The 1982 Human Rights Report

This report is submitted to the Congress by the Department of State in compliance with Section 116(d)(1) and 502B(b) of the Foreign Assistance Act 1961, as amended.*

The report draws on information furnished by United States Missions abroad, Congressional studies, non-governmental organizations, and human rights bodies of international organizations. Conditions in most countries are described up to the end of 1982; for a few countries, significant developments occurring during the first weeks of 1983 also are included. A list of twelve international human rights covenants and agreements is included as an Appendix to this report, along with a listing of the parties to those agreements.

Human rights can be grouped into two broad categories:

— first, the right to be free from governmental violations of the integrity of the person — violations such as killings, torture, cruel, inhuman, or degrading treatment or punishment; arbitrary arrest or imprisonment; denial of fair public trial; and invasion of the home;

* Section 116(d)(1) provides as follows:

"The Secretary of State shall transmit to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate, by January 31 of each year, a full and complete report regarding —

"(l) the status of internationally recognized human rights, within the meaning of subsection (a) —

(A) in countries that received assistance under this part, and

(B) in all other foreign countries which are members of the United Nations and which are not otherwise the subject of a human rights report under this Act."

Section 503(B)(b) provides as follows:

"The Secretary of State shall transmit to Congress, as part of the presentation materials for security assistance programs proposed for each fiscal year, a full and complete report, prepared with the assistance of the Assistant Secretary for Human Rights and Humanitarian Affairs, with respect to practices regarding the observance of and respect for internationally recognized human rights in each country proposed as a recipient of security assistance."
-- second, the right to enjoy civil and political liberties, including freedom of speech, press, religion, and assembly; the right of citizens to participate in governing themselves; the right to travel freely within and outside one's own country; the right to be free from discrimination based on race or sex.

The organization of the report follows these two basic categories. After an introduction, the description of conditions in each country is divided into two sections which correspond to these two categories of rights. A third section describes the government's attitude toward outside investigations of internal human rights conditions, while a fourth section discusses general economic and social conditions in the country.* Each report is then followed by statistical tables, where relevant, listing the amounts of United States bilateral assistance and multilateral development assistance for fiscal years 1980, 1981 and 1982.

The country reports are generally based upon the guidelines and format used in preparing earlier reports. Some new questions were asked this year, and some old questions asked in new ways, in order to fulfill more adequately the task mandated by Congress. The changes which have been made include the addition, in Section 1, of a new, separate, and specific category covering killings, and a sharper focus, in Section 2, on civil and political liberties. Killing for political motives, whether by governments or oppositionist political organizations, is obviously the most serious human rights violation, and deserves particular attention. In the past, political killings usually appeared in the sections on Cruel Treatment and Disappearances.

Political participation is not only an important right in itself, but also the best guarantee that other rights will be observed. This year's report therefore attempts to treat political participation in a fuller and more precise fashion than earlier years' reports. Political participation means the traditional right of citizens to choose the officials and make the laws that will govern them. It does not mean the passive membership of people in organizations or processes managed from above by a government the people did not choose. Accordingly, an effort has been made this year to be more precise about the real meanings of "elections" and "parliaments" -- to say, for example, whether there was any choice in elections. Political participation in the true sense can exist only in a democracy, although there are cases where countries are partially democratic. It is thus difficult to

* It should be noted that statistical data on economic and social conditions in Section 4 of each country report is drawn from World Bank figures which we believe to be the most reliable available. For many countries the Bank data may be two or more years old, but we have used it because it provides the best single, reasonably reliable set of data, compiled under consistent methods for all countries. There are of course many other sources of data, many of which conflict, particularly when estimates are necessary. We have used the World Bank data as a rule; only when it is clear that this data is significantly out-of-date or that a particular estimate is seriously questionable, have we substituted data from other sources.
get a clear impression of political rights from listing various limitations of the right to self-government. What one needs to know in "who rules?" -- the people at large, a small group, a single leader? This year's reports have tried to move toward answering this question, within the constraints of available information.

Greater emphasis has also been placed in the 1982 country reports on the right of labor unions to organize. This right is extremely important not only as a function of the right to freedom of assembly and association, but also within the context of participation in the political system.

Finally, it is important for the comprehensiveness of these reports that they include significant violations not only by the government but also by opposition or insurgent groups, including terrorists. An attempt has been made to portray the wider context of the human rights situation, including threats from hostile powers or guerrilla insurgencies. Such pressures on a government or society do not excuse human rights violations, but an awareness of them is vital to a full understanding of the human rights situation.

The Problems of Human Rights

The moral principles we call human rights incorporate maxims of justice of every epoch and every culture. The specific concern for human rights as we understand them, however, has not existed throughout human history. It originated as a set of demands in seventeenth-century England, and was first embodied in political institutions in the United States, after 1776. Older moral codes and philosophies laid primary emphasis not on rights, but duties. These codes characteristically took the form of a series of prohibitions, rather than a list of freedoms - such as freedom of religion and freedom of assembly - which the individual was justified in demanding from government.

The original understanding of the meaning of human rights was clearly expressed in the American Declaration of Independence. The Declaration asserted that human rights could not be created or abrogated by any human enactment, whether of one government or of an international body, because they were based on "the laws of nature and of nature's God," on truths which are "self-evident." Thus it was confidently stated that "all men are created equal, that they are endowed by their creator with certain inalienable rights."

When the authors of the Declaration called these rights "inalienable," they implied that rights should not depend upon the prior performance of certain duties by the citizen or be postponed until any other group of "rights" was achieved. The original enumeration of human rights in the Declaration of Independence thus did not include anything that could only be gained gradually, such as economic development.

The rights the Declaration asserted covered only part of justice as it was understood in earlier moral codes, and supplied only some of the goods men normally desired. As examples of inalienable rights, the Declaration gave "life, liberty, and the pursuit of happiness."

Rights were considered to enable individuals to pursue happiness freely, but not to supply happiness itself. The human rights
activists of the eighteenth century would thus have said
there was a right of individuals to develop, but no right to
development. For a government to insist it could define and
supply happiness itself would take away men's right to liberty.

The intention of the originators of human rights, then,
seems to have been to select from the vast range of things
that men need or want, certain crucial things that they are
titled to by their very nature - human rights - which,
when fulfilled, will create the preconditions for the satisfac-
tion of other needs. These preconditions are created, in
this understanding, by a political system of choosing the
laws and the officials that govern men, and by an economic
system that enables individuals to engage freely in various
approaches to the "pursuit of happiness." A democratic system
was understood as the likeliest source of the other rights,
and the Declaration of Independence asserts:

That to secure these rights, governments
are instituted among men, deriving their
just powers from the consent of the governed.

The original demand for human rights seems utopian in
the face of conditions experienced by many nations today.
But when this demand arose - in a world where there was not
even one state under wholly-democratic government, and the
few republics existing did not recognize the principles of
inalienable rights - it appeared infinitely more visionary
and unrealistic.

Yet the human rights movement in world politics proved
to be unbelievably successful after 1776. It is to this
historical movement that democratic countries owe their
possession of rights, and because of it that other peoples
express their yearnings for justice as a demand for rights.
It created the contemporary situation, in which nearly every
regime, no matter how narrowly based or despotic, refers to
the people as the source of its legitimacy and has a constitu-
tion that provides for a representative assembly and for
elections, no matter how meaningless.

Unfortunately, the widespread longing for rights in
the contemporary world confronts a real lack of consensus on
these rights. Many governments fear individual liberty; many others do not accept the original and distinctive
intellectual foundations of the belief in human rights.
Those opposing the human rights movement find themselves in
a world already shaped by it, and they are compelled to
fight on its ground, using the terminology of democracy.
Thus there arise the many "peoples' democracies" of today
that are not democratic in any normal sense. In 1776 those
who practiced slavery or absolute monarchy admitted it
openly; now they draw around themselves the names of freedom.
A nominal consensus on human rights thus hides the reserva-
tions of leaders who remain more comfortable with the
ancient priority of duties over rights, and of rulers who
simply find it inconvenient or threatening to respect
their subjects' rights. For such people there is a great
temptation to legitimize their own interests by broadening
the basic concept of rights to include these interests -
thus allowing some to claim, for example, that duty to
authority is a special kind of right and others to claim
that certain theoretically desirable rights cannot be
afforded at their country's stage of development.
This leads to increasing uncertainty as to what desirable things really are rights. This uncertainty has been encouraged by some new interpretations of social and economic rights, such as the newly minted concept of the "right to development." The urgency and moral seriousness of the need to eliminate starvation and poverty from the world are unquestionable, and continue to motivate large American foreign aid efforts. However, the idea of economic and social rights is easily abused by repressive governments which claim that they promote human rights even though they deny their citizens the basic rights to the integrity of the person, as well as civil and political rights. This justification for repression has in fact been extensively used. No category of rights should be allowed to become an excuse for the denial of other rights. For this reason, the term economic and social rights is not used in this year's reports.

There exists, however, a profound and necessary connection between human rights and economic development. The engine of economic growth is personal liberty. Societies which protect civil and political rights are far more likely to experience economic development than societies which do not. Conversely, programs which seek to eradicate poverty provide a crucial foundation for democratic political institutions. For these reasons, a section on Economic and Social Circumstances has been included in the reports.

Human Rights in International Relations

How to embody the fundamental principles of democratic societies - human rights - in foreign policy has become an especially pressing question for the United States. Because Americans are of many faiths and ethnic heritages, the national identity of the United States is more constituted by its political principles than is that of any other powerful nation. The United States fought its bloodiest war not for territory but to free the slaves. In fact the United States, protected from the harsh necessities of foreign policy by two great oceans only entered world politics in a serious way when impelled to do so by its sense that freedom was threatened. The three times when the United States recommitted itself to active involvement with the outside world - whether in wars for the liberty of Europe or in the Marshall Plan - it has done so because it felt called to the defense of human rights.

The attempt to make foreign policy serve human rights confronts several specific problems that must be faced in developing a policy.

A continuing problem for human rights policy is the fact that it traditionally aims at affecting the domestic behavior of other countries, while governments are reluctant to alter their nation's political system for foreign policy reasons. The leverage that the United States does have is strongest in friendly countries, where we have more access and more influence. Such influence is an important resource in pursuing human rights, but its concentration in friendly countries creates a danger: human rights policy might high-
light and punish human rights violations in friendly countries, while giving unfriendly countries immunity. If this took place it would blind men to the complex geography of human rights abuses in the world. Moreover, a nation that came to display a general pattern of undermining or estranging friendly governments would obviously limit its future influence over them, including its influence over their human rights behavior. This is a second problem of human rights - the need to avoid pressing only where our influence is greatest rather than where the abuses are greatest.

There is a danger that human rights policy will become like the labor of Sisypheus because it deals only with effects and not with their causes. To take an example, it is important not only to free political prisoners, but also to encourage conditions in which new political prisoners are not taken. Many, although not all, of the things we consider rights are difficult to implant in adverse conditions. This fact creates the danger that by aiming at too much we will not get what is really possible. The founders of the Weimar Republic, by aiming at a democracy stripped of all the authoritarian features of imperial Germany, created a system so fragile that it was overwhelmed by something wholly barbaric in only fourteen years. On the other hand, there still exist in many areas of the world indigenous traditions of decency that coincide in part with the human rights tradition. The best hope for creating the preconditions of effective human rights observance may sometimes lie in working on the basis of these traditions.

For all these reasons, a human rights policy, unless it is very carefully constructed, runs the danger of being ineffective. And if it is ineffective it can also be counter-productive, creating additional resistance to improvement in human rights. It can embitter bilateral relations with other countries, increasing international tension.

Efforts for human rights in the years before 1914 had the advantage that all of the major powers respected, at least in principle, the same conception of human rights. If their practice often failed to live up to their principles, there was a perceived legitimacy to the principles that caused each of these countries to develop in the direction of greater equality before the law and more and more scrupulous adherence to human rights. Because of the fundamental consensus on human rights issues, the great powers that diverged most in practice from the international consensus, such as imperial Russia, did not try to export an alternative ideology.

The fundamental consensus on human rights was broken after World War I by the successive emergence — in Russia, Italy, and Germany — of totalitarian regimes among the major powers. These political systems were visibly founded in opposition to the way of life of the increasingly democratic Western world. They rejected in principle the ideas upon which were based the great movement for human rights after the American and French revolutions.

The world after 1945 has been characterized by competition between two nations that embody principles — the United States and the Soviet Union. The United States is the nation that has most vigorously undertaken the effort to make human rights
a specific part of its foreign policy. The Soviet Union, on
the other hand, is ruled by a very small elite through a
massive bureaucratic and policy apparatus. Its regime inherits
in a modified form the Marxist tradition that reacted against
the philosophic ideas on which the original human rights
concept was based, and superimposes this on a heritage of
absolute monarchy. In contrast to the Western democracies,
whose original human rights principles gradually radicalized
themselves, producing a greater and greater transformation of
social life, the alternative Marxist conception of justice
in the USSR was soon withered by tactical compromises with
the necessities of absolute rule.

The effect of Soviet foreign policy has not been to
encourage human rights. The Soviet Union dominates, without
their consent, not only the non-Russian peoples of the former
Czæolic empire, but also the nations of Eastern Europe. The
efforts of the people of East Germany, Hungary, Czechoslovakia,
and Poland to create freer and more open systems have all been
frustrated by Soviet intervention or pressure. In 1979 the
Soviet army invaded Afghanistan to impose a government unaccept-
able to the overwhelming majority of the Afghan people.
In the developing countries, the Soviet Union has a tendency
to use its influence to move governments toward political
structures of the Soviet type where possible. For example,
in Ethiopia, whose current government is already a friend
of the Soviet Union, in its foreign policy, there has been
persistent Soviet pressure to create a communist party on
the Soviet model. Thus a world in which several major powers
were in theoretical agreement over human rights has given
way to a world in which the two greatest powers are funda-
mentally divided over this issue.

United States Human Rights Policy

Human rights is at the core of American foreign policy
because it is central to America's conception of itself.
This nation did not "develop." It was created in order to
make real a specific political vision. It follows that
"human rights" is not something added on to our foreign
policy, but its ultimate purpose: the preservation and
promotion of liberty in the world. Freedom is the issue
that separates us from the Soviet bloc and embodies
America's claim on the imagination of people all over the
world.

Our human rights policy has two goals. First, we seek
to improve human rights practices in numerous countries --
to eliminate torture or brutality, to secure religious
freedom, to promote free elections, and the like. A foreign
policy indifferent to these issues would not appeal to the
idealism of Americans, would be amoral, and would lack public
support. Moreover, these are pragmatic, not utopian, actions
for the United States. Our most stable, reliable allies are
democracies. Our reputation among the people in important
countries that are dictatorships will suffer if we come to be
associated not with liberty, but with despotism. Often the
people whose rights we are defending are the national leaders of
future years.

As to the question of tactics, the Reagan Administration's
test is effectiveness. With friendly countries, we prefer to
use diplomacy, not public pronouncements. We seek not to
isolate them for their injustices and thereby render ourselves ineffective, but to use our influence to effect desirable change. Our aim is to achieve results, not to make self-satisfying but ineffective gestures.

But the second goal of our human rights policy sometimes can conflict with this search for effectiveness: we seek also a public association of the United States with the cause of liberty. This is an eminently practical goal: our ability to win international cooperation and defeat anti-American propaganda will be harmed if we seem indifferent to the fate of liberty. Friendly governments are often susceptible to quiet diplomacy, and we therefore use it rather than public denunciations. But if we never appear seriously concerned about human rights in friendly countries, our policy will seem one-sided and cynical. Thus, while the Soviet bloc presents the most serious long-term human rights problem, we cannot let it falsely appear that this is our only human rights concern. So a human rights policy does inescapably mean trouble -- for example, from friendly governments if the United States Government places pressure upon them, or from the American people if their government appears not to be doing so. Yet a human rights policy embodies our deepest convictions about political life, and our interests: the defense and expansion of liberty.

Our human rights policy also has two sides, the negative and the positive. The negative side is embodied in the way we oppose (through act or word) specific human rights violations in the short term. The positive side is strongly emphasized by the Reagan Administration in which we seek over the long term to help democracy, the surest safeguard of human rights. It is a fact that most democracies have excellent human rights records; nothing is as likely as democracy to produce this result.

President Reagan has made the long-term development of democracy throughout the world a central goal of our foreign policy. Too often our human rights policy has been reactive or negative, responding to events by punishing people for bad behavior. The President wishes to go beyond this to an active, positive human rights policy. He outlined his conception in a speech to Parliament in London last June where he announced plans for two conferences that have since been held in Washington: a conference of scholars and experts on the democratization of communist countries, and a conference on free elections and other political leaders and elections officials from countries throughout the world. In addition, there is now underway a bipartisan study of how the United States can do more to promote democracy, and whether the growth of democratic institutions such as free elections, a free press, free labor unions, or an independent judiciary can be promoted through an appropriate combination of public and private effort. Recommendations for programs are expected this spring. Such programs would by their very nature need to be insulated from United States Government control, and would have to be responsive to the needs and desires of men and women who seek democracy for their own countries.

At the same time, the United States Government has assembled proposals for programs in support of democracy. The Executive branch will soon be submitting these proposals
for the consideration of Congress. They contain such items as support for free labor movements abroad; working with the AFL-CIO; expanded visitor exchanges of individuals in all age groups; proposed monetary support for publishing and distributing literature and teaching materials on democracy. Also suggested are support for the free press in the form of increased journalists' exchange and training; and support for organizations whose goal is protecting proponents of democracy, whether through observing trials, strengthening judicial procedures, or building intellectual and popular support for democratic institutions and procedures.

Obviously, the positive course of human rights policy is not a substitute for an immediate and active response, including sanctions, for human rights violations when they occur. But the Administration believes that we should treat not only the symptoms but the disease -- that we should not only respond to human rights violations but also should work to establish democratic systems in which human rights violations are less likely to occur.

Positive policy of this kind will be aided by the genuine echo that the concept of human rights evokes around much of the world, and by the fact that no other conception of political justice has been able to win as much legitimacy over the last two hundred years. In aiding this movement, we will not be struggling alone, but assisting the most powerful current of history during the last 200 years. This Administration is committed to such a positive effort in support of human rights.

The Congress has already established one human rights program on the positive side. Section 116(e) of the Foreign Assistance Act provides Agency for International Development (AID) funding for programs and activities which will encourage or promote increased adherence to civil and political rights in countries eligible for United States bilateral assistance. In Fiscal Year 1982 AID funded activities of $1,645,250 in 22 countries. Activities included the education and research program of the Inter-American Institute of Human Rights in Costa Rica; support for international observers for the March 1982 elections in El Salvador; strengthening the institutional base of the Indonesian legal system; legal education programs in the Philippines; research on human rights and a public education campaign on civil and political rights by the Liberian Constitution Commission; and publication of the newly revised Zairian penal code.

Present United States human rights policy gives special attention to encouraging major improvements in the observance of human rights over the long term. But it does not neglect the simple imperative of responding to the fact of suffering. The United States is a major haven for refugees and the major contributor to the work of the United Nations High Commissioner for Refugees, giving $121.9 million in FY 1982. In FY 1982 the United States contributed over $14 million to the International Committee of the Red Cross for its programs on behalf of prisoners, missing persons, and civilians in wartime.

In the pursuit of its human rights policy the United States uses a wide range of means. Decision on foreign assistance provided by the United States take human rights conditions into account. The transfer of police and military
equipment is carefully reviewed in order to avoid identifying the United States with violations of human rights. In addition, human rights policy employs a varied mix of diplomatic tools: frank discussions with foreign officials, meeting with victims of human rights abuses; and, where private diplomacy is unavailing or unavailable, public statements of concern. These instruments are applied in a manner that takes into account a country's history, culture, and current political environment, and recognizes that human rights concerns must be balanced with other fundamental interests. This Administration has used all of these instruments at one time or another.

Regional and International Institutions for the Protection of Human Rights

During the past year the United States has pursued in international organizations the theme established early in the Reagan Administration: to oppose in international fora the double standard applied to human rights violations and to work toward a more regional approach to solving international human rights concerns.

The 38th (1983) session of the United Nations Human Rights Commission (HRC) met in Geneva as the Polish Government, urged on by the Soviet Union, acted to suppress the human rights of the Polish people. The Commission adopted a resolution expressing its deep concern over the widespread violations of human rights and fundamental freedoms in Poland, and affirmed the rights of the Polish people to pursue their political and economic development free from outside interference. Specifically, the resolution called upon the Secretary-General to undertake a thorough study of the human rights situation in Poland and to present a comprehensive report to the 1983 session of the Commission.

This action represented the first time in its 38-year history that the Commission has spoken out on human rights violations in an Eastern European country. It demonstrated that Poland was not an East/West issue, but a matter of worldwide concern. The resolution, which was sponsored by European nations, received support from all regions.

Passage of the Polish resolution, as well as adoption of resolutions condemning foreign intervention in Afghanistan and Kampuchea, and the flagrant violation of the human rights of the Khmer people, reflect a movement, albeit slow, toward honest assessment of human rights violations throughout the world. The success of these efforts reflected strong Western cohesion, and a commitment to reaching out to less-developed countries through three difficult procedural resolutions and a final substantive vote.

The agenda for the 38th session of the Commission included a broad range of items, most of which were carry-overs from previous sessions. These included items relating to human rights in the Israeli-occupied Middle East territories, human rights in Chile, El Salvador, Bolivia, and Guatemala, human rights in South Africa, and a general item relating to the realization of "economic human rights" and a "right to development".
The United States Government continues to be troubled by the Commission's treatment of the right to development issue, which the United States is not prepared to recognize as a basic human right, questions dealing with apartheid, and the Middle East.

In general, the Commission remained critical of human rights conditions in Latin America, criticizing Chile, Guatemala, and Bolivia in the public sessions, in addition to the resolution on El Salvador.

Within days of passage of the resolution on El Salvador, which the United States considered was intended to undermine the electoral process in that country, Venezuela called for a special session of the Organization of American States (OAS) Permanent Council to complain about UN interference in a regional matter. The United States Government hopes that this move is a precursor of greater willingness by regional bodies, such as the OAS, to undertake responsibility for significant issues which now primarily confront the United Nations.

Many of these problems appeared during the 37th session of the United Nations General Assembly: a double standard which focuses solely on certain countries, and a partisan treatment of human rights questions.

The General Assembly's Third Committee (Social and Humanitarian Affairs) voted on issues regarding, among others, racial discrimination, human rights in El Salvador, Chile, and Guatemala, Middle East issues, human rights and mass exoduses, and self-determination. United States efforts served primarily to limit damage and to provide a forum for articulating the beliefs of the Administration, including emphasis on the hypocrisy of current double standards, discrimination against Latin America countries, and general indifference to violations by the Soviet Union and its Communist allies.

United States efforts in the coming year in international and regional bodies will focus on a heightened international consciousness of human rights concerns in which there is implicit recognition of equity and consistency as underlying themes.

The Madrid follow-up meeting of the Conference on Security and Cooperation in Europe (CSCE) -- the 35 states that signed the 1975 Helsinki Final Act -- was scheduled to resume in early February 1983 after a six-week holiday recess. The Madrid meeting has been in session (with periodic breaks) since November 1980, longer than the original meeting which produced the Helsinki Final Act.

The principal obstacle to progress has been the continuing pattern of Eastern violations of the human rights provisions of the Final Act. After the increase in repression in Poland in 1981, the Western allies broke off all negotiation of the new CSCE document until November 1982. When the meeting reconvened, the United States joined in sponsoring a Western package of proposals centering on trade union rights, religious freedoms, jamming of radio broadcasts, activities
of Helsinki monitoring groups, and an experts' meeting on human
contacts and family reunification. The Soviet Union and its
allies have attempted to deflect attention from human rights
issues, concentrating instead on the security aspects of the
Helsinki Final Act. The United States has repeatedly empha-
sized that the further development of the CSCE process must
be balanced between progress on human rights issues and
security interests.

In 1982, the European Commission on Human Rights and the
European Court of Human Rights continued to hear and decide
on cases involving violations of human rights in the 21 countries
which are members of the Council of Europe. The Commission
registered more than 400 individual cases for examination
during the year. Spain and France joined the list of more
than a dozen member countries which permit their citizens to
appeal directly to the Commission when they believe their
basic rights have been infringed. Council of Europe member
states regard European Court of Human Rights judgements as
binding and generally seek to make amends in accordance with
the Court's rulings. While neither the Court nor the Council
of Europe is empowered to enforce the Court's rulings, member
countries' voluntary acceptance of its findings demonstrates
that the Court exerts a positive influence on human rights
issues in Europe.

The Inter-American Commission on Human Rights (IAHRC)
was established in 1960 to promote the observance and pro-
tection of human rights and to serve as a consultative
organ for the OAS. The Commission considers individual
complaints and conducts on-site examinations of alleged
human rights violations. It approves definitive reports
on the human rights situation in various Latin American
countries and prepares an annual report for presentation
to the OAS General Assembly.

The Organization of African Unity Assembly of Heads
State and Government approved an African Charter of Human
and People's Rights at a meeting in Nairobi in June, 1981.
The Charter will come into force upon ratification by a
simple majority of the member states. By the end of 1982,
16 states had signed the Charter and six of those had
formally deposited the instruments of ratification.

The legitimacy of human rights as an issue for public
discussion gained wider acceptance in Africa in 1982. In
late October the Government of Togo, jointly with the Paris-
based Young African Lawyers Association and UNESCO organized
a five-day human rights conference in Lome. The focus of
concern was human rights in the context of the traditional
African values of community, harmony, and solidarity. The
sessions were devoted to discussion of the rights of women
and the aged, cultural rights of minorities, and human rights
and the push for economic development. During his 1982 trip
to Africa, Vice President Bush engaged in discussions of
human rights issues in several countries, including a human
rights colloquy on human rights policy in Dakar, Senegal.

Preparing a Human Rights Report

We believe it will be useful to the Congress and to
other readers of this report to include here a brief summary
of the preparation process, of certain limitations imposed
by circumstances upon that process, and of the assumptions we have made regarding the inclusion or treatment of material in the individual country reports.

Legislation requires the submission of the annual report by January 31. To meet this requirement, the Department has found it necessary to begin the annual exercise in late summer. A message is distributed to all United States embassies and to the offices within the Department which are involved in the preparation of the report. This message incorporates guidance concerning the schedule under which the individual country reports are to be drafted by each embassy and submitted to the Department, and detailed instructions on format, drafting style, and coverage. It does not attempt, however, to dictate the actual content of any country report. The original drafts are normally prepared by United States diplomatic posts in the field, unless we have no representation in the country considered.

When received in the Department, the individual country reports are reviewed and revised by the appropriate country "desk", by the geographic bureau concerned, by several bureaus and staffs which have responsibility for specific areas or functions covered in the reports, and by the Bureau of Human Rights and Humanitarian Affairs which has overall responsibility for the preparation of the reports. The completed reports are then sent to the Congress.

The information in the individual reports, and the judgments rendered, are drawn from all sources available to the United States embassy concerned and are supplemented by the information and knowledge available in the various bureaus and staffs which review the reports in the Department. Sources include officials of foreign governments, private citizens, personal observations of US officials, victims of human rights violations, intelligence information, press reports, non-governmental organizations, and human rights bodies of international organizations. Much of the information is already public.

There are various problems associated with preparation of these country reports. The same problems, addressed in different ways, affect other human rights reporting efforts, such as those of Freedom House and Amnesty International. A better understanding of the problems involved in preparing any report about worldwide human rights conditions should be helpful to the Congress and the community concerned about human rights.

Problems, Procedures, and Assumptions

To meet the legislative requirement of submission of the report by January 31, the reports must be initially drafted in the preceding October and November, with the review process extending into January. It is possible that developments in the latter part of the year under review may not be reflected; every effort is made, however, to include reference to major events or significant changes in trends which occur up to, or even beyond, the end of the year.

In preparing this report, we are fully conscious of the information gathered and reported by the human rights bodies of international organizations and by the major non-governmental human rights organizations. Two of the major reports, however,
those of Amnesty International and Freedom House, were not available until late in 1982 when much of our work had been, perforce, completed. In addition, Amnesty International's report for 1982 reported only the situation in 1981, and Freedom House drew upon material relating to the period up to mid-1982 only.

The United States Government's report differs in its coverage from reporting by some non-governmental organizations. Thus, whereas Amnesty International intentionally concentrates exclusively on human rights violations by governments, we believe that it is necessary to treat violations such as torture, murder, interference with a free press, and intimidation of the judiciary whether they are committed by governments or by opposition movements. This course is particularly essential in a period when many opposition and guerrilla movements maintain to a greater or lesser degree a state apparatus (e.g., control and administration of territory, flags, organized military units.)

Amnesty International also omits almost all discussion of the status of civil and political rights from its annual reports, in order to avoid political entanglement, and to concentrate upon violations against individuals, while we regard political rights as fundamental and endeavor to discuss them in detail. Many private human rights organizations consider the use of capital punishment a human rights violation per se. Neither the United States Government nor the United States Supreme Court takes the position that the death penalty, imposed after due process in a legitimate judicial system, constitutes a violation of internationally recognized human rights or that it constitutes cruel and unusual punishment.

Although efforts have been made to ensure the comprehensiveness of this report, certain problems appear to be inherent in any efforts to prepare a report on international human rights conditions. Some have to do with our lack of knowledge or access, some are conceptual, some reflect trends in world public opinion, and some arise from the mechanics of the reporting process itself. While attempts have been made to resolve these problems, they have not always succeeded.

The Problem of Consistency

The problem of consistency is one which necessarily affects every effort to report on world human rights conditions. While we do not attempt to make explicit comparisons, the country reports will obviously be seriously misleading if, for want of consistent reporting standards, some countries are implicitly held to a different (either higher or lower) human rights standard than others. Unfortunately, there is literally no one who has the close and detailed information of circumstances in the 162 countries covered in the 1982 submission to comment knowledgeably on all of them. Thus, such a submission would either have to be drafted by a single person who could not be familiar with all countries, or by many hands, as this volume is. Neither approach, unfortunately, resolves the problem of consistency. We recognize, therefore, that inevitable differences in perspective, judgment, and emphasis may appear in the various reports, despite our most determined efforts to avoid these faults.
The Problem of Information

By the nature of the subject, governments which violate human rights rarely admit to such violations, nor do they welcome foreign governmental or non-governmental interest in what they regard as their internal affairs. It is ironic that our most detailed, careful, and ample reporting is in open societies where access and evaluation are welcome and facilitated by governments whose concern for human rights equals our own, while we may have virtually no access to many closed societies where some of the very worst human rights violations occur. Thus the quality of the reports differs markedly in terms of the evidence presented. In some cases we have been able to draw upon evidence sufficient to meet highly critical standards, while in others we must rely heavily on the evaluation of very limited information.

The problem of uneven access to information has also proved troublesome in another respect. Because we often do not have very much information about human rights abuses in closed societies, these societies may appear to have a better human rights record than more open societies, where greater knowledge of abuses is available. Indeed, the paradox seems to emerge that while closed societies have a structural tendency to be the worst abusers of human rights, they also may receive less criticism than some relatively open societies simply because we know so much less about them. By attempting, on the one hand, to elicit as much information about closed societies as possible, and by underscoring, on the other hand, the limited nature of the information we possess, this report has tried to overcome the "built-in" bias in favor of closed societies.

Related to the problem of lack of access to closed societies is our lack of knowledge about traditional societies, i.e., societies which, either in whole or in part, have not undergone the effects of the scientific and industrial revolutions. In such societies, traditional institutions and structures often have a very important human rights impact, yet their workings often are not fully understood by observers standing outside of the culture. We tend, therefore, to focus on the effectiveness of such modern, Western institutions as trial by jury, habeas corpus, a free press, parliaments, and elections and to ignore non-Western, traditional institutions. The reader of these reports will note that they are more informative about legal systems of the Western type than about the administration of Islamic law, and more informative about Islamic legal systems than tribal and customary legal systems. Moreover, even if we knew far more about the inner workings of traditional societies, we would still be faced with a major conceptual difficulty: how to evaluate the positive and negative consequences of indigenous conceptions of decency, such as the Sharia, which developed independently of the Enlightenment human rights tradition. In specific cases, it is not easy to decide whether adherence to such an indigenous tradition is a violation of human rights or an affirmation of them.

Preparing A Comprehensive Report

Other problems in compiling a comprehensive human rights report derive from the fact that the drafters cannot work in complete isolation from world public opinion on human rights. World attention to human rights violations is limited, and
necessarily focuses on a few cases. Also, because human rights is used as a political weapon, public concerns about human rights violations can assume a somewhat arbitrary character, focusing on relatively minor human rights violators while ignoring others that are equally bad or worse. Moreover, while the human rights situation in a given country can change drastically, either for good or for ill, during a comparatively short period of time, world public opinion responds much more slowly to changes in the human rights environment. Once a nation acquires a human rights profile, as it were, whether favorable or unfavorable, that profile tends to remain with it regardless of the objective human rights situation. At times, the position a country enjoys in world public opinion can influence the perceptions of the human rights reporter. The only way to deal with these problems is to try to adhere to rigorous standards in each of the country reports.

Unfortunately, it has become evident that many readers have assumed that the length of a report is in itself a judgment upon the seriousness of the human rights situation in a country. This assumption is completely unwarranted. The length of a country report is influenced by a number of factors, including the availability of information, the openness of the society under scrutiny, the degree of development of the information media, the size of the country, the degree of international and United States interest in a country situation and, not least, the energy and skill of a particular reporting officer.

It appears that academic research based upon the annual report has begun, with some scholars attempting to draw statistical comparisons of practices between countries, etc. While we are pleased to note this interest and its promise for further understanding of the elements of human rights practices in the world, we caution researchers that the reports are not prepared with this purpose in mind, and that the data are not fully standardized.

The legislation requires reports on all countries which receive aid from the United States, and all countries which are members of the United Nations. In the belief that the information would still be useful to the Congress and to other readers, we have determined to include countries which are not technically included in the Congressional requirement, such as Switzerland. On the other hand, we have omitted several very small or very new states for which we have virtually no data, such as Kiribati. We have also attempted to provide enough background information in each report to place the human rights situation in context, under the assumption that those who need to delve more deeply will consult other sources.