

Withdrawal/Redaction Sheet

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. cable	re Thailand (23 pages)	11/17/1994	P1/b(1)
002. cable	re US-China Labor Dialogue (4 pages)	11/18/1994	P1/b(1)
003. cable	re Argentina (18 pages)	12/15/1994	P1/b(1)

COLLECTION:

Clinton Presidential Records
 NSC Cables
 Jan 1993-Dec 1994 ([sweatshop ...])
 OA/Box Number: 505000

FOLDER TITLE:

[08/11/1994-12/16/1994]

2018-1072-F
kc2331

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 RUEHCAA5437 2230343-UUUU--RHEHAAA.
LINE2: ZNR UUUUU ZZH ZEX
LINE3: P R 110307Z AUG 94
LINE4: FM SECSTATE WASHDC
OSRI: RUEHC
DTG: 110307Z AUG 94
ORIG: SECSTATE WASHDC
TO: ALL DIPLOMATIC AND CONSULAR POSTS PRIORITY
RUEIBS/AMEMBASSY ASMARA 6210
RUEHSL/AMEMBASSY BRATISLAVA 2528
RUEHJB/AMEMBASSY BUJUMBURA 5405
RUDKHD/AMEMBASSY DUSHANBE 8255
RUEHKH/AMEMBASSY KHARTOUM 8385
RUDKLD/AMEMBASSY LUANDA 8815
SPECIAL EMBASSY PROGRAM
INFO: RUEAIIA/CIA WASHDC 5339
RUEKJCS/DOD WASHDC 0697
RHEHAAA/WHITE HOUSE WASHDC 6935
SUBJ: COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES FOR
1994 INSTRUCTIONS CABLE
TEXT:
UNCLAS SECTION 01 OF 19 STATE 215437
INFORM CONSULS ALSO FOR USEU/USEOEC
E.O. 12356: N/A
TAGS: PHUM
SUBJECT: COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES FOR
1994 INSTRUCTIONS CABLE
REF: (A) 94 STATE 174343, (B) 93 STATE 268947

1. INTRODUCTION: THIS MESSAGE, ALONG WITH REFTEL A, CONTAINS INSTRUCTIONS FOR PREPARATION OF THE ANNUAL COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES WHICH BY LAW MUST BE SUBMITTED TO CONGRESS BY JANUARY 31, 1995. POSTS SHOULD CONSULT REFTEL A FOR PROCEDURAL GUIDANCE, NOTING PARTICULARLY PARAGRAPH 3 CONCERNING DUE DATES AND PARAGRAPH 13 CONCERNING THE SPECIAL FORMAT FOR TRANSMITTING THE REPORT TO THE DEPARTMENT. A SECTION OF THIS YEAR'S FOREIGN RELATIONS AUTHORIZATION (PUBLIC LAW 103-236) REQUIRES THE US TO "PROMOTE INCREASED RESPECT INTERNATIONALLY FOR THE RIGHTS TO FOOD AND TO MEDICAL CARE, INCLUDING THE PROTECTION OF THESE RIGHTS WITH RESPECT TO CIVILIANS AND NONCOMBATANTS DURING ARMED CONFLICT..." POSTS IN COUNTRIES EXPERIENCING SIGNIFICANT ARMED CONFLICT SHOULD PAY PARTICULAR ATTENTION TO PARAGRAPH 30 OF THIS MESSAGE WHICH SPELLS OUT THE CONTINUING NEED TO REPORT SUCH VIOLATIONS OF HUMANITARIAN LAW. THE DEPARTMENT RECOGNIZES THE MAJOR BURDEN

THIS ANNUAL REPORT PLACES UPON BOTH SMALL AND LARGE POSTS. BECAUSE OF THE SIGNIFICANCE OF THE DATA REPORTED AND BECAUSE IT IS CONGRESSIONALLY-MANDATED, WE CANNOT PROMISE TO REDUCE THE REQUIREMENTS PLACED ON THE FIELD FOR SUCH INFORMATION. HOWEVER, WE ARE MAKING EVERY EFFORT POSSIBLE TO STREAMLINE THE PRODUCTION OF THIS REPORT. THIS TASKING HAS BEEN CLEARED WITH FMP/MP(SEP).

2. THE RIGHTS COVERED BY THIS REPORT ARE AMONG THOSE WHICH HAVE ATTAINED INTERNATIONAL RECOGNITION BY THEIR INCORPORATION IN ONE OF THE MULTILATERAL ACCORDS TO WHICH THE UNITED STATES IS A PARTY. MOST OF THE ABUSES ON WHICH THE REPORT FOCUSES ARE THOSE LINKED TO THE ENFORCEMENT OF U.S. LEGISLATION. THESE INCLUDE THOSE GROSS ABUSES, E.G. TORTURE, WHICH CAN LEAD TO THE MANDATORY CUTOFF OF SOME FORMS OF FOREIGN ASSISTANCE, INSTANCES OF PERSECUTION OR DISCRIMINATION WHICH CAN HELP ESTABLISH ELIGIBILITY FOR REFUGEE STATUS, RESTRICTIONS ON FREEDOM OF TRAVEL WHICH CAN INFLUENCE ENJOYMENT OF MOST FAVORED NATION STATUS AND VIOLATIONS OF WORKERS RIGHTS WHICH CAN RESULT IN WITHDRAWAL OF TRADE PREFERENCES.

3. THE FOLLOWING PARAGRAPHS CONTAIN BOTH GENERAL INSTRUCTIONS DESIGNED TO GUIDE REPORTING OFFICERS ON HOW TO COLLECT AND EVALUATE INFORMATION RELATING TO HUMAN RIGHTS ABUSES AND MORE SPECIFIC INSTRUCTIONS DIRECTED AT REPORTING ON PARTICULAR TYPES OF ABUSE. END INTRODUCTION.

ROLE OF MISSION MANAGEMENT

4. BECAUSE OF THE INTENSE CONGRESSIONAL AND OTHER PUBLIC SCRUTINY WHICH THE REPORTS RECEIVE, MISSION MANAGEMENT SHOULD REVIEW THIS CABLE AND TAKE A PERSONAL INTEREST IN THE CONTENT AND TIMELY SUBMISSION OF THE REPORT. THE MISSION HUMAN RIGHTS AND DEMOCRACY COMMITTEE, UNDER THE DIRECTION OF THE DCM, SHOULD BE CONVENED TO REVIEW THE REPORT'S ACCURACY AND THOROUGHNESS BEFORE TRANSMITTAL. THE POST SHOULD REVIEW THE BRIEF CHECKLIST CABLE THAT WILL BE SENT TO POSTS IN EARLY SEPTEMBER BEFORE TRANSMITTING ITS REPORT TO THE DEPARTMENT TO HELP ENSURE THAT IT CONTAINS ALL OF THE ESSENTIAL INFORMATION IDENTIFIED IN THAT CABLE. THESE REPORTS PROVIDE A BASIS FOR DECISIONS UNDER SECTIONS 116 AND 502B OF THE FOREIGN ASSISTANCE ACT, AND OTHER LEGAL PROVISIONS, AND ARE VIEWED AS THE STANDARD REFERENCE SOURCE FOR INFORMATION ON HUMAN RIGHTS BY USERS BOTH IN AND OUT OF GOVERNMENT. THEIR ACCEPTANCE AND

CREDIBILITY, IN CONGRESS AND ELSEWHERE, REQUIRE CONTINUING HIGH QUALITY REPORTING FROM THE FIELD. IN LIGHT OF THE REDEFINITION OF LABOR OFFICER FUNCTIONS APPROVED BY THE SECRETARY LAST MONTH (STATE 197808 AND 197826) MISSIONS ARE URGED TO MAKE THE FULLEST POSSIBLE USE OF LABOR OFFICERS IN THE PREPARATION OF THE REPORT.

UNCLAS SECTION 02 OF 19 STATE 215437

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STANDARDS OF EVIDENCE

5. THE DEPARTMENT UNDERSTANDS THAT HUMAN RIGHTS REPORTING IS OFTEN FRAUGHT WITH AMBIGUITY--THAT WHILE REPORTING MUST BE BASED ON THE FACTS, IT IS OFTEN DIFFICULT TO ASCERTAIN WHAT THE FACTS ARE (E.G., WHETHER A PARTICULAR KILLING IS OR IS NOT "POLITICAL," WHETHER THE RESPONSIBILITY FOR SPECIFIC ABUSES CAN BE DETERMINED DEFINITELY, OR WHETHER ALLEGATIONS MADE BY LOCAL GROUPS ARE RELIABLE OR ARE DISTORTED TO DISCREDIT THE GOVERNMENT.) IT IS IMPORTANT, HOWEVER, TO MAKE A CONSCIENTIOUS EFFORT TO REPORT WHAT THE AVAILABLE EVIDENCE SHOWS AND, WHERE IT IS AMBIGUOUS, TO REPORT THAT. OBVIOUSLY, THE STANDARD OF EVIDENCE APPLIED SHOULD BE CONSISTENT; WE MUST NOT/NOT, FOR EXAMPLE, APPLY A STANDARD OF "PROOF BEYOND A REASONABLE DOUBT" WHEN EVALUATING ALLEGATIONS OF ABUSES BY FRIENDLY GOVERNMENTS AND AT THE SAME TIME APPLY A MORE LENIENT PRIMA FACIE TEST TO ALLEGATIONS OF ABUSE COMMITTED BY GUERRILLA OR OTHER OPPOSITION FORCES. WHILE IT MAY BE NECESSARY, FOR LACK OF ADEQUATE EVIDENCE, TO AVOID PRONOUNCING OUR OPINION ON THE PARTY OR PARTIES RESPONSIBLE FOR CERTAIN SPECIFIC INCIDENTS, WE HAVE AN OBLIGATION TO RENDER AN OPINION ON WHETHER A PATTERN OF ABUSE IS PRESENT AND WHO APPEARS TO BE RESPONSIBLE. FOR EXAMPLE, IT IS NOT/NOT SUFFICIENT TO SAY "HUMAN RIGHTS MONITORS CLAIM THAT SECURITY FORCES HAVE BEEN INVOLVED IN POLITICAL KILLINGS" OR "THERE ARE OCCASIONAL REPORTS OF POLICE ABUSE OF DETAINEES OR PRISONERS." WE MUST GO ON TO SAY WHETHER WE BELIEVE SUCH REPORTS ARE CREDIBLE. IF THERE IS A TOTAL ABSENCE OF EVIDENCE TENDING TO CONFIRM OR DENY SUCH REPORTS, YOU SHOULD SO REPORT AND EXPLAIN THE CIRCUMSTANCES THAT MAKE IT IMPOSSIBLE TO RENDER AN OPINION. IF IN YOUR JUDGMENT A REPORT IS NOT CREDIBLE, PLEASE INFORM THE DEPARTMENT AND EXPLAIN.

6. WE SEEK TO APPLY A SINGLE WORLDWIDE STANDARD TO THE REPORTING OF HUMAN RIGHTS CONDITIONS. WHILE ALL SIGNIFICANT HUMAN RIGHTS ABUSES (AS DEFINED IN THE FOLLOWING FORMAT) SHOULD BE INCLUDED IN YOUR REPORT, YOU

MAY EXPECT THAT DURING EDITING IN THE DEPARTMENT, JUDGMENT WILL BE EXERCISED AS TO WHETHER A VIOLATION OR A SET OF VIOLATIONS OF HUMAN RIGHTS STANDARDS MEET THE THRESHOLD TO BE REPORTED IN A STANDARD WORLDWIDE REFERENCE WORK.

HUMAN RIGHTS PRACTICES/PUNISHMENT OF ABUSES

7. IN EVERY SECTION OF THE REPORT IT IS IMPORTANT TO DISCUSS NOT SOLELY WHAT THE COUNTRYS CONSTITUTION OR LAWS

PROVIDE OR THE GOVERNMENT CLAIMS BUT WHAT HAPPENS IN ACTUAL PRACTICE. IT IS NOT ENOUGH TO STATE, FOR EXAMPLE, THAT THE CONSTITUTION PROVIDES FOR FREEDOM OF ASSOCIATION, INCLUDING THE RIGHT TO FORM AND JOIN LABOR UNIONS. IT IS ALSO NECESSARY TO STATE THE EXTENT TO WHICH THESE FREEDOMS ARE, IN PRACTICE, EXERCISED. ONE OF THE MOST IMPORTANT ASPECTS OF HUMAN RIGHTS REPORTING IS TO INDICATE, WHERE ABUSES SUCH AS POLITICAL KILLING, TORTURE, OR DISAPPEARANCE OCCUR, WHAT, IF ANYTHING, THE GOVERNMENT HAS DONE SPECIFICALLY TO INVESTIGATE, TRY AND PUNISH THOSE FOUND GUILTY. IT IS NOT SUFFICIENT MERELY TO NOTE THAT SUCH ABUSES ARE "NOT THE RESULT OF GOVERNMENT POLICY" OR THAT "THE GOVERNMENT REPEATEDLY HAS DENOUNCED" SUCH ACTS. IF FEW OFFICIALS ARE EVER PUNISHED FOR SUCH ABUSES (OR ARE GIVEN INORDINATELY MILD PUNISHMENT) THAT MUST BE REPORTED BECAUSE IT IMPLIES STRONGLY THAT THE GOVERNMENT A) SECRETLY INSTIGATES, B) TACITLY CONDONES, C) IS UNABLE TO CONTROL THOSE RESPONSIBLE OR D) SOME COMBINATION OF A-C. THE LACK OF IRREFUTABLE PROOF DOES NOT ABSOLVE US FROM THE RESPONSIBILITY TO STATE WHAT A PREPONDERANCE OF AVAILABLE EVIDENCE INDICATES THE SITUATION TO BE.

GENERAL APPROACH

8. OUR OBJECTIVE IN EACH SECTION OF THE REPORT, AS IN THE REPORT OVERALL, IS TO PRESENT A BALANCED AND ACCURATE PICTURE OF THE SITUATION IN THE COUNTRY WITH RESPECT TO UNCLAS SECTION 03 OF 19 STATE 215437
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SUBJECT: COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES FOR 1994 INSTRUCTIONS CABLE

THE MATTER UNDER DISCUSSION (E.G., POLITICAL KILLING, FREEDOM OF THE PRESS, ETC.). YOU SHOULD PAY SPECIAL ATTENTION TO REPORTS BY THE VARIOUS UN HUMAN RIGHTS MECHANISMS, ALTHOUGH THESE REPORTS MAY NOT BE OF UNIFORM QUALITY, AND TO MAJOR DECISIONS OR REPORTS OF IMPORTANT REGIONAL BODIES (E.G., THE EUROPEAN COURT OF HUMAN RIGHTS, THE EUROPEAN HUMAN RIGHTS COMMISSION.) ADDITIONALLY, WHILE WE GENERALLY PREFER TO NOTE ACTIONS OF GOVERNMENTS

RATIFYING IMPORTANT HUMAN RIGHTS CONVENTIONS IN APPENDIX C, THERE MAY BE INSTANCES IN WHICH WE WILL WANT TO CITE IT IN THE NARRATIVE (FOR EXAMPLE, WHEN A COUNTRY IN WHICH TORTURE IS WIDESPREAD RATIFIES THE CONVENTION AGAINST TORTURE.) PLEASE TREAT EACH SUBJECT COMPREHENSIVELY BUT AS CONCISELY AS POSSIBLE IN ORDER TO HELP CONTROL THE LENGTH OF THE REPORTS. GENERALLY SPEAKING, THE REPORTS SHOULD PROVIDE GENERIC DESCRIPTIONS OF PROBLEMS AND NOT/NOT RECITE A LONG COLLECTION OF SPECIFIC CASES. THE MOST IMPORTANT AND EGREGIOUS ABUSES SHOULD BE CITED TO ILLUSTRATE THE GENERAL DESCRIPTION AND CONCLUSIONS IN EACH SECTION. HOWEVER, WE MUST NOT "MISS THE FOREST FOR THE TREES" BY PRESENTING A MERE LAUNDRY LIST OF SPECIFIC EVENTS OR INCIDENTS UNACCOMPANIED BY SOME DISCUSSION OF

THEIR OVERALL SIGNIFICANCE IN THE COUNTRY CONCERNED. IN THOSE INSTANCES WHERE SPECIFIC CASES ARE DISCUSSED, THE QUESTION SOMETIMES IS POSED WHETHER NAMING A VICTIM OF ABUSE IN OUR REPORT, PARTICULARLY VICTIMS OF TORTURE DISAPPEARANCE OR ARBITRARY DETENTION, MAY SUBJECT THAT PERSON TO REPRISAL AND INCREASED OR PROLONGED ABUSE. WE THINK AS DO REPRESENTATIVES OF MANY PRIVATE HUMAN RIGHTS ORGANIZATIONS, THAT AS A GENERAL RULE THE NAMING OF A VICTIM IN A PUBLISHED REPORT, PARTICULARLY IN ONE WITH THE HIGH VISIBILITY OF OUR COUNTRY REPORTS, TENDS TO HAVE AT LEAST SOME INHIBITING EFFECT UPON GOVERNMENTS AND THUS OFTEN AFFORDS THE VICTIM SOME DEGREE OF PROTECTION FROM FURTHER ABUSE. OBVIOUSLY, THERE CAN BE EXCEPTIONS. IF YOU THINK THAT THERE IS A STRONG LIKELIHOOD THAT NAMING A SPECIFIC VICTIM OF HUMAN RIGHTS ABUSE IN THE COUNTRY REPORT WOULD SUBJECT THAT PERSON TO WORSE ABUSE, YOU SHOULD INFORM THE DEPARTMENT OF THE CIRCUMSTANCES AND YOUR REASONS FOR RECOMMENDING THAT THE NAME BE WITHHELD. WE WILL NOT, OF COURSE, WITHHOLD A VICTIM'S NAME SOLELY BECAUSE THAT PERSON IS HIGHLY UNPOPULAR WITH THE GOVERNMENT AND PUBLICATION OF THE NAME IN OUR REPORT WOULD BE UPSETTING OR EMBARRASSING TO THE GOVERNMENT.

9. IN ADDITION TO ACTIVITIES OF THE GOVERNMENT, YOU SHOULD ALSO DISCUSS ACTIONS CONTRARY TO BASIC INTERNATIONALLY RECOGNIZED HUMANITARIAN STANDARDS BY NON-GOVERNMENTAL ELEMENTS SUCH AS GUERRILLA FORCES, TERRORISTS, OR OCCUPYING FORCES OF A FOREIGN POWER. IN COUNTRIES EXPERIENCING ARMED CONFLICT, YOU SHOULD REPORT VIOLATIONS OF HUMANITARIAN LAW IN THE TREATMENT OF CIVILIANS (SEE PARAGRAPHS 30-31), INCLUDING ANY MILITARY CONSCRIPTION OF CHILDREN, WHETHER BY GOVERNMENT OR OPPOSITION FORCES. YOU SHOULD CONTINUE TO GIVE CAREFUL ATTENTION TO THE STATUS OF WOMEN, CHILDREN AND

MINORITIES. WHERE THERE IS A PATTERN OF ABUSE (E.G., KILLING, RAPE OR OTHER PHYSICAL MISTREATMENT, EXCLUSION FROM THE POLITICAL PROCESS, RESTRICTION OF MOVEMENT) FOCUSED ON WOMEN OR CHILDREN OR A SPECIFIC MINORITY GROUP, BE IT BASED ON ETHNICITY, RELIGION, TRADE UNION ACTIVITY, SEXUAL ORIENTATION OR OTHER FACTORS, YOU SHOULD DISCUSS IT IN THE APPROPRIATE SUBSECTION OF THE REPORT. FOR EXAMPLE, A PATTERN OF SEXUAL ABUSE AGAINST WOMEN IN CUSTODY SHOULD BE REPORTED IN SECTION 1 (C). DISCUSS ECONOMIC, CULTURAL OR SOCIAL DISCRIMINATION IN SECTION 5. ALSO DISCUSS IN SECTION 5 THE PROBLEM OF SOCIETAL VIOLENCE DIRECTED AGAINST WOMEN (INCLUDING TRAFFICKING IN WOMEN), AND GOVERNMENTS' EFFORTS (OR LACK THEREOF) TO AMELIORATE IT (SEE PARAGRAPHS 48-50.)

WORKER RIGHTS

10. THESE REPORTS ALSO SERVE AS A BASIS FOR LEGAL AND POLICY DETERMINATION UNDER THE GENERALIZED SYSTEM OF PREFERENCES (GSP) LEGISLATION. IT IS IMPORTANT TO ENSURE THAT THE LAW'S REPORTING REQUIREMENTS ARE MET. THESE

INSTRUCTIONS AND DEFINITIONS TAKE INTO ACCOUNT GENERALLY UNCLAS SECTION 04 OF 19 STATE 215437 INFORM CONSULS ALSO FOR USEU/USEOEC E.O. 12356: N/A TAGS: PHUM SUBJECT: COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES FOR 1994 INSTRUCTIONS CABLE ACCEPTED INTERNATIONAL LABOR STANDARDS. SIGNIFICANT CASES INVOLVING THE HOST COUNTRY BEFORE THE INTERNATIONAL LABOR ORGANIZATION (ILO), AND SERIOUS ALLEGATIONS BY OTHER ORGANIZATIONS SUCH AS THE INTERNATIONAL CONFEDERATION OF FREE TRADE UNIONS (ICFTU), SHOULD BE NOTED BRIEFLY WHERE APPLICABLE. ALSO CONSIDER PETITIONS FILED BY U.S. TRADE UNION AND HUMAN RIGHTS GROUPS WITH THE OFFICE OF THE U.S. TRADE REPRESENTATIVE AS PART OF THE GSP PROCESS OR WITH OPIC. COPIES OF THESE PETITIONS HAVE BEEN SENT TO CONCERNED POSTS. WHILE WE DO NOT/NOT DISCUSS THE GSP PROCESS PER SE IN THE COUNTRY HUMAN RIGHTS REPORTS, WE DO ADDRESS ALL SERIOUS ALLEGATIONS OF WORKER RIGHTS ABUSES. THUS, POSTS SHOULD EVALUATE ALLEGATIONS OF ABUSES MADE IN THESE PETITIONS AND INDICATE THE EXTENT TO WHICH SUCH ABUSES ARE BELIEVED TO OCCUR AND WHAT CORRECTIVE MEASURES, IF ANY, THE GOVERNMENT HAS TAKEN.

SECTION-BY-SECTION GUIDANCE AND FORMAT

11. THE FORMAT AND HEADINGS OUTLINED BELOW MUST BE USED IN ALL CASES, ALTHOUGH EMPHASIS WITHIN A REPORT MAY VARY ACCORDING TO A COUNTRY'S CIRCUMSTANCES. NOTE: THIS IS A

TELEGRAPHIC FORMATTING REMINDER: WHILE THE INTERNAL PARAGRAPHS IN THIS TELEGRAM ARE NUMBERED, DO NOT NUMBER THE INTERNAL PARAGRAPHS OF YOUR HR94 REPORT DRAFT WHEN YOU TRANSMIT IT TELEGRAPHICALLY TO THE DEPARTMENT. PLEASE FOLLOW THE TELEGRAPHIC FORMATTING INSTRUCTIONS IN PARA 13, REFTEL A.

INTRODUCTION

12. THE PURPOSE OF THE INTRODUCTION IS TO PROVIDE A BRIEF SETTING FOR THE REPORT AND A SUMMARY OF THE MOST IMPORTANT HUMAN RIGHTS DEVELOPMENTS DURING THE YEAR. NOTE: SOME REPORTS HAVE ATTEMPTED TO PUT TOO MUCH DETAIL IN THE INTRODUCTIT. IN ALL BUT A HANDFUL OF THE MOST COMPLEX REPORTS, THE INTRODUCTION SHOULD BE LIMITED TO ONE PAGE, I.E., 500 WORDS. BRIEFLY CHARACTERIZE THE POLITICAL SYSTEM, THE MILITARY/SECURITY APPARATUS, THE ECONOMY AND THE OVERALL HUMAN RIGHTS SITUATION IN THAT ORDER. STATE WHAT THE POLITICAL SYSTEM CLAIMS TO BE AND WHAT IT ACTUALLY IS. DESCRIBE THE GOVERNMENT'S SOURCE OF AUTHORITY, WHETHER IN TRULY FREE ELECTIONS, IN THE DOMINATION OF A SINGLE PARTY, IN THE RULE OF THE MILITARY OR IN THE WILL OF ONE INDIVIDUAL, FAMILY, OR ETHNIC GROUP. IS THIS A LONGSTANDING DEMOCRACY OR A COUNTRY

WHICH HAS ESTABLISHED DEMOCRACY ONLY RECENTLY? IS THE COUNTRY'S SITUATION AFFECTED BY INTERNATIONAL OR INTERNAL (E.G. GUERRILLA OR NARCOTICS-RELATED) CONFLICT? BRIEFLY DESCRIBE THE SECURITY APPARATUS AND ITS ROLE IN RELATION TO HUMAN RIGHTS PRACTICES. IS IT UNDER THE FULL CONTROL OF AND RESPONSIVE TO THE GOVERNMENT? HAS IT BEEN INVOLVED, OR ACCUSED OF INVOLVEMENT, IN HUMAN RIGHTS ABUSES? EXPAND AS APPROPRIATE IN SPECIFIC SUBSECTIONS. INDICATE THE NATURE OF THE ECONOMY AND THE DEGREE TO WHICH INDIVIDUALS ARE FREE TO ASSOCIATE WITH OTHERS, PURSUE PRIVATE INTERESTS, HOLD PRIVATE PROPERTY, ETC. FINALLY, SUMMARIZE BRIEFLY THE STATE OF HUMAN RIGHTS IN 1994, NOTING THOSE GROUPS, INCLUDING WOMEN AND MINORITIES, WHOSE MEMBERS' RIGHTS ARE RESTRICTED AND IDENTIFYING THOSE RESPONSIBLE. IDENTIFY IN ONE OR TWO SENTENCES THE SPECIFIC TYPES OF ABUSES (E.G., POLITICAL KILLING, DISCRIMINATION BASED ON RACE, SEX, ETC. OR DENIAL OF WORKER RIGHTS) THAT ARE IDENTIFIED IN THE BODY OF THE REPORT. IF THE GOVERNMENT HAS TAKEN TANGIBLE STEPS TO IMPROVE HUMAN RIGHTS (E.G., RESCINDING REPRESSIVE LAWS AND/OR PRACTICES, CONVICTING AND PUNISHING HUMAN RIGHTS ABUSERS, HOLDING FREE AND FAIR ELECTIONS), REFER TO THEM BRIEFLY HERE AND

DESCRIBE MORE FULLY IN THE APPROPRIATE SECTION. CAUTION: WE WILL GENERALLY REPORT SUCH DEVELOPMENTS WHEN THEY ACTUALLY OCCUR, AS OPPOSED TO WHEN THEY ARE TALKED ABOUT OR PROMISED BY GOVERNMENT OFFICIALS. FINALLY, CHARACTERIZE HUMAN RIGHTS (INCLUDING WORKER RIGHTS) PRACTICE DURING THE YEAR, IDENTIFYING LONG- AND SHORT-TERM TRENDS.

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RESPECT FOR HUMAN RIGHTS

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

A. POLITICAL AND OTHER EXTRAJUDICIAL KILLING

13. DISCUSS HERE SITUATIONS IN WHICH THERE IS REASON TO BELIEVE THAT AGENTS OF THE STATE PERPETUATED, INSTIGATED, OR CONDONED KILLINGS WITHOUT DUE PROCESS OF LAW (WHETHER OR NOT POLITICALLY MOTIVATED) AS WELL AS POLITICALLY MOTIVATED KILLINGS BY OPPOSITION GROUPS OR OTHERS NOT UNDER GOVERNMENT CONTROL. BEGIN BY DISCUSSING KILLINGS BY GOVERNMENT FORCES OR AGENTS AND THEN DISCUSS KILLINGS BY OPPOSITION FORCES. REPORT INSTANCES AND ALLEGATIONS OF DELIBERATE AND ILLEGAL USE OF LETHAL FORCE BY THE POLICE OR OTHER SECURITY FORCES (INCLUDING VIGILANTE ELEMENTS), WHETHER AGAINST POLITICAL ACTIVISTS, MINORITY GROUP MEMBERS, CRIMINAL SUSPECTS, OR OTHERS. PAY PARTICULAR ATTENTION TO DEATHS IN OFFICIAL CUSTODY RESULTING FROM

UNNATURAL CAUSES OR UNDER SUSPICIOUS CIRCUMSTANCES. REPORT HERE DEATHS IN OFFICIAL CUSTODY RESULTING FROM USE OF FORCE AND, AS APPROPRIATE, CROSS-REFERENCE BRIEFLY IN SECTION 1.C., TORTURE AND OTHER CRUEL INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT. INCLUDE IN THIS SECTION ANY INSTANCE IN WHICH LOCAL AUTHORITIES AND/OR COURTS FOUND THAT GOVERNMENT FORCES OR AGENTS DELIBERATELY AND ILLEGALLY KILLED SOMEONE OR THAT THEY USED EXCESSIVE FORCE RESULTING IN DEATH. THE FACT THAT THE STATE HAS PUNISHED A STATE EMPLOYEE RESPONSIBLE FOR AN EXTRAJUDICIAL KILLING IS AN IMPORTANT FACT THAT MUST BE REPORTED HERE. WHEN THERE WAS A SINGLE OR FEW INSTANCES OF SUCH EXTRAJUDICIAL KILLINGS DURING THE YEAR IT IS APPROPRIATE TO CITE THE NUMBER TO INDICATE THAT THERE WAS NOT A GENERAL PATTERN OF SUCH KILLINGS. YOU SHOULD ALSO REPORT WHAT ACTION THE GOVERNMENT TOOK TO PUNISH THOSE RESPONSIBLE. INDIVIDUAL INSTANCES OF DEATH IN OFFICIAL

CUSTODY RESULTING FROM NEGLIGENCE OF POLICE OR PRISON PERSONNEL WHICH WERE LIKELY UNINTENDED (E.G., FAILURE TO PROVIDE TIMELY MEDICAL ASSISTANCE) AND WHERE THE USE OF FORCE CAN CLEARLY BE RULED OUT, WOULD GENERALLY NOT/NOT BE REGARDED AS EXTRAJUDICIAL KILLING BUT WOULD BE REPORTED UNDER SECTION 1.C. EXCLUDE KILLINGS BY COMMON CRIMINALS (IF THE LIKELIHOOD OF POLITICAL MOTIVATION CAN BE RULED OUT) AND DEATHS OF PARTICIPANTS IN ARMED COMBAT BETWEEN POLICE/SECURITY FORCES AND GUERRILLA, TERRORIST OR CRIMINAL ORGANIZATIONS.

14. NOTE: CAPITAL PUNISHMENT IS NOT PROHIBITED BY INTERNATIONAL LAW AND ITS IMPOSITION PER SE, DOES NOT CONSTITUTE A VIOLATION OF INTERNATIONALLY RECOGNIZED HUMAN RIGHTS PROVIDED THE ACCUSED IS AFFORDED ADEQUATE SUBSTANTIVE AND PROCEDURAL SAFEGUARDS IN MOUNTING A DEFENSE. IT SHOULD NOT, THEREFORE, BE INCLUDED IN THIS SECTION. HOWEVER, DISCUSS HERE ARBITRARY OR "SUMMARY" EXECUTIONS WHERE THE ACCUSED IS NOT ALLOWED TO PRESENT A DEFENSE OR IS DENIED BASIC DUE PROCESS RIGHTS.

15. PROVIDE AN ESTIMATE OF THE NUMBER OF POLITICAL AND OTHER EXTRAJUDICIAL KILLINGS, IDENTIFYING PERPETRATORS IF POSSIBLE (SEE PARA. 5.) NOTE WHETHER THE GOVERNMENT HAS THE WILL AND ABILITY TO PREVENT OR PUNISH KILLINGS BY FORCES NOMINALLY UNDER ITS CONTROL AND BY POLITICALLY MOTIVATED PRIVATE GROUPS. REPORT ACTION (OR INACTION) BY THE GOVERNMENT TO APPREHEND/PUNISH THOSE RESPONSIBLE (SEE PARA. 7) AND ESTIMATE THE NUMBER OF PERSONS CONVICTED AND PUNISHED FOR THESE OFFENSES. ALSO DISCUSS HERE KILLINGS BY OPPOSITION GROUPS. ARE GUERRILLA OR TERRORIST KILLINGS AIMED AT GOVERNMENT SECURITY FORCES, AT THE PUBLIC, OR BOTH?

B. DISAPPEARANCE

16. THIS CATEGORY SHOULD ADDRESS ABDUCTIONS OF INDIVIDUALS BY OFFICIAL FORCES; BY FORCES THAT MAY BE OFFICIAL, BUT NOT OPENLY OR OFFICIALLY ESTABLISHED TO BE SO; OR BY NONGOVERNMENTAL OR OPPOSITION FORCES. THE TERM

IS GENERALLY TAKEN TO COVER THOSE WHOSE DISAPPEARANCE IS PERMANENT, I.E., PERSONS WHO ARE LIKELY TO HAVE BEEN KILLED, INCLUDING THOSE WHOSE BODIES MAY BE FOUND AT SOME UNCLAS SECTION 06 OF 19 STATE 215437
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LATER TIME, AS WELL AS TEMPORARY DISAPPEARANCES WHICH END WITH EVENTUAL RELEASE OF THE VICTIM WITHOUT IDENTIFICATION OF THE PERPETRATORS. HOWEVER, DISCUSS IN SUBSECTION D THOSE DISAPPEARANCES WHICH END WITH ACKNOWLEDGEMENT OF ARREST OR OFFICIAL DETENTION. DISCUSS EVIDENCE THAT

DISAPPEARED PERSONS ARE IN FACT DEAD, AND SAY WHO IS BELIEVED RESPONSIBLE. DOES THE GOVERNMENT SPONSOR OR CONDONE FORCES WHICH ABDUCT PEOPLE? IF THE GOVERNMENT DENIES RESPONSIBILITY, DOES IT, OR CAN IT, PREVENT SUCH ACTIONS? HAVE ANY OFFICIALS BEEN PUNISHED FOR PARTICIPATION IN SUCH ACTIVITY AND WAS THE SEVERITY OF PUNISHMENT COMMENSURATE WITH THE NATURE OF THE ABUSE? IF THERE WERE DISAPPEARANCES IN THE LAST TWO YEARS THAT THE GOVERNMENT HAS MADE NO APPARENT EFFORT TO INVESTIGATE, BRIEFLY NOTE THAT HERE. IF THERE ARE SIGNIFICANT NUMBERS OF DISAPPEARANCES THAT HAVE REMAINED UNRESOLVED OVER A LENGTHY PERIOD (UP TO TEN YEARS), BRIEFLY NOTE THAT FACT, CITING, IF POSSIBLE, THE NUMBER OF SUCH CASES (THE PERIODIC REPORTS OF THE UN WORKING GROUP ON ENFORCED OR INVOLUNTARY DISAPPEARANCES MAY PROVIDE USEFUL STATISTICS.)

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

17. U.S. GOVERNMENT POLICY OF OPPOSING THE PRACTICE OF TORTURE BY ANY FOREIGN GOVERNMENT IS CLEARLY SET FORTH IN PUBLIC LAW 98-447 OF 1984; COMBATTING IT REMAINS ONE OF OUR HIGHEST HUMAN RIGHTS PRIORITIES. TORTURE IS AN EXTREMELY SEVERE FORM OF CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT, COMMITTED BY OR AT THE INSTIGATION OF GOVERNMENT FORCES OR OPPOSITION GROUPS WITH SPECIFIC INTENT TO CAUSE EXTREMELY SEVERE PAIN OR SUFFERING, WHETHER MENTAL OR PHYSICAL. DESCRIBE AND ASSESS THE CREDIBILITY OF ALLEGATIONS OF TORTURE AND GOVERNMENT RESPONSES TO SUCH ALLEGATIONS.

18. DISCUSS HERE ALSO EVIDENCE OR ALLEGATIONS OF CRUEL, INHUMAN, OR DEGRADING TREATMENT OR PUNISHMENT WHICH FALLS SHORT OF TORTURE. THE ABUSE OF PSYCHIATRY, I.E., THE COMMITMENT OF SANE PERSONS TO INSTITUTIONS FOR THE MENTALLY ILL AS PUNISHMENT, IS A FORM OF CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT AND MAY CONSTITUTE TORTURE DEPENDING ON ITS SEVERITY. MEDICAL OR SCIENTIFIC EXPERIMENTATION WITHOUT CONSENT SHOULD BE SIMILARLY REGARDED. POLICE BEATINGS OF CRIMINALS, INHUMANE PRISON CONDITIONS, OR VIOLENCE BY POLICE OR MILITARY PERSONNEL WHICH IS PERMITTED BECAUSE OF POOR SUPERVISION, IMPROPER

TRAINING, OR INDIFFERENCE TO INDIVIDUAL BEHAVIOR, FIT CLEARLY INTO THE "CRUEL" CATEGORY. SIMILARLY, IF THERE IS A PATTERN OF RAPE AND OTHER SEXUAL ABUSE OF WOMEN, EITHER DURING ARREST AND DETENTION OR AS A RESULT OF OPERATIONS BY GOVERNMENT OR OPPOSITION FORCES IN THE FIELD, THAT

SHOULD BE DISCUSSED HERE. RAPE AND OTHER VIOLENCE AGAINST WOMEN BY OTHER ELEMENTS OF SOCIETY, INCLUDING TRAFFICKING IN WOMEN, SHOULD BE DISCUSSED IN SECTION 5.

19. WE ENCOURAGE POSTS TO MONITOR AND REPORT ON PRISON CONDITIONS, INCLUDING, WHERE FEASIBLE, PERIODIC INSPECTION VISITS BY MISSION PERSONNEL. SUCH VISITS CAN BE HELPFUL IN SPOTLIGHTING PROBLEMS AND, SOMETIMES, IN PROMPTING REMEDIAL ACTION. IN ADDITION TO THE POSSIBLE PROBLEM OF PHYSICAL MISTREATMENT OF INMATES BY PRISON OFFICIALS AND/OR OTHER INMATES SUCH VISITS CAN HELP SHED LIGHT ON OTHER INHUMANE CONDITIONS, INCLUDING INADEQUATE NUTRITION, MEDICAL CARE, SANITATION, RECREATION. AND FAMILY ACCESS. WHILE OVERCROWDING PER SE DOES NOT NECESSARILY CONSTITUTE CRUEL OR INHUMANE TREATMENT SEVERE OVERCROWDING CAN POSE A THREAT TO HEALTH OR EVEN LIFE. POSTS SHOULD REPORT ON ANY PRISON CONDITIONS WHICH POSE A SERIOUS THREAT TO LIFE OR HEALTH, PARTICULARLY WHEN THE GENERAL STANDARD OF CARE IS GROSSLY DISPARATE FROM THE AVERAGE STANDARD IN THAT SOCIETY. ARE POLITICAL (OR "SECURITY") PRISONERS HELD IN SPECIAL PRISONS OR SECTIONS OF REGULAR PRISONS? IF SO, ARE CONDITIONS THERE SIGNIFICANTLY DIFFERENT FROM THOSE FOR THE REGULAR PRISON POPULATION? DOES THE GOVERNMENT PERMIT INDEPENDENT MONITORING OF PRISON CONDITIONS (E.G., BY LOCAL HUMAN RIGHTS GROUPS, THE MEDIA, OR THE INTERNATIONAL COMMITTEE OF THE RED CROSS?)

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20. THERE MAY BE INSTANCES OF TRADITIONAL OR CULTURAL PRACTICE WHICH ARE APPROPRIATE TO DESCRIBE IN THIS SECTION, SUCH AS THE PHYSICAL MUTILATIONS PRESCRIBED AS PUNISHMENT UNDER SOME LEGAL SYSTEMS. (PRACTICES WHICH CAN BE DESCRIBED AS CRUEL BUT WHICH ARE NOT INTENDED AS PUNISHMENTS, SUCH AS FEMALE GENITAL MUTILATION SHOULD BE DISCUSSED IN SECTION 5.)

D. ARBITRARY ARREST, DETENTION, OR EXILE

21. THIS SECTION SHOULD DISCUSS THE PROCESS BY WHICH AN INDIVIDUAL IS APPREHENDED, TAKEN INTO CUSTODY AND DEALT WITH UNTIL BROUGHT BEFORE A COURT OR OTHER TRIBUNAL FOR JUDGMENT. THE FOLLOWING QUESTIONS SHOULD BE ANSWERED WHERE APPLICABLE: IF PEOPLE ARE DETAINED, TRIED OR PUNISHED FOR THE EXPRESSION OF VIEWS CRITICAL OF OR DIFFERENT FROM THOSE OF THE GOVERNMENT ARE THEY CHARGED WITH HAVING COMMITTED THOSE ACTS, OR ARE THEY FALSELY CHARGED WITH HAVING COMMITTED OTHER OFFENSES SUCH AS

COMMON CRIMES, TREASON, OR ESPIONAGE? ARE PEOPLE APPREHENDED OPENLY, WITH WARRANTS, AND BROUGHT BEFORE AN

INDEPENDENT JUDICIARY, OR DETAINED ARBITRARILY OR SECRETLY? ARE PEOPLE HELD IN DETENTION WITHOUT CHARGES BEING BROUGHT OR TRIAL, FOR HOW LONG, AND IS THAT DETENTION SANCTIONED BY LAW? ARE THEY ALLOWED PROMPT ACCESS TO FAMILY MEMBERS AND/OR A LAWYER OF THEIR OWN CHOOSING (AND, IF INDIGENT, TO ONE PROVIDED BY THE STATE?) DOES THE JUDICIARY PLAY A ROLE (E.G., IS AN ARREST WARRANT FROM A JUDGE, AS OPPOSED TO A PROSECUTOR, REQUIRED)? IS THERE A FUNCTIONING SYSTEM OF BAIL OR AN EQUIVALENT METHOD OF CONDITIONAL RELEASE SUBJECT TO GUARANTEES THAT THE ACCUSED WILL APPEAR FOR TRIAL? DOES THE LAW PROVIDE A PERSON IN DETENTION WITH THE RIGHT TO A PROMPT JUDICIAL DETERMINATION OF THE LEGALITY OF THE DETENTION (HABEAS CORPUS), AND IS IT EFFECTIVE? ARE THERE OTHER LEGAL PROTECTIONS DEALING WITH THE RIGHT OF A PERSON IN DETENTION TO BE CHARGED OR RELEASED WITHIN A CERTAIN PERIOD OF TIME OR TO BE INFORMED OF THE CHARGES? WHAT PERCENTAGE OF THE TOTAL PRISON POPULATION CONSISTS OF PRE-TRIAL DETAINEES AND WHAT IS THE AVERAGE PERIOD OF TIME SUCH DETAINEES HAVE BEEN HELD?

22. IN GENERAL, TECHNICAL LEGAL TERMS SUCH AS "HABEAS CORPUS" AND "AMPARO" SHOULD BE AVOIDED. DESCRIBE THESE RIGHTS IN LAYMAN'S LANGUAGE AND INCLUDE TECHNICAL TERMS USED IN LOCAL LAW PARENTHETICALLY, IF AT ALL. IT IS NOT USUALLY NECESSARY TO CITE IN DETAIL SPECIFIC LEGAL PROVISIONS, UNLESS ESSENTIAL TO AN UNDERSTANDING OF THE PROBLEM. TAKE CARE TO DESCRIBE ACTUAL PRACTICES. PROVIDE BEST ESTIMATES OF NUMBERS OF ARBITRARY ARRESTS, OTHER FORMS OF DETENTION, AND SUMMARY EXILE AND REPORT THE ESTIMATES OF RESPONSIBLE HUMAN RIGHTS GROUPS IN OR OUT OF THE COUNTRY.

23. NOTE: THE TERM "DETAINEE" SHOULD BE USED FOR A PERSON WHO IS HELD IN OFFICIAL CUSTODY WITHOUT CHARGES HAVING BEEN BROUGHT OR WHO, THOUGH CHARGED, IS DENIED WITHIN A REASONABLE PERIOD A PUBLIC, PRELIMINARY JUDICIAL HEARING OF THE CHARGES AND OF HIS CONTINUED DETENTION. IN USING THE TERM "PREVENTIVE DETENTION" TAKE CARE TO DISTINGUISH BETWEEN DETENTION INTENDED TO PREVENT A PERSON FROM COMMITTING A CRIME OR ALLEGED "CRIME" (OFTEN THE BASIS FOR HUMAN RIGHTS ABUSE) AND DETENTION TO PREVENT A SUSPECTED CRIMINAL FROM FLEEING OR DESTROYING EVIDENCE WHILE AUTHORITIES INVESTIGATE AND PREPARE CHARGES (OFTEN BETTER DESCRIBED AS INVESTIGATIVE DETENTION.) A PERSON CHARGED AFTER A HEARING, BUT HELD WITHOUT BAIL, WHETHER BECAUSE IT HAS BEEN DENIED OR BECAUSE THE LEGAL SYSTEM DOES NOT CONTEMPLATE BAIL FOR THE CRIME, SHOULD BE

DESCRIBED AS "ACCUSED HELD WITHOUT BAIL," OR SIMILAR APPROPRIATE DESCRIPTION, AND DISCUSSED IN SECTION E. ONCE A PERSON HAS PASSED THROUGH TRIAL OR OTHER FORMAL PROCEDURE AND IS SENTENCED TO PRISON OR OTHER PLACE OF PERMANENT DETENTION, THE NORMAL TERM WOULD BE "PRISONER" (SEE SECTION 1.E. ON POLITICAL PRISONERS). THE PROCESS OF

HEARING AND SUBSEQUENT IMPRISONMENT SHOULD BE DISCUSSED IN SECTION 1 E.

24. IT IS IMPORTANT TO DISCUSS HERE THE PRACTICE OF INCOMMUNICADO DETENTION, BECAUSE IT IS OFTEN AN INDICATION UNCLAS SECTION 08 OF 19 STATE 215437 INFORM CONSULS ALSO FOR USEU/USEOEC

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THAT TORTURE IS EMPLOYED. REPORT OR PROVIDE BEST ESTIMATES OF THE NUMBER OF POLITICAL DETAINEES, DEFINED AS A PERSON HELD WITHOUT CHARGE, EITHER FOR EXERCISING PEACEFULLY A FUNDAMENTAL HUMAN RIGHT SUCH AS FREEDOM OF EXPRESSION OR ASSOCIATION OR BECAUSE OF RACE, RELIGION, NATIONALITY, POLITICAL OPINION OR MEMBERSHIP IN A PARTICULAR SOCIAL GROUP (SEE ALSO PARA. 26.)

E. DENIAL OF FAIR PUBLIC TRIAL

25. IT USUALLY IS POSSIBLE TO DRAW A LINE BETWEEN THE TAKING AND HOLDING OF A PERSON AND THE PROCESS, HOWEVER FAIR OR UNFAIR, OF TRIAL AND SENTENCING. BEGIN BY DESCRIBING VERY BRIEFLY THE COURT SYSTEM. DISCUSS THE DEGREE OF INDEPENDENCE OF THE JUDICIARY FROM EXECUTIVE (OR, WHERE APPROPRIATE, LEGISLATIVE) BRANCH INTERFERENCE, ITS SUSCEPTIBILITY TO CORRUPTION, AND, IF APPLICABLE, ITS FREEDOM FROM INTIMIDATION BY GUERRILLA OR TERRORIST FORCES. IF THERE ARE COURTS WHERE PROCEDURES DIFFER FROM THE REGULAR COURTS (E.G., TRADITIONAL, MILITARY, RELIGIOUS OR POLITICAL/SECURITY), INDICATE IF THEIR PROCEDURES FAIL TO ASSURE FAIR TRIAL. DESCRIBE THE ACTUAL PROCESS OF ACCUSATION AND TRIAL OF THE PRISONER AND DETERMINATION OF GUILT OR INNOCENCE. ARE TRIALS PUBLIC? DO DEFENDANTS HAVE THE RIGHT TO BE PRESENT? DO THEY HAVE THE RIGHT TO AN ATTORNEY, AT PUBLIC EXPENSE IF NEEDED? DO DEFENDANTS HAVE ACCESS TO AN ATTORNEY SUFFICIENTLY IN ADVANCE OF THE TRIAL TO PREPARE A DEFENSE? CAN DEFENDANTS CONFRONT WITNESSES AND/OR PRESENT WITNESSES AND EVIDENCE? DO DEFENDANTS AND THEIR ATTORNEYS HAVE ACCESS TO GOVERNMENT-HELD EVIDENCE RELEVANT TO THEIR CASES? DO DEFENDANTS ENJOY A PRESUMPTION OF INNOCENCE? IS THERE A RIGHT TO APPEAL FOR ALL CITIZENS? ARE THESE RIGHTS GUARANTEED AND PROTECTED FOR ALL CITIZENS OR ARE THERE GROUPS WHO ARE DENIED ANY, OR ALL, OF THESE RIGHTS (E.G. WOMEN, OR INDIGENOUS GROUPS)? ARE THERE GROUPS (E.G., WOMEN) WHO ARE BARRED FROM TESTIFYING OR WHOSE TESTIMONY

IS GIVEN LESSER WEIGHT?

26. REPORT OR GIVE BEST ESTIMATES OF POLITICAL PRISONERS IN THIS SECTION. NOTE: LOCAL HUMAN RIGHTS GROUPS SOMETIMES APPLY THE TERM POLITICAL PRISONER TO ANYONE WHOSE ACTIONS WERE POLITICALLY MOTIVATED, EVEN THOSE JUSTLY CONVICTED OF ACTS OF VIOLENCE. THE USG DEFINITION OF POLITICAL PRISONER IS : 1) ONE INCARCERATED IN ACCORDANCE WITH A LAW THAT IS, ON ITS FACE, ILLEGITIMATE

UNDER INTERNATIONAL HUMAN RIGHTS STANDARDS. THE LAW MAY BE ILLEGITIMATE IF THE DEFINED OFFENSE EITHER A) IMPERMISSIBLY RESTRICTS THE EXERCISE OF A FUNDAMENTAL HUMAN RIGHT OR B) IS BASED ON RACE, RELIGION NATIONALITY, POLITICAL OPINION OR MEMBERSHIP IN A PARTICULAR GROUP. 2) ONE INCARCERATED PURSUANT TO A LAW THAT IS ON ITS FACE LEGITIMATE, WHERE THE INCARCERATION IS BASED A) ON TRUMPED-UP CHARGES OR DOES NOT RESULT FROM A FAIR PUBLIC TRIAL, OR B) ON RACE, RELIGION, ETC. 3) ONE INCARCERATED FOR POLITICALLY MOTIVATED ACTS, PURSUANT TO A LAW THAT IS ON ITS FACE LEGITIMATE BUT WHO RECEIVES UNDULY HARSH AND DISPROPORTIONATE TREATMENT OR PUNISHMENT BECAUSE OF RACE, ETC. THIS DEFINITION GENERALLY DOES NOT INCLUDE THOSE WHO, REGARDLESS OF THEIR MOTIVATION, HAVE GONE BEYOND ADVOCACY AND DISSENT TO COMMIT ACTS OF VIOLENCE. DISCUSS AVAILABLE STATISTICS OR ESTIMATES IN TERMS OF ASSERTIONS BY THE GOVERNMENT, THE OPPOSITION AND INTERNATIONAL AND NONGOVERNMENTAL ORGANIZATIONS. USING THE USG DEFINITION OF POLITICAL PRISONER, WHAT DOES THE EVIDENCE FROM ALL SOURCES INDICATE IS THE CORRECT NUMBER OR RANGE OF NUMBERS?

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

27. THIS SECTION IS APPROPRIATE FOR DISCUSSION OF THE "PASSIVE" RIGHT OF THE INDIVIDUAL TO NONINTERFERENCE BY THE STATE AND OU ABUSES AGAINST PERSONS NOT NECESSARILY ENGAGED IN EFFORTS TO EXPRESS PUBLIC VIEWS OR TO WORK IN ACTIVE POLITICAL OPPOSITION TO THE GOVERNMENT. DISCUSS HERE ARBITRARY INTRUSION BY THE STATE OR POLITICAL ORGANIZATIONS INTO THE PRIVATE BELIEF OF THE INDIVIDUAL I.E., INTRUSION NOT BASED ON CONSENT OF THE PEOPLE UNDER A DEMOCRATIC SYSTEM. WE ARE CONCERNED WITH SUCH ABUSES AS FORCED MEMBERSHIP IN A POLITICAL ORGANIZATION, ARBITRARY UNCLAS SECTION 09 OF 19 STATE 215437

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MONITORING OF CORRESPONDENCE OR TELEPHONES, INFORMER SYSTEMS, FORCED ENTRY INTO HOMES WITHOUT THE AUTHORIZATION OF AN INDEPENDENT JUDICIARY, AND FORCED RESETTLEMENT OF POPULATION. INTERFERENCE WITH THE RIGHT TO MARRY OR HAVE

CHILDREN AS ONE CHOOSES ALSO BELONGS IN THIS SECTION.

28. CONGRESS IN 1987 AMENDED SECTIONS 116(D) AND 502B OF THE FOREIGN ASSISTANCE ACT, AS AMENDED, TO PROVIDE THAT "WHENEVER APPLICABLE, SUCH REPORT SHALL INCLUDE INFORMATION ON PRACTICES REGARDING COERCION IN POPULATION CONTROL, INCLUDING COERCED ABORTION AND INVOLUNTARY STERILIZATION." ANY SUCH ABUSES, INCLUDING COERCED FEMALE INFANTICIDE OR COERCED ABORTION OF FEMALE FETUSES, SHOULD BE DISCUSSED HERE (SEE ALSO SECTION 5).

29. DISCUSS EFFORTS OF A REGIME TO PREVENT PARENTS FROM

TEACHING THEIR CHILDREN RELIGION IN THE PRIVACY OF THE HOME. HOWEVER, SUPPRESSION OF GATHERINGS OF WORSHIPPERS OR REFUSAL TO PERMIT THE EDUCATION OF CLERGY SHOULD BE DISCUSSED UNDER SECTION TWO, SUBSECTION C. PROHIBITION OF RECEIPT OF FOREIGN PUBLICATIONS, OR JAMMING OF RADIO BROADCASTS SHOULD BE DISCUSSED HERE WHILE THE RIGHTS TO PUBLISH OR BROADCAST BELONG IN SECTION TWO (SEE BELOW).

G. USE OF EXCESSIVE FORCE AND VIOLATIONS OF HUMANITARIAN LAW
IN INTERNAL CONFLICTS

30. NOTE: THIS IS AN OPTIONAL SECTION TO BE INCLUDED WHEN THE COUNTRY IS EXPERIENCING SIGNIFICANT INTERNAL ARMED CONFLICT. DISCUSS HUMANITARIAN LAW ISSUES RELATING TO THE TREATMENT OF VICTIMS OF INTERNAL ARMED CONFLICT INCLUDING ACTIONS AGAINST CIVILIAN TARGETS, TREATMENT OF PRISONERS TAKEN IN SUCH CONFLICT, TREATMENT OF THE WOUNDED AND SICK, AND USE OF CHEMICAL AND OTHER PROHIBITED WEAPONS. ACTIONS AGAINST CIVILIAN TARGETS MIGHT INCLUDE: REFUSAL TO ALLOW FREE AND SAFE PASSAGE OF RELIEF SUPPLIES OR TO ALLOW ACCESS OF IMPARTIAL HUMANITARIAN ORGANIZATIONS PROVIDING RELIEF ASSISTANCE; BLOCKADE OF, OR ATTACKS ON. OBJECTS INDISPENSABLE TO SURVIVAL OF THE CIVILIAN POPULATION (E.G., FOODSTUFFS, DRINKING WATER, MEDICAL FACILITIES); ARMED ATTACKS ON NONCOMBATANTS (E.G., INDISCRIMINATE BOMBING OR SHELLING OF TOWNS OR VILLAGES OR TERRORIST ATTACKS ON CIVILIAN TARGETS) MILITARY CONSCRIPTION OF CHILDREN BY GOVERNMENT OR OPPOSITION FORCES, OR EXCESSIVE USE OF FORCE IN PUTTING DOWN DEMONSTRATIONS OR OTHER "MASS" ACTIVITY (SEE BELOW). DISCUSS ABUSES BY ANY PARTY TO THE CONFLICT, WHETHER GOVERNMENT FORCES OR OPPOSITION.

31. SECTION 1.G. IS NOT INTENDED AS A CATCHALL FOR ALL HUMAN RIGHTS ISSUES THAT ARISE DURING DOMESTIC ARMED

CONFLICT. GENERALLY, HUMAN RIGHTS ISSUES SHOULD CONTINUE TO BE DISCUSSED UNDER THE APPROPRIATE SECTIONS (E.G., TORTURE, ETC.). FOR EXAMPLE, INDICATIONS THAT GOVERNMENT OR GUERILLA FORCES HAVE TARGETED WOMEN FOR RAPE AND OTHER VIOLENCE SHOULD BE REPORTED IN SECTION 1.C. KILLINGS WHICH ARE GENERALLY PINPOINTED (E.G., POLITICAL KILLINGS OR VIGILANTE ACTIONS AGAINST SUSPECTED CRIMINALS) SHOULD BE REPORTED IN SECTION 1.A. BUT ACTIONS WHICH RESULT IN INDISCRIMINATE, NONSELECTIVE KILLINGS (E.G., MASS KILLINGS CARRIED OUT BY POLICE/SECURITY FORCES IN DISPERSING PROTEST DEMONSTRATIONS OR TERRORIST BOMBINGS) SHOULD BE COVERED IN THIS SECTION IF THE LEVEL OF DOMESTIC CONFLICT WARRANTS INCLUSION OF SECTION 1 G. IF NOT, DISCUSS SUCH KILLINGS IN SECTION 1.A. DISCUSS HERE ONLY ISSUES THAT ARE UNIQUE TO HUMANITARIAN LAW, SUCH AS THOSE CITED ABOVE.

SECTION 2 RESPECT FOR CIVIL LIBERTIES, INCLUDING:

A. FREEDOM OF SPEECH AND PRESS

32. IN THIS SECTION DISCUSS FREEDOM OF SPEECH, BROADCAST

MEDIA, PUBLICATIONS AND ACADEMIC FREEDOM IN THAT ORDER. DOES THE GOVERNMENT AFFIRM OR DENY THESE RIGHTS? DISTINGUISH THEORY AND POLICY FROM PRACTICE. DOES THE GOVERNMENT TOLERATE OPPOSITION CRITICISM? DOES IT MONITOR POLITICAL MEETINGS? DESCRIBE OWNERSHIP AND CONTROL OF THE MEDIA AND ANY CENSORSHIP THAT OCCURS. NOTE: IT IS NOT NECESSARY TO LIST ALL OF THE NEWSPAPERS, MAGAZINES AND UNCLAS SECTION 10 OF 19 STATE 215437

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OTHER MEDIA UNLESS REQUIRED TO DESCRIBE SPECIFIC ABUSES. DIFFERENTIATING CENSORSHIP OF INDEPENDENT MEDIA FROM GOVERNMENT OWNERSHIP AND OPERATION OF THE MEDIA IN GENERAL DESCRIBE THE DEGREE TO WHICH SOME AREAS OF COMPLAINT OR CRITICISMS OF OFFICIALS MAY BE TOLERATED. BE PRECISE IN DESCRIBING "SELF-CENSORSHIP." HAVE THERE BEEN REAL PENALTIES FOR OFFENDERS? DOES THE GOVERNMENT USE INDIRECT MEANS (E.G., CONTROL OF NEWSPRINT SUPPLIES, FOREIGN EXCHANGE, ADVERTISING, LICENSING, ETC.) TO INFLUENCE OR CONTROL THE MEDIA? DISCUSS CENSORSHIP OF BOOKS AND OTHER PUBLICATIONS. IS ACADEMIC FREEDOM RESPECTED? AS IN OTHER SECTIONS, DESCRIBE ANY EFFORTS OF OPPOSITION OR TERRORIST GROUPS TO ATTACK OR INHIBIT PRESS, POLITICIANS, OR OTHERS FROM FREELY EXPRESSING OPINIONS OR CONDUCTING LEGITIMATE ACTIVITIES.

33. REPORTS ON MANY DEVELOPED DEMOCRACIES CAN USE A BRIEF SUMMARY STATEMENT THAT AN INDEPENDENT PRESS, AN EFFECTIVE JUDICIARY, AND A FUNCTIONING DEMOCRATIC POLITICAL SYSTEM, COMBINE TO ENSURE FREEDOM OF SPEECH AND PRESS. HOWEVER,

THERE ARE ATTEMPTS EVEN IN ESTABLISHED DEMOCRACIES TO PLACE RESTRICTIONS ON THE PRESS; IT IS IMPORTANT THAT THESE BE EVALUATED CAREFULLY AND NOT OVERLOOKED BECAUSE OF A COUNTRY'S OTHERWISE EXCELLENT HUMAN RIGHTS RECORD. DOES THE GOVERNMENT ASSERT "NATIONAL SECURITY" TO SUPPRESS VIEWS THAT ARE MERELY POLITICALLY EMBARRASSING OR OBJECTIONABLE ON OTHER GROUNDS? REPORTS ON COUNTRIES WITH MIXED RECORDS SHOULD NOTE THE PROBLEM AREAS. FOR EXAMPLE, A REGIME MAY ALLOW FREEDOM OF SPEECH AND PRESS WITH REGARD TO THE ECONOMY, OR FOREIGN AFFAIRS, WHILE RESTRICTING DISCUSSION OF DOMESTIC POLITICS.

B. FREEDOM OF PEACEFUL ASSEMBLY AND ASSOCIATION

34. DISCUSS THE RIGHT OF INDIVIDUALS TO JOIN TOGETHER FORMALLY OR INFORMALLY TO PROMOTE NONVIOLENT CAUSES OR TO PROTEST GOVERNMENT POLICIES. THIS DISCUSSION SHOULD NOTE BOTH GENERAL AND SPECIFIC RIGHTS, AND WHETHER THEY ARE BASED IN LAW OR EXERCISED AT THE DISCRETION OF THE RULING ELITE. FOR EXAMPLE, DOES THE GOVERNMENT PERMIT PRIVATE ASSOCIATIONS OF ANY KIND, OR DOES IT AUTHORIZE AND CONTROL ALL ASSOCIATIONS? MUST PRIVATE ORGANIZATIONS REGISTER AND, IF SO, IS IT OFTEN DENIED OR UNDULY DELAYED? DOES GOVERNMENT USE ARBITRARY MEANS, E.G., REQUIRING FREQUENT

RE-REGISTRATION OR UNREASONABLE TYPES OR QUANTITIES OF INFORMATION, TO PREVENT ASSOCIATION BY PERCEIVED OPPONENTS? MUST PERMITS BE OBTAINED FOR PUBLIC MEETINGS, AND IF SO, ARE THEY ROUTINELY GIVEN? WHAT CRITERIA ARE APPLIED IN APPROVING/DISAPPROVING PERMITS? IF THESE FREEDOMS ARE LIMITED ONLY IN SPECIFIC AREAS, IDENTIFY AND DISCUSS THEM. FOR EXAMPLE, MANY STATES CONTROL POLITICAL ASSEMBLIES BUT ALLOW RELATIVELY FREE ASSEMBLY AND ASSOCIATION IN "NONPOLITICAL" TRADE ASSOCIATIONS RELIGIOUS ORGANIZATIONS, ETC. NOTE: FREEDOM OF ASSOCIATION FOR TRADE UNIONS IS TO BE DISCUSSED IN SECTION 6.A. DISCUSS SITUATIONS IN WHICH SOME GROUPS MAY HAVE RIGHTS AND NOT OTHERS (E.G., RESTRICTIONS SPECIFICALLY AIMED AT WOMEN OR MINORITY GROUPS). IS POLITICAL ACTIVITY BY TRADE ASSOCIATIONS AND PROFESSIONAL BODIES RESTRICTED? ARE SUCH ORGANIZATIONS PERMITTED TO MAINTAIN RELATIONS OR AFFILIATE WITH RECOGNIZED INTERNATIONAL BODIES IN THEIR FIELDS?

C. FREEDOM OF RELIGION

35. BE SURE TO DESCRIBE NOT ONLY WELL-KNOWN CASES OF ARRESTS FOR RELIGIOUS ACTIVITY BUT ALSO SOCIETY-WIDE GOVERNMENT PRACTICES DISCOURAGING A RELIGION. NOTE: IT

IS NOT NECESSARY TO LIST ALL THE RELIGIOUS DENOMINATIONS IN A COUNTRY UNLESS REQUIRED TO DISCUSS A SPECIFIC ABUSE. IS THERE A STATE OR OTHERWISE FAVORED RELIGION? IS THE FREE PRACTICE OF THE RELIGION OF ONE'S CHOICE POSSIBLE? IS IT EFFECTIVELY GUARANTEED BY THE CONSTITUTION OR IN LAW? ARE SPECIFIC RELIGIONS BANNED OR DISCOURAGED? ON WHAT BASIS? ARE SPECIFIC GROUPS WITHIN A RELIGION PROHIBITED OR DISCOURAGED? MAY ORGANIZED RELIGIONS ESTABLISH PLACES OF WORSHIP AND TRAIN NUMBERS OF CLERGY ADEQUATE TO SERVE BELIEVERS? MUST RELIGIOUS GROUPS BE LICENSED BY THE GOVERNMENT? IF YES, WHAT CONTROLS ARE IMPOSED ON THE LICENSED ORGANIZATIONS? IS RELIGIOUS UNCLAS SECTION 11 OF 19 STATE 215437 INFORM CONSULS ALSO FOR USEU/USEOEC

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PUBLISHING (INCLUDING PUBLICATIONS IN LANGUAGES SUCH AS LATIN, HEBREW AND ARABIC WHICH HAVE RELIGIOUS SIGNIFICANCE) FREELY ALLOWED? MAY LINKS BE MAINTAINED WITH CO-RELIGIONISTS IN OTHER COUNTRIES, OR WITH A SUPRANATIONAL HIERARCHY (SUCH AS THE VATICAN), AND RELIGIOUS TRAVEL UNDERTAKEN (SUCH AS THE HAJJ)? WHERE THERE IS A DOMINANT RELIGION, DESCRIBE THE POSITION OF OTHER RELIGIONS AND THEIR ABILITY TO FUNCTION FREELY. IS CONVERSION TO MINORITY RELIGIONS PERMITTED? ARE MISSIONARIES PERMITTED TO ENTER THE COUNTRY AND PROSELYTIZE? ARE FOREIGN CLERGY BARRED FROM ENTRY TO SERVE EXPATRIATE CONGREGATIONS? DOES ADHERENCE TO OR PRACTICE OF A PARTICULAR FAITH CONFER EITHER ADVANTAGE OR DISADVANTAGE IN CIVIL, POLITICAL, ECONOMIC, MILITARY, OR OTHER SECULAR STATUS? FINALLY, IS RELIGIOUS BELIEF, OR

ADHERENCE TO A SPECIFIC RELIGION, COMPATIBLE WITH MEMBERSHIP IN A RULING PARTY?

36. NOTE REGARDING CONSCIENTIOUS OBJECTORS: UNIVERSAL HUMAN RIGHTS STANDARDS DO NOT/NOT PROHIBIT CONSCRIPTION FOR MILITARY SERVICE, OR OBLIGE GOVERNMENTS TO PROVIDE ALTERNATIVE SERVICE FOR PERSONS WHO REFUSE TO SERVE ON MORAL OR RELIGIOUS GROUNDS WHEN A UNIVERSAL REQUIREMENT EXISTS. THE IMPRISONMENT OF SUCH A PERSON IS NOT/NOT PER SE A HUMAN RIGHTS ABUSE. HOWEVER, IF CERTAIN CATEGORIES OF PERSONS (MINORITIES, ETC.) ARE SINGLE OUT FOR HARSHER TREATMENT IN THE APPLICATION OF SUCH LAWS, THAT SHOULD BE REPORTED HERE.

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

37. DISCUSS THE DEGREE OF FREE MOVEMENT PERMITTED WITHIN THE COUNTRY AND THE RIGHT OF THE CITIZEN TO CHANGE RESIDENCE OR WORKPLACE. ARE THERE ANY SPECIAL RESTRICTIONS (E.G., NEED TO OBTAIN CONSENT OF HUSBAND OR

OTHER MALE) ON THE ABILITY OF WOMEN TO MOVE FREELY? IS FOREIGN TRAVEL RESTRICTED FOR SOME (E.G., FOR WOMEN OR MEMBERS OF A MINORITY GROUP) OR ALL PEOPLE? FOR WHAT REASONS? (IT IS ASSUMED THAT VIRTUALLY ALL COUNTRIES HAVE PASSPORT AND VISA REQUIREMENTS; THESE NEED NOT BE DESCRIBED UNLESS THEY ARE USED TO RESTRICT FREEDOM OF TRAVEL). IS EMIGRATION RESTRICTED? ARE CITIZENS WHO HAVE LEFT THE COUNTRY GUARANTEED THE RIGHT TO RETURN? IS CITIZENSHIP REVOKED FOR POLITICAL REASONS? (THIS MAY OR MAY NOT INVOLVE MOVEMENT OUT OF THE COUNTRY; IF REVOCATION OF CITIZENSHIP IS MORE APPROPRIATE TO ANOTHER SECTION, DISCUSS IT THERE.) DO SIGNIFICANT NUMBERS OF PERSONS BELONGING TO PARTICULAR SOCIAL, ETHNIC OR RELIGIOUS GROUPS LEAVE THE COUNTRY BECAUSE OF SYSTEMATIC HUMAN RIGHTS ABUSES? DISCUSS THE TREATMENT OF REPATRIATES. ARE THERE PROVISIONS FOR GRANTING ASYLUM OR REFUGEE STATUS IN ACCORDANCE WITH THE STANDARDS OF THE UN CONVENTION AND PROTOCOL RELATING TO THE STATUS OF REFUGEES? ARE REFUGEES FORCED TO RETURN TO COUNTRIES IN WHICH THEY FEAR PERSECUTION? IS THERE A PATTERN OF ABUSE OF REFUGEES (E.G. RAPE OF REFUGEE WOMEN?) NOTE: BE AS SUCCINCT AS POSSIBLE. IT GENERALLY IS NOT NECESSARY TO REPORT THE NUMBERS, NATIONALITY AND HISTORY OF REFUGEE GROUPS UNLESS REQUIRED TO ILLUSTRATE SPECIFIC ABUSES. IN THE ABSENCE OF SIGNIFICANT ABUSES IT SHOULD SUFFICE TO STATE, IF TRUE, THAT THE GOVERNMENT COOPERATES WITH THE UNHCR AND OTHER HUMANITARIAN ORGANIZATIONS IN ASSISTING REFUGEES AND THAT THERE WERE NO/NO REPORTS OF FORCED EXPULSION OF THOSE HAVING A VALID CLAIM TO REFUGEE STATUS.

SECTION 3 RESPECT FOR POLITICAL RIGHTS: THE RIGHT OF CITIZENS

TO CHANGE THEIR GOVERNMENT

38. THE PURPOSE OF THIS SECTION IS TO ANSWER, AS CLEARLY AND STRAIGHTFORWARDLY AS POSSIBLE, THE QUESTION "DO THE

PEOPLE HAVE THE RIGHT AND THE ABILITY PEACEFULLY TO CHANGE THE GOVERNMENT?" POLITICAL PARTICIPATION IS MEANINGFUL ONLY IF CITIZENS CAN FREELY CHOOSE, AND CHANGE, THE LAWS AND OFFICIALS THAT GOVERN THEM. THE RECOGNIZED MEANS FOR SECURING THIS RESULT ARE FREE ELECTIONS WITH MULTIPLE PARTIES AND MULTIPLE CANDIDATES WHO CAN PROPOSE THEMSELVES OR BE FREELY NOMINATED BY VARIOUS ELEMENTS IN THE SOCIETY. THE SAME GENERAL CONCEPT APPLIES TO THE PASSAGE OF LAWS. ANY STATEMENT THAT THE PEOPLE GOVERN THEMSELVES BY OTHER UNCLAS SECTION 12 OF 19 STATE 215437
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MEANS REQUIRES CAREFUL EXPLANATION. SOME LIMITED POLITICAL PARTICIPATION MAY INDEED TAKE PLACE IN TRADITIONAL SOCIETIES, AS WITH THE CHOICE BY FAMILY HEADS

OF TRIBAL LEADERS WHO IN TURN MAY INFLUENCE THE COMPOSITION OF CENTRAL GOVERNMENT, BUT ANY SUCH PROCESS MUST BE CAREFULLY DESCRIBED AND ITS LIMITATIONS DISCUSSED. THE EXISTENCE OF AN ELECTION IS BY ITSELF MEANINGLESS, IF, FOR EXAMPLE THE "ELECTION" IS OF A SINGLE SLATE CHOSEN BY THE GOVERNING PARTY.

39. THIS SECTION SHOULD BEGIN BY ANSWERING THE QUESTION POSED IN THE PREVIOUS PARAGRAPH. THEREAFTER, BRIEFLY CHARACTERIZE THE POLITICAL SYSTEM AND STATE CLEARLY WHO RULES-- ONE INDIVIDUAL, AN ELITE GROUP, OR A GOVERNMENT GENUINELY ELECTED BY ITS PEOPLE? IT IS NOT SUFFICIENT MERELY TO SAY THAT "THE PARTY" RULES, IF A SMALL LEADERSHIP CIRCLE, OR EVEN ONE PERSON, IN FACT DOMINATES THAT PARTY IT IS ALSO MISLEADING TO LEAVE THE IMPRESSION THAT A ONE-PARTY SYSTEM PERMITS VALID POLITICAL PARTICIPATION MERELY BECAUSE ANYONE CAN JOIN, OR BECAUSE A VOTER HAS THE OPTION OF VOTING AGAINST THE ONE SLATE OF CANDIDATES, FOR EXAMPLE. WHO ACTUALLY TAKES PART IN THE GOVERNING PROCESS AND WHO DOES NOT? THE RIGHT OF CITIZENS TO CHANGE THEIR GOVERNMENT EXISTS ONLY WHERE CITIZENS HAVE A REAL CHOICE OF POLICIES AND OFFICIALS. ARE THERE MULTIPLE PARTIES AND/OR CANDIDATES CONTESTING THE MAJOR LEADERSHIP POSITIONS? HOW OFTEN ARE ELECTIONS HELD? IS BALLOTING SECRET? IS SUFFRAGE UNIVERSAL? ARE REPRESENTATIVE BODIES FREE TO DEBATE AND VOTE AGAINST GOVERNMENT/PARTY POSITIONS OR INDEED AGAINST THE ROLE AND FUNCTIONS OF THE GOVERNMENT PARTY? DO THEY EVER REJECT IMPORTANT GOVERNMENT POLICIES? DO OPEN OPPOSITION GROUPS EXIST? ARE THEY ENCOURAGED, TOLERATED, DISCOURAGED, OR REPRESSED? MAY NEW, DISSENTING POLITICAL PARTIES BE FORMED AND FUNCTION? ARE THEY FREE TO ESPOUSE PEACEFUL CHANGE OF A FUNDAMENTAL KIND -- E.G. CONSTITUTIONAL CHANGE OR A MULTI-PARTY SYSTEM IN STATES WHICH HAVE ONLY ONE PARTY? ARE SOME GROUPS DENIED PARTICIPATION IN AN OTHERWISE OPEN SYSTEM? THE CONCEPT THAT EVERY GROUP SHOULD BE REPRESENTED IN THE POLITICAL STRUCTURE PROPORTIONATELY TO ITS PERCENTAGE OF POPULATION IS TOO MECHANICAL AND MAY IGNORE HISTORICAL, CULTURAL AND OTHER

FACTORS RESULTING IN SOME GROUPS PLAYING A LESS ACTIVE OR PROMINENT ROLE IN POLITICAL LIFE. A LACK OF NUMERICAL "BALANCE," THEREFORE, MAY NOT NECESSARILY CONNOTE CURRENT, OR EVEN PAST, DISCRIMINATION. HOWEVER, THE EXCLUSION OF MINORITIES OR WOMEN FROM POLITICAL LIFE CAN EASILY CREATE CONDITIONS THAT UNDERMINE THE DEMOCRATIC PROCESS. THIS IS THE APPROPRIATE PLACE TO DISCUSS WHETHER THE POLITICAL SYSTEM IS DOMINATED BY ONE OR A FEW ETHNIC GROUPS, OR EXCLUDES OTHERS FROM THE DECISION-MAKING PROCESS.

DESCRIBE ANY SPECIFIC LAWS OR PRACTICES THAT RESTRICT WOMEN OR MINORITIES (E.G., INDIGENOUS PEOPLE) FROM PARTICIPATING IN THE GOVERNMENT AND POLITICAL PARTY(IES), INCLUDING IN SENIOR LEADERSHIP POSITIONS. ARE THERE SPECIAL CONDITIONS OR RESTRICTIONS ON NATIONALITY OR CITIZENSHIP STATUS WHICH SIGNIFICANTLY LIMIT ELEMENTS IN THE POPULATION FROM PLAYING A FAIR ROLE IN THE SYSTEM?

40. IN A NUMBER OF ONE-PARTY STATES, GOVERNMENT OFFICIALS POINT TO MULTIPLE-CANDIDATE ELECTIONS TO LOCAL GOVERNMENT INSTITUTIONS AS EVIDENCE OF DEMOCRATIC PROCESS AND CITIZENS' RIGHT TO CHANGE THEIR GOVERNMENT. SUCH CLAIMS MUST BE EXAMINED VERY CAREFULLY. WHILE LOCAL GOVERNMENT ELECTIONS CAN SOMETIMES BE THE FIRST STEP IN A TRANSITION FROM ONE-PARTY RULE TO FREE, DEMOCRATIC ELECTIONS OF THE CENTRAL GOVERNMENT, THEY ARE FREQUENTLY USED PRIMARILY FOR PROPAGANDA PURPOSES AND TO FEND OFF PRESSURE FOR GENUINE CHANGE. ELECTIONS, NO MATTER HOW FREE AND FAIR, TO LOCAL INSTITUTIONS (OR EVEN A NATIONAL LEGISLATURE) THAT EXERCISE NO MEANINGFUL POWER INDEPENDENT OF THE RULING EXECUTIVE STRUCTURE ARE OF LITTLE SIGNIFICANCE AND MERIT LITTLE OR NO DESCRIPTION.

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

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41. THE PURPOSE OF THIS SECTION IS TO HIGHLIGHT THE GOVERNMENT'S ATTITUDE TOWARD INVESTIGATIONS AND CHARGES CONCERNING ITS HUMAN RIGHTS PRACTICES, AND ITS RESPONSES TO SUCH CHARGES, BEGINNING WITH ITS ATTITUDE TOWARD LOCAL HUMAN RIGHTS MONITORS. SUCH MONITORS MAY RANGE FROM FORMALLY ORGANIZED AND SELF-LABELED DOMESTIC HUMAN RIGHTS ORGANIZATIONS AND OTHER ORGANIZATIONS (E.G., WOMENS GROUPS, CHURCH GROUPS, BAR ASSOCIATIONS, EVEN POLITICAL PARTIES) TO INDIVIDUALS WHO IN ONE WAY OR ANOTHER ATTEMPT TO COMMENT PUBLICLY ON THE GOVERNMENT'S HUMAN RIGHTS PRACTICES. A GOVERNMENT'S WILLINGNESS TO PERMIT SCRUTINY OF ITS HUMAN RIGHTS RECORD (AND HENCE ITS TREATMENT OF NONGOVERNMENTAL HUMAN RIGHTS MONITORS) IS AN IMPORTANT

INDICATOR OF ITS RESPECT FOR HUMAN RIGHTS. ARE THERE LOCAL HUMAN RIGHTS ORGANIZATIONS, EITHER OFFICIAL OR NONGOVERNMENTAL? HOW EFFECTIVE ARE THEY? DISCUSS THEIR OPERATIONS, INCLUDING THE MEANS BY WHICH THEY OBSERVE, REPORT AND CONTEST HUMAN RIGHTS VIOLATIONS. DO THEY REPORT OBJECTIVELY OR SERVE AS APOLOGISTS FOR THE

GOVERNMENT OR PARTICULAR OPPOSITION GROUPS? WHAT ARE THE CONSEQUENCES OF THEIR ACTIONS? ARE THEY PERSECUTED BY THE GOVERNMENT OR OTHER GROUPS? IF THERE ARE NO LOCAL HUMAN RIGHTS NGOS' HAS GOVERNMENT SUPPRESSION OR OPPOSITION BEEN A MAJOR FACTOR? BRIEFLY SUMMARIZE HERE THE VARIOUS MEANS GOVERNMENT (WHETHER NATIONAL OR LOCAL) USES TO SUPPRESS CRITICISM OF ITS HUMAN RIGHTS POLICIES (EVEN IF ALREADY DESCRIBED IN DETAIL ELSEWHERE IN THE REPORT), WHETHER BY AVOWED HUMAN RIGHTS GROUPS OR OTHER ORGANIZATIONS OR INDIVIDUALS. ALSO EXAMINE BRIEFLY THE PRACTICAL EFFECTS (E.G., INTIMIDATION OF CURRENT OR PROSPECTIVE MEMBERS, DIFFICULTY IN RAISING FUNDS), OF ANY LAWS OR REGULATIONS (E.G., REFUSAL TO PERMIT LEGAL REGISTRATION RESTRICTIONS ON MEETING PERMITS) USED TO HAMPER THE ACTIVITIES OF HUMAN RIGHTS MONITORS (AS BROADLY DEFINED ABOVE.) IS THE GOVERNMENT WILLING TO DISCUSS HUMAN RIGHTS PROBLEMS WITH INTERNATIONAL GOVERNMENTAL OR NONGOVERNMENTAL ORGANIZATIONS (NGOS)? HAS THE GOVERNMENT PERMITTED VISITS BY UN OR OTHER INTERNATIONAL ORGANIZATIONS SUCH AS THE ILO OR NGO'S SUCH AS THE INTERNATIONAL COMMITTEE OF THE RED CROSS (ICRC) OR AMNESTY INTERNATIONAL? UNDER WHAT CONDITIONS AND WITH WHAT EFFECT?

42. NOTE: THROUGHOUT THE REPORT, YOU SHOULD OBVIOUSLY USE CARE IN DISCUSSING VIEWS AND/OR ACTIVITIES OF HUMAN RIGHTS ORGANIZATIONS, PARTICULARLY WHERE THEY ARE UNDER PRESSURE OR THREAT FROM GOVERNMENT OR EXTREMIST GROUPS. REFERENCES TO PUBLIC VISITS TO A COUNTRY BY AN OUTSIDE HUMAN RIGHTS GROUP MAY, AS APPROPRIATE, CITE ANY PUBLIC STATEMENTS WHICH THE VISITORS MAY HAVE MADE' BUT SHOULD NOT/NOT ATTRIBUTE TO THEM SPECIFIC FINDINGS OR VIEWS WHICH THEY MAY HAVE SHARED INFORMALLY WITH THE POST BUT HAVE NOT PUBLICLY RELEASED. IN SPEAKING OF THE ICRC, BE PRECISE: "RED CROSS" ALONE MIGHT MEAN THE ICRC, THE INTERNATIONAL FEDERATION OF RED CROSS AND RED CRESCENT SOCIETIES (IFRC), LEAGUE OF RED CROSS SOCIETIES, OR LOCAL NATIONAL RED CROSS. WITH REGARD TO HUMAN RIGHTS GROUPS AS SOURCES OF INFORMATION' WHERE TWO OR MORE RELIABLE SOURCES ARE AVAILABLE, WE WILL GENERALLY CITE "WELL-INFORMED" OR "CREDIBLE" SOURCES. WHERE ONE ORGANIZATION, BE IT LOCAL OR INTERNATIONAL, IS THE SOLE SOURCE OF REPORTS OF PARTICULAR ABUSES, YOU SHOULD INFORM THE DEPARTMENT OF THE IDENTITY OF THAT ORGANIZATION AND EVALUATE THE VALIDITY OF ITS REPORT. UNLESS THERE IS PERSUASIVE EVIDENCE TO BELIEVE THAT A REPORT BY A REPUTABLE HR GROUP IS IN ERROR, OR POST BELIEVES THAT THERE ARE COMPELLING REASONS THE GROUP SHOULD NOT BE NAMED, THE DEPARTMENT WILL BE INCLINED, WHERE THE GROUP IS THE SOLE KNOWN SOURCE OF THE INFORMATION' TO CITE IT BY NAME IN OUR REPORT. IN THOSE CASES WHERE YOU DISAGREE WITH A REPORT BY A REPUTABLE HR

GROUP, MAKE CLEAR WHETHER YOU DISPUTE THE INFORMATION ASSERTED BY THE GROUP OR ITS CONCLUSIONS OR BOTH AND INDICATE THE GROUNDS FOR YOUR VIEW.

43. DISCUSS THE EXTENT TO WHICH THE COUNTRY CONCERNS ITSELF WITH OR IS CONSCIOUS OF INTERNATIONAL HUMAN RIGHTS MATTERS, E.G., IN THE UN OR IN REGIONAL BODIES. HAS THE GOVERNMENT (OR OPPOSITION OR TERRORIST GROUPS IN THE COUNTRY) BEEN THE SUBJECT OF RESOLUTIONS, INVESTIGATIONS, OR OTHER ACTIONS BY OFFICIAL INTERNATIONAL ORGANIZATIONS, OR BY NONGOVERNMENTAL ORGANIZATIONS OF WEIGHT AND UNCLAS SECTION 14 OF 19 STATE 215437
INFORM CONSULS ALSO FOR USEU/USEOEC
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SECTION 5 DISCRIMINATION BASED ON RACE, SEX, RELIGION, DISABILITY, LANGUAGE OR SOCIAL STATUS

44. TO HELP READERS WITH PARTICULAR INTERESTS IDENTIFY THE MATERIAL RELATING TO THEIR CONCERNS AND TO BREAK UP PRESENTATIONS WHICH OFTEN ARE QUITE LENGTHY, THIS SECTION SHOULD BE SUBDIVIDED INTO COMPONENTS WITH AT LEAST SOME OF THE FOLLOWING SUBHEADINGS: WOMEN, CHILDREN PEOPLE WITH DISABILITIES, INDIGENOUS PEOPLE, NATIONAL/RACIAL/ETHNIC MINORITIES, AND RELIGIOUS MINORITIES. GROUPS WHICH DO NOT FIT WITHIN ONE OF THESE CATEGORIES SHOULD BE COVERED IN THE INTRODUCTORY PARAGRAPHS OF SECTION FIVE. NOTE: EVERY REPORT MUST INCLUDE THE SUBHEADINGS ON WOMEN, CHILDREN, AND PEOPLE WITH DISABILITIES; THE OTHER SUBHEADINGS SHOULD BE INCLUDED AS APPROPRIATE. THE 1995 UN WOMEN'S CONFERENCE WILL HIGHLIGHT THE STATUS OF WOMEN'S HUMAN RIGHTS AROUND THE WORLD. POSTS SHOULD TAKE SPECIAL CARE THAT COVERAGE OF THESE ISSUES IS THOROUGH.

45. THIS SECTION PERMITS A CENTRALIZED DISCUSSION OF ISSUES WHICH IN THE U.S. HAVE TRADITIONALLY BEEN REFERRED TO AS "CIVIL RIGHTS" (E.G., DISCRIMINATION IN HOUSING, JOBS, EDUCATION, HEALTH CARE, ETC., BASED ON RACE, SEX OR THE OTHER LISTED FACTORS). IF A HUMAN RIGHTS PRACTICE IS CLEARLY A VIOLATION OF A RIGHT TREATED IN ONE OF THE PREVIOUS CATEGORIES (E.G., TORTURE PRACTICED AGAINST A SPECIFIC ETHNIC GROUP), DISCUSS IT THERE. DISCUSS IN THIS SECTION SOCIAL, ECONOMIC AND CULTURAL DISCRIMINATION. SPECIAL PROBLEMS OF INDIGENOUS PEOPLES SHOULD BE INCLUDED HERE. DESCRIBE NATIONAL POLICY ON DISCRIMINATION. WHERE RELEVANT, IDENTIFY ANY LAWS, ADMINISTRATIVE REGULATIONS OR STATE PRACTICES WHICH ARE INCONSISTENT WITH EQUAL ACCESS TO HOUSING, JOBS, EDUCATION, HEALTH CARE, ETC. BY MEMBERS OF SPECIFIC GROUPS. BRIEFLY DESCRIBE AVAILABLE MECHANISMS FOR REDRESS AND WHETHER THEY ARE EFFECTIVE. IN THOSE COUNTRIES WHERE THE GOVERNMENT DOES NOT PRACTICE DISCRIMINATION AND ENFORCES LAWS PROHIBITING IT, BUT WHERE SOME DEGREE OF SOCIETAL DISCRIMINATION NONETHELESS

REMAINS' POSTS MUST EXERCISE JUDGMENT IN DECIDING WHAT MERITS INCLUSION. IF THE INCIDENCE OF RESIDUAL DISCRIMINATION IS GENERALLY REGARDED BY WELL-INFORMED LOCAL OBSERVERS, INCLUDING REPUTABLE HUMAN RIGHTS MONITORS, AS INSIGNIFICANT, IT MAY NOT MERIT INCLUSION. WHERE DESPITE GOVERNMENT EFFORTS, SIGNIFICANT PROBLEMS REMAIN (AS WITNESSED, FOR EXAMPLE, BY MAJOR COURT CASES, FINDINGS BY OFFICIAL OR NONGOVERNMENTAL COMMISSIONS OR BOARDS OF ENQUIRY OR REPORTS OR STATEMENTS BY REPUTABLE HUMAN RIGHTS OR OTHER GROUPS) YOU SHOULD BRIEFLY REPORT THE NATURE OF THE ABUSE REVEALED OR ALLEGED AND GOVERNMENT'S RESPONSE, IF ANY.

46. ALSO DISCUSS HERE EFFORTS BY NONGOVERNMENTAL ELEMENTS TO INCITE VIOLENCE AGAINST MEMBERS OF PARTICULAR GROUPS IDENTIFIED BY COMMON RELIGION, ETHNIC ORIGIN, SEXUAL ORIENTATION, ETC., AND WHAT EFFORTS, IF ANY, THE GOVERNMENT HAS MADE TO COMBAT IT. (IF GOVERNMENT AGENTS COMMIT OR INCITE SUCH VIOLENCE, REPORT IT IN 1.A. IF DEATHS RESULT, OTHERWISE IN 1.C.) IF THE SITUATION IS AMBIGUOUS, DESCRIBE IT HERE, NOTE THE OPINIONS OF CRITICS AND DEFENDERS, AND LEAVE IT TO THE READER TO MAKE HIS OR HER OWN JUDGMENT. BE CAREFUL NOT TO APPEAR TO DEFEND A PRACTICE SIMPLY BECAUSE IT IS TRADITIONAL OR CULTURALLY INGRAINED. DISCRIMINATION AGAINST CASTES, WOMEN, OR ETHNIC MINORITIES IS STILL DISCRIMINATION, WHETHER CULTURAL OR LEGAL, AND WHETHER INTENDED OR NOT.

47. THERE IS CONTINUING CONGRESSIONAL AND OTHER INTEREST IN DISCRIMINATION AGAINST PEOPLE WITH DISABILITIES. THE HEADING FOR SECTION 5 WAS AMENDED LAST YEAR TO READ: "SECTION 5 DISCRIMINATION BASED ON RACE, SEX, RELIGION, DISABILITY, LANGUAGE OR SOCIAL STATUS." EVERY REPORT MUST, WITHIN SECTION FIVE, INDICATE THE EXTENT TO WHICH PHYSICALLY DISABLED INDIVIDUALS ARE SUBJECT TO DISCRIMINATION IN EMPLOYMENT, EDUCATION, AND PROVISION OF OTHER STATE SERVICES. STATE ALSO WHETHER THE GOVERNMENT HAS ENACTED LEGISLATION OR OTHERWISE MANDATED PROVISION OF ACCESSIBILITY FOR THE DISABLED.

48. BECAUSE VIOLENCE AGAINST WOMEN REMAINS WIDESPREAD, UNCLAS SECTION 15 OF 19 STATE 215437
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THE DEPARTMENT WILL CONTINUE TO PAY SPECIAL ATTENTION IN THESE REPORTS TO THE EXTENT OF GOVERNMENTAL EFFORTS TO

DETER IT. PHYSICAL ABUSE OF WOMEN, INCLUDING, BUT NOT LIMITED TO, WIFE BEATING, "DOWRY DEATHS" AND OTHER FORMS OF WIFE-MURDER, GENITAL MUTILATION, RAPE, OTHER FORMS OF SEXUAL ABUSE, AND TRAFFICKING IN WOMEN (SEE PARA. 49) SHOULD BE DISCUSSED HERE. NOTE, HOWEVER, THAT RAPE AND OTHER ABUSE COMMITTED BY GOVERNMENT OR OPPOSITION FORCES SHOULD BE DISCUSSED IN SECTION 1.C. INDICATE THE EXTENT TO WHICH SUCH ABUSE EXISTS, THE GOVERNMENT'S EXPRESSED

ATTITUDE TOWARD IT AND THE STEPS, IF ANY, TAKEN BY GOVERNMENT TO CURTAIL THE ABUSE. NOTE: IT IS NOT SUFFICIENT SIMPLY TO COMMENT THAT "STATISTICS ARE LACKING" OR THAT "NO STUDIES EXIST" AND THAT THE EXTENT OF THE PROBLEM IS, THEREFORE, UNKNOWN. THE DEPARTMENT UNDERSTANDS THAT IN MANY SOCIETIES STATISTICAL DATA AND OTHER PRECISE INFORMATION IS LACKING. HOWEVER, WE MUST MAKE A GOOD FAITH EFFORT, BASED ON THE INFORMATION AVAILABLE FROM ALL SOURCES, TO TRY TO DESCRIBE THE EXTENT OF THE PROBLEM AS ACCURATELY AS POSSIBLE (SEE STATE 52597). COMMENT ON THE EFFECTIVENESS, OR LACK THEREOF, IN THE ENFORCEMENT (BY POLICE, COURTS) OF LAWS PROHIBITING THESE ABUSES. POSTS SHOULD ALSO BE AWARE OF THE PRACTICE IN SOME COUNTRIES OF FEMALE INFANTICIDE. WHERE SUCH PRACTICE OCCURS, INDICATE THE GOVERNMENT'S ATTITUDE AND WHAT, IF ANYTHING, IT HAS DONE TO PREVENT IT.

49. CONTEMPORARY FORMS OF SLAVERY (TRAFFIC IN WOMEN FOR THE PURPOSE OF PROSTITUTION LABOR OR MARRIAGE) REMAIN RIFE IN MANY AREAS OF THE WORLD AND IN SOME CASES HAVE SPAWNED INTERNATIONAL ENTERPRISES. REPORT IN THIS SECTION THE EXTENT OF THE PROBLEM (INSOFAR AS IT IS KNOWN) AND GOVERNMENT EFFORTS TO DEAL WITH IT. IS THERE LEGISLATION DESIGNED TO PROTECT WOMEN AGAINST TRAFFICKING AND SEXUAL EXPLOITATION? HOW EFFECTIVELY IS IT ENFORCED? IS THERE EVIDENCE OF GOVERNMENT COMPLICITY IN OR TOLERANCE OF TRAFFICKING? DOES IT CONDONE BOGUS MARRIAGES, CLANDESTINE EMPLOYMENT AND IMMIGRATION OR FALSE ADOPTIONS? IS SEX TOURISM, DOMESTIC OR INTERNATIONAL, LEGAL (OR EVEN GOVERNMENT-SPONSORED?) IS MEDICAL/LEGAL ASSISTANCE AVAILABLE TO VICTIMS? ARE VICTIMS ENCOURAGED TO FILE COMPLAINTS OR DO THEY FACE LEGAL OR OTHER PENALTIES?

50. WITH REGARD TO FEMALE GENITAL MUTILATION (CIRCUMCISION), THE INTER AFRICAN COMMITTEE (IAC) ON TRADITIONAL PRACTICES AFFECTING THE HEALTH OF WOMEN AND CHILDREN HAS MADE EFFORTS TO EDUCATE HEALTH WORKERS AND THE GENERAL PUBLIC TO ITS HARMFUL EFFECTS. ACCORDING TO THE IAC, 75 TO 85 MILLION AFRICAN WOMEN HAVE BEEN SUBJECTED TO SOME FORM OF THE PROCEDURE. OTHER SOURCES

NOTE THAT THE MOST DANGEROUS FORM, INFIBULATION, IS PRACTICED IN A NUMBER OF COUNTRIES, PARTICULARLY IN EAST AND WEST AFRICA. LESS DRASTIC FORMS OF FC REPORTEDLY ARE PRACTICED IN THE SOUTHERN PART OF THE ARABIAN PENINSULA AND IN SOME AREAS OF MALAYSIA AND INDONESIA. THE IAC HAS ESTABLISHED ACTIVE NATIONAL COMMITTEES IN 24 COUNTRIES. POSTS MAY FIND THESE COMMITTEES, WHERE THEY EXIST, A USEFUL SOURCE OF INFORMATION ON THE EXTENT OF THE PROBLEM.

51. THE CONGRESS AND HUMAN RIGHTS GROUPS CONTINUE TO EXPRESS INTEREST IN ABUSES OF THE RIGHTS OF CHILDREN. SECTION 511 (B) (1) OF THE FOREIGN ASSISTANCE ACT, AS AMENDED, REQUIRES THE COUNTRY HUMAN RIGHTS REPORT TO INCLUDE A "REVIEW OF EACH COUNTRY'S COMMITMENT TO CHILDREN'S RIGHTS AND WELFARE." THE AVAILABILITY AND ACCURACY OF STATISTICS ON CHILDREN'S WELFARE VARIES GREATLY AMONG COUNTRIES. THE SINGLE MOST COMPREHENSIVE

AND ACCURATE SOURCE KNOWN TO THE DEPARTMENT IS THE ANNUAL REPORT OF THE UNITED NATIONS INTERNATIONAL CHILDREN'S FUND. CONSEQUENTLY, WE WILL INCORPORATE THE UNICEF STATISTICS BY REFERENCE IN THE 1994 REPORT BY INCLUDING A STATEMENT ALONG THE FOLLOWING LINES IN THE INTRODUCTORY SECTION OF THE OVERALL REPORT: "WITH REGARD TO GOVERNMENTS' COMMITMENT TO THE WELFARE OF CHILDREN, READERS MAY WISH TO CONSULT 'THE STATE OF THE WORLD'S CHILDREN 1994', PUBLISHED BY THE UNITED NATIONS INTERNATIONAL CHILDREN'S FUND, WHICH PROVIDES A WIDE RANGE OF DATA ON HEALTH, EDUCATION, NUTRITION, AND RATES OF INFANT MORTALITY AND UNDER-5 MORTALITY ON 145 COUNTRIES. THE REPORT ALSO NOTES THE RATE OF PROGRESS BEING MADE BY

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EACH OF THESE COUNTRIES IN REDUCING THE KEY UNDER-5 MORTALITY RATE." EACH SECTION ON CHILDREN SHOULD BEGIN WITH A BRIEF STATEMENT ON THE GOVERNMENT'S COMMITMENT (OR LACK THEREOF) TO CHILDREN'S RIGHTS AND WELFARE. IT SHOULD THEN INDICATE IF THERE IS ANY PATTERN OF SOCIETAL ABUSE DIRECTED AGAINST CHILDREN (INCLUDING CHILD PROSTITUTION) AND THE STEPS, IF ANY, TAKEN BY THE GOVERNMENT TO DEAL WITH SUCH ABUSE. ABUSES AGAINST CHILDREN COMMITTED BY GOVERNMENT FORCES OR AGENTS SUCH AS EXTRAJUDICIAL KILLING, TORTURE AND OTHER MISTREATMENT, ARBITRARY ARREST MILITARY CONSCRIPTION, CHILD LABOR, ETC., SHOULD BE REPORTED IN THE SECTION OF THE REPORT DEALING WITH THAT TYPE OF ABUSE.

52. GIVEN HEIGHTENED CONGRESSIONAL AND PUBLIC INTEREST AND THE NEW LEGISLATIVE LANGUAGE CONCERNING CHILDREN, ALL MISSIONS ARE TO TRY TO EXPAND CONTACTS WITH POSSIBLE SOURCES OF INFORMATION, INCLUDING LOCAL CHILDREN'S RIGHTS ADVOCACY GROUPS WHERE THEY EXIST.

53. LEGISLATION ALSO REQUIRES THE REPORT TO "DESCRIBE THE EXTENT TO WHICH INDIGENOUS PEOPLE ARE ABLE TO PARTICIPATE IN DECISIONS AFFECTING THEIR LANDS, CULTURES, TRADITIONS AND THE ALLOCATION OF NATURAL RESOURCES, AND ASSESS THE EXTENT OF PROTECTION OF THEIR CIVIL AND POLITICAL RIGHTS." WHERE YOU BELIEVE THAT AN INDIGENOUS PEOPLE IS PRESENT IN THE HOST COUNTRY, YOU SHOULD RESPOND DIRECTLY AND FULLY TO THIS REQUIREMENT. YOUR REPORT SHOULD PROVIDE THE INFORMATION SPECIFIED IN THE LEGISLATION, INCORPORATING TO THE EXTENT FEASIBLE THE LANGUAGE OF THE LEGISLATION. SPECIAL PROBLEMS OF SOCIAL, ECONOMIC OR CULTURAL DISCRIMINATION AGAINST INDIGENOUS PEOPLES SHOULD CONTINUE TO BE REPORTED IN THIS SECTION WHILE OTHER TYPES OF ABUSE SHOULD BE REPORTED IN THE APPROPRIATE SECTIONS (E.G., EXCLUSION FROM THE POLITICAL PROCESS SHOULD BE REPORTED IN SECTION 3.)

54. ALSO REPORT ON ECONOMIC DISCRIMINATION AGAINST MINORITIES OR WOMEN. IS THERE DISCRIMINATION IN ACCESS TO EMPLOYMENT? IN RATES OF PAY FOR THE SAME OR SUBSTANTIALLY

SIMILAR WORK? ARE WOMEN OR MINORITIES PROHIBITED OR IMPEDED IN OWNING AND/OR MANAGING LAND OR OTHER REAL PROPERTY? DO INHERITANCE LAWS DISCRIMINATE? NOTE: BE CAREFUL NOT TO ASSUME THAT STATISTICS SHOWING FEWER WOMEN THAN MEN, OR A DISPROPORTIONATE NUMBER OF MINORITY GROUP MEMBERS VIS A VIS THE MAJORITY, IN CERTAIN OCCUPATIONS OR INSTITUTIONS ARE PER SE EVIDENCE OF CURRENT DISCRIMINATION. THE REASONS FOR SUCH SITUATIONS CAN BE EXTREMELY COMPLEX AND OFTEN ARE NOT WELL UNDERSTOOD. CONFINE YOUR REPORTING HERE TO SPECIFIC FACTUAL INDICATIONS OF DISCRIMINATION, WHETHER IN LAW OR IN PRACTICE AND WHETHER BY GOVERNMENT OR SOCIETY IN GENERAL. IN CASES OF SOCIETAL DISCRIMINATION, INDICATE GOVERNMENT'S ATTITUDE AND ANY EFFORTS IT HAS MADE TO PREVENT OR MINIMIZE SUCH DISCRIMINATION. WHERE PRECISE STATISTICS OR OTHER INFORMATION ARE LACKING, CHARACTERIZE THE SITUATION AS ACCURATELY AS POSSIBLE FROM AVAILABLE INFORMATION. REPORT ON ANY RESTRICTIONS ON ACCESS OF WOMEN OR MINORITIES TO POLICY-MAKING GOVERNMENT/POLITICAL POSITIONS IN SECTION 3; REPORT HERE ON ANY RESTRICTIONS ON ACCESS TO OTHER JOBS AT ALL LEVELS IN THE ECONOMY.

SECTION 6 WORKER RIGHTS

55. THE FOLLOWING PARAGRAPHS DISCUSS THE FIVE INTERNATIONALLY RECOGNIZED WORKER RIGHTS ON WHICH US TRADE LEGISLATION REQUIRES A REPORT. PLEASE NOTE: EVERY REPORT

MUST, AT A MINIMUM, ANSWER THE SPECIFIC QUESTIONS POSED UNDER EACH SUBSECTION (E.G., SUBSECTION A, THE RIGHT OF ASSOCIATION) AND SHOULD PROVIDE ADDITIONAL EXPLANATORY INFORMATION AS POSSIBLE. WE WILL AGAIN THIS YEAR INDICATE IN THE APPENDICES WHICH COUNTRIES HAVE RATIFIED ILO CONVENTIONS 87 (FREEDOM OF ASSOCIATION), 98 (RIGHT TO ORGANIZE AND COLLECTIVE BARGAINING), 29 AND 105 (FORCED LABOR), AND 138 (CHILD LABOR). YOU NEED NOT/NOT REPORT IN THE NARRATIVE ON RATIFICATION OF THESE CONVENTIONS UNLESS IT IS INTEGRAL TO DISCUSSION OF SPECIFIC ABUSES. NOTE: IN GENERAL, INFORMATION ON GOVERNMENT RESTRICTIONS ON UNIONS' FREEDOM OF ASSOCIATION, THE RIGHT TO ORGANIZE AND THE RIGHT TO STRIKE BELONGS IN SECTION 6.A. INFORMATION ON WORKER/MANAGEMENT RELATIONS, MANAGEMENT INTERFERENCE WITH THE RIGHT TO ORGANIZE THE WORKPLACE, COLLECTIVE UNCLAS SECTION 17 OF 19 STATE 215437
INFORM CONSULS ALSO FOR USEU/USEOEC

E.O. 12356: N/A

TAGS: PHUM

SUBJECT: COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES FOR 1994 INSTRUCTIONS CABLE

BARGAINING, MEDIATION/ARBITRATION, ETC. BELONGS IN SECTION 6.B. BEAR IN MIND THAT IF THERE WAS SIGNIFICANT CHANGE (FOR BETTER OR WORSE) IN THE WORKER RIGHTS SITUATION, THIS SHOULD BE INDICATED BRIEFLY IN THE FINAL PARAGRAPH OF THE INTRODUCTION (SEE PARA. 12) AND SUPPORTED IN THE FOLLOWING SUBSECTIONS.

A. THE RIGHT OF ASSOCIATION

56. ARE ALL WORKERS (EXCEPT MILITARY AND POLICE) ENTITLED TO FORM OR JOIN UNIONS OF THEIR OWN CHOOSING WITHOUT PREVIOUS AUTHORIZATION? TO WHAT EXTENT IS THAT RIGHT EXERCISED? CITE ANY OTHER LIMITATIONS, E.G., CIVIL SERVANTS, WORKERS IN SPECIAL ECONOMIC ZONES, STATE-OWNED ENTERPRISES, OR AGRICULTURAL, CONTRACT OR FOREIGN WORKERS. INDICATE, IF POSSIBLE, PERCENT OF WORK FORCE ORGANIZED.

57. ARE UNIONS INDEPENDENT OF GOVERNMENT, THE RULING)TY OR OTHER POLITICAL FORCES? CITE ANY RESTRICTIONS SUCH AS REQUIREMENT FOR A SINGLE TRADE UNION STRUCTURE, RESTRICTIONS ON WHO MAY BE A UNION OFFICIAL OR WHO UNIONS MAY RETAIN AS ADVISORS, EXCESSIVE OR ARBITRARY REGISTRATION REQUIREMENTS, RESTRICTIONS ON UNION POLITICAL ACTIVITIES OR DISSOLUTION OF UNIONS BY ADMINISTRATIVE OR LEGISLATIVE ACTION (IN ORDER TO SATISFY THE INTERNATIONALLY RECOGNIZED RIGHT OF FREE ASSOCIATION, DISSOLUTION MUST BE THROUGH A JUDICIAL SYSTEM AFFORDING DUE PROCESS). IF UNION REGISTRATION PROCEDURES ARE SLOW OR CUMBERSOME, INDICATE WHETHER THERE ARE SUBSTANTIAL DIFFERENCES BETWEEN THE NUMBER OF UNIONS THAT ATTEMPT TO REGISTER AND THE NUMBER THAT ARE SUCCESSFUL. ALSO INDICATE WHETHER ANTIUNION ACTIONS BEFORE A UNION IS LEGALLY REGISTERED ARE EFFECTIVELY PROHIBITED. AVOID

LENGTHY DESCRIPTIONS OF TRADE UNION ORGANIZATION BUT IF THERE IS A SINGLE TRADE UNION STRUCTURE, INDICATE BRIEFLY THE REASON FOR THAT. NOTE: IN SOME COUNTRIES ONLY ONE TRADE UNION CENTRAL IS PERMITTED BY THE GOVERNMENT AND ALL UNIONS MUST BELONG TO THIS CENTRAL, WHICH IS CONTRARY TO THE PRINCIPLE OF FREEDOM OF ASSOCIATION. IN SOME CASES, A PROFESSIONAL UNION, E.G., FOR TEACHERS OR JOURNALISTS IS PERMITTED TO EXIST OUTSIDE THE SINGLE TRADE UNION CENTRAL OF BLUE COLLAR WORKERS, BUT THIS DOES NOT ALTER THE SINGLE TRADE UNION SYSTEM IN ESSENCE.

58. DO UNIONS (OTHER THAN CIVIL SERVANTS AND THOSE IN "ESSENTIAL SERVICES") HAVE THE RIGHT TO STRIKE? DID ANY LEGAL (OR ILLEGAL) STRIKES OCCUR DURING THE YEAR? DO LAWS/REGULATIONS PROHIBIT RETRIBUTION AGAINST STRIKERS AND STRIKE LEADERS AND, IF SO, DOES GOVERNMENT EFFECTIVELY ENFORCE THEM? CITE ANY OF THE FOLLOWING: MANDATORY ARBITRATION; RESTRICTIONS IN SPECIAL ECONOMIC ZONES OR INDUSTRIES, STATE-OWNED ENTERPRISES; EXCESSIVELY BROAD DEFINITION OF "ESSENTIAL SERVICES" (SHOULD BE NARROWLY APPLIED TO THOSE WHOSE INTERRUPTION WOULD DIRECTLY AND IMMEDIATELY ENDANGER PUBLIC HEALTH OR SAFETY.) IF STRIKES BY CIVIL SERVANTS OR THOSE IN ESSENTIAL SERVICES ARE PROHIBITED, CITE ANY MECHANISMS (E.G., MEDIATION, ARBITRATION) DESIGNED TO ASSURE DUE PROCESS AND PROTECT THE RIGHTS OF THOSE WORKERS. ALSO INDICATE IF ARBITRATION RULINGS, WHENEVER ARBITRATION HAS BEEN AGREED TO BY THE CONTENDING PARTIES, ARE ENFORCEABLE OR IF THEY CAN BE OVERTURNED BY THE GOVERNMENT.

59. ARE THERE RESTRICTIONS ON CIVIL LIBERTIES (E.G., FREEDOMS OF PRESS AND ASSEMBLY, DISAPPEARANCE, TORTURE, KILLING) CITED IN OTHER SECTIONS OF THE REPORT THAT

DIRECTLY AFFECT UNIONS? IF SO, BRIEFLY MENTION HERE. ALSO INDICATE WHETHER THE GOVERNMENT HAS BEEN CITED BY THE ILO WITHIN THE PAST YEAR FOR FAILURE TO OBSERVE PERTINENT ILO CONVENTIONS AND LABOR STANDARDS.

60. MAY UNIONS FREELY FORM OR JOIN FEDERATIONS OR CONFEDERATIONS AND AFFILIATE WITH INTERNATIONAL BODIES? CITE ANY RESTRICTIONS ON REGIONAL, NATIONAL, OR INTERNATIONAL AFFILIATION, REPRESENTATION AT ILO CONFERENCES OR ON INTERNATIONAL TRAVEL AND CONTACTS.

B. THE RIGHT TO ORGANIZE AND BARGAIN COLLECTIVELY

61. IS COLLECTIVE BARGAINING (DEFINED AS VOLUNTARY DIRECT NEGOTIATIONS BETWEEN UNIONS AND EMPLOYERS WITHOUT THE UNCLAS SECTION 18 OF 19 STATE 215437 INFORM CONSULS ALSO FOR USEU/USEOEC E.O. 12356: N/A TAGS: PHUM SUBJECT: COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES FOR 1994 INSTRUCTIONS CABLE

PARTICIPATIONAOF THE GOVERNMENT) PROTECTED IN LAW AND FREELY PRACTICED THROUGHOUT THE COUNTRY? CITE THE PREVALENCE OF COLLECTIVE BARGAINING (INCLUDING PERCENT OF ENTERPRISES COVERED BY COLLECTIVE BARGAINING IF KNOWN) AND ANY RESTRICTIONS (E.G., ISSUES REGULARLY EXCLUDED FROM THE BARGAINING PROCESS). IF WAGES ARE NOT ESTABLISHED IN BILATERAL NEGOTIATIONS BETWEEN UNIONS AND EMPLOYERS HOW ARE THEY SET AND WHAT GOVERNMENT AGENCY, IF ANY' IS INVOLVED? FOR GENUINE COLLECTIVE BARGAINING TO EXIST THE MOST DIRECTLY AFFECTED WORKERS SHOULD BE ABLE TO PARTICIPATE IN THE NEGOTIATIONS OR HAVE AN OPPORTUNITY TO RATIFY OR REJECT AGREEMENTS.

62. DOES THE LAW PROHIBIT ANTIUNION DISCRIMINATION BY EMPLOYERS AGAINST UNION MEMBERS AND ORGANIZERS AND ARE THERE MECHANISMS FOR RESOLVING COMPLAINTS OF DISCRIMINATION? CITE STATISTICS, IF AVAILABLE, ON THE NUMBER OF ANTIUNION DISCRIMINATION COMPLAINTS; COMMON DISCRIMINATORY PRACTICES (E.G. USE OF "TEMPORARY" WORKERS TO AVOID UNIONS); ANY DEFECTS IN THE COMPLAINT MECHANISMS (E.G., BIAS, EXCESSIVE DELAYS OR EXPENSE, EXCESSIVELY LIGHT PENALTIES OR FAILURE TO PUNISH OFFENDERS). ARE EMPLOYERS FOUND GUILTY OF ANTIUNION DISCRIMINATION REQUIRED TO REINSTATE WORKERS FIRED FOR UNION ACTIVITIES?

63. ARE THERE ANY EXPORT PROCESSING ZONES (EPZS) OR OTHER SPECIAL ECONOMIC ZONES AND, IF SO, ARE ORGANIZATION AND COLLECTIVE BARGAINING IMPEDED OR RESTRICTED THERE BY LAW OR BY PRACTICE? IS THE LABOR LAW IN THE EPZS DIFFERENT FROM THAT IN THE REST OF THE COUNTRY, OR IS IT APPLIED DIFFERENTLY? IF ANY OF THE WORKER RIGHTS DISCUSSED IN THIS REPORT ARE SIGNIFICANTLY RESTRICTED IN THE EPZS, INDICATE WHICH RIGHTS AND HOW THEY ARE RESTRICTED.

C. PROHIBITION OF FORCED OR COMPULSORY LABOR

64. IS FORCED OR COMPULSORY LABOR PROHIBITED BY LAW? IS THE LAW EFFECTIVELY ENFORCED THROUGH ADEQUATE LABOR INSPECTION AND PENAL SANCTION FOR OFFENDERS? ARE DOMESTICS, CHILDREN, OR FOREIGN WORKERS (ESPECIALLY THOSE WITHOUT DOCUMENTATION) FORCED TO REMAIN IN SITUATIONS AMOUNTING TO COERCED OR BONDED LABOR? SPECIFY IF COMPULSORY LABOR TAKES PLACE IN ANY SPECIAL ECONOMIC ZONES. IDENTIFY ANY EXPORT INDUSTRIES IN WHICH FORCED LABOR IS SIGNIFICANT.

65. NOTE: ILO CONVENTION 29 DEFINES FORCED OR COMPULSORY LABOR AS WORK OR SERVICE EXACTED FROM ANY PERSON UNDER THE

MENACE OF PENALTY AND FOR WHICH THE PERSON HAS NOT VOLUNTEERED. IT SHOULD ALSO BE NOTED THAT THE ILO HAS SPECIFICALLY EXEMPTED THE FOLLOWING FROM ITS DEFINITION OF FORCED LABOR: COMPULSORY MILITARY SERVICE; CERTAIN CIVIC OBLIGATIONS; CERTAIN FORMS OF PRISON LABOR; WORK EXACTED IN EMERGENCIES. ILO CONVENTION 105 PROHIBITS FORCED OR COMPULSORY LABOR FOR PURPOSES OF ECONOMIC DEVELOPMENT AS A MEANS OF POLITICAL COERCION OR EDUCATION, AS A SANCTION AGAINST FREE EXPRESSION OF POLITICAL OR IDEOLOGICAL OPINIONS, AS A MEANS OF LABOR DISCIPLINE, AS A PUNISHMENT FOR HAVING PARTICIPATED IN STRIKES, OR AS A MEANS OF RACIAL, SOCIAL OR OTHER DISCRIMINATION. CITE ANY OF THE FOLLOWING: USE OF PRISON LABOR IMPOSED BY ADMINISTRATIVE OR LEGISLATIVE AUTHORITY (SUCH LABOR SHOULD ONLY BE IMPOSED PURSUANT TO CONVICTION FOR A CRIME IN A COURT OF LAW); ABUSE OF NATIONAL SERVICE OBLIGATIONS, (E.G., USE OF DRAFTEES FOR NONMILITARY PURPOSES); INDUCTION INTO CIVIC SERVICE WHERE SERVICE IS NOT RESTRICTED TO EDUCATION AND TRAINING; OBLIGATIONS TO SERVE THE STATE IN RETURN FOR TRAINING RECEIVED WHERE FAILURE TO COMPLY CARRIES PENAL SANCTIONS; USE OF COMPULSORY LABOR IN FALSE "EMERGENCIES"; COMMUNAL SERVICE EXACTED WITHOUT CONSENT FROM COMMUNITY REPRESENTATIVES.

D. MINIMUM AGE FOR EMPLOYMENT OF CHILDREN

66. DOES THE COUNTRY HAVE MINIMUM AGE AND/OR COMPULSORY EDUCATION LEGISLATION? IF SO, WHAT ARE THE AGES? ARE ANY SIGNIFICANT SECTORS OR GROUPS EXCLUDED? IS THE LEGISLATION EFFECTIVELY ENFORCED BY INSPECTORS AND PENALTIES? BY WHAT AGENCY? ARE HOURS OF YOUNG WORKERS LIMITED IN COMPARISON WITH THE REGULAR WORK FORCE?

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SPECIFY IF CHILD LABOR OCCURS IN ANY SPECIAL ECONOMIC ZONES. IDENTIFY ANY EXPORT INDUSTRIES IN WHICH CHILD LABOR IS SIGNIFICANT. CITE ANY OF THE FOLLOWING: EXAMPLES OF CHILDREN ENGAGED IN STREET TRADING, MARITIME, PLANTATION OR DOMESTIC WORK, FACTORY "SWEATSHOPS," OR DANGEROUS WORK (E.G., MINING, CONSTRUCTION, MANUFACTURING). NOTE: ILO MINIMUM AGE STANDARDS ARE

GENERALLY 15, BUT DEVELOPING COUNTRIES MAY, AS AN EXCEPTION, ADOPT THE AGE OF 14 AS A TEMPORARY LIMIT.

E. ACCEPTABLE CONDITIONS OF WORK

67. IS THERE A LEGISLATED OR ADMINISTRATIVE MINIMUM WAGE RATE AND, IF SO, ARE THERE SIGNIFICANT PARTS OF THE WORK FORCE OUTSIDE ITS COVERAGE? WHAT IS THE RATE IN U.S. DOLLARS? IS IT EFFECTIVELY ENFORCED? BY WHICH AGENCY?

GIVEN THE LEVEL OF ECONOMIC DEVELOPMENT IN THE COUNTRY, DOES IT PROVIDE A DECENT LIVING FOR A WORKER AND HIS/HER FAMILY? NOTE: IN ADDITION TO STATING THE MINIMUM WAGE RATE IN U.S. DOLLARS, GIVE THE LOCAL CURRENCY EQUIVALENT IN PARENTHESES, AND THE DATE THE CURRENT MINIMUM WAGE RATE BECAME EFFECTIVE (E.G. "THE DAILY NATIONAL MINIMUM WAGE RATE IS DOLLARS 5.55 (24 FRANCS) EFFECTIVE AS OF JUNE 1994." FOR CERTAIN COUNTRIES YOU MAY ALSO NEED TO ADD A BRIEF EXPLANATORY COMMENT IF THE OFFICIAL CONVERSION RATE DOES NOT REFLECT THE CURRENCY'S TRUE VALUE.

68. IS THERE A STANDARD LEGAL WORK WEEK OF 48 HOURS OR LESS AND DOES IT PROVIDE FOR AT LEAST ONE 24-HOUR REST PERIOD? (DO NOT GIVE THE AVERAGE HOURS WORKED PER WEEK. THE REPORT SHOULD INDICATE IF THERE ARE LEGAL LIMITS ON HOURS PER WEEK, IF THE LAW REQUIRES OVERTIME PAYMENT FOR HOURS IN EXCESS OF THE STANDARD, AND IF THERE ARE PROHIBITIONS ON EXCESSIVE COMPULSORY OVERTIME.) HOW EFFECTIVELY ARE SUCH LAWS/REGULATIONS ENFORCED?

69. DOES THE GOVERNMENT SET OCCUPATIONAL HEALTH AND SAFETY STANDARDS? ARE THEY EFFECTIVELY ENFORCED? BY WHAT AGENCY? INDICATE IF WORKERS HAVE THE RIGHT TO REMOVE THEMSELVES FROM SITUATIONS WHICH ENDANGER HEALTH OR SAFETY WITHOUT JEOPARDY TO THEIR CONTINUED EMPLOYMENT, AND WHETHER LAWS PROTECT WORKERS WHO FILE COMPLAINTS ABOUT SUCH CONDITIONS. IF INDUSTRIAL ACCIDENT RATES ARE UNUSUALLY HIGH OR IF THERE ARE WELL-KNOWN OCCUPATIONAL HEALTH PROBLEMS, NOTE WHAT PREVENTIVE MEASURES, IF ANY, THE GOVERNMENT HAS TAKEN.

70. END OF HR94 INSTRUCTIONS CABLE.

71. MINIMIZE CONSIDERED. CHRISTOPHER
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<^SECT>SECTION: 11 OF 19

Withdrawal/Redaction Marker

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. cable	re Thailand (23 pages)	11/17/1994	P1/b(1)

COLLECTION:

Clinton Presidential Records
NSC Cables
Jan 1993-Dec 1994 ([sweatshop ...])
OA/Box Number: 505000

FOLDER TITLE:

[08/11/1994-12/16/1994]

2018-1072-F

kc2331

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

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
002. cable	re US-China Labor Dialogue (4 pages)	11/18/1994	P1/b(1)

COLLECTION:

Clinton Presidential Records
NSC Cables
Jan 1993-Dec 1994 ([sweatshop ...])
OA/Box Number: 505000

FOLDER TITLE:

[08/11/1994-12/16/1994]

2018-1072-F

kc2331

RESTRICTION CODES

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

- P1 National Security Classified Information [(a)(1) of the PRA]
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- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
003. cable	re Argentina (18 pages)	12/15/1994	P1/b(1)

COLLECTION:

Clinton Presidential Records
NSC Cables
Jan 1993-Dec 1994 ([sweatshop ...])
OA/Box Number: 505000

FOLDER TITLE:

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2018-1072-F

kc2331

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]
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Cable

PREC: ROUTINE
CLASS: UNCLASSIFIED
LINE1: RAAUZYUW RUEHSA4636 3501308-UUUU--RHEHAAX.
LINE2: ZNR UUUUU ZZH
LINE3: R 161308Z DEC 94
LINE4: FM AMCONSUL SAO PAULO
OSRI: RUEHSO
DTG: 161308Z DEC 94
ORIG: AMCONSUL SAO PAULO
TO: RUEHC/SECSTATE WASHDC 2673
INFO: RUEHBR/AMEMBASSY BRASILIA 0479
RUEHBRP/AMCONSUL PORTO ALEGRE 5120
RUEHBRC/AMCONSUL RECIFE 4426
RUEHRI/AMCONSUL RIO DE JANEIRO 7078
SUBJ: CHILD LABOR BEGINS AT HOME: SHOEMAKING
SWEATSHOPS IN SAO PAULO STATE

TEXT:
UNCLAS SECTION 01 OF 02 SAO PAULO 004636

E.O. 12356: N/A
TAGS: PHUM, ELAB, BR
SUBJECT: CHILD LABOR BEGINS AT HOME: SHOEMAKING
SWEATSHOPS IN SAO PAULO STATE

REF: SAO PAULO 04537

1. SUMMARY. DESPITE A 1993 BRAZILIAN LAW PROHIBITING EMPLOYMENT OF CHILDREN UNDER AGE 14, GOVERNMENT, UNION, AND PRESS SOURCES REPORT THAT THOUSANDS OF MINOR CHILDREN ARE PERFORMING SUBCONTRACTED SHOE SEWING AND GLUEING WORK IN FRANCA, SAO PAULO STATE, WHERE BRAZIL'S SHOE-MANUFACTURING INDUSTRY IS CONCENTRATED. WITH THE COLLUSION OF MAJOR SHOE MANUFACTURERS, FORMER EMPLOYEES OF THESE COMPANIES -- NOW WORKING AS "OUTSIDE CONTRACTORS" -- ARE SUBJECTING THEMSELVES AND THEIR CHILDREN TO INHUMANE CONDITIONS IN IMPROVISED AT-HOME SWEATSHOPS. THE REGIONAL PUBLIC PROSECUTOR FOR LABOR ISSUES, WITH ASSISTANCE FROM FRANCA'S SHOEWORKERS SYNDICATE AND LABOR ACTIVISTS, HAS BROUGHT A CIVIL SUIT AGAINST FIVE MAJOR MANUFACTURERS. END SUMMARY.

2. A 1993 BRAZILIAN LAW PROHIBITS CHILDREN UNDER AGE 14 FROM WORKING, EXCEPT FOR SPECIAL "APPRENTICE" PROGRAMS FOR 12 AND 13 YEAR-OLDS. NEVERTHELESS, A UNICEF-SUPPORTED STUDY CONDUCTED IN JULY 1994 IN FRANCA, SAO PAULO STATE, FOUND THAT 73 PERCENT OF 1,560 CHILDREN UNDER 14 YEARS OF AGE THAT WERE INTERVIEWED WORKED AT LEAST PART-TIME IN THE FOOTWEAR INDUSTRY. ACTIVISTS FROM THE SOLE WORKERS CENTRAL

(CUT) -- A NATIONWIDE LABOR CONFEDERATION -- AND FROM THE SHOEWORKERS UNION IN FRANCA, CLAIM THAT THE NUMBER OF CHILDREN WORKING IS MORE THAN 4,000 AND HAS INCREASED BY 2 PERCENT SINCE THE IMPLEMENTATION OF THE REAL PLAN.

SUBCONTRACTING LEADS TO CLANDESTINE SWEATSHOPS

3. THE PRINCIPAL CAUSE OF THE CHILD-LABOR PROBLEM IN FRANCA IS THE PROLIFERATION OF SUBCONTRACTING OF SEWING AND GLUEING WORK BY SHOE MANUFACTURERS. ACCORDING TO LABOR ACTIVISTS AND THE OFFICE OF THE PUBLIC PROSECUTOR FOR LABOR ISSUES IN CAMPINAS, THE MAJOR SHOE INDUSTRIES IN FRANCA BEGAN FIRING WORKERS ABOUT FIVE YEARS AGO, WHILE OFFERING TO SUBCONTRACT OUT WORK IF THE EX-EMPLOYEES PERFORMED IT IN THEIR HOMES. BY PUSHING WORKERS OUT OF THE FACTORIES, THE INDUSTRIES AVOIDED HAVING TO PROVIDE ADEQUATE WORKING CONDITIONS AND HAVING TO PAY WORKER BENEFITS. UNFORTUNATELY, MANY EX-WORKERS HAVE SET UP TINY SWEATSHOPS IN THE BACKYARDS OF THEIR HOMES AND COERCE FAMILIES MEMBERS TO PARTICIPATE. LABOR ACTIVISTS SAY THAT THE SUBCONTRACTING PHENOMENON HAS GROWN RAPIDLY IN THE LAST TWO YEARS. THE LOCAL SHOEWORKERS UNION ESTIMATES THAT MORE THAN 800 SUCH CLANDESTINE SWEATSHOPS NOW OPERATE THROUGHOUT THE CITY. INTERVIEWS CONDUCTED BY THE LOCAL NEWSPAPER, FOLHA DE SAO PAULO, IN OCTOBER 1994 APPEAR TO CONFIRM THAT THE MAJORITY OF THE CHILDREN IN QUESTION WORK FOR THEIR OWN PARENTS.

INHUMANE CONDITIONS CREATE HEALTH AND EDUCATION PROBLEMS

4. MOST OF THE CHILDREN WORKING SUFFER IN INHUMANE CONDITIONS WHILE RECEIVING MINIMAL REMUNERATION. ONE PUBLIC PROSECUTOR TOLD CONOFF THAT THE SMELL OF GLUE IN IMPROVISED SWEATSHOPS HE VISITED HAS SO STRONG THAT HE COULDN'T SPEND MORE THAN 10-15 MINUTES BEFORE GETTING DIZZY AND NAUSEOUS. HE CHARACTERIZED CONDITIONS AS ABSOLUTELY THE WORST IMAGINABLE, WITH A TOTAL LACK OF HYGIENE AND SAFETY. IOLANDA HUZAK, A JOURNALIST WHO INVESTIGATED CHILD LABOR IN BRAZIL UNDER A GRANT FROM THE INTERNATIONAL LABOR ORGANIZATION, HAS WRITTEN THAT THE CLOSE CONTACT WITH GLUE LEAVES CHILDREN ADDICTED AND INCAPACITATES THEM FOR STUDY IN SCHOOL. IN ADDITION TO THE HEALTH HAZARDS, MANY OF THE KIDS ARE FORCED TO DROP OUT OF SCHOOL IN ORDER TO SPEND MORE TIME SEWING AND GLUEING SHOES.

ORGANIZED LABOR RESPONDS

5. LEADERS OF THE SHOEWORKERS UNION OF FRANCA ALSO POINT TO THE SUB-CONTRACTOR SYSTEM AS THE CAUSE OF THE CHILD LABOR PROBLEM. THE UNION, WHICH HAS STRONG TIES TO THE CUT, REPRESENTS WORKERS IN APPROXIMATELY

250 OF THE ESTIMATED 400 MAJOR FOOTWEAR FACTORIES IN FRANCA. IN OCTOBER 1994, THE UNION, BACKED BY THE CUT, CAME FORWARD TO DENOUNCE SEVERAL FIRMS INVOLVED IN SUB-CONTRACTING OF SEWING AND GLUEING WORK. ACCORDING TO THE OFFICE OF THE PUBLIC PROSECUTOR IN CAMPINAS, THE UNION'S ASSISTANCE HAS BEEN IMPORTANT IN ESTABLISHING THE CURRENT CIVIL SUIT AGAINST UNCLAS SECTION 02 OF 02 SAO PAULO 004636

E.O. 12356: N/A

TAGS: PHUM, ELAB, BR

SUBJECT: CHILD LABOR BEGINS AT HOME: SHOEMAKING SWEATSHOPS IN SAO PAULO STATE

MANUFACTURERS. FURTHERMORE, CUT'S COMMISSION ON CHILDREN AND ADOLESCENTS SPONSORED A SEMINAR ON THE CHILD LABOR ISSUE AND HAS PROVIDED EXTENSIVE SUPPORT TO THE UNION.

JUDICIAL ACTION AT LAST

6. THE REGIONAL PUBLIC PROSECUTOR FOR LABOR ISSUES IN CAMPINAS BEGAN INVESTIGATING THE CHILD LABOR PROBLEM IN FRANCA IN SEPTEMBER 1994 AFTER THE PUBLICATION OF THE UNICEF-FUNDED REPORT. SPURRED BY THE SHOEWORKER UNION'S DENOUNCEMENT OF SUBCONTRACTING PRACTICES IN OCTOBER 1994, THE PUBLIC PROSECUTOR OPENED A CIVIL SUIT AGAINST FIVE MAJOR MANUFACTURERS IN EARLY NOVEMBER 1994, AND INTENDS TO OPEN SIMILAR CASES AGAINST OTHER COMPANIES IN THE FUTURE. THE PRINCIPAL CHARGE AGAINST THE FIRMS IS ILLEGAL SUB-CONTRACTING OF WORK. IT IS NOT POSSIBLE TO SUE THE FIRMS FOR ILLEGALLY EMPLOYING CHILD LABOR, BECAUSE THE FIRMS DO NOT ACTUALLY EMPLOY THE MINORS. INSTEAD, THE PUBLIC PROSECUTOR IS ATTEMPTING TO PROSECUTE THE FIRMS FOR PROMOTING ILLEGAL CHILD LABOR.

7. THE FIRST HEARING IN THE CASE AGAINST THE SHOE MANUFACTURERS HAS DECEMBER 14, 1994. HOWEVER, ACCORDING TO THE PUBLIC PROSECUTOR'S OFFICE, IT WILL LIKELY BE MANY MONTHS BEFORE THE CASE IS RESOLVED. POSSIBLE PENALTIES, IF THE FIRMS ARE FOUND GILTY, INCLUDE PRISON TERMS FOR OWNERS/MANAGERS AND FINES, ALTHOUGH ALL SOURCES AGREE THAT PRISON TERMS ARE UNLIKELY.

8. COMMENT. THE ACTIONS OF THE PUBLIC PROSECUTOR'S OFFICE ARE CERTAINLY MORE ENCOURAGING THAN THE NOTHING-WE-CAN-DO ATTITUDE OF LABOR MINISTER PIMENTEL. WHEN ASKED IN OCTOBER 1994 WHAT PRACTICAL MEASURES THE GOVERNMENT COULD ADOPT TO RESTRICT CHILD LABOR, PIMENTEL RESPONDED: NONE, SINCE MINOR CHILDREN USUALLY WORK AT HOME, WHERE GOVERNMENT INSPECTORS CANNOT ENTER. WHILE IT IS UNLIKELY THAT THE CURRENT CIVIL SUIT WILL BE RESOLVED ANYTIME SOON, THE ACTIONS OF THE PUBLIC PROSECUTOR AND HEIGHTENED PUBLICITY OF THE PROBLEM MAY INDUCE SHOE MANUFACTURERS TO REDUCE SUB-CONTRACTING. THE MYSTERY IS WHY IT TOOK THE

SHOEWORERS UNION SO LONG TO STEP FORWARD AND
DENOUNCE A PROCESS WHICH IS AT ODDS WITH THE
INTERESTS OF ITS MEMBERS.

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