

## HUMAN RIGHTS: THE CRISES TODAY

Keynote Dinner Address

*Intercultural Human Rights Law Review Annual Symposium*

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### *I. Introduction*

Thank you for such a warm welcome. It is always a pleasure to gather with friends here at St. Thomas University. I am particularly honored to participate in this very first Annual Awards Dinner for Human Rights, which I trust will grow into a noteworthy, annual tradition for the *Intercultural Human Rights Law Review*.

At the outset, I want to thank my dear friend Monsignor Frank Casale for his extraordinary commitment to human rights advocacy. He represented the University and our community with great distinction on Capitol Hill, when he testified about the scourge of human trafficking before the Foreign Affairs Committee last October.

I am also proud to be here with Dean Alfredo Garcia – not just because he is the first Cuban-American dean of a law school in this country – but because of his leadership as an administrator, a professor, and a legal practitioner. I want to recognize Professor Roza Pati and Dr. Siegfried Wiessner for their direction of St. Thomas's ground-breaking Graduate Program in Intercultural Human Rights, as well as tonight's Human Rights Award honoree, Professor W. Michael Reisman of Yale Law School.

Last, and perhaps most important, I want to applaud the student members of the *Intercultural Human Rights Law Review* for their

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academic and personal commitment to promoting human rights and social justice. You will provide the leadership on these fundamental issues in the decades ahead.

Human rights are the flip-side of the obligations we owe to each other because of our immutable, God-given dignity as human beings. These freedoms are universal or, to use the terminology of our host tonight, truly inter-cultural.

In the American context, those rights are secured by our Constitution, its Bill of Rights, and the legal and civic expectations that have developed around them. We enjoy unprecedented freedoms here, and the United States remains a beacon of unmatched liberty and promise even in these difficult, early years of the 21<sup>st</sup> Century.

In the international context, the Universal Declaration of Human Rights captured the distilled conscience of the world 60 years ago, in an extraordinary moment of consensus that remains one of the United Nations finest achievements. At that time, without a dissenting vote, the United Nations General Assembly recognized the fundamental human rights to life and liberty, to freedom of religion and expression, to self-government through free elections, to freedom from slavery and torture, and other basic rights.

The Declaration was not an international law or covenant, and did not claim to be creating the rights it included. Instead, its purpose was to serve as “a common standard of achievement for all peoples” that is premised on “faith in fundamental human rights. . .[and] the dignity and worth of the human person.”

We are fortunate to live in a country whose Constitutional legacy has served to protect those aspirations for the American people. But for too many around the world, the principles of the Universal Declaration are an unkept promise. Thus, much work remains to be done.

I am grateful that my new position in this Congress, as Ranking Member of the House Committee on Foreign Affairs, has provided me with new and expanded ways to pursue my career-long commitment to the promotion of fundamental human rights.

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In our limited time this evening, I want to touch on just a few of the many specific human rights crises that confront us today.

*II. U.N. Human Rights Council*

On the multilateral front, it is distressing to see how far the United Nations has fallen from the ideals of the Universal Declaration of Human Rights.

The UN Human Rights Council – created to replace the discredited UN Human Rights Commission – has devolved into a hateful circus, even worse than its predecessor.

In its session last March, the Council passed more resolutions condemning Israel than against Burma, North Korea, and Sudan combined, and it failed to note any abuses by Iran, Uzbekistan, or other gross violators. It also passed a resolution that implies endorsement of limitations on freedom of speech in the name of protecting Islam from vague and undefined “defamation.”

The Council has also killed the mandate for the country-specific rapporteur on Cuba, even though grave abuses persist under the Castro regime.

These and numerous other failures are not the result of honest disagreement or U.S. disengagement, but rather of fundamental flaws in the composition of the Council. Because there are no prerequisites for membership, the Council includes some of the world’s most infamous human rights abusers, including Cuba, China, Saudi Arabia, and others.

In addition, the new structure is far more susceptible to manipulation by those abusers and by other regional and thematic blocs – such as the Non-Aligned Movement and the Organization of the Islamic Conference – whose interests are often diametrically opposed to the promotion of the principles enshrined in the Universal Declaration.

As a consequence, the UN Human Rights Council has become a travesty, forgoing authentic human rights advocacy in favor of relentless, single-minded attacks on the democratic state of Israel.

This poisonous bias has infected Council-led preparations for the so-called Durban II conference. You may recall that anti-democratic and extremist forces subverted the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban, South Africa. Rather than constituting a bold, unequivocal step forward in fighting racism around the world, the Durban conference actually became a forum for bigotry, providing a venue for spiteful attacks on America, Israel, and Jews. The anti-Israel and anti-America rhetoric at Durban so deformed the conference that U.S. Secretary of State Colin Powell withdrew our national delegation, stating, "I know that you do not combat racism by conferences that produce declarations containing hateful language . . . or that singles out only one country in the world, Israel, for censure and abuse."

The Council-led preparations for a 2009 follow-up conference, in which Libya, Iran, and Cuba have played leading roles, have prompted grave concerns that Durban II will be another expensive UN sham. Most recently, the Preparatory Committee scheduled its meeting to discuss xenophobia on Yom Kippur, the holiest day of the Jewish year, in an apparent effort to preclude Jewish participation.

Thankfully, the United States has taken the right approach toward Durban II by stating clearly that the U.S. will not participate in a conference that promotes hate, and by refusing to pay for any of the preparatory activities.

In June, I convened a high-level forum with diplomats from 14 nations, senior U.S. officials, and nongovernmental organizations, to discuss the growing problems with the Durban II preparations. On the basis of those conversations, I remain hopeful that other nations will join the United States in our principled stance, so that anti-Semitism and other forms of ethnic and religious intolerance are not allowed to sully the critical issue of combating racism.

The increasingly obvious failure of this second UN human rights mechanism – the Human Rights Council – and the negative consequences for human rights advocacy and for those individuals struggling to free themselves from the shackles of tyranny and oppression requires immediate action by all of us.

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I believe it is time to begin thinking – creatively and critically – about how to remake or replace the Council. Indeed, we may even need to reconsider whether the UN system is capable of honest, normative human rights advocacy, or whether such activities might be more credibly carried out by some grouping of democratic nations with proven records of protecting basic rights. I do not yet know the answer to these questions, but it is critical that we begin asking them.

*III. Darfur*

In April of 2007, I had the opportunity to travel to Darfur with a bi-partisan delegation, led by the Majority Leader, Representative Steny Hoyer. When we entered the El Salaam camp, which houses thousands of the two million men, women and children who have been forced from their homes by marauding militias and a heartless government bent on total annihilation, I was left with a deep sense of trepidation.

Fourteen years ago, the genocide in Rwanda unfolded. An estimated 800,000 people were massacred over the course of only one hundred days. And the world did nothing. And yet, here we are again. Genocide has been unleashed in Darfur. This cannot be denied. We read about it in the papers, we see it on TV, and I have seen it with my own eyes.

Congress has granted over \$2.6 billion in humanitarian assistance for Darfur and eastern Chad since 2005. The United States has trained, transported, and maintained African Union peacekeeping forces deployed in the region. We have led efforts at the African Union and the United Nations to get a larger, more vigorous UN peacekeeping mission deployed in Darfur.

We were not alone in vowing “never again” after the Holocaust and after Rwanda. We were not the only ones calling on the United Nations to acknowledge the “responsibility to protect.” We should not be the only ones taking solid action to bring an end to the violence in Darfur. While we have clearly demonstrated – through sanctions and other efforts – our willingness to go it alone in Darfur, our labors would be far more successful if they were armored by

determined action on the part of other so-called “responsible nations.”

#### *IV. North Korea*

The people of North Korea continue to suffer under one of the most repressive regimes in the world. North Korea is a broken, totalitarian society where ten percent of the population starved to death during the latter half of the 1990s. The Kim Jong Il regime brutally crushes any dissent or religious free exercise, and imprisons an estimated two-hundred-thousand men, women, and children in an inhuman gulag where forced labor, torture, and executions are commonplace.

The desperate North Koreans who escape into neighboring China are hunted down, and women and girls are commonly coerced into fraudulent marriages, sexual slavery, and other forms of abuse. Those who are forcibly returned to North Korea face imprisonment, torture, and sometimes execution.

Our nation is home to the largest ethnic Korean community outside of the Korean peninsular region, and many of the two-million Korean-Americans have family ties to North Korea. We also have the largest refugee resettlement program in the world by far, but for years we had accepted *zero* North Korean refugees.

In 2004, Congress attempted to remedy this situation by passing the North Korean Human Rights Act. While that Act had some beneficial effect, it was not implemented strongly, and many of its concerns were sidelined in the rush to secure a nuclear deal with North Korea – one that significantly undermined U.S. nonproliferation priorities. But that’s a subject for another discussion.

Turning to implementation of the North Korean Human Rights Act, the Special Envoy for North Korean Human Rights was appointed several months later than the Act required, and then only on a part-time basis, contrary to Congressional intent.

Furthermore, since passage of the Act four years ago, the U.S.

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has resettled fewer than 70 North Koreans. During the same period, South Korea resettled over 6,000 North Koreans, and European countries granted asylum to hundreds. This was unacceptable, and needed to change.

Thus, I am pleased to report that within the last month, Congress passed and President Bush signed into law the North Korean Human Rights Reauthorization Act, a bill that I introduced earlier this Congress, with strong bipartisan support.<sup>1</sup>

This law will provide funding for humanitarian assistance to North Korean refugees and trafficking victims, and to support democracy and human rights activities aimed at North Korea. Perhaps most important, it clarifies and strengthens the role of the Special Envoy for North Korean Human Rights, and specifically charges the envoy to work to energize the United States' anemic North Korean refugee admissions.

With strong implementation and Congressional oversight in the months ahead, I am hopeful that we can better promote the human rights of the suffering North Korean people.

#### *V. Human Trafficking*

Finally, I want to turn to a subject on which St. Thomas Law School has demonstrated both academic and clinical leadership: The fight against human trafficking.

As noted earlier, I was honored to welcome Monsignor Casale to a hearing before our Committee last October, where he provided expert testimony on the modern day scourge of human trafficking and the important work that this institution is doing to combat it.<sup>2</sup> President Casale's participation was important to the work of the

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<sup>1</sup> U.S. Public Law 110-346, enacted on October 7, 2008. Introduced during the 110<sup>th</sup> Congress as H.R. 5834, The North Korean Human Rights Reauthorization Act of 2008.

<sup>2</sup> Rev. Msgr. Franklyn M. Casale, *International Trafficking in Persons: Suggested Responses to a Scourge of Humankind*, Statement to U.S. House of Representatives, October 18, 2007, reprinted in 3 INTERCULTURAL HUM. RTS. L. REV. 343 (2008).

House of Representatives, which passed H.R. 3887, the William Wilberforce Trafficking Victims Protection Reauthorization Act, two months later, with strong bipartisan support.

Human trafficking is modern-day slavery, a key source of revenue for international criminal syndicates, and a severe abuse against human dignity. Hundreds of thousands of people are trafficked across international borders every year. It is estimated that 80 percent of those are women, and half are children.

The William Wilberforce Trafficking Victims Protection Reauthorization Act will enhance our international anti-trafficking efforts, our domestic law enforcement and victim assistance activities, and efforts to combat the use of child soldiers worldwide.

We continue to make progress in urging the Senate to act on this important legislation, and there is a possibility that it may consider it after the November election if there is a lame-duck session. Even if that doesn't happen before year's end, I am hopeful that we will at least have worked out a consensus text that will be ready for prompt passage early next Congress.<sup>3</sup>

#### *VI. Conclusion*

As we sit here tonight in such distinguished company, secure in this land of liberty, we cannot help but conclude: We are truly blessed. But the patrimony of freedom that we enjoy does not exist for us alone. One of the great champions of human dignity during the past half century, Pope John Paul II wrote:

It is evident that [human] rights were inscribed by the Creator in the order of creation; so we cannot speak of concessions on the part of human institutions, on the part of states and international organizations. These institutions express no more than what God Himself

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<sup>3</sup> The William Wilberforce Trafficking Victims Protection Reauthorization Act was reintroduced toward the end of the 110<sup>th</sup> Congress as H.R. 7311, successfully passed, and was enacted as Public Law 110-457 on December 23, 2008.

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inscribed in the order He created, what He Himself has inscribed in the moral conscience, or in the Human Heart.<sup>4</sup>

As the Pope explained, these realities cannot be divorced from the love of neighbor by which we become fully human: “If we deprive human freedom of this possibility, if man does not commit himself to becoming a gift for others, then this freedom can become dangerous.”<sup>5</sup>

For these reasons, our gathering tonight gives me great hope – as I look around and see the accomplished women and men who are making a gift of their lives to promote and protect the dignity of the most vulnerable members of our human family. I would again like to thank our wonderful hosts for their generosity and dedication and for the invitation to speak this evening. I wish St. Thomas University School of Law and your Intercultural Human Rights Program every success, as you continue to pursue your noble mission. Thank you.

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<sup>4</sup> HIS HOLINESS JOHN PAUL II, *CROSSING THE THRESHOLD OF HOPE* (1994).

<sup>5</sup> *Id.*