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John Fitzgerald Kennedy
1917-1963
American. US President

Democracy is never a final achievement. It is a call to
untiring effort, to continual sacrifice and to the
willingness, if necessary, to die in its defense.

-- Speech, San Jose, Costa Rica, March 19, 1963

Born: May 29, 1917 in Brookline, MA. Died: November 22, 1963 in Dallas, TX.

Career Highlights: First Roman Catholic pres., 1961-63; won 1957 Pulitzer for
Profiles in Courage; assassinated while in office.
Also known as: JFK; Jack



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Harold Hongju Koh

Assistant Secretary for Democracy, Human Rights, and Labor
Roundtable Discussion, Commission on Human Rights
55th Session, Geneva, Switzerland, March 30, 1999

Assistant Secretary Koh: Thank you very much for coming. I am delighted to be here. For 13 years I was a professor at Yale, and the rule is that when you have a lecture you stand up, when you have a discussion you sit down. So I am happy that we are having a discussion about the U.S. priorities for this session of the Commission and particularly the promotion of democracy. That means that this will not be a speech. I will make some brief remarks and I hope to receive your questions. I hope also to meet many of you in private discussion. I plan to return to the Commission before the session is over, and hope that I will have many opportunities to talk to you.

Let me say a little about who I am. I am a Korean-American. My father was at one point the Ambassador for the Republic of Korea to the United Nations. I was a professor at Yale and the head of the human rights organization there for 13 years specializing in human rights and refugees issues. At one point I was a journalist. In that sense, having been a member of a foreign delegation, a journalist, an academic and working with an NGO, I would feel more comfortable to be on your side of the podium than on this side.

Now though, I am a member of the U.S. Government. I have been in this position, for about 4-1/2 months. During that time, I traveled to about 20 countries. I had bilateral discussions with about 40 countries. This is my second trip to Geneva. I would like to emphasize how much the U.S. Government values the Commission and the Commission process. This is the world forum for the discussion of human rights issues. It is a forum of principles we respect deeply and we are grateful to all of you for your participation. We hope to use this forum as a way of raising matters of principle. I hope that on that score, we will be able to cooperate with all of you.

I should also say that we meet here at a very difficult time. There are atrocities in Kosovo, repression in Belgrade, a time of military action. I

think we want to recall that the military action is not the end. It is the means. The means for promoting human rights in Kosovo and greater democracy and human rights throughout the former Yugoslavia. I went to the Rambouillet Summit with Secretary Albright in February, I was in Kosovo and Belgrade in December, and I was at the OSCE in Vienna just last month. I am encouraged that in the early days of this Commission session the situation both in Kosovo and throughout the former Yugoslavia has gotten serious consideration here at the Commission.

Let me say something about the U.S. view of human rights generally. We treasure human rights because those were the principles on which our country was founded. We do not believe that we are perfect; far from it. We do not believe that we have solved all our human rights problems. We struggle with those problems every day. Like all of the countries that are here, we are facing unfinished human rights challenges at home, but we are a nation conceived in liberty and dedicated to the proposition that all people are free and equal.

For that reason, we think it is not just appropriate, but necessary, for us to discuss human rights problems wherever they exist. Some think that you should not come to the Commission to discuss human rights in other countries. They think that if you are not perfect, you have no right to comment on problems elsewhere. We think the point of coming to the Commission is to compare human rights records with other countries, to welcome their participation, to examine our own conduct in light of democratic society, to have an honest discussion, and to call on other countries to do the same, and according to international standards.

This why we believe we are talking about universal values, not just particularistic values. The Asian values discussion of which much was heard 5 or 10 years ago has quieted down, but as someone of Asian heritage, I never believed that Asians had somehow a lesser commitment to human rights.

Let me just point out that Asians believe that families should be together, especially when someone is dying, and nothing in Asian values justifies the recent treatment of Michael Aris and Aung San Suu Kyi. These are violations of human rights standards and they should be recognized as such. I think we should also say that the United States has a commitment not just to civil and political rights, but to economic, social, and cultural rights. As we acknowledge in the Vienna Declaration, these rights are universal, indivisible, and inter-dependent. We believe as Franklin Roosevelt did, that freedom from want is closely related to freedom from fear, and we hope to move forward in this regard as well.

I think a primary theme of our involvement this year in the Commission is to acknowledge the link between human rights and democracy. We are in the second 50 years of the Universal Declaration, and one thing we have come to recognize is that democracy is not just an experiment: It is a right in itself. Democracy is not just an end that we try to achieve: It is also a means of greater improvement of human rights.

In many countries around the world, human rights violations are the symptom, and the cause is a lack of open political discussion. We in the

United States, in particular Secretary Albright and President Clinton, are deeply committed to promoting democracy, and it is for that reason that we intend to introduce a resolution supporting the Right to Democracy which we hope that all nations who are participating in this session can join to support.

It is for that reason that we hope to support the work of countries who are moving toward democracy, and experiencing democratic transition. Take, for example, Nigeria where elections were recently held. Although, obviously, the movement to democracy is difficult, we believe that these transitions have to be supported. But we also believe that promoting democracy means much more than just elections. It means that we support the development of civil society, the independent media, the equal protection of women, ethnic and religious minorities and the political process as well as the free labor movement. All of these are crucial to promotion of democratic discussion.

When democracy is absent, human rights suffer. We think this is the primary lesson of the former Yugoslavia where not only is there violence and atrocities in Kosovo but a broader deprivation of human rights in Serbia and Montenegro where the free press has been muzzled and the universities have been stifled. We also see this problem in countries such as Sierra Leone and the Democratic Republic of the Congo which are facing intense conflicts and human rights abuses. Some have suggested that the Commission should not focus on country situations.

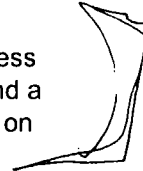
We disagree. We believe that there are some countries in which the human rights violations are too pervasive to be addressed merely by thematic mechanisms. Take, for example, Afghanistan where we believe that the blatant mistreatment of women by the Taliban is a severe and atrocious abuse of human rights. It is to this that the Secretary of State has spoken as well as the First Lady.

We believe that country situations must be addressed particularly when pervasive human rights violations persist, when there have been deteriorations in human rights in the last year, and when bilateral and regional efforts to affect changes, have not succeeded. We believe that Country Resolutions should come up for full discussion. We do not believe that No Action Motions or other efforts to avoid discussion of country conditions are consistent with the purposes of having a Commission on Human Rights.

It is to reaffirm these basic principles that, as we announced last week, we intend to introduce a Resolution with regard to China this year at the Commission. We believe that the conditions and the violations there are substantial, that there has been a deterioration in the human rights conditions over the last year, that the particular concern that we have is with the deprivation of the right to democracy, and the right of political participation. Bilateral efforts to engage with the Chinese have produced dialogue, but that has not produced real human rights improvements on the ground. We reject the notion that dialogue, which we intend to continue with the Chinese, is in some way inconsistent with engagement on the question of human rights before this, the most prominent Human Rights Commission in the world.

Let me also mention a number of other country conditions of concern to us. We support efforts in regard to human rights in Cuba. Last year at this time, shortly after the Pope's visit to Cuba, there was optimism about what might be possible there. I think in the last few months, in particular, the treatment of political dissidents and recent repressive laws have suggested again that the right of democratic dissent has been repressed. We believe that we must join together with those who are similarly concerned.

There are other country conditions of substantial concern to us. I will mention them in due course. But let me close by saying again that we hope this year to make it clear that our concern is one of principle, particularly the right of political discussion and that our efforts to address particular country situations arises out of our concerns for principle and a desire to make effective use of this most important, multilateral forum on human rights. Thank you.



Question: My name is Antonio Gonzales representing the International Indian Treaty Council. On behalf of our delegation we extend good sailing for you and your assignment. I have two particular comments on which you don't have really to respond but just to keep in mind. As American Indians, and the indigenous people that we represent, your concern for democracy and human rights defenders as well, you are aware of the killing of the three North American Indians in Colombia earlier this month, one of which was a past member of our NGO delegation here in the years past. We wanted to ask, what is the United States doing in investigating the killing of these three individuals, and as we want peace in Colombia, which is the most violent country in the Western hemisphere, and we understand that the U.S. Government has said that they don't encourage a peace dialogue with a FARC organization and the Colombian Government until the responsible killers are extradited to the United States. We hope it does not become a hindrance to the peace process in that country. We want you to think about that and ask if you can respond to that?

The other is that we are concerned about the disproportionate number of prisoners in the U.S. and in particular the exorbitant, disproportionate number of American Indians who are also on death row. Can you respond to how the United States would handle future death execution policies?

Assistant Secretary Koh: I said that I was going to be back at the Commission at the end of the session. You might ask where I am going to be between now and then. I am going to be in Colombia. Since I have been in office, I have met with at least seven high officials of the Colombian Government including Generals, the Defense Minister, the Vice President, and the Ambassador to the U.S. I am planning to go to Colombia to have discussions. The human rights defenders are obviously of central concern to us, not just because of the Declaration that was signed at the United Nations in the work of this Commission last year, but also because of the fact that at our White House celebration of the 50th anniversary of the Universal Declaration, we focused on the rights of human rights defenders and, in fact, had a signing ceremony in which a number of human rights defenders signed the Declaration at the White House.

We have made clear our view of the human rights situation in Colombia. At the end of February we issued our annual State Department report, which I think told the truth about human rights conditions in Colombia. We have also expressed our concerns about questions of impunity. We have expressed our concerns about inadequate protection being given to human rights defenders, we expressed our concerns about the relationship between the military and paramilitary groups, and on all of these issues, I intend to have bilateral discussion when I go to Colombia.

We do understand that the Colombian Government is faced with a difficult situation both with regard to keeping a peace process going and the earthquake that was there, and that is another purpose of my travel: to understand the actual circumstances there on the ground. This is obviously something that is a critical feature of our bilateral relationship with Colombia, and which I intend to pursue.

The second point, the treatment of prisoners in the United States, in particular those on death row: I think that the United States, on this score, has been trying to work on and deal with this issue. We acknowledge that there has been criticism. We also should point out that there have been aggressive efforts at the Federal level to address the question. When the Special Rapporteur on Violence Against Women came to the United States, as you know, my Bureau facilitated her access on this question. The treatment of death row prisoners obviously is a subject of substantial concern because of the length of time they are on death row, and this is something on which there is a process for trying to examine this issue.

One of the things I mentioned is, I think not widely noticed in the international community and that is, the Executive Order which the President signed on December 10, 1998, with regard to implementation of human rights treaties. When the United States appears before the UN Human Rights Committee to issue its first report on compliance to the international covenant, the committee suggested that should be a better mechanism whereby the national government could respond to concerns that were expressed about human rights conditions in the United States. And the first proposal was that this be done by creation of a mechanism whereby the U.S. national and other government agencies could get together and talk about these issues. That was formed by President Clinton on December 10. We now have met a number of times including not only officials of the State Department, but also of the Justice Department, the Immigration and Naturalization Service, and other entities who are concerned about making sure that in fact our domestic conditions do meet international standards.

This is an area in which we are working hard. As I said, we have unfinished business but I think that is true for all of us.

Question: Why did it take so long for the U.S. to get its act together on China this year and at a time when NGOs and others have denounced steady deterioration on the record over the last year? When are you going to start circulating the draft resolution? I understand that the EU officials have not even seen it. Do you think that this late in the game, in the second week of the Commission, you can get serious support?

Assistant Secretary Koh: I don't agree that it took a long time to get our act together. We have been having consultations on this question for a very extended period of time. I personally conducted most of them. I don't think that a lot of the capitals here were surprised by the result. We have begun sharing a draft of the resolution and so I am not sure that the second part of your question is correct. I should point out that the more critical question is that there is nearly a month to go before the vote, and I think anyone who participated in the Commission process knows that this is quite a substantial period of time. I think it is a question of principle. If there is agreement that the human rights conditions in China areas our resolution says they are, and if it is true that the Commission is an appropriate place to discuss and raise the questions, then I think that each delegation should vote its conscience and stand up for an important point of principle. That decision is still some time away.

Question: (Human Rights Watch Asia, Washington, DC) The Government of the United States imposed economic sanctions on two South Asian states after they tested nuclear bombs in May 1998. The purpose was to contain them from nuclear proliferation. But when gross human rights violations against ethnic groups and minorities in these countries have been reported, all that the U.S. did was to express its displeasure. It does not help the U.S. Government to establish its credibility as an ardent supporter of human rights. Your comments please.

Assistant Secretary Koh: With regard to the South Asian countries, this has been again another object of concern for me. I do have a trip upcoming to this region and it has been the subject of intense discussion. Let me explain, more generally, that our approach with the regard to human rights issues in countries with whom we have relationships is what we call an "outside-inside" approach. Our view is that there is only so much that can be accomplished with sanctions, but there is also something that can be accomplished through "inside" mechanisms, mainly modes of discussion.

This is diplomacy at work. What you call "expressing displeasure" is diplomacy. We all know that diplomacy is one of the primary tools of human rights movement and influence. If you consider for yourself, how you intend to influence the behavior of someone, an ally or friend, who is doing something with which you disagree, you do not simply threaten them with sanctions. You try to persuade them. You try to use points of leverage to influence their conduct. You have honest discussions and dialogue with them, and you use whatever mechanism of pressure's available. In short, you use an "outside- inside" approach.

This is what we have been doing, with regard to these countries. This is what we do in many countries. Indeed, this is our attitude with regard to countries such as China. Our view is that we have honest dialogue with them about their human rights issues and we tell them like it is. At the same time, we invoke legitimate, legal, recognized mechanisms to express our views, for example, a resolution in Geneva. We have to recognize that, ultimately, change has to be from within, and that the job of human rights advocacy and diplomacy is to promote change to achieve greater compliance with international standards.

Question: (ABC radio) Earlier you spoke about dealing with the treatment of prisoners on death row. Amnesty International has, for the first time, pinpointed the United States among its five priority countries as worst violators of the world, to be presented to the Human Rights Commission, asking the Commission to focus upon that, for the reasons they state that the United States has widespread violations against ethnic minorities and blacks and also that the U.S. is among the greatest users of the death penalty in the world. There is a movement right now to try to make a convention against the death penalty. Also your friend Mrs. Radhika Coomaraswamy came out with a report which is very critical about violence against women in prisons in the United States. So how do you react to all of this, first of all being put quite specifically in the human rights spot light, and what are you going to do about it here, and more importantly, after that the 6 week session is over?

Assistant Secretary Koh: Let me say, first, that I have a great respect for Amnesty International. It is a leading non-governmental organization and has played a historic role in the non-governmental organization human rights movement. I am not sure exactly about the content of your statement but if the view of the United States is that it is one of the five worst human rights violators in the world, I think that it is a proposition that everyone can examine for themselves and find it to be false.

Furthermore, I do believe that many of the issues which are discussed in the Amnesty report are the product of examinations of the U.S. law enforcement records. For example, discussion about prison conditions etc., on any of these discussions come from efforts within the United States to address the problem through prosecutorial or legislative means. So, that is not to say that there are not problems, but that is to say that legal action is being taken within the United States to address the problem.

Question: (ABC Radio) I asked you about the report on violence against women in the United States prisons and just one comment about the death penalty. Amnesty International and other organizations say that the U.S. gives juveniles, under the age of 18, capital punishment.

Assistant Secretary Koh: With regard to the execution of people who commit crimes under a certain age, I should point out that it is in, I believe, Article 6 of the International Covenant on Civil and Political Rights, there is a provision under which the United States took a reservation on the Convention which they are entitled to do as a matter of law. That is a position in which the U.S. Supreme Court took a position which is, in the U.S. controlling. The U.S. Supreme Court interprets the Constitution of the United States, and in that case, those Justices of the Supreme Court made this interpretation.

Question: We are concerned about the United States' position on the World Conference on Racism, its lack of mobilization and organization of non-governmental organizations to participate. I would further like to elaborate on the question of the use of the death penalty. I don't know if you responded to the fact that not only is there an extraordinary number of African Americans and Indians on death row, but people who have less means to participate in the democracy that you talked about, because it is indeed expensive. Would there be national position for this conference?

What is the United States doing on the issue of racism and the death penalty?

Assistant Secretary Koh: I think everyone in the United States from our President on down, has been extremely open and direct on the fact that racism has been a major problem in American history. It's been something with which we have grappled and continue to grapple with. It is something to which our President has made a personal commitment, because it is something so close and direct to his heart. It is something on which we have had many Presidential task forces and extensive examinations within the executive branch. With regard to a range of issues, race discrimination has been addressed at the Constitutional level, at the statutory level, and by ratification of the UN Convention for Elimination of Racial Discrimination.

We intend to participate and support the work of the World Conference on Racism. We have participated in the discussions that were held in the last week. I am not sure that I agreed with your characterization of the attitude of the U.S. toward NGO groups. I think we have had extensive and valuable discussion with NGO groups. The Conference on Racism is an opportunity for an exchange of views on best practices which I think is one thing which is widely needed because countries around the world have grappled with the question in different settings and have come to different conclusions.

On the death penalty, the question of how the death penalty is administered will always be a controversial question. In fact, it is an issue whether racial bias occurs in the death penalty. This has been extensively examined by our Supreme Court. I was a clerk to the United States Supreme Court and the Supreme Court has struggled with that question on a number of different occasions and has held that if there can be demonstration of a racial bias in sentencing that the conviction ought to be set aside. There is no systematic racial bias in the various cases brought forward to date. The world community is entirely free to move to other standards on the death penalty and this is something where there is a very substantial difference of views among the countries of the world. It is certainly a subject of interest to many of us here.

I repeat the point that I made earlier: the U.S. position on the death penalty has been that the administration of the death penalty in the United States is consistent with the International Covenant on Civil and Political Rights and in accordance with the motion with which that we have ratified that Convention.

Question: With regard to China, you took issue with my colleague when she asked why did it take so long to get your act together. In other words, you now seem to be at odds with the EU whose position was expressed last week by the German Foreign Minister, Ms. Fischer, was that the EU does not go along with the actions you propose. Would you be making attempts to harmonize the EU and the U.S. position?

Assistant Secretary Koh: I have read with admiration the speech of Ms. Fischer at the opening of the session. I don't think that there is disagreement on the facts. I think it is a very important point. Ms.

Fischer's speech points out the deterioration of the human rights situation in China. I think it concurs with our view that political dissent has been repressed in an unjustified fashion. It expresses the view that it is an appropriate subject for discussion at this Commission and ought to be examined and redressed in this forum. What we have made clear is that our view is that the most principled and forthright approach to this assessment of the situation is to proceed with a Country Resolution in which we clarify our view that the conditions in China deserve examination by this body.

We also have made clear the view that this is something that should come before the Commission and not be avoided on a procedural technicality. We think that if this Commission is going to have the ability to examine country conditions it must do so on the merits of those resolutions. There have been very substantial discussions between our delegation and the EU as a whole, and individual members of the EU. This continues on a daily and hourly basis. My boss, Secretary Albright, cannot be faulted for any lack of conversation with the EU members. She has them many, many times a day, and she has discussed this issue with her counterparts. It is very clear that they share the concern, and the question is what the response before the Commission will be? The important question here, given the unanimity of view among the interested nations in China's conduct, would there be a response through the Commission this year? The U.S. position has been yes, as a matter of principle. We have chosen to do this Country Resolution and we welcome the support that we think we should receive on this important decision.

Question: There have been several Rapporteurs that have come to the United States to address human rights violations and the conditions of the people in the U.S. I was just wondering, and I heard you speak to the U.S.'s response to some of these conditions, would there be a consultation or something national within the U.S., that would speak to what has occurred here at this Commission, even some of the responses of some of these Rapporteurs that have come to the U.S.? I have not seen any representatives, on a national basis, in terms of what was the result. I just want to know, when we return to the U.S. that there would be something about this Commission about some of the concerns that you addressed.

Assistant Secretary Koh: There are two questions with regards to the norms against torture. First are the U.S. legal rules and compliances and secondly, are actions been taken on the ground to implement those rules. With regards to international norms, I think it is straightforward. The U.S. has an Eighth Amendment prescription against cruel and unusual punishment. The U.S. has ratified the Convention against Torture. The U.S. has passed the Torture Victim Protection Act, the U.S. has passed the Torture Victims Relief Act, the U.S., under its international human rights law, has recognized a civil cause of action for torture in cases since 1981.

The NGOs on torture have been extremely effective most recently with the Torture Victim Relief Act, which was passed just last year. With regards to implementation of these norms, the question is what are the conducts which are called torture and this has not been addressed. To the extent that it has been addressed, torture resulting from Police misconduct,

the U.S. Constitutional Law, under the Eight Amendment and the statutory law has been a very active subject of litigation and prosecution. This is the point that I have made earlier with regard to claims of torture in the United States. Many of the cases that are cited are, in fact, drawn from Justice Department Prosecutions. It does not mean that there are no high profile incidents, but, usually, the way these come to attention, is because there are trials about them, which means that there is a legal enforcement mechanism at work and being applied.

If there are reports, certainly the U.S. takes them into account, that is the purpose of this inter-agency working group that I have described. Its very purpose is to receive the international reports to try to make sure that the recommendations of the reports are implemented into U.S. Law. The short answer to your question is, we are working very hard to take these concerns into account, both on the legal level and on the level of actual action by our government officials.

Question: Recently during a conference on disarmament two delegations left the so called eastern group, and it coincided with their official announcement of entry into the NATO alliance. But both delegations denied any connection between two events. You said that you are strongly supportive of human rights in Cuba. Perhaps it is coincidence, but Czechoslovakia and Poland will be jointly sponsoring this Resolution on Cuba. Could this be viewed as an attempt to politicize an already heavily politicized agenda in the Human Rights Commission in general?

Assistant Secretary Koh: Is it a coincidence that these two countries, one now headed by a former political dissident care about the plight of political dissidents in Cuba? No, I don't think it is a coincidence. I think, it is a matter of principle.

Question: You have said that is it a matter of principle of the relationship between democracy and human rights. But first, within the United States of America itself, law permits disenfranchisement of people on the basis of certain crimes. How do you feel if it consistent with the principle of democracy, then, when people committing some crimes are disenfranchised? Second, the point has been raised again and again with regard to the trade relations of the United States and violation of human rights. Is there a clear-cut question of preference to be given to the trade or democracy? What will be your foreign policy preference to trade or democracy?

And finally, you have said that you have accepted the idea of a World Conference on Racism. Now accepting an idea and to be open is one thing, but supporting an action positively is something different. It is on record that United States of America has been opposing the idea of World Conference on Racism as well as the question of right to development. Having accepted both these, what positive role will The United States of America play with regard to implementation of these? Thank you.

Assistant Secretary Koh: Let me respond to what I heard. I think the first point is with regards to democracy and the relationship between trade and human rights. Our view is that with many of our important partners, we have both trade relations and human rights concerns and we address

them both through a strategy of engagement, what we call principled, purposeful engagement. That means that we recognize that the relationships go forward and that we raise those concerns legitimately in the context of our relationship.

For example, I went with Secretary Albright recently to China. We had a discussion of trade relations and that included both points of agreement and points of disagreement. We also had intense discussions about human rights and that included points of agreement, of which there were not very many, and points of intense disagreement. In both cases, it was clear that, from our perspective, the use of multilateral forums to raise these same issues, was something that we consider entirely appropriate and part of the strategy of principled, purposeful engagement. "Principled" meaning we follow the relationship based on principle and not based on expediency.

With regard to the World Conference on Racism, I think I made that point already. You are suggesting that there is something on the record in the past which binds us to some position. First of all I know of no such position, secondly, today is today. The U.S. Government has been actively engaged on this question before this Commission and will continue to be. We would like to see the Conference on Racism be a successful, productive, cooperative, examination of the problems of racism and how different countries have addressed the question and come up with solutions to what is a very vexing worldwide problem.

Question: Could you elaborate what would be the country priority list beside China for this year, and you mentioned that you have had consultations on the China resolution, if that was so why did Congress pass unanimous resolutions asking for the White House to act on China?

Assistant Secretary Koh: Do you mean that if we did not have consultations there wouldn't have been a resolution? Congress does what it does and the Executive Branch does what it does. I think that we have an obligation to have consultations before we proceed and that's what we have done. Congress has expressed a view, and expressed views on many issues, and we also have consultations with Congress. The import is we are where we are, we are about a month to go before the vote, and we are committed to using this to make a strong and clear statement about multilateral concerns about human rights in China. On the question on countries of concern to us and country situation, on Thursday, if I get on the speaker list, I will be addressing Item 9 on the question of country situations. I prefer to leave that to further discussion. Thank you.

Question: You said that there is no racial bias in your prison system, yet between the age of 18 and 25 among black people, there are more blacks in prison than there are in colleges. Your sudden decision to move a resolution against China has it something to do with Chinese strong condemnation of your action in Yugoslavia? Is it an attempt on your part to replace the Security Council of the United Nations with NATO?

Assistant Secretary Koh: Let me take part two of your question first. First you call a sudden decision with regard to China. I think I have made it clear, that we have consulted for a long time. The fact of the matter is this is something we have discussed for a long time, and we moved on it

based on a matter of principle before this Commission. Our deep concern is with the right of political participation and there is no question that in the last quarter of the last year, the Government of China over repeated protests from many different quarters, repressed political dissent, subjected three very high profile dissidents to trials which were clearly in violation of the due process of law and frankly that is something that has to be responded to through this Commission. With regard to Yugoslavia, it is the Government of China which vetoed the UNPRODEP in Macedonia because of bilateral concerns.

Our concern in the former Yugoslavia has consistently been the gross violation of human rights which is going on not just in Kosovo, but also in Serbia. That was the subject of my visit in December, to examine the repression of the independent media, the repression of university professors, the treatment of prisoners in Kosovo, the obstruction of humanitarian assistance, and I think it should be clear that, as we proceed into this crisis, the Milosevic regime is only confirming the humanitarian concerns that we have about his government and his intentions in Kosovo. We have to call what is going on there a crime against humanity about which all of us should be outraged.

Question: Considering what is going on in Yugoslavia there is a great deal of debate because at least in Europe, most of the political pundits were predicting that if the United States through NATO proceeded to bomb Yugoslavia, there would be slaughter of the Kosovar population. That seems to be happening right now. Considering the U.S. concern for human rights, what provision has the administration taken to make sure that these crimes against humanity would not take place when the bombing started? I am not talking about human rights abuses such as limiting the media or making things difficult for university professors, but the outright massacres such we hear among the refugees showing up in Geneva.

Assistant Secretary Koh: There is no question that our deep concerns motivating the action, is a concern about ethnic cleansing. That is why the United States and its allies have moved into action. The Rosack massacre which was called by Ambassador Walker and the Kosovo Verification Mission to be a crime against humanity is, I think, what set the final act of mobilization for the issue. An effort of this kind is a very massive undertaking and for those who have any doubt that Milosevic's intentions were to continue its human rights violations I am afraid that they are being answered on a day-to-day basis.

The real question is are there more effective means of stopping what we all consider to be a gross human rights abuses? It is clear that none of the allies had any intention in this crisis but to save lives, and that is where the multilateral effort has been directed. We would seek the support of the world community in recognizing that when crimes against humanity occur, the appropriate response is to stand together and say that human rights violations of this kind should not be used as instruments of political activity by governments intent on repression.

I don't think you can prove what would have happened if this intervention had not occurred. All the forces are working together to do their absolute

best. The fact that the response has been one of atrocities, is something that only confirms the need to go forward. You are seeing the efforts of the allies playing out on the ground, an intense effort to try to deal with both the human rights violations and the humanitarian effort. Everybody would have hoped that this effort would be one which could avoid all atrocities of this kind. This is something that has just begun. The important thing it is that the effort has begun. This is something on which the world community ought to be united.

Thank you.

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Noa A. Meyer

06/23/99 05:18:08 PM

Record Type: Record

To: Christine N. Macy/WHO/EOP@EOP

cc:

Subject: frank loy remarks

Frank E. Loy

Under Secretary of State for Global Affairs
Statement, UN Commission on Human Rights
55th Session, Geneva, Switzerland, April 12, 1999

Civil and Political Rights: The Right to Democracy --
Item 11

Madam Chair.

It is my pleasure to appear before you today to discuss civil and political rights and the vitally important role that democratic governance plays in defending fundamental human rights and freedoms.

We have witnessed -- or experienced -- profound and wondrous changes in the architecture of world governance since the passage of the Universal Declaration of Human Rights a half-century ago. Communism in Europe -- gone. Apartheid in South Africa -- vanished. Dictatorship in South America -- disappeared or "desaparecido" to use a term that was born of authoritarianism on that continent.

Today more people enjoy the right to democratic self-governance than ever before. In the mid-70s, for example, there were 40 democracies in the world. Today there are 118. This growth of democratic government around the world is, I believe, the most stunning development of our times.

Needless to say, though, all is not well. In Yugoslavia, just 1000 kilometers from where we comfortably sit today, freedom and human rights are being trashed in truly horrifying fashion.

In Sierra Leone, rebel factions are murdering, maiming, torturing and raping innocent people, leaving a bloody swath of human suffering in their wake.

In China, where nearly a quarter of the world's people live, democratic activists continue to be harassed, arrested, and detained. The Chinese government has taken to banning books and closing newspapers. We do acknowledge that China has made measurable progress, however.

Chinese people today have more freedom than their parents had to make economic choices, move freely around the country and choose local government officials. But a huge amount of progress remains to be made there.

In Afghanistan, the Taliban regime treats women like chattel -- beating them in public for not covering their faces or for venturing out of their homes unescorted by a close male relative.

In Belarus, President Lukashenko is imprisoning opposition leaders trying to hold a presidential election in accordance with the constitution he arbitrarily threw out two years ago. The recent local elections made a mockery of democracy and were based on a new law that flouts OSCE standards.

In Cuba, the government of Fidel Castro continues to exercise control over all aspects of Cuban life and ruthlessly suppress all forms of political dissent.

And in Iraq, if I may quote UN Special Rapporteur Max van der Stoep, "the gravity of the human rights situation has few comparisons in the world since the end of the Second World War."

In many other countries, we see governments subjecting their citizens to the worst indignities -- governments giving lip service to democracy at the same time they are rigging elections, brutally suppressing dissent, and gagging the press.

The United States' interest in promoting democracy does not end when an authoritarian regime is overthrown or an election is held, Madam Chair. Democratization is a long, difficult and complicated struggle, one that must begin within a society, rather than being imported. As Secretary Albright has said, "Democracy must emerge from the desire of individuals to participate in decisions that shape their lives . . . Unlike dictatorship, democracy is never an imposition; it is always a choice."

So, our support for democracy is not ephemeral; we are in it for the long term. The U.S. Government invests more than \$1 billion per year in democracy-building activities around the world, with particular emphasis on supporting countries in transition and defending democracies under attack. Why do we do this? Because it's the right thing to do. But there are other reasons as well:

Our own national security -- and that of every country -- depends on international stability and the rule of law. As President Clinton has explained, this notion is the basis for our efforts to restore peace and order to the Balkans and establish democratic institutions there.

Democracy also provides the surest route to prosperity. Open, transparent economies unlock the full creative and commercial potential that lives in people everywhere. This freedom, which only a broad-based civil society can provide, drives economic growth, boosts employment and powers the engine of national development. It is no coincidence that the most prosperous nations of the world are all free market democracies. Nor is it

surprising that, as India's recent Nobel Prize winner for economics, Amartya Sen, has shown, no major famine is known to have occurred in a democratic country.

And last -- and most relevant to the work of this Commission -- we have learned over the years that the protection of human rights requires more than intervention in specific instances of abuse, or even shining the light of international public opinion on patterns of human rights violations. What we have learned is that governments that are truly democratic offer their citizens the best assurance of respect for basic human rights and the best opportunities to improve their lives. They do this by offering people:

- open and transparent governmental institutions; an independent judiciary;
- respect for the rule of law;
- a free press;
- freedom of religion;
- and particularly, the right to political dissent.

As Vice President Gore said in his November speech to the APEC Summit in Malaysia, "History has taught us that freedom -- economic, political and religious freedom -- unlocks a higher fraction of the human potential than any other way of organizing society."

The Office of the High Commissioner for Human Rights has recognized this and been deeply and commendably involved in democracy-building efforts. But the Commission for Human Rights has not spoken directly to the issue of promoting the right to democracy for many years.

For these reasons, we think it appropriate that this Commission -- the last of the 20th century -- affirms the right of all people to democratic government.

The Universal Declaration for Human Rights declared just over half a century ago that "all human beings are born free and equal in dignity and rights." And yet this cannot come to pass without the guarantees that only democracy can provide.

Let this Commission, then, be the one which is remembered for the bold and vigorous manner with which we embraced the universal human right to democratic governance.

Thank you.

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Noa A. Meyer

06/23/99 05:20:18 PM

Record Type: Record

To: Christine N. Macy/WHO/EOP@EOP

cc:

Subject: additional remarks that might be helpful

Felice Gaer

U.S. Delegate
Remarks to the UN Commission on Human Rights
55th Session, Geneva, Switzerland, April 13, 1999

Integration of the Human Rights of Women
and the Gender Perspective -- Item 13

Madam Chair, just over 50 years ago, under the skilled leadership of its first chair, Eleanor Roosevelt, this Commission on Human Rights adopted the Universal Declaration of Human Rights and changed the way governments are expected to treat their citizens. In the half century since then, only three other women have had the privilege to chair this body. So it is with particular pleasure that I rise to address the Commission today, with you as chair, for the Commission's first substantive debate on the new agenda item on the integration of the human rights of women and the gender perspective.

As we begin the next 50 years, we have the urgent task of integrating the human rights of women into all that we do here.

It took five decades to move women's human rights from the UN Charter to the Beijing World Conference on Women. Next year we will convene a Beijing-plus-five conference. Our task as nations is very clear: We must make our global human rights machinery expand and adapt; we must shift from neglecting women's rights to mainstreaming them. We must mobilize the will to stop the abuses facing women throughout the world and establish instruments of accountability and effective domestic remedies.

This agenda item offers us a choice, Madam Chair: We can examine women's human rights, express concern, and then move on to other issues, or we can use our time to look seriously and thoroughly at the way the UN system addresses the human rights of women, raising those concerns elsewhere on our agenda, whenever appropriate.

Many of the special rapporteurs have approached their tasks with new perspective and new vigor. The human rights of women are beginning to pervade our Commission's agenda.

① Acknowledgments
② when in conference -
help + affe

③ may points

Steve
Walmer
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① Educator/teacher
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For example, this year the Special Rapporteur on Extrajudicial, Summary and Arbitrary Executions drew attention to "honor killings" where male relatives kill women for alleged adultery or because they seek divorce. The Special Rapporteur correctly states that such killings cannot be explained in the context of tradition or culture. "Honor killings" are murder. Abuses against women have been often justified as private matters and ascribed to culture or religion, but as the Rapporteur has vividly shown, these are criminal acts, outside the rule of law, due process, and individual protections. As such, they are the legitimate concern of the human rights community.

We deplore the reports of the recent death threat against Mrs. Asma Jahangir, the Special Rapporteur. We urge all governments to condemn such threats and ensure her safety.

The Special Rapporteur on Education also brought a gender-perspective into her study this year. Similarly, we welcome the comments by the Special Rapporteur on Freedom of Expression regarding the rights of women to seek, receive and impart information, and the link between freedom of opinion and expression and the elimination of discrimination and violence against women. These are but a few examples of what gender integration really means: breaking the silence, ensuring the visibility of abuses against women, and pressing for accountability.

The Special Rapporteur on Religious Intolerance has proposed undertaking "a series of studies on discrimination" regarding women. And several country specific Special Rapporteurs have demonstrated concern about the treatment of women in countries like Iran, Nigeria, the former Yugoslavia and elsewhere.

This year, the Special Representative on Iran concluded that despite well-meaning declarations, the government has so far achieved little improvement in the condition of Iranian women. The Special Rapporteur on Nigeria criticized the slow pace in eradicating harmful traditional practices, such as female genital mutilation or early marriages. The Special Rapporteur on the Former Yugoslavia addressed gender concerns in his discussion of Croatia, but not in the other countries in his mandate.

Consider Afghanistan, Madam Chair. Publicly beating women for failing to wear a burqa or for not being accompanied by a close male relative, or severely restricting women's access to medical services is not a manifestation of local culture, but criminal abuse. To hinder women from working or girls from going to school deprives thousands of families of their daily bread and robs half the nation of its future. The Special Rapporteur on Religious Intolerance concluded that the Taliban has introduced "what is in point of fact a system of apartheid" with respect to women. The Commission has been monitoring the Taliban's cruel mistreatment of women for some time. Its resolution last year emphasized the need to end widespread violations against women and the urgency of ensuring the participation of women in numerous spheres, including the economy. It also called on the Afghan parties to recognize the right of women to work, to receive an education, to security, and to "the highest attainable standard of physical and mental health."

By contrast, many other countries are making progress in advancing women's rights that are well worth noting. Cote d'Ivoire and Togo passed statutes banning the practice of female genital mutilation. The Turkish Parliament passed a law in 1998 making spousal abuse illegal. Uganda and Malawi have granted women property and inheritance rights, and the women of Nigeria have won a long, hard legal battle that gives widows the right to inherit property. The International Criminal Tribunal for the Former Yugoslavia set a precedent for prosecuting the aiding and abetting of rape as a war crime.

Despite these advances, numerous challenges remain. In 1998, domestic violence and sexual harassment remained endemic. Women in Saudi Arabia continue to face institutionalized discrimination affecting their freedom of movement and association and their right to equality in employment and education. In Algeria, militants continued to target women for rape, kidnapping and forced prostitution. In China, coercion in family planning practices including instances of forced abortion and sterilization continued. Throughout South Asia, dowry related violence, including the practice of dousing women with gasoline and setting them aflame, remains a serious problem.

For its own part, the United States is committed to advancing women's rights, working at the local, national, regional and international level.

Madam Chair, the United States is proud of its contributions to global initiatives promoting women's rights. Throughout the world, progress depends not only on protecting women's fundamental human rights, but also on ensuring that women everywhere have the opportunity to participate fully in every sphere of national life. For it is clear that no country will succeed in the next century if half its citizens are excluded.

For several years we have worked in partnership with other governments and NGOs to educate women about their legal rights and develop strategies to participate more fully in their country's social, political, and economic life. We supported development of community-based approaches to eradicate female genital mutilation, raise awareness about violence against women, and strengthen national legislation. Some of our programs are helping women participate more fully in national political life, training future leaders, promoting gender equity laws and establishing regional and international networks. Elsewhere, we have helped women form their own labor unions and develop the capacity to run for elective office.

Still, there are few programs as important to women's development as economic participation. We have worked to further this through our support for microcredit programs, and education. For it is clear that women with at least primary education are healthier, have fewer and healthier children and tend to earn more money for their families than those who have not attended school. Not surprisingly, educated women make better farmers, workers and managers. They are more active in business and politics and generally contribute more to national life.

Yet in many places, girls are still less likely to attend school than boys or

attend for as many years.

There are many other issues facing women which are of serious concern to the United States. One the most widespread and pernicious concerns violence against women in the home. It is only recently, of course, that this all-too-common violation of women's rights has been recognized internationally as a form of human rights abuse. But it is truly a worldwide problem, and no country -- including the United States -- is immune from it.

Over the past few years, however, we have made substantial efforts to combat domestic violence at the local, state and federal level. All in all, we have quadrupled our funding to domestic violence shelters over the past few years and established a nationwide 24-hour domestic violence hotline to complement the many such hotlines created locally. Indeed, this year, U.S. is devoting more than \$283 million to combat gender-based crime.

The U.S. is also taking steps to combat the trafficking of women and children, a form of modern-day slavery which affects a million women and children every year. Victims are lured into trafficking networks through false promises of good working conditions at high pay as domestic workers, nannies, waitresses, sales clerks or models. Trafficking victims suffer extreme physical and mental abuse, including rape, torture, starvation, imprisonment, death threats and physical brutality. To combat this scourge, the U.S. had developed a three-prong strategy conducted in partnership with other countries based on prevention, protection for victims, and prosecution and enforcement against traffickers.

Madam Chair, the report of the Special Rapporteur on Violence against Women, its Causes and Consequences raises concerns about the situation of women in some state and federal prisons in the United States. While the U.S. Government has not yet had a chance to evaluate the report fully, it is reviewing it carefully and will respond in the near future.

U.S. laws prohibit sexual abuse and sexual misconduct in prisons and provide for the prosecution of those who engage in such conduct. Under the 1980 Civil Rights for Institutionalized Persons Act (CRIPA), the United States Department of Justice investigates conditions in jails, prisons, and juvenile detention facilities in the event that individuals are systematically deprived of their constitutional rights. In addition, numerous U.S. court rulings and state laws have mandated that decent standards of treatment be maintained.

Some of the examples cited in the Special Rapporteur's report are drawn directly from cases which the Department of Justice had already investigated and in some cases prosecuted, or in which either U.S. or state officials had already corrected the problems. To this effect, the Civil Rights Division has increased its investigations of sexual misconduct in prisons, and we have taken several steps to prevent it, including disciplinary sanctions, training and technical assistance, and complaints mechanisms. We note that the Special Rapporteur herself cites several model programs for preventing sexual misconduct in prisons, including those in the states of Georgia and Minnesota and the training provided by the National Institute of Corrections.

In keeping with our recognition of the universality of human rights and our openness as a democratic society, the United States has played a prominent role in the establishment of the UN Special Rapporteur system and the support that has maintained it. We particularly urged the creation of the Special Rapporteur on Violence against Women. We welcome outside investigations -- whether by United Nations Special Rapporteurs or by non-governmental organizations -- and we urge other countries to do the same. At the same time, we would urge the Special Rapporteurs to focus their attention on countries where the situation is the most dire and the abuses the most severe.

Madam Chair, the United States will continue to champion the human rights of women around the world -- and at home. Our citizens insist on the protection and enhancement of every citizen's rights. U.S. policy emphasizes helping women overcome the many barriers that confront them at home and abroad. While we acknowledge that human rights abuses sometimes occur in the United States, ours is an open system in which problems that occur are readily exposed. Ours is a nation of laws, and our people, our non-governmental organizations, our legal system, and our government are vigilant. When violations occur, we have the mechanisms and protections in place to prosecute.

But more than that, we understand the importance of educating people everywhere to the key role that women play in society's advancement and the necessity of protecting their human rights and fundamental freedoms. The fact that it has taken the international community until this decade to acknowledge that women's rights are human rights is an indication of how much work remains for us to do. But with that recognition comes responsibility and commitment, too.

In country after country, women are making incredible strides, battering down barriers that have stood for centuries and leaving a new record of achievement that cannot be denied. But in far too many places, old prejudices remain and violations of women's human rights are blatantly ignored. We cannot be true to ourselves or the principles that this Commission stands for if this continues. The time to recognize the truth is now.

Women make up more than half the planet, Madam Chair. Women's rights are human rights. That is an integral part of our mandate, our agenda, and must be part of all our human rights programs, both in field operations and in conference rooms like this. If we are to meet the challenges of the next millennium, we must not only engage all the people who live on this planet, we must pay attention to their plight, and we must empower them by guaranteeing, protecting, and defending their rights.

Thank you.

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