOULD PUBLICLY WELCOME THE REFORMS THAT HAVE BEEN MADE AS WELL AS THE REMAINING DIFFICULTIES THAT MUST BE TACKLED. HE SHOULD MAKE IT CLEAR THAT HE WOULD LIKE TO SEE NAFTA EXTENDED TO INCLUDE CHILE AND FULL INTER-AMERICAN FREE TRADE BY THE EARLY YEARS OF THE NEXT CENTURY. MAINSTREAM REPUBLICANS WILL BACK HIM, NOT LEAST BECAUSE OF THEIR ELECTORAL DEPENDENCE ON FLORIDA AND TEXAS. THE PRESIDENT STILL HAS TIME TO MAKE THIS CENTRAL TO HIS LEGACY.

"CLINTON PRAISE FOR REGION'S DEMOCRACY"

THE INDEPENDENT "FINANCIAL TIMES"(10/13) REPORTS: "PRESIDENT BILL CLINTON YESTERDAY PRAISED LATIN AMERICA'S ADVANCES IN STRENGTHENING DEMOCRACY AND MARKET ECONOMIES, AND PROMISED TO RENEW U.S. EFFORTS TO PUSH AHEAD WITH REGIONAL INTEGRATION. HIS SPEECH IN VENEZUELA, AT THE BEGINNING OF A WEEK-LONG TRIP THROUGH SOUTH AMERICA, WAS INTENDED TO SHOWCASE THE BENEFITS OF TRADE WITH LATIN AMERICA AND ADDRESS CONCERNS IN THE U.S. CONGRESS OVER THE REGION'S READINESS FOR TRADE PACTS WITH THE U.S..... IN AN APPARENT ALLUSION TO U.S. CONGRESSIONAL CONCERNS ABOUT AUTHORIZING FAST-TRACK TRADE NEGOTIATIONS, MR. CLINTON ALSO HIGHLIGHTED THE EFFORTS OF VENEZUELAN PRESIDENT RAFAEL CALDERA IN THE FIGHT AGAINST CORRUPTION AND DRUGS."

2. U.S.-EU TRADE ISSUES

"US AND EU TRY TO SQUARE SANCTIONS CIRCLE"

THE INDEPENDENT "FINANCIAL TIMES" (10/13) COLUMNIST GUY DE JONQUIERES WRITES: "U.S. AND EU NEGOTIATORS MEET IN BRUSSELS TODAY IN A RACE AGAINST THE CLOCK TO PREVENT THE MOST MENACING TRANSATLANTIC TRADE CONFLICT FOR YEARS ERUPTING INTO OPEN WAR. TOMORROW EVENING, A FRAGILE TRUCE IS DUE TO EXPIRE IN THEIR DISPUTE OVER THE U.S. HELMS-BURTON ANTI-CUBA LAW AND THE IRAN-LIBYA SANCTIONS ACT (ILSA)... ALTHOUGH THE TWO SIDES HAVE NARROWED SOME DIFFERENCES, THEY REMAIN FAR APART OVER A U.S. DEMAND FOR INTERNATIONAL ACTION TO STOP COMPANIES PROFITING FROM ILLEGALLY CONFISCATED ASSETS. THE EU IS PREPARED TO ACCEPT A BAN ON FUTURE EXPROPRIATIONS--BUT IS RESISTING U.S. INSISTENCE THAT IT ALSO COVER PAST ONES. AGREEMENT HAS ALSO YET TO BE STRUCK ON EU DEMANDS THAT THE U.S. EXEMPT EUROPEAN COMPANIES FROM SANCTIONS UNDER HELMS-BURTON AND ILSA, AND FORSWEAR FURTHER EXTRA-TERRITORIAL LEGISLATION...."

"THE SITUATION IS INCREDIBLY DELICATE," SAYS A EUROPEAN DIPLOMAT. "WE HAVE ALREADY MOVED AS FAR AS WE CAN TO PUT PRESSURE ON TEHRAN. UNCLAS SECTION 03 OF 04 LONDON 011785

USIA

PERISHABLE INFORMATION - DO NOT SERVICE  
USIA FOR I/GWEU; R/C; R/MR; WEU; NEA; VOA NEWS/CA; PL  
LSECRET; B/TV/WP;  
STATE FOR EUR/P AND PLS PASS ACDA/PA; EUR/PA; EUR/P/SP;  
EUR/WE; EUR/NE; IO/CU; NEA/P; EB/TT; INR/P; PM; S/IR;  
CSD ISA FOR ILN; FOR NEA; OASD/PA;  
USDOC PASS USTR/PA  
WHITEHOUSE FOR NSC-WEUROPE, NSC FOR BERGER;  
USMISSION USNATO FOR USIS  
PARIS FOR USIS; UNESCO; OECD;  
VIENNA PASS USDEL-CSCE;

E.O.12958:N/A

SUBJECT: LONDON MEDIA REPORT, MONDAY, OCTOBER 14, 1997

IF THERE IS ANY HINT THE U.S. IS BULLYING EUROPE INTO DOING MORE, AS THE PRICE FOR SETTLING THE SANCTIONS CONFLICT, THE FRENCH AND OTHER GOVERNMENTS WILL GO BERSERK."

ONE WAY OUT OF THE DILEMMA MIGHT BE TO PURSUE A SOLUTION OUTSIDE THE FRAMEWORK OF TRADE NEGOTIATIONS--POSSIBLY IN THE REGULAR TALKS BETWEEN THE U.S., EUROPE AND CANADA ON SECURITY POLICY TOWARDS TEHRAN. BUT EVEN IF THAT CREATED MORE COMMON GROUND, IT COULD BE DIFFICULT TO PRESENT ANY MOVEMENT BY EUROPE AS A SPONTANEOUS INITIATIVE, AND NOT AS CAPITULATION TO U.S. PRESSURE."

"UNITED EUROPE MUST STAND UP TO US BULLYING"

A COLUMN IN THE CONSERVATIVE TABLOID "EVENING STANDARD" (10/13) REPORTS: "TALKS ARE DUE TO RESUME IN BRUSSELS THIS WEEK ABOUT AMERICA'S ATTEMPT TO LEGISLATE FOR THE WORLD. IF THE NEW LABOUR GOVERNMENT REALLY MEANS BUSINESS ABOUT PLAYING A LEADING ROLE IN

EUROPE IT SHOULD JOIN FORCES WITH OUR EU PARTNERS IN STANDING UP TO WASHINGTON.... THIS IS ONE TRANSATLANTIC ARGUMENT THAT WASHINGTON DOES NOT DESERVE TO WIN."

3. NORTHERN IRELAND

"TONY AND GERRY"

THE CONSERVATIVE "DAILY TELEGRAPH" (10/13) EDITORIALIZES:  
"YESTERDAY'S MEETING BETWEEN TONY BLAIR AND GERRY ADAMS WAS YET ANOTHER WAY-STATION ON THE VIA DOLOROSA OF BRITISH DECLINE. CONSIDER, FOR A MOMENT, WHAT HAS HAPPENED HERE: THE POLITICAL LEADERS OF A SMALL GROUP OF ARMED SECTARIAN FANATICS ON THE PERIPHERY OF THE UNITED KINGDOM, WHO ENJOY THE SUPPORT OF A SMALL MINORITY OF THE MINORITY COMMUNITY, ARE NOW BEING TREATED ON A PAR WITH THE LEADERS OF IMPECCABLY DEMOCRATIC PARTIES. MOR TO THE POINT, THEY HAVE ACHIEVED THIS MARK OF ESTEEM WITHOUT HANDING IN A SINGLE WEAPON AND (SO FAR) WITHOUT ANY COMPROMISE ON FUNDAMENTAL PRINCIPLES."

"SHAKERS ARE NOT ALWAYS MOVERS"

THE LIBERAL "GUARDIAN" (10/13) EDITORIALIZES: "ON WHAT OCCASION DOES A HISTORIC HANDSHAKE TAKE PLACE? AT A MILESTONE MEETING--WHERE ELSE? THAT IS HOW YESTERDAY'S ENCOUNTER BETWEEN TONY BLAIR AND GERRY ADAMS WAS DESCRIBED TO THE SURPRISE OF NO ONE IN THE BUSINESS.... THE HANDS OF POLITICIANS, AS DYLAN THOMAS ONCE OBSERVED, ARE NOT ALWAYS BENEFICENT. SIGNING A PAPER THEY MAY FELL A CITY; SIGNING A TREATY THEY MAY BRING LOCUSTS AND FAMINE. PERHAPS ALL THINGS CONSIDERED IT WOULD BE SENSIBLE TO PAY LESS ATTENTION TO THEIR GESTURES AND MORE TO THE RESULTS."

"GESTURE POLITICS: THE HAND SHAKEN TODAY MAY PRIME THE BOMB TOMORROW"

THE CONSERVATIVE "TIMES" (10/13) EDITORIALIZES: "... SINN FEIN IS IN TALKS NOT TO REACH AMICABLE AGREEMENT BUT, IN THE WORDS OF ITS CHIEF 'NEGOTIATOR' MARTIN MCGUINNESS, TO 'SMASH THE UNION.' SHOULD NEGOTIATIONS FALL SHORT OF THE REPUBLICANS' AIM THEN THE IRA, WHICH UNCLAS SECTION 04 OF 04 LONDON 011785

USIA

PERISHABLE INFORMATION - DO NOT SERVICE  
USIA FOR I/GWEU; R/C; R/MR; WEU; NEA; VOA NEWS/CA; PL  
LSECRET; B/TV/WP;  
STATE FOR EUR/P AND PLS PASS ACDA/PA; EUR/PA; EUR/P/SP;  
EUR/WE; EUR/NE; IO/CU; NEA/P; EB/TT; INR/P; PM; S/IR;  
CSD ISA FOR ILN; FOR NEA; OASD/PA;  
USDOC PASS USTR/PA  
WHITEHOUSE FOR NSC-WEUROPE, NSC FOR BERGER;  
USMISSION USNATO FOR USIS  
PARIS FOR USIS; UNESCO; OECD;  
VIENNA PASS USDEL-CSCE;

E.O.12958:N/A

SUBJECT: LONDON MEDIA REPORT, MONDAY, OCTOBER 14, 1997

HAS NEVER ACCEPTED THE MITCHELL PRINCIPLES OF NON-VIOLENCE, REMAINS

READY TO RETURN TO THE ARMED STRUGGLE. MR. BLAIR MAY THEN REGRET SHAKING A HAND NOT JUST STAINED WITH BLOOD BUT HOVERING OVER THE DETONATOR.... INDULGENCE OF REPUBLIC DEMANDS IS NOT WITHOUT COST. IT WEAKENS SUPPORT WITHIN THE MAJORITY COMMUNITY FOR THE UNIONIST LEADER DAVID TRIMBLE'S PARTICIPATION IN TALKS AND LIMITS HIS ROOM FOR GENEROSITY IN NEGOTIATIONS. THOSE WHOSE CONFIDENCE IN THE PEACE PROCESS MOST NEED BOLSTERING ARE NOT TERRORIST ORGANIZATIONS, WHOSE PRISONERS ARE BEING TRANSFERRED AND LEADERS FETED, BUT DEMOCRATIC PARTIES WHOSE PATIENCE HAS BEEN TESTED SO FAR." SMITH

**SECT:** SECTION: 01 OF 04  
<^SECT>SECTION: 02 OF 04  
<^SECT>SECTION: 03 OF 04  
<^SECT>SECTION: 04 OF 04

**SSN:** 1785  
<^SSN>1785  
<^SSN>1785  
<^SSN>1785

**TOR:** 971014070017 M2974066  
<^TOR>971014065509 M2974058  
<^TOR>971014065525 M2974059  
<^TOR>971014065547 M2974060

**DIST:**  
SIT: NSC

# Withdrawal/Redaction Marker

## Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
004. cable	re background on visit (4 pages)	10/20/1997	P1/b(1)

### COLLECTION:

Clinton Presidential Records  
NSC Cables  
Jan 1997-Dec 1998 ([sweatshop ...])  
OA/Box Number: 520000

### FOLDER TITLE:

[08/13/1997-10/20/1997]

2018-1072-F  
kc2337

### RESTRICTION CODES

#### Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

#### Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]