



IMADR

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INTERNATIONAL MOVEMENT AGAINST ALL FORMS OF DISCRIMINATION AND RACISM

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Report on the United Nations Sub-Commission on Human Rights at its 42nd Session

The Sub-Commission on Prevention of Discrimination and Protection of Minorities, preoccupied by the ominous events threatening the peace in the Middle East, held its forty-second session at the Palais des Nations, Geneva, from the 6th to the 31st of August 1990 in a climate of caution and anxiety.

The Sub-Commission—its scope of activities

Perhaps the most important role played by the Sub-Commission, a subsidiary organ of the Commission on Human Rights, has been to focus the world's attention on the most serious and flagrant violations of human rights and on the need to review each year urgent situations affecting human rights. The role of the Sub-Commission is also to prepare international norms and mechanisms of implementation, to be translated later on into conventions submitted to the states for ratification. The Sub-Commission is above all a unique forum where non-governmental organizations (NGOs), in consultative status with UN Economic and Social Council (ECOSOC), have the right to present written and oral recommendations. NGOs' participation, although criticized by some experts and observer States, is, however, giving to the Sub-Commission life and credibility.

The Agenda

26 independent experts, representing the five con-

tinents have been considering such important items as:

- The violation of human rights and fundamental freedoms
- The elimination of racial discrimination
- The administration of justice and the human rights of detainees
- The new international economic order
- The discrimination against indigenous populations
- The contemporary forms of slavery
- The protection of minorities
- The right of everyone to leave any country including his own and to return to his country

Furthermore, the Sub-Commission has been concerned with consideration of reports presented by the experts on such items as:

- The compensation of victims of gross human rights violations
- Freedom of opinion and expression
- Protecting the rights of AIDS victims
- Traditional practices affecting women's health
- Human rights and environment

Special attention has been brought this year to the fate of United Nations staff members taken as hostages, illegally detained and whose whereabouts are unknown. Ms. Bautista, the expert from the Philippines, has indicated in her report that states concerned did not respond adequately to her inquiry and that efforts should be intensified in order to obtain prompt satisfaction.

Working Groups

Three working groups took place prior to the session.

1.The Working Group on Communications:

This working group in charge of confidential procedure is dealing with complaints submitted to the Sub-Commission under resolution 1503 of the ECOSOC.

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2. The Working Group on Indigenous Populations:

This working group, met for two weeks for the first time, is one of the biggest meeting of indigenous peoples. The Group, under the competent and energetic chairmanship of Ms. Erika-Irene Daes, expert from Greece, did pursue its study on evolution of standards concerning the rights of indigenous populations, for instance, the Draft Declaration on the rights of indigenous populations and the Draft Study on treaties, agreements and constructive arrangements between indigenous populations and States all over the world. Some experts (for example, Mr. Hatano from Japan) insisted on the necessity to give a definition of the notion of indigenous people before precisely defining their rights and obligations.

3. The Working Group on the Contemporary Forms of Slavery:

The Working Group has found these last two years a new momentum under the chairmanship of Mr. Asbjorn Eide (Norway) and Ms. Fatma Zahra Ksentini (Algeria) which has resulted in the adoption of an important and detailed programme of action for the elimination of the exploitation of child labour and in the appointment of Mr. Vivit Muntabhorn from Thailand as Special Rapporteur to survey matters relating to the sale of children, child prostitution, child pornography, including the adoption of children

for commercial purposes.

The Sub-Commission—its achievements

It soon appeared, after a few weeks of debates, that the Sub-Commission had an overloaded agenda—no less than 25 reports were presented to the members of the Sub-Commission. This led Ms. Purification Quisumbing, chairperson of the Commission on Human Rights, addressing the Sub-Commission, to emphasize the urgent need for the Sub-Commission to rationalize its works. She insisted on the importance of cooperation and dialogue between the Sub-Commission and its parent body the Commission. She added that the Sub-Commission had interpreted its mandate too broadly, spending much time in politicized debates and adopting a large number of resolutions and decisions.

A few facts, however, marked favorably this session: It was announced that, on September 2nd 1990, the Child Convention is to become international law. To date twenty-two states have ratified or acceded to the Convention and 76 states have signed it. The Sub-Commission welcomed the return of Mr. Dimitri Mazilu, expert from Romania and Special Rapporteur on Human Rights and Youth. Mr. Mazilu who had been persecuted and imprisoned under the Ceaucescu regime, had been liberated thanks to the

Papers on discrimination and racism presented at the 42nd session of the Sub-Commission

Discrimination against HIV-infected people or people with AIDS, preliminary report prepared by Mr. Luisa Quiros, Special Rapporteur, E/CN.4/Sub.2/1990/9

Updated comprehensive list of banks, insurance companies, firms and other assistance to the racist and colonialist regime of South Africa, an updated report prepared by Mr. Ahmad Khalifa, Special Rapporteur, E/CN.4/Sub.2/1990/13 & Add.1

Possible ways and means of facilitating the peaceful and constructive solution of problems involving minorities, progress report submitted by Mr. Asbjorn Eide, E/CN.4/Sub.2/1990/ 46

Realization of Economic, Social and Cultural Rights, progress report prepared by Mr. Danilo Turk, Special Rapporteur, E/CN.4/Sub.2/1990/19

Report of the Working Group on Indigenous Populations on its eighth session, Chairman/Rapporteur: Ms. Erica-Irene Daes, E/CN.4/Sub.2/1990/42

Possible United Nations activities for an International Year for Indigenous Rights, working paper submitted by Mr. Asbjorn Eide and Ms. Christy E. Mbonu, E/CN.4/Sub.2/1990/ 41

A note for a proposed study on the environment and its relationship to human rights, E/CN.4/Sub.2/1990/12

Report of the Working Group on a draft declaration on freedom and non-discrimination in respect of the rights of everyone to leave any country, including his own, and to return to his country, E/CN.4/Sub.2/1990/48

Question of human rights and states of emergency, working paper presented by Mr. Leandro Despouy, Special Rapporteur appointed pursuant to Economic and Social Council resolution 1985/37, E/CN.4/Sub.2/1990/33

efforts and incessant appeals of the members of the Sub-Commission and allowed, this time, to come to Geneva and to present a progress report on the promotion, protection and restoration of human rights and the protection of youth.

The Sub-Commission followed with great concern the negotiations on indigenous rights on the land, involving the Government of Quebec and Mohwak representatives and the Government of Canada. The International Federation "des Droits de l'Homme" participating as observer. The Sub-Commission received the assurance that negotiations will be conducted in a pacific manner that will respect the human rights of all persons concerned.

Two humanitarian appeals were launched by the Sub-Commission in reference with the critical situation in the Gulf. The first one was addressed to Iraq to ask the Government of Iraq to allow the departure of foreigners detained in Iraq and Kuwait. The second one was to appeal, on humanitarian grounds and in harmony with resolution 661 of the Security Council, that the embargo placed on Iraq do not prevent the delivery of food and medicine to that country and Kuwait.

Elimination of Racial Discrimination

The elimination of apartheid is as always the major purpose of the second Decade to Combat Racism and Discrimination. Mr. Asbjorn Eide presented his recommendations based on his previous report on the results of the Decade. Some experts insisted on the resurgence of racism in Europe against minorities and migrant workers. Mr. Ahmed Khalifa, expert from Egypt, in his updated report containing the list of banks, transnational corporations and other organizations assisting the racist regime of South Africa warned against premature jubilation over reforms in South Africa and lifting of sanctions by certain countries like Great Britain. He mentioned also that Japan was maintaining good trade relations with South Africa. The Sub-Commission recommended the adoption of further measures to combat racism and discrimination and the launching in 1993 of a third Decade to Combat Racism and Discrimination.

Resolutions on individual countries or regions

Human rights in South Africa
Human rights in Guatemala
Human rights in Israel
Human rights in Iraq and Kuwait
Human rights in El Salvador
Human rights in Timor

Violations of Human Rights

Exposure and public denunciation of violations of human rights have been at the heart of the United Nations human rights programme. Numerous testimonies provided by NGOs indicated that violation of human rights still occur in every country in the world. Stressing the importance of such testimonies, experts insisted on the fact that information provided by NGOs was a vital source to the Sub-Commission's work. In order to bring a solution to these crucial problems, the Sub-Commission has decided to set up an on session Working Group, reviewing each year urgent cases.

Administration of Justice

Mr. Louis Joinet, expert from France did highlight in his report the gravity of the practice of administrative detention without charge or trial. He pointed out that detention within the framework of the judicial procedure should be the rule and administrative detention the exception. Yet, instead of constituting an exceptional measure, administrative detention has, in many countries, become an instrument for the long term suppression of all dissidence particularly in times of emergency. Then, it is not so much the principle of administrative detention that is the issue as the way it is used or misused by the authorities in power. There is also an urgent need for the Sub-Commission to monitor the protection of judges and lawyers as it was illustrated by a report of the International Commission of Jurists which listed 430 judges and lawyers who had been killed, detained or harassed in 45 countries, in the last year.

The New International Economic Order

The Sub-Commission is studying this year the report of its President, Mr. Danilo Turk, expert from Yugoslavia on the realization of economic, social and cultural rights. Special attention was directed this year towards the situation of extreme poverty which is paved with human rights violations and is a threat to human dignity. It has been stressed that the economic condition of the majority of developing countries was the product of the current inequitable nature of economic relations between states. Speakers indicated that while three and a half billion human beings live in the developing countries, much of the economy was devoted to the North and the disequilibrium has made the poor countries to be poorer and the rich ones richer. Therefore, the international indicators proposed by the Rapporteur to measure the importance of factors such as the right to adequate housing or the right to land or the right to food cannot be the

same when applied to underdeveloped countries. Several speakers insisted also on the importance of popular participation in decision making. They insisted on participation as being the critical link between economic, social and cultural rights on the one hand and civil and political rights on the other.

Protection of Minorities

Mr. Asbjorn Eide, the expert from Norway, presented a progress report on possible ways and means of facilitating the peaceful and constructive solution of problems involving minorities. He indicated that it was essential to underline that the emphasis of the present study will not be on the rights to be adopted for minorities. As a matter of fact the Working Group set up by the Commission on Human Rights has concluded the first reading of the Draft Declaration on the Rights of Persons belonging to National, Ethnic, Religious and Linguistic Minorities. Therefore, the Rapporteur's mandate will be the examination of national experiences so as to construct models for peaceful and constructive solutions of minority situations. To achieve such purpose, two sources of information will be given particular attention: the reports of the Human Rights Committee and those submitted to the Committee on the Elimination of Racial Discrimination. Further, a special questionnaire will be prepared to be sent to Governments and all interested NGOs soliciting information of a specific and practical nature. The Special Rapporteur will present a preliminary report at the forty-third session of the

Sub-Commission.

The Right of Everyone to Leave and Return

Not much could be accomplished during this session although an in session Working Group was established to examine the draft declaration on freedom and non-discrimination in respect of the right of everyone to leave any country including his own and to return to his country. Some consensus was reached on two articles only: Article one and article three. Some documents having not been published by the end of the session, the Sub-Commission decided to set up, at its forty-third session, an open-ended Working Group to continue to work on a revised version of the draft declaration.

To conclude, one had to concede that, due to special and unpredictable circumstances, the Sub-Commission's works fell far behind schedule. At least, six major items had to be discussed at the end of the session, leaving very little time to the experts for study and comments. The Sub-Commission decided to postpone the in-depth consideration of several reports until its next session in August 1991.

by Myriam Schreiber
President, IMADR

World Summit: The Plight of the World's Children

On September 30, 1990, leaders from more than 70 nations convened at the United Nations to participate in a World Summit for Children. The meeting reflected a growing world wide commitment to the rights of children everywhere.

In fact, everyday 40,000 children under the age of five are killed by curable and preventable diseases such as measles, whooping cough, tetanus, pneumonia, polio and diphtheria. To make the matter worse, war and poverty have crippled tens of millions more. Is there any hope? Yes, we can provide the dollar's worth of health care, the nutritious food, the clean water and sanitation that would save most of these lives.

Recently UNICEF reported that an additional \$2.5 billion a year more in spending would save the lives of 50 million children under the age of five by the

year 2000. By the same token, how can we tolerate the escalation of drugs, violence and family breakdown that is ravaging the lives of children in developing and industrialized nations alike? How can we turn our backs on the children being victimized by political upheaval?

Convention on the Rights of the Child

After 10 years of often intricate negotiation, the Convention on the Rights of the Child was unanimously adopted by the 44th United Nations General Assembly on November 20, 1989. In other words, the international community took a major step towards recognizing and ensuring the basic dignity and rights of children in all parts of the world, including their rights to survival, protection and development.

As a result, the Convention has been variously

described as a "Magna Carta" or "Bill of Rights" for children. It has 54 articles detailing the individual rights of any person under 18 years of age to develop to his or her full potential, free from hunger and want, neglect, exploitation or other abuses.

On January 26, 1990, the Convention was signed by 61 countries—an unprecedented first-day response for any UN treaty, and one which has considerable symbolic importance. The signing of a convention is generally perceived as a nation's willingness to give serious consideration to ratification of the document. The Convention entered into force on September 21 as international law. Ratification by individual States can take some time, however. The process usually involves the acceptance by parliaments and Governments, which must draft or modify national laws to conform with the provisions of the Convention. By ratifying a Convention a nation declares itself willing to be fully bound by its provisions and answerable to the international community

if it fails to comply with them.

The Rights Described in the Convention

Under the Convention, survival rights include such things as adequate living standards and access to medical services. Development rights include education, access to information, play and leisure, cultural activities, and the right to freedom of thought, conscience and religion. Protection embraces all of the above, but also covers all forms of exploitation and cruelty, arbitrary separation from family, and abuses in the criminal justice system. Participation rights include the freedom to express opinions and to have say in matters affecting one's life, as well as the right to play an active role in society at large. The main underlying principle of the convention is that the best interests of the child shall always be a major consideration. It states clearly that the child's own opinion shall be given due regard.

In addition, the drafting of the Convention careful-

Countries which ratified or acceded the Convention

as of Nov.27 1990

Ghana	Feb. 5 1990	Philippines	Aug. 21
Viet Nam	Mar. 1	Burkina Faso	Aug. 31
Ecuador	Mar. 23	Peru	Sep. 4
Vatican	Apr. 4	Indonesia	Sep. 5
Belize	May. 5	Seychelles*	Sep. 7
Guatemala	Jun. 6	Zimbabwe	Sep. 11
Sierra Leone	Jun. 18	Venezuela	Sep. 13
Bolivia	Jun. 26	Nepal	Sep. 14
Sweden	Jun. 29	Mali	Sep. 20
Mongolia	Jul. 5	Korea, Dem.	Sep. 21
Egypt	Jul. 6	Mexico	Sep. 21
El Salvador	Jul. 10	Portugal	Sep. 21
Guinea *	Jul. 13	Brazil	Sep. 24
St.Christopher and Nevis	Jul. 23	Paraguay	Sep. 25
Mauritius *	Jul. 26	Zaire	Sep. 27
Kenya	Jul. 30	Rumania	Sep. 28
Senegal	Jul. 31	Malta	Sep. 30
Bhutan	Aug. 1	Namibia	Sep. 30
Togo	Aug. 1	Niger	Sep. 30
Bangladesh	Aug. 3	Belorussia	Oct. 1
Benin	Aug. 3	Chad	Oct. 2
Sudan	Aug. 3	German Democratic Republic	Oct. 2
France	Aug. 7	Nicaragua	Oct. 5
Gambia	Aug. 8	Barbados	Oct. 9
Honduras	Aug. 10	Burundi	Oct. 19
Chile	Aug. 13	Granada	Nov. 5
USSR	Aug. 16	Pakistan	Nov. 12
Uganda	Aug. 17	Uruguay	Nov. 23
Guinea-Bissau	Aug. 20		
Costa Rica	Aug. 21		

(*for acceded countries)

ly allowed for the different cultural, political and economic realities of individual States. In doing so, it complemented the Declaration on the Rights of the Child which maintains that mankind owes to the child "the best it has to give." This approach gives the Convention latitude to encourage assistance to nations which lack the resources to adequately care for their children, while also addressing the serious child welfare problems often found in rich countries.

What Can NGO Do?

In conjunction with the World Summit for Children, the UN Department of Public Information sponsored a three-day conference to address the state of the world's children and as a prelude to the World Summit for Children. It was held at the United Nations from September 12 to 14, 1990. The first session on Wednesday was organized under the general title: "Challenges of the Convention on the Rights of the Child" and three parallel sessions, (1) Child Survival, (2) Protection of Children, (3) Development of Children, were offered.

The second session on Thursday, September 13, was divided into five workshops, (1) Safeguarding the Lives and Health of Children, (2) Leaching for Tomorrow: Educating the World's Children, (3) Borrowing from Our Children's Future: Debt, Development and Environment, (4) Caught in the Crossfire: Victims of Conflict and Exploitation, (5) Children in Crisis: Crime and Substance Abuse.

Several organizations and individual activists participated in the conference and reaffirmed the impor-

tance of international development of networking relationship. In addition to a representative from IMADR, the Japanese Committee for the Promotion of the Ratification of the UN Convention on the Rights of the Child dispatched a group of representatives and Mr. Yasuo Ushijima, Japan Anti-apartheid Committee, and Ms. Yasue Katsuno from the same committee participated in this conference.

The particular significance of any NGO in terms of promoting the ratification of the Convention can be summarized as follows:

(1) NGO can develop a grass-roots movement in order to expedite the ratification process.

(2) It can develop an international coalition in terms of putting a vigorous pressure on the Government.

(3) It will enable any NGO participant to conduct a research and development project in terms of obtaining the vital statistical information.

(4) It can mobilize the Media and Press to educate and inform the public in regard to the plight of Children.

(5) It can provide a very significant support for the United Nations' goals and objectives in regard to the Convention.

Dr. Anthony Kahng
Professor of Labor Law
Academic Advisor, IMADR

Search for Common Grounds Minorities in Japan and the United States

IMADR and Japan Pacific Resource Network (JPRN), based in California, successfully concluded a series of national programs entitled "Search For Common Ground: Minorities in Japan and the U.S". These programs, held in New York, Los Angeles and San Francisco between May 29th and June 6th in 1990, brought members of minorities in Japan to the United States to meet minorities in the United States, inform the public about their experiences, and build networks of support. The programs generated much interest in each city with over 200 people in attendance at programs in San Francisco and Los Angeles with a strong showing of minorities, especially Japanese Americans, in the audience. The New York program was coordinated by Anthony Kahng and Soon Man Rhim, Korean Americans and members of

IMADR, while the Los Angeles program was organized largely by members of the Japanese American Citizens League and the National Coalition for Redress and Reparations who formed an ad-hoc committee together with non-Japanese American members.

Voices of the Minorities in Japan

Mieko Chikap, an Ainu woman active in promoting Ainu cultural and political empowerment, challenged the concept of Japan's "homogeneous" society by revealing the history of the Ainus (a history similar to that of Native Americans), who have been deprived of land and culture. As a matter of fact, both Ainus and Native Americans have already developed a cross-national link.

Liza Go, heading the Migrant Women Program, an educational and support group for Filipino women in Japan, spoke passionately about the plight of Asian immigrant women coming to Japan in search of jobs with many finding work only in the entertainment industry. Her presentations appealed to many immigrant rights activists and women advocates in the United States because of similar experiences faced by immigrants in the U.S.

Sung-Jae Kim and Yong-Il Kang, both Korean residents of Japan and members of Christian churches, attracted much media attention since the status of Koreans in Japan was recently discussed by the Japanese and South Korean governments. These Korean delegates denounced Japan's alien registration law which humiliates Koreans both legally and psychologically. They mentioned that Japan's alien registration law had been directly influenced by the Allied Force's policy after world War II.

Toshihiko Nakashima, an executive committee member of the Buraku Liberation League, discussed his involvement in fighting against discrimination in Japanese corporations against Burakumin. His address provided U.S. minorities a rare opportunity to develop support networks since similar criticisms are voiced by U.S. minorities about the behavior of both U.S. and Japanese corporations.

Welcome Messages

Deputy Mayor Claude Everhart of San Francisco City welcomed the delegates from Japan at the San Francisco program by pointing out the significance of "diversity" in the city of San Francisco. Helen Hayashi, representing Congressman Norman Mineta, read the Congressman's statement which eloquently described his experiences as a Japanese American and asked the audience to continue to fight against racism. Also in attendance was Consul Ichiro Kawabata from the Consulate General of Japan in San Francisco.



Virgo Lee, Director of Asian American Affairs of the Mayor's Office, delivered a few words from New York Mayor David Dinkins who emphasized a harmonious relationship among diverse cultural groups.

Sharing for Solidarity

Minority members from the United States shared their experiences and sought common ground with Japan's minorities. Speakers included Lillian Galedo of Filipino for Affirmative Action, Edith Adame of Greenlining Coalition, Jose Medina of the Instituto Laboral De La Raza, Robert Cruz of the International Indian Treaty Council, James Martin of the National Association for Advancement of Colored People (West Coast Region), Mari Matsumoto of the National Coalition for Redress and Reparation, Louis Anderson Carroll of the African American Japanese Consortium, and Robert Warrior of the Osage Nation. In addition, Kariyushi Kai (Okinawan folk dance group), Miya Masaoka and Susan Hayase (Japanese American jazz duo), and the Renewal Ensemble (African American gospel group) performed at the San Francisco reception. Also displayed were panels and photos of Ainu and Buraku community life.

The delegates from Japan visited social service, civic, educational, and religious organizations which serve minority groups, including the American Indian Community House and the United Nations Center for Human Rights (New York), the Allen Temple Baptist Church and the Korean Community Center of the East Bay (Oakland), the Coalition for Immigrant and Refugee Rights and Services, the Greenlining Coalition, the Instituto Laboral De La Raza, and the U.S. Equal Employment Opportunity Commission (San Francisco), the All People's Center, the American Civil Liberties Union, the Federal District Court Judge Robert Takasugi's office, the Japanese American Community and Cultural Center, the Korean American Coalition, Search to Involve Filipino Americans, and the UCLA Asian American Studies Center (Los Angeles).

The national tour also generated a fair amount of publicity. Press coverage or participation included Asian American media as well as national and local networks and vernaculars. Press conferences were held in Tokyo before the tour started and in Los Angeles one day before the tour ended. □

Information Handling for Human Rights

The Meeting on Human Rights Information and Exchange for the Asian Region, organized by HURIDOCS, Human Rights Information and Documentation Systems International, was held on September 9 and 10 in New Delhi. Akio Kawamura, IMADR's representative to the meeting, reports:

This meeting, aimed to strengthen cooperation between human rights organizations in the region, was attended by more than 50 participants from various human rights organizations. After introduction by Dr. Kumar Rupesinghe, Chairperson of HURIDOCS Continuation Committee, the meeting had discussions on wide range of issues about information handling for human rights organizations.

HURIDOCS, formally created in 1982, has been elaborating to enhance information handling skills and promote information exchange between human rights organizations. So far it developed bibliographical standard format and a software package for it ("BIBSYS"), which is now used in 50-60 organizations around the world. Mr. Hans Thoolen, secretary of HURIDOCS, estimates 3-400,000 documents are recorded altogether in the HURIDOCS standard format.

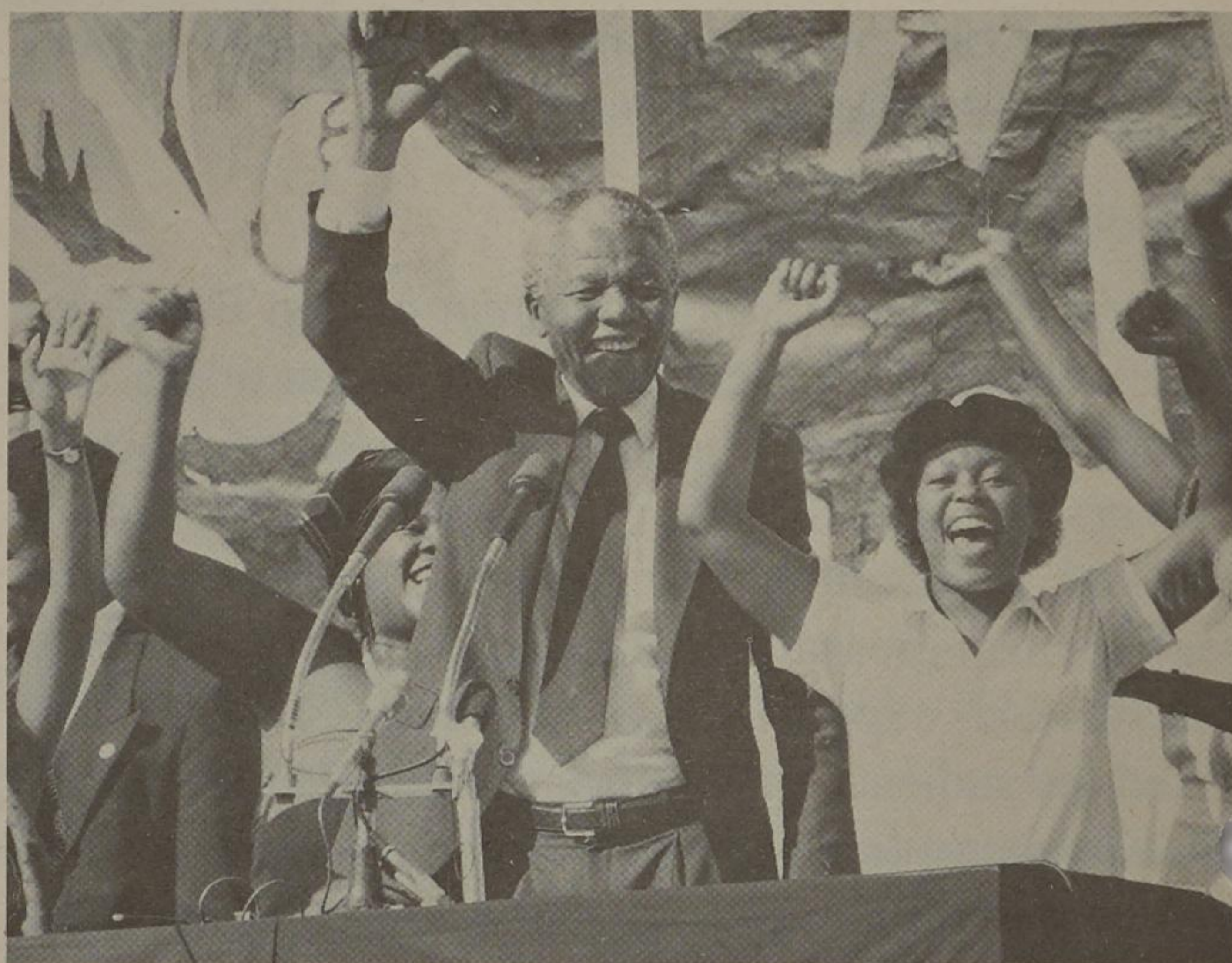
HURIDOCS is also engaged in training, holding seminars in different parts of the world. Use of computers is one of the areas training is often called for. "Now hi-tech appliances such as computers and facsimile machines have become relatively cheap," said Dr. Kumar Rupesinghe. "Therefore, technologies which used to be monopolized by big companies or governments are now available to us." This technological development enables us to communicate faster, and handle information more effectively. In fact, it was reported in the meeting that many human rights organizations in the Asian region such as Task

Force Detainees Philippines (TFDP), Indochinese Refugee Information Center (IRIC) in Thailand and Inform in Sri Lanka already started to use computers for information handling.

During the discussion, several participants who are planning to establish a documentation centre or enhance already existing one expressed the need for training. To respond this need, it was decided that HURIDOCS will hold a training workshop particularly for groups from the South Asian region. Actually, this is an expansion of a workshop originally planned for Nepalese organizations. This workshop will be held in March 1991 in Nepal. □

Nelson Mandela Visits Japan

Mr. Nelson Mandela, Deputy President of the African National Congress, visited Japan from 2 October to 1 November, as part of his tour in the Asian region. IMADR-Japan Committee took active role in organizing welcome events for Mr. Mandela. □



Mandela in Osaka Rally (28 October)

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