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Legislative Watch

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LEGISLATIVE WATCH

The Human Rights Brief's Legislative Watch reports on key U.S. legislation relevant to human rights and humanitarian law. This list is not meant to be comprehensive.

S. 516/ H.R. 5133, ADVANCE DEMOCRACY ACT OF 2005

Senate Sponsor: Senator John McCain (R – AZ), 5 Co-sponsors

House Sponsor: Representative Frank Wolf (R – VA), 27 Co-sponsors

Senate Status: Referred to Senate Committee on Foreign Relations on March 3, 2005.

House Status: Referred to House Committee on International Relations on March 3, 2005.

Substance: This bill has four principle aims: (1) to advance and strengthen democracy globally through peaceful means, including assisting foreign countries in implementing democratic forms of government; (2) to strengthen respect for individual freedom, religious freedom, and human rights in foreign countries through increased United States advocacy; (3) to strengthen alliances among democratic countries; and (4) to increase funding for programs of nongovernmental organizations, individuals, and private groups that promote democracy.

To accomplish these broad goals, the bill amends a number of previous Acts related to the State Department and the Foreign Service. Among these amendments is the creation of an Under Secretary of State for Global Affairs, whose function is to assist in implementing policies and activities related to the bill's aims. The bill also amends the Foreign Service Act of 1980 to include training in democracy and the promotion of democracy and human rights in provisions respecting Foreign Service training, performance pay, promotions, and chief-of-mission appointments. Additionally, the bill amends the National Security Act of 1947, as amended in 1998, to suggest the addition of a Special Assistant to the President on Nondemocratic Countries and Transition to Democracy within the National Security Council (NSC).

This bill also provides for the establishment of positions and offices related to democracy and human rights within the Department of State; the establishment of at least one Regional Democracy Hub in a number of regional U.S. missions; the authorization of funding for governmental and non-governmental programs aimed at promoting democracy and human rights in foreign countries; the setting forth of policy, strategies, and oversight on alliances and relations to enhance democracy in foreign nations; and the creation of other offices and boards to further the goals of this bill.

S. 654, CONVENTION AGAINST TORTURE IMPLEMENTATION ACT OF 2005, & H.R. 952, TORTURE OUTSOURCING PREVENTION ACT

Senate Sponsor: Senator Patrick Leahy (D – VT), 5 Co-sponsors

House Sponsor: Representative Edward Markey (D – MA), 63 Co-sponsors

Senate Status: Referred to Senate Committee on Foreign Relations on March 17, 2005.

House Status: Referred to House Subcommittee on Africa, Global Human Rights and International Relations on March 17, 2005.

Substance: The goal of these two bills is to prohibit the expulsion, return, or extradition of persons by the United States to countries engaging in torture.

The Senate bill (S. 654) directs the Secretary of State to submit to the appropriate congressional committees an annual list of countries where torture is known to be practiced. It then prohibits the transfer or return of persons by the United States (or any contractor) to a country on the list or in any situation where substantial grounds exist for believing a person would be in danger of torture upon return. The bill does, however, set forth conditions under which the Secretary may waive this transfer prohibition and where a treaty-based transfer may occur.

The House bill (H.R. 952) is a little more explicit in its prohibition of purposes

for transfer or return of persons. It includes detention, interrogation, and trial as purposes that would disallow the U.S. to transfer persons to countries where torture or other inhuman treatment of persons occurs. Like the Senate bill, this bill directs the Secretary of State to submit an annual list of countries to appropriate congressional committees. The bill also prohibits the transfer or return of persons to those countries under the same specific exceptions as the Senate bill. It goes further in amending the Foreign Affairs Reform and Restructuring Act of 1998 to direct the appropriate government agencies to prescribe regulations in accordance with U.S. obligations under the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

S. 559/ H.R. 1413, PROTECTION OF VULNERABLE POPULATIONS DURING HUMANITARIAN EMERGENCIES ACT OF 2005

Senate Sponsor: Senator Joseph Biden (D – DE), 9 Co-sponsors

House Sponsor: Representative Nita Lowey (D – NY), 54 Co-sponsors

Senate Status: Referred to Senate Committee on Foreign Relations on March 8, 2005.

House Status: Referred to House Committee on International Relations on March 17, 2005.

Substance: The goal of this bill is to make it a priority of the United States government to protect vulnerable populations, especially women and children who are affected by humanitarian emergencies. To accomplish this goal, the bill sets out a comprehensive strategy for these situations and provides for the creation of a coordinator position within the Department of State or the United States Agency for International Development (USAID). This bill authorizes USAID to establish a fellowship program to increase expertise in protecting vulnerable populations affected by humanitarian emergencies and directs the provision of basic health services to vulnerable populations during and after humanitarian emergencies.

organizations, models of social change, the role of organizers, leadership development, grassroots fundraising, challenging “isms” (racism, sexism, classism, and heterosexism), accountability, and strategy. Fundraising training topics include: appropriate methods in different approaches to social change; who gives money and why; the role of the organizer and the fundraiser; developing a donor base; and elements of successful fundraising programs.

The SEP is providing organizational support to community organizations and social justice groups involved in rebuilding neighborhoods, towns, and cities along the Gulf Coast of the United States that were severely hit by hurricanes this fall. A list of the organizations that SEP is associated with is available on the organization’s website.

THE MISSISSIPPI WORKERS’ CENTER FOR HUMAN RIGHTS

www.msworkerscenter.org

The Mississippi Workers’ Center for Human Rights was founded in 1996 in Oxford, Mississippi, by human rights activist and attorney Jaribu Hill. The Center’s concept grew out of the Southern Human Rights Organizers’ Conference in September 1996, where activists recognized the need for a new approach to solving the pressing problems facing Mississippi’s low-

wage workers, most of whom are not unionized. The workers had no recourse and needed programs that spoke to the quality of their lives both inside and outside of the workplace. The Center began providing organizing support, legal representation, and training for low-wage, non-union workers in the state of Mississippi shortly thereafter. As an advocacy organization that links legal strategies with organizing strategies, the Center represents an alternative to traditional labor organizations. The Center now has a membership of over 600 workers and supporters.

The Center’s work focuses on two primary campaign areas: “Terror on the Plant Floor,” which assists workers in challenging hate crimes in the workplace (e.g., hanging nooses in public places, Ku Klux Klan terror, and racist graffiti on bathroom walls), and “Dying to Make a Living,” which focuses on environmental justice in the workplace and provides workers with information about chemical poisons and toxic substances. In response to the devastation by the hurricanes this fall, the Center has also established the Mississippi Workers’ Center Southern Relief Fund for Hurricane Katrina Victims. This is a separate fund that is used to provide relief to hurricane victims.

The Human Rights Brief is accepting submissions for the next edition of “NGO Update.” If your organization has an event or situation it

would like to publicize, please send a short description to hrbrief@wcl.american.edu and include “NGO Update” in the subject heading of the message. Please limit your submission to two paragraphs. The Human Rights Brief reserves the right to edit for content and space limitations.

HRB

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The bill also amends the Microenterprise for Self-Reliance Act of 2000 to extend availability of the microcredit program to vulnerable populations. It amends the Foreign Assistance Act of 1961 to include military education and training on the protection of vulnerable populations and authorizes the President to provide assistance to programs that protect vulnerable populations during humanitarian emergencies. Finally, the bill expresses Congress’ view that the UN should strengthen the ability of its Department of Peacekeeping Operations to protect civilians, especially women and children, from sexual exploitation by peacekeeping personnel. **HRB**

Ryan Vogel, a J.D. candidate at the Washington College of Law, covers Legislative Watch for the Human Rights Brief.

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ENDNOTES: Curry

¹ The American University Washington College of Law created the War Crimes Research Office (WCRO) in 1995 with funding from the Open Society Institute following a request for research assistance from the Prosecutor of the International Criminal Tribunal for the former Yugoslavia (ICTY). In the 10 years since its creation, the WCRO has provided confidential research on discrete issues of international criminal and humanitarian law to the International Criminal Court (ICC), the International Criminal Tribunal for Rwanda (ICTR), the Special Court for Sierra Leone, and the Special Panels on Serious Crimes in East Timor, and has provided technical assistance to those working to establish the Khmer Rouge Tribunal in Cambodia.

² Some notable conference participants include Luis Moreno-Ocampo, Prosecutor, ICC; Judge Navanethem Pillay, Appeal Judge, ICC, and former Judge, ICTR; Judge Patricia Wald, former Judge, ICTY; David Scheffer, former U.S. Ambassador-at-large for War Crimes; Judge Phillip Rapoza, former Judge, Special Panels for Serious Crimes in East Timor, and Judge, Massachusetts Court of Appeals; Aryeh Neier, President, Open Society Institute; David Tolbert, Deputy Prosecutor, ICTY; David Crane, former Prosecutor, Special Court for Sierra Leone; Siri Frigaard, former Deputy Prosecutor for Serious Crimes in East Timor and Chief Public Prosecutor for Organized and other Serious Crimes, Norway; Mohammed Ayat, Senior Legal Adviser, ICTR; Michael Th. Johnson, Registrar, War Crimes Chamber, Court of Bosnia and Herzegovina; Robert Pulver, Acting Chief, Criminal Law and Judicial Advisory Unit, UN Department of Peacekeeping Operations; Robert Goldman, for-

mer President, Inter-American Commission on Human Rights; Diane Orentlicher, former UN Independent Expert on Update of the UN Set of Principles for the Protection of Human Rights through Action to Combat Impunity; Susana SáCouto, Executive Director, WCRO.

³ In addition to the topics covered in this article, the conference included panel discussions on “The Relationship between Human Rights and Humanitarian Law and its Impact on the Promotion of International Criminal Justice” and “The Impact of International Criminal Justice Mechanisms on Peace Initiatives,” which are not specifically addressed in this piece due to editorial constraints.

⁴ *Inyenzi*, which means “cockroaches,” was widely understood to mean Tutsis. See Bill Berkley, *The Graves Are Not Yet Full 2* (Basic Books 2001).

⁵ In 2004 Human Rights Watch accused the Rwandan Government of interpreting the law too broadly, enabling officials to label any opposition to the government as inciting “ethnic division.” *Rwanda: Kigali Directs Attorney General to Probe ‘Genocidal’ Groups*, UN IRIN News Agency (Sept. 24, 2004).

⁶ *The Johannesburg Principles on National Security, Freedom of Expression and Access to Information, principle 2*, U.N. Doc. E/CN.4/1996/39 (1996).

⁷ See *Prosecutor v. Gotjko Jankovic*, Case No. IT-96-23/2-PT, Judgment (Apr. 19, 2004). Stankovic was a co-defendant in the case.