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HUMAN RIGHTS COMMISSION DEBATES REPORT OF ITS SUBCOMMISSION

The fiftieth session of the Commission of Human Rights this morning concluded its general debate on the report of the last session of the Subcommission on Prevention of Discrimination and Protection of Minorities, which was held in Geneva last August.

Several speakers referred to the achievements of the Working Group on Indigenous Peoples, headed by Erica-Irene Daes. Others welcomed innovations and new ideas of the Subcommission such as the Special Rapporteur on Freedom of Opinion and Expression. They recalled that the Subcommission was "a think tank, not an ivory tower" and said that the review and rationalization of the work of the Subcommission was "an essential act of self-discipline". It was pointed out, however, that the reports of the experts burdened an already stretched Secretariat. One speaker said that to enable the Subcommission to serve effectively as a think-tank for the Commission, it should not be overburdened and diverted from its mandate to undertake studies and to make recommendations to the Commission.

Among the many issues considered by non-governmental participants this morning were the objectives of the International Decade for the World's Indigenous People. One speaker said that many countries appeared to fear that indigenous peoples would secede from existing States. That was an absurd and prejudicial argument, as it was a given that these peoples already had their own languages, cultures, territories and histories. Some people had the right to self-determination, but not indigenous people. They deserved a higher standard of respect and understanding and a permanent forum in the United Nations, he said.

Delegates from Cyprus, Austria, Mexico, France and India spoke this morning. Observers from El Salvador, Ukraine, Democratic People's Republic of Korea and Egypt also took the floor. Sudan and Egypt exercised the right of reply.

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Representatives of the following non-governmental organizations participated in the debate: World Muslim Congress; International Association of Educators for World Peace; Indian Council of South America; Anti-Slavery Society for the Protection of Human Rights; International Abolitionist Federation; International Organization of Indigenous Resource Development; Third World Movement against the Exploitation of Women; International Fellowship of Reconciliation; Women's International League for Peace and Freedom; and World Council of Churches.

When it next meets this afternoon at 3.00 p.m., the Commission will hear a concluding statement by the Chairman of the Subcommission and then take up the question of the human rights of all persons subjected to any form of detention or imprisonment.

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Statements

LORIA MARKIDES (Cyprus) hoped that the Subcommission would address effectively the new challenges with which it was faced. Some benefits of the International Year of the World's Indigenous People could already be seen. A Voluntary Fund was opened and Governments, including Cyprus, and other interested organizations and individuals had made contributions. The International Labour Organisation was promoting the ratification of its Indigenous and Tribal Peoples Convention and the situation of indigenous people had been on the agenda of the World Conference on Human Rights. The Working Group on Indigenous, the main and unique international forum for indigenous people, should continue to review development affecting indigenous people and elaborate standards for the protection of their rights. In this respect, she urged the Subcommission to consider the draft Declaration during its next session and to submit it to the Commission on Human Rights for further consideration. She also commended the work done by Erica-Irene Daes, Chairman-Rapporteur of the Working Group on the protection of the cultural and intellectual property of indigenous peoples.

MICHAEL DESSER (Austria) said that the subjects with which the Subcommission was dealing revealed that it was a think tank, but not an ivory tower. Notwithstanding its forward-looking activities, it appeared of importance to reinsert new vigour into the activities of the Commission's most important expert body. Austria welcomed the improvement in the coordination with the Commission and believed that a review and rationalization of work was an essential act of self-discipline of the Subcommission. It was important to ensure the follow-up of recommendations and conclusions of studies undertaken under the auspices of the Subcommission. Restraint in selecting the number and the subject-matter of the studies, and the number of resolutions it adopted, could permit better use of the means and resources of the Subcommission. The 1503 procedure should be strengthened and at the same time streamlined. In view of the political environment of the Subcommission, it was essential that experts kept their independence vis-à-vis their Governments and pressure groups. Consideration should therefore be given to the curriculae of the candidates, as opposed to their nationalities.

ERENDIRA PAZ (Mexico) said that strengthening international cooperation, environmental protection, human rights, health, and education of indigenous peoples were priorities. It was time to overcome the stage of talking and move on to specific measures, including assuming commitments to assure the human rights, well-being and development of indigenous peoples. Dialogue and agreed solutions were the best methods. Mexico had established in its Constitution an article to protect indigenous peoples and work had begun to prepare a bill on this article. In addition, agrarian courts were established. A National Commission had been set up to coordinate activities and define policies to improve the education, health, labour and cultural situation of indigenous peoples and ensure their human rights. The speaker called upon the international community to listen to the demands of indigenous peoples.

XAVIER DAUFRESNE DE LA CHEVALERIE (France) said that the Subcommission's contribution in terms of the Special Rapporteur's reports on freedom of opinion, the independence of the judiciary, impunity and the rehabilitation of victims of violations of human rights and of extreme poverty, was invaluable. It was clear, however, that the Secretariat could no

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longer cope with the burdens put upon it by the Special Rapporteurs' reports. Also, during the forty-fifth session, some discussions had to be postponed to allow non-governmental organizations to express themselves. All this called out for a rationalization of the work of the Subcommittee. However, criticism of the Subcommittee was sometimes excessive. It was the very flexibility of the Subcommittee which made it such an important organ of the Commission. The mandate of the Subcommittee should thus not be restricted. He called on the Commission not to get bogged down in recriminations over the report of the Subcommittee. Each resolution deserved its own discussion, particularly those on contemporary forms of slavery and on the definition of human rights violations as an international crime.

NEELAM D. SABHARWAL (India) said the effect of terrorism on human rights needed further study. Currently, terrorism financed from abroad and based on religious differences was being used in an attempt to usurp territory from India and to undermine India's tradition of democratic Government. Terrorists had tortured, killed and raped innocent civilians and had assassinated political figures. Around the world, terrorism was a cancer that must be fought against. The Subcommittee should be requested to carry out a full study of the phenomenon. It also was necessary to study legal and constitutional aspects of discrimination carried out by Governments.

CARLOS ERNESTO MENDOZA (El Salvador), addressing the human rights of disabled peoples, said it would not be necessary to state that they were entitled to human rights if it were not for the fact that such rights were all too frequently denied. The report of Special Rapporteur to the Subcommittee, Leandro Despouy, stressed the importance of the eliminating the obstacles blocking the human rights of disabled people. He hoped that the Commission would adopt a resolution to appoint an Ombudsman for the human rights of disabled peoples.

YAROSLAV KOVAL (Ukraine) said that studies undertaken by and requests made of the Subcommittee often fell outside its original mandate. Its workload was increasing in line with expansion of the work of the Commission. It was important to reduce the number of matters both bodies dealt with simultaneously. The plan to set up a working group on working methods of the Subcommittee was a good idea. It was difficult but necessary to balance the demands of time and resources. Certainly, the Subcommittee should continue its valuable work on the human rights of minorities. Increased coordination was necessary, as were increased resources so that the Subcommittee could make sufficient follow-up to the studies and work it had undertaken.

PAK DOK HUN (Democratic People's Republic of Korea) praised the Subcommittee for its deep concerns to the protection of women and the issues of impunity and reparation for victims which were imperative in preventing the recurrence of gross violations of human rights. One of the main factors for the continued occurrence of gross human rights violations was ascribable to the impunity and the lack of full investigation and disclosure of past crimes and reparations. No statutory limitations should apply to the crimes against humanity. The inhumane crime committed by Japan in the past was an international issue which covered millions of Asian and European victims and their families in all regions trampled underfoot by the "Imperial Army". Japan should make a thorough investigation of the truth of the "comfort women for the army" and forcibly displaced persons, and bring those responsible to criminal justice and make sincere reparations. He called for an in-depth study on systematic rape, sexual slavery and slavery-like practices and of impunity and hoped that Commission would encourage the initiatives undertaken by the Subcommittee.

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AMANY EL ETR (Egypt) said that the Subcommittee should go beyond academic studies and concentrate on new realities. The proposed working group on streamlining the Subcommittee's methods of work therefore had Egypt's support. Coordination of the work of all human rights bodies in order to avoid duplication, as outlined at the World Conference, obviously was a good idea and should include review of the tasks undertaken by the Subcommittee. The Subcommittee certainly deserved the Commission's continued praise and support.

MAQBOOL AHMAD (World Muslim Congress) said he did not support a solution based on the enforced partition of Bosnia-Herzegovina because the "peace plan" based on partition of the Republic had practically no chance of working. The present situation, often called "the situation on the ground", had been artificially created through external aggression and crimes against humanity. It was unfair to appeal to the Bosnian Muslims to support unjust partition of their country and it would be against the resolutions of the Security Council and General Assembly affirming the territorial integrity of Bosnia-Herzegovina. The only viable solution was that Bosnia-Herzegovina should remain as one State. The forces of the Bosnian Government should be strengthened. The action of the Subcommittee on the situation in Kosovo deserved the urgent and full support of the Commission.

WILDA SPALDING (International Association of Educators for World Peace) said that IAEWP had long supported the active relationship between human rights and the environment, especially in the context of environmental causes of disability, those very environmental causes of disability often being the consequence of human rights violations. With the birth of the United Nations Commission for Sustainable Development where environmental issues formed part of the core, IAEWP again suggested that a system of co-rapporteurs be developed. Following the acceptance of Leandro Despouy's historic report on human rights and disability and its recommendation for forceful implementation mechanisms, including the establishment of the office of an Ombudsman, the Commission had unanimously passed a resolution accepting it. Once again grave concern was being raised concerning the lack of implementation of the resolution. Resolutions needed action, not just to become "dust catchers". IAEWP looked forward to presenting a working document outlining suggestions for fund-raising methods.

THOMAS CONDERI (Indian Council of South America) said he were concerned about the indigenous people in Chiapas, Mexico, and appealed for the Government to respect their rights. This was not a guerrilla war, but a demonstration against the bad conditions under which these people lived. There was a risk that the frustrated peoples would rise up to end their suffering and claim their rights, and armed struggle was a last resort that caused more suffering for indigenous peoples. In Bolivia, the social and economic situation of indigenous peoples was serious; there were no sewage systems, roads or adequate drinking water. The Indian organizations and movements had always seen their efforts frustrated because of a lack of education, funds and knowledge of the workings of State institutions. Better training was needed to help prepare projects and administer affairs so that rights could be reclaimed. He hoped that the Declaration on Indigenous Peoples would be effective.

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SALEM MEZHOUD (Anti-Slavery International) said that the clauses providing for implementing machinery were taken out before the adoption of the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery by the United Nations. There had been only two periods when there were effective international implementing mechanisms, during 1890-1914, with the International Slavery Bureau, and during 1993-1939, with the League of Nations Standing Advisory Committee of Experts on Slavery. The jurors were still out on the present Working Group, which had struggled for 20 years within a mandate consisting only of receiving information, never seeking it. Despite the development, in the second half of the 20th century, of a comprehensive body of human rights standards, monitoring bodies and human rights organizations, slavery and servitude remained elusive to abolition. A working group could fulfil its role adequately, provided it was given a strengthened mandate. The standards and, indeed, the international, bilateral and national obligations were already there. If the political will to act was not forthcoming, a new convention would not help.

HELENE SACKSTEIN (International Abolitionist Federation) said that many IAF affiliates had managed to sensitize public opinion to the causes and consequences of the traffic and sexual exploitation of human beings for commercial purposes. Some countries, in Asia and in Europe, had recently adopted legislation to deal more effectively with the worldwide networks of the sex trade. The speaker expressed gratitude to the Subcommission's Working Group on Contemporary Forms of Slavery for bringing the issue to the awareness of the international community, where positive action was also being taken. A working group of independent and experienced experts of the Commission, who would seek and receive information from Governments, intergovernmental and non-governmental organizations and individuals, and monitor the application of conventions on slavery through the examination of the information it received, would provide an important focal point for information and action. The Federation and its affiliates throughout the world strongly supported this draft resolution.

ROBERT ELKSTEIN (International Organization of Indigenous Resource Development) said indigenous peoples were not seeking a special category of rights or special recognition. They wanted their human rights recognized and that was all. Many countries appeared to fear that indigenous peoples would secede from existing States. It was an absurd argument, as these peoples had their own languages, cultures, territories and histories. Why were they not entitled to them? Those who objected to indigenous rights objected to international human rights standards -- they wanted different categories; some people would have the right to self-determination, but not indigenous peoples. It was not acceptable to rely on existing laws and say the rights of indigenous peoples could not contravene them. Many laws were unjust, as apartheid had demonstrated. Indigenous peoples deserved a higher level of respect and understanding from the United Nations. A permanent body to represent them was needed.

INDAI LOURDES SAJOR (Third World Movement Against the Exploitation of Women) said that many non-governmental organizations had brought the case of some 200,000 Asian comfort women, a euphemism for the sexual slaves of Imperial Japan during the Second World War, to the attention of the United Nations. She regretted that the Japanese national institutions did not provide effective remedies for the victims. According to a senior

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Conservative politician, "142,000 comfort women died" during the War. Only 30 per cent of the women had survived the War. She urged that the Commission take immediate action to create an international tribunal, which could punish the perpetrators of such crimes and demand reparations for the victims. The Japanese Government should be pressed to request the Secretary-General as follows: "Japan wishes that the Secretary-General, using his good office, to set up an International Arbitration Tribunal to consider applications against Japan from alleged individual victims." Japan should be invited to donate at least 4 trillion yen (\$180,000) for each deceased victim, to the United Nations so that it could create a special fund to be used proportionately to amend the damage in victimized countries.

DAVID LITTMAN (International Fellowship of Reconciliation) said that on more than a dozen occasions over the past five years, both here and at the Subcommission, his organization had highlighted a grave omission by the Subcommission that related to the action of member State of the Commission, which was consistently violating a basic human right: the right of freedom of opinion and expression. The international community was entitled to an unequivocal clarification on this precise point from the Secretary-General of the Islamic Conference, who was to address the Commission tomorrow, and other Islamic representatives - as to whether the punishment for an apostate was still binding today. The Rushdie Affair had begun as a somewhat exotic infection which many tried to ignore. But the infection festered and gradually gangrened, eating away at international norms and attacking the very heart of the Bill of Human Rights. A fundamentalist wave of assassinations was flooding several Islamic countries, carrying away in its wake Muslim intellectuals, writers and journalists - all those considered by religious extremists as "heretics" and therefore "legitimate" targets. These tragic events in Egypt, Algeria, Turkey and elsewhere represented scarcely the tip of this submerged integrist iceberg, which was now visible in Mediterranean waters, floating northwards.

SAMIRA ARBACH (Women's International League for Peace and Freedom) said that damage to the environment had a direct effect on the enjoyment of human rights. Human life depended on clean air, water and land. Violations continued partly because people were not informed about Government activities and the abuse of resources. Destruction of the environment was a war tactic used by the military. In Mozambique and Afghanistan, for example, mines damaged the environment and led to loss to life. In war and peacetime, all military activities affected the environment and industry linked to the military used up vital natural resources. The speaker suggested that a meeting of experts be organized to make recommendations to look at this problem and that the meeting be open to non-governmental organizations. In addition, the right to the environment should be included as a fundamental human right.

HEISOO SHIN (Commission of the Churches on International Affairs, World Council of Churches) asserted that the initial progress in the attitudes of the Japanese Government and its new leader regarding the issue of military sexual slavery by the Japanese Imperial Army during wartime had retreated over the last five months. The demands for justice and due reparation as a legal responsibility for the victims and organizations representing them had been ignored and Japan was still saying that it was considering "what it could do to express its feelings of remorse", implying that it was thinking of some

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kind of fund in lieu of compensation. The Prosecutor's Office, however, refused even to receive the complaint, which flatly showed that the Government did not admit that it was a criminal act. In addition, violence against women had become a world-wide concern, especially after the massive organized rapes in the former Yugoslavia. However, the German Government was still punishing the Nazi criminals and paying reparation to the victims and the United States Government had decided in 1988 to extend long-overdue official apologies and to pay compensation to surviving American citizens of Japanese descent wrongfully forced into internment camps during the Second World War. He hoped that the Commission would not only approve the Subcommittee's resolution to appoint Linda Chavez as Special Rapporteur on Slavery during Wartime, but also urge Japan to punish those responsible for the crimes and pay reparation.

Rights of Reply

JOHN ANGOL (Sudan) said the International Association for the Defense of Religious Liberty had concentrated on Muslim countries in its statement, and its intent obviously was to suggest that Islam was an intolerant religion. Islam had always been tolerant. Muslim countries were scrupulous about allowing people of other religions, including Christians, to enjoy equal rights. The same could not be said of Christian Europe, where Muslims were subject to "ethnic cleansing", rape and killing in former Yugoslavia. Sudan wondered if the Association deserved the title under which it operated and if it deserved the right to speak before the Commission. As for its charges against Sudan, Sudan held them to be beyond contempt and not worthy of comment.

REDA BEBARS (Egypt) stated that the International Association for the Defense of Religious Liberty knew nothing about the facts. Egypt had long been a country of refuge, and there was an amalgamation of peoples from all backgrounds and religions. The Constitution reaffirmed equality and the State guaranteed freedom of belief and religion. In fact, it was a crime to persecute someone on the basis of religion. It was not, however, a crime to change religions. The State guaranteed places of worship and sanctions were placed against acts against them such as terrorism. Furthermore, some Egyptian ruins needed restoration because of the ravages of time and the past earthquake. Although there were limited resources, a campaign had been launched to raise funds. Although comments from non-governmental organizations were welcomed, a minimum of respect and sensitivity was expected.

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