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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.2264, THE NORTHERN UGANDA CRISIS RESPONSE ACT OF 2004

Sponsor: Sen. Russell D. Feingold (D-WI)

Status: Passed by the Senate Committee on Foreign Relations and the House Committee on International Relations. The President signed the Act on August 2, 2004, and it became Public Law No. 108-283.

Substance: The Northern Uganda Crisis Response Act addresses the conflict between the Lord's Resistance Army and the Government of Uganda. Congress found that the conflict has displaced more than 1,000,000 people from their homes. The Lord's Resistance Army (LRA) has kidnapped individuals and forced them into sexual servitude and has forced an estimated 16,000 to 26,000 children to serve as child soldiers among its ranks. The Secretary of State has designated the LRA a terrorist organization and placed it on the Terrorist Exclusion list pursuant to section 212(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1182 (a)(3)). Because the LRA is committing grave human rights abuses, the bill requires the U.S. government to work with the Government of Uganda and the international community to end the conflict by supporting economic development, providing humanitarian assistance, and helping to reintegrate combatants and abductees into Ugandan society.

The legislation urges the LRA and the Ugandan armed forces to cease the use of child soldiers, release abductees, and permit human rights monitors to establish a presence in eastern and northern Uganda. Congress stressed that the relationship between the United States and Sudan cannot improve unless an investigation shows that the Sudanese are not providing weapons or other support to the Lord's Resistance Army. Finally, the Act requires the Secretary of State

to submit a report to the appropriate congressional committees on the Ugandan conflict no later than six months after August 2, 2004, the date the bill passed. The report must include a list of the individuals or entities that are providing financial and material support to the Lord's Resistance Army, including any support from the Sudanese Government or its senior officials. The report must also include a list of LRA activities that prevent humanitarian assistance or the protection of the civilian population in Uganda; practices of the Ugandan People's Defense Forces to protect civilians and especially children; the means that the Ugandan government employs to ensure accountability of its armed forces; and actions taken by the United States, the Government of Uganda, or the international community to protect displaced persons, especially women and children fleeing from gender-based violence and sexual exploitation.

H.R. 4792, NEW UNITED STATES GLOBAL HIV PREVENTION STRATEGY TO ADDRESS THE NEEDS OF WOMEN AND GIRLS ACT OF 2004

Sponsor: Rep. Barbara Lee (D-CA)

Status: Referred to House Committee on International Relations on July 9, 2004.

Substance: H.R. 4792 proposes a plan to meet the goal of preventing 7,000,000 new HIV infections, as announced by the President in his Congressional address on January 28, 2003. To meet this goal, the bill proposes that the United States support a specific HIV prevention strategy for each country, which addresses the special needs of women and girls. The proposed legislation urges the President to establish country-specific strategies within 90 days of the Act's passage, which shall include comprehensive health and HIV prevention education beyond the ABC model of "Abstain, Be faithful, use Condoms." The bill explains that the ABC model is limited in effectiveness given that HIV/AIDS disproportionately affects women and girls. The bill similarly points out other limitations on

women's and girls' ability to abstain, be faithful, or use condoms, including domestic violence, rape, economic inequality, gender discrimination, sexual abuse, and child marriages. To expand on the ABC model, the bill stipulates that country strategies should increase access to female condoms; reduce the stigma associated with HIV/AIDS; decrease early or child marriage, cross-generational sex, and violence against women; and promote economic and educational growth for women. The proposed legislation also advocates promoting positive male behavior toward women and girls, increasing gender equity by restructuring legal frameworks, and coordinating HIV prevention with existing healthcare services. Efforts are to be conducted in accordance with the programs of the national government involved and other donor countries and organizations. No later than 180 days after the Act's enactment, the bill states that the President should submit a report detailing the HIV prevention strategies he has established and the details of those programs.

S. 2781 COMPREHENSIVE PEACE IN SUDAN ACT OF 2004

Sponsor: Sen. Richard N. Lugar (R-IN)

Status: Discharged by Senate Foreign Relations Committee and by the Senate with unanimous consent on September 23, 2004. Received in the House and Referred to the House Committee on International Relations on September 24, 2004.

Substance: S. 2781 proposes to amend the Sudan Peace Act (50 U.S.C. 1701), which focused on South Sudan, to also include the Darfur region. Section four of the bill extends the principle and purpose of the Machakos Protocol of 2002 and the Nairobi Declaration on the Final Phase of Peace in the Sudan signed June 5, 2004, to apply to all people of the Sudan, including those in the Darfur region. The bill specifically focuses on the Darfur region because 1,400,000 people have been displaced in Darfur and approximately 500 deaths occur each day in the region. In addition, the pro-

INTERNATIONAL SOLIDARITY MOVEMENT

www.palsolidarity.org

The International Solidarity Movement (ISM) was founded in 2001 by Huwaida Arraf, now a first year law student at the Washington College of Law, her husband, Adam Shapiro, and Israeli and Palestinian activists. The organization is committed to monitoring and reporting human rights abuses and violations of international law in the West Bank, the Gaza Strip, and East Jerusalem. ISM focuses on non-violent resistance and peaceful protests against Israel's occupation of Palestinian territories

and against violations of Palestinians' human rights. To carry out its activities, ISM recruits volunteers from around the world. Since its founding, ISM has trained over 2,000 volunteers. ISM volunteers travel to Palestine, where Palestinian and international activists train them in human rights monitoring, nonviolent resistance, and methods to de-escalate violent situations. In October and November 2004, ISM volunteers, along with Palestinian agricultural organizations and farmers, are conducting the 2004 Olive Harvest Campaign. With walls, fences, military roadblocks, and curfews, Palestinian farmers face many obstacles in getting to their land. ISM volunteers accompany farm-

ers to their olive groves, both to help farmers demand access to their land and to protect them while they harvest their olives.

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Lauren Bartlett, a J.D. candidate at the Washington College of Law, covers NGOs for the Human Rights Brief.

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posed amendment projects that more than 320,000 deaths will occur between April 1, 2004 and December 31, 2004.

S. 2781 states the United States will continue to provide safe and immediate access to all humanitarian assistance throughout the Darfur region and will increase efforts to provide assistance in obstructed and denied access areas. This bill calls on the United States Ambassador-at-Large for War Crimes and the United States Government, with the international community, to immediately investigate war crimes and crimes against humanity.

The bill requires the President to continue to make efforts toward sustainable peace in the Sudan, while providing the means necessary to save the lives of hundreds of thousands in the Darfur region. The bill calls on the President to condemn the actions of the Government of Sudan for engaging in ethnic cleansing and the killing of innocent civilians, to provide increased humanitarian assistance, and to confirm the right of the displaced Sudanese to return to their land safely. Under the bill, the President would also maintain diplomatic relations with Sudan and impose sanctions on the assets and activities of the Sudanese government officials involved in carrying out ethnic cleansing in the Darfur region.

The bill authorizes the President to appropriate \$200,000,000 for fiscal year 2005, in addition to any other funds available, to counter the humanitarian and human rights crisis in the Darfur region and

its impact on eastern Chad, where more than 200,000 refugees have fled. If the Sudan People's Liberation Movement and the Government of Sudan reach agreement on the North-South Peace agreement, the bill authorizes the President to appropriate an additional \$100,000,000 for fiscal year 2005 beyond any other funds available for such purposes.

Under the proposed amendment, the President can provide the additional \$100,000,000 assistance to the Government of Sudan only upon certification that it has made efforts to address current human rights violations. To receive the certification, the Government of Sudan must have taken demonstrable steps to stop the Sudanese armed forces from preventing the delivery of humanitarian assistance and human rights monitoring; eradicate Government-created or supported militias; and cooperate with the African Union, the United Nations, and other observer and monitoring missions. If the President issues the certification and later determines the Government of Sudan has ceased in taking these efforts, this bill requires the President to immediately suspend any assistance to the Government of Sudan until these efforts are resumed. The bill concludes by requiring, within 60 days of the enactment of the Act, that the President submit a report on the planned United States response for a comprehensive peace agreement for Sudan.

S. RES. 392, A RESOLUTION CONVEYING THE SYMPATHY OF THE SENATE TO THE FAMILIES OF THE YOUNG WOMEN MURDERED IN THE STATE OF CHIHUAHUA, MEXICO, AND ENCOURAGING INCREASED UNITED STATES INVOLVEMENT IN BRINGING AN END TO THESE CRIMES.

Sponsor: Sen. Jeff Bingaman (D-NM)

Status: Referred to the Committee on Foreign Relations, June 24, 2004.

Substance: S. Res. 392 acknowledges that the abduction, sexual assault, and horrific murders of more than 370 young women have plagued Ciudad Juarez, Mexico, since 1993, and expresses condolences to the families of the young women. The resolution urges the President and the Secretary of State to continue to express support for the families and human rights defenders involved in the cases. The resolution encourages that the Secretary of State undertake multilateral efforts to facilitate United States involvement in the creation of a DNA database to allow families to identify the remains of the victims. The resolution recommends that Mexico's Ambassador to the United States visit Ciudad Juarez and the city of Chihuahua to meet with those combating the atrocities to prevent future crimes. The resolution further condemns the use of torture to investigate the crimes and endorses appropriate punishment of the guilty. **HRB**

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