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The International Movement Against All Forms of Discrimination and Racism

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COMMISSION ON HUMAN RIGHTS

48th Session January 27 - March 6, 1992 Geneva Switzerland

Human rights defenders, government delegates and victims of violations met in Switzerland for the annual

Commission on Human Rights. Between January 27 and March 6, an average of one thousand people passed

the security post outside Room 17 of Geneva's Palais des Nations.

An additional ten member states participated in this year's session: four from Africa, three from Asia and

three from Latin America. They were elected at the 1991 meeting of the Economic and Social Council

(ECOSOC) to ensure a more balanced geographic distribution.

Six working groups for the Commission met throughout the year and dealt with human rights defenders,

confidential procedures (1503), enforced disappearances (thematic procedures), arbitrary detention, minority

rights and enforced disappearances (draft declaration). The latter two working groups revised draft

declarations in late 1991 to be considered at this year's session.

The Commission adopted 80 resolutions, one decision and two statements by the Chairperson - on East

Timor and Sri Lanka. Action was taken on twenty other countries.

## Opening Session

Nationalism, racism and xenophobia, the old demons of the past," are creeping back and challenging democracies to be vigilant, according to Mr. Bernales Ballesteros (Peru), Chairperson of the 1991 Commission.

Commenting on the last twelve months, Mr. Ballesteros said despite progress toward peace in the Middle East and Central America, human rights remain under threat. He said the people of Latin America have to be educated to ensure human rights become deeply rooted, daily practices. Only when there are no more disappeared, tortured, oppressed, assassinated or hungry people in the world, he said, will the Commission be able to say it has accomplished its mission?

Mr. Jan Martenson, former Under-Secretary-General for Human Rights, said the international community is witnessing a worldwide human rights revolution and that one of its most important goals is to find ways for different ethnic groups to live together in peace. He suggested the Commission set up a working group or appoint a special rapporteur on minorities to help prevent conflict by identifying problems, encouraging dialogue and finding solutions to minority clashes.

Mr. Pal Solt from Hungary was elected Chairperson of the 48th session. The Commission also elected Mr. Ronald A. Walker (Australia), Mr. Mohamed Ennaceur (Tunisia), Mr. Sirous Nasser (Iran) as Vice-Chairpersons and Ms. Ligia Galvis (Colombia) as Rapporteur.

## Declaration on Minorities

Fourteen years after the Commission on Human Rights asked a working group to create a document for the rights of minorities, a draft Declaration on the Rights of Persons belonging to National, Ethnic, Religious and Linguistic Minorities was approved this year by consensus and recommended to the General Assembly for adoption (1992/165).

Ms. Zagorka Ilic, the Chairperson of the working group since its inception, introduced the document on behalf of the Yugoslavian delegation. Views on the draft were mixed.

The text's lack of a precise definition of the term minority - despite the working groups extensive discussions on the issue - provoked some negative interventions.

An observer from the Turkish delegation called the draft deficient?

He also said it guarantees territorial integrity to minorities but does not sufficiently protect political unity.

A member of the German

delegation felt the Declaration should not create new minorities, but only cover those groups long-established in a country.

Pessimism could lead to a paralysis of will that would prevent the

Declaration's standards from ever becoming a reality?

- Baha'i International Community, on the weakness of the draft Declaration on minorities

An observer from Minority Rights Group International (MRG) agreed the draft Declaration isn't as strong as her organization would have liked, but urged the Commission to approve it and build on the goodwill and consensus that emerged.

Along the same lines, a member of Bahali International Community said both governments and non-draft

governmental organizations will be grateful for the Declaration as a source of inspiration, even though the reality of life for many minorities bears no resemblance to the minimum rights set forth in the draft.

The major task for the immediate future? she said, it will be to find constructive and effective means for implementing the draft Declaration once adopted?

Co-sponsoring delegations

included Australia, Austria, Burundi, Costa Rica, Czech and Slovak Federal Republic, Finland, Gabon, Greece, Hungary, Italy, Netherlands, Norway, Poland, Russian Federation, Sao Tome & Principe, Sweden, United Kingdom and Uruguay. The draft will be sent to the Economic and Social Council and to the General Assembly for approval. The Commission also asked the Sub-Commission's special rapporteur on minorities to give consideration in his study to the conditions of Sinti and Roma (65).

DOCUMENTS: report of the working group (E/CN.4/1992/48), draft resolution VI contained in chapter 1, section A, of the report of the Sub-Commission (E/CN.4/1992/2 - E/CN.4/Sub.2/1991/ 65).

Indigenous Peoples

The success of 1993-The International Year for the World's Indigenous Peoples hinges on the degree of participation from indigenous populations, a concern often voiced during the Commission.

A delegate from Canada spoke of an innovative relationship, "a new partnership?" while a delegate from Norway stressed the need to ensure the Year not become another year of empty words? '

The Commission recommended indigenous people participate in planning the Year and play a role in the creation and assessment of projects

that affect them (45). A second  
resolution urged the Working Group  
a'tOnly last number of resolution document will be listed in remainder of text, e.g.: (65  
)

(ii

on the Rights of Indigenous Peoples to complete its draft Declaration and asked the Secretary-General to publicize the work of the working group and to distribute its report to governments, non-governmental and indigenous peoples' organizations for comment (44).

iiVarious attempts have been made to limit self-determination

for indigenous peoples, conditions which we find prejudicial and racially motivated?

- Grand Council of the Crees of Quebec

An observer from the International Indian Treaty Council said, iiColumbus makes Hitler look like a juvenile delinquent for his human rights violationsii and suggested the Year include a iiConference on Indigenous Peoples and Self-determination. "

A speaker from the Grand Council of the Crees of Quebec stressed the responsibility of the United Nations to guarantee the application of international covenants with regard to the world's indigenous peoples, specifically their right to self-determination in areas where new states are emerging and where the constitutions of existing states cease to apply.

iiVarious attempts have been made to limit or define this right for indigenous peoples? he said, iiconditions which we find prejudicial and racially motivated. Indigenous peoples are peoples with a right to self-determination?

The observer also disappointed at the lack of progress on the study of treaties undertaken by Special Rapporteur Miguel Alfonso Martinez (Cuba). He said the report was

will have to be considered independently during the drafting of the Universal Declaration in order to avoid slowing the drafting process.

DOCUMENTS: report of the Working Group on the Draft Universal Declaration on the Rights of Indigenous Peoples (E/CN.4/Sub.2/1991/40/Rev.1), study of the special rapporteur on treaties (E/CN.4/Sub.2/1991/33), report of the Sub-Commission on its forty-third session (E/CN.4/1992/2 - E/CN.4/Sub.2/1991/65)

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Persons with Disabilities

liThe treatment given to disabled persons defines the innermost characteristics of a society and highlights the cultural values that sustain it? writes Special Rapporteur

Leandro Despouy (Argentina) in his report on Human Rights and Disability? The Commission reviewed his report and asked the Secretary-General to determine the feasibility of Mr. Despouy's recommendations (48). A representative of the World Federation for Mental Health suggested the need for an appeals process for people with disabilities. Like other vulnerable groups? he said, we need to have an international control body to provide us with particular and specific protection? The observer also described the two classes of disabilities whose rights are most actively violated: people with cognitive disabilities who earn sub-minimum wages in institutionalized workshops and suffer from exploitation and abuse. These people, he said, have no legal recourse. They are branded as incompetent. The second class includes people with psychiatric disabilities. This group is labeled and stripped of legal rights. The stigma of having a psychiatric disability, even when not linked to forced institutionalization, hinders the ability to cope and, most importantly, to work. Citing a New York psychiatrist, the observer said employment is one of the most effective means of rehabilitation for this group.

A representative from the International Fellowship of Reconciliation intervened on disability and religion. She said some religions see disability as an imperfection and people with disabilities as flawed beings? Accordingly these faiths prohibit people with disabilities from exercising their freedom of choice to be a pastor, nun, mullah, priest, or even a lay person. Some cultures view an accidental disability as a punishment, she said. For example, a person with epilepsy is possessed by demons or that a person has a disability if he or she is of the wrong faith. According to IFOR, these attitudes represent concrete violations which compound the physical aspects separating disability and religion, such as whether a place of worship is wheelchair accessible or can accommodate the hearing impaired.

An observer from the International Association of Educators for World Peace emphasized the critical role of mass communications in informing disabled people of their rights and the resources available to them.

DOCUMENTS: report of special rapporteur on disabilities (E/CN.4/Sub.2/1991/31), report of the Sub-Commission on its forty-third session (E/CN.4/1992/2 - E/CN.4/Sub.2/1991/65)

iiThe treatment given to disabled persons defines the innermost characteristics of a society and highlights the cultural values that sustain it?

- Leandra Despouy, rapporteur on disabilities

Migrant Workers

At the time of the Commission, only Mexico and Morocco had signed the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families adopted by the General Assembly in 1990. No state had ratified it. This prompted the Commission to urge countries to ratify the Convention and to request that information about it be disseminated (81).

As of May 1, no additional signatures nor ratifications had been received.

tiEven some states who participated in the drafting process have yet to sign. This is appalling),

- WCC, On the convention on migrant rights

iiPrecisely at a moment when the rights of migrants appear to be increasingly threatened in many countries/i said Patrick A. Taran, Secretary for Migration at the World Council of Churches, ueven some states who participated in the drafting process have yet to sign. This is appalling?

An observer for the World Confederation of Labour reminded the Commission that the 50 million Europeans who had emigrated to North America and Latin America at the turn of the century had stimulated economic growth and been accepted by the receiving countries.

Today governments have forgotten the benefits of migrant labour, she said, drawing particular attention to the plight of female migrant workers. These women do the most tiring, low-paying, menial and degrading jobs. Migrant domestic workers in the homes of some diplomats in Geneva fall into this category, she said.

Referring to governmental attitudes toward migrants, a representative of the International Confederation of Free Trade Unions (ICFTU) said his organization iirejects the pernicious idea that the existence of absolute poverty in sender countries provides justification of sub-standard treatment of migrants in receiving countries L..1 so long as the latter provides the more attractive option for would be migrants?

This officially discrimination, the observer said, could lead to an institutionalized

division between citizens rights and the potential rights of migrant workers who would eventually become a permanent underclass.

A good starting point, he suggested, would be a clear recognition of the causes of migration, primarily poverty and the absence of real employment opportunities in the countries of origin.

A member of the Turkish delegation said non-governmental organizations (NGOs) seemed uninterested in racism against migrant workers, that NGOs were trying to escape the reality of resurging racism by diverting their attention to human rights violations in geographically remote areas. He wondered whether NGOs were trying to project onto others the ills of their societies by striving to solve someone else's problems?"

sanctioned

DOCUMENTS: report of the Secretary-General on the status of the Convention (E/CN.4/1992/38).

The ICFTU rejects the pernicious idea that the existence of absolute poverty in sender countries provides justification of sub-standard treatment of migrant workers in receiving countries?

Rights of the Child

-For 10 (U.S.) cents a day, children in Pakistan handmade leather uppers for shoes that sell for \$120 a pair once completed and marked "Crafted in Italy."

Peru's gold mining industry works children to death. The young miners also die from disease or from trying to escape work areas. Clandestine graves found last August brought to light the abuse of children in this industry.

The ICFTU hoped to show with these examples the need for a trade agreement to deny market access to products of child labor.

The organization also urged the international community to recognize the pressures it exerts through socially regressive debt relief and structural adjustment programs, practices which force children to work.



In November 1989, the General Assembly adopted the Convention on the Rights of the Child to address through international law these and other violations of children. As of May 1, 1992, 117 countries had ratified the Convention. Another 29 others had signed it.

Yet reservations to the Convention from certain states have hampered the monitoring of the Convention by the Committee on the Rights of the Child.

A delegate from Portugal said reservations that are too vague, could affect the whole of the provisions of the Convention.

The Commission asked the states to review the compatibility of their reservations and supported the recommendation by the Committee on the Rights of the Child to hold two, 2-week sessions per year (75).

The Commission also asked the Sub-Commission to submit an update on the degree of implementation of the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography (74).

The Commission supported the findings of Special Rapporteur on Children's Rights Mr. Vitit Muntarbhorn (Thailand), which suggested strengthening preventive strategies that tackle the root causes of child prostitution, pornography and sale.

Introducing his report, the special rapporteur said there has been an increasing flow of children from developing countries to developed ones.

A correlation exists between the sale of children and the exploitation of child labor, he said, noting the sale of children has evolved into an international and transnational phenomenon since the end of World War II.

Another concern, he said, is the problem of child labor to pay off parental debts (debt bondage). Perhaps the most sensitive issue involving children, the rapporteur said, regards human organ transplantation.

He found cooperation between law enforcement agencies, medical authorities and other entities at national and international levels to be vital. His report stressed the importance of training those involved with children-particularly law enforcement officials and the judiciary-on children's rights.

Finally, child prostitution is not only a problem in developing countries. Mr. Muntarbhorn reported clients in other areas turn to younger prostitutes in the misguided hope they are less likely to have AIDS. The rapporteur's mandate was extended

three years (76).  
Pakistani children earn 10  
(US) cents per day making  
shoes that sell for one  
thousand times that amount-  
per pair  
- ICFTU (International  
Confederation of Free Trade Unions)  
To address many of the issues  
mentioned above, the International  
Labor Organization will hold a World  
Congress on the Elimination of Child  
Labor in November or December  
1993.

DOCUMENTS: report of the  
Secretary-General on the status of the  
Convention on the Rights of the Child  
(E/CN.4/1992/54), report of the special  
rapporteur (E/CN.4/1992/55 and Add.1),  
report of the Secretary-General containing  
an analytical summary of replies  
concerning the draft programme of action  
(E/CN.4/1992/45).

Racism and Discrimination  
A third Decade to Combat Racism  
to begin in 1993 was recommended by  
the Commission, which decided next  
year's topic within the second Decade  
to Combat Racism would be to study  
the extent of dissemination of the  
International Convention on the  
Elimination of All Forms of Racial  
Discrimination (ICERD). The  
Commission also asked the Secretary-  
General to complete the legislation  
and handbook on resource procedures  
for victims of racial discrimination (8).

RACJAE  
Regarding religious intolerance.  
the Commission called upon states to  
combat intolerance, encourage  
understanding and to pay attention to  
the training of law enforcement  
bodies, civil servants and educators to  
ensure they respect different religions.  
The mandate of the special  
rapporteur on religious intolerance  
was extended three years.

The Human Rights Committee was  
encouraged to give priority to  
preparing a comment on Article 18 of  
the International Covenant on Civil  
and Political Rights which deals with  
freedom of thought, conscience and  
religion (17).

Referring to IMADR's November  
1991 symposium on New Forms of  
Racism? a representative from MRAP  
(French acronym for the Movement  
against Racism and for Friendship  
among Peoples) urged similar  
endeavors be continued in the struggle  
to identify and confront the ever  
increasing manifestations and  
banalization of racism, particularly  
in Europe.

The representative also warned of  
the increasing North/South division  
and hoped the international

community could mobilize to push back the advances of racism. Physical assault, arson, and murder occur at the rate of nine assaults per day against minorities in Europe, according to an observer from the International Federation of Human Rights.

A group of 30 NGOs called on the Commission to take action against the resurging racism, religious intolerance and xenophobia. Speaking on behalf of the NGOs, Mr. Adama Dieng, Secretary-General of the International Commission of Jurists (ICJ) suggested governments strive to implement the standards contained in human rights instruments. States should also ban the creation of political movements or associations proclaiming doctrines that deny human rights.

DOCUMENTS: report of the Secretary-General on the implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination (E/CN.4/1992/39), report on racial discrimination by International Labour Organization (E/CN.4/1992/40), report on racial discrimination submitted by UNESCO (E/CN.4/1992/41), report of meeting of experts held in Greenland (E/CN.4/1992/42 and Add.1), report of the Workshop on National Institutions (E/CN.4/1992/43).

World Conference

Once Germany reneged on its invitation to host the World Conference on Human Rights in Berlin in 1993, Italy offered to hold the gathering in Venice.

The Commission welcomed contributions of extrabudgetary resources to meet the costs of participants from the least developed countries in the preparatory and regional meetings. It also encouraged wide participation at the Conference (37).

ttWe need to ensure that it not be just an occasion for well-meaning but ephemeral rhetoric?

- Australian delegation, On the World Conference on Human Rights

iiWe must acknowledge that the Conference needs adequate preparation? a member of the Australian delegation said, tiif we are to ensure it has real practical results and is not just an occasion for well-meaning but ephemeral rhetoric?

He also suggested each country create its own iiHuman Rights Action Planw which would outline basic steps to improve its human rights situation and thus avoid the imposition of outside standards.

A Tibetan speaking on behalf of the International Association of Educators for World Peace said it is essential for victims of violations and

members of peoples and minorities unaccredited to the UN to participate in the Conference. He said it was difficult for these particular groups to voice the opinions of their people, even through an NGO.

Reminding the Commission he was speaking that day on behalf of an NGO, not as a representative of Tibetan people, the speaker said the people whose destiny will be discussed at the World Conference were not permitted to be heard at the Commission on Human Rights. He said unless the official delegates who attend such meetings accept to listen to the points of view of the people whose rights were denied, there was little chance for governments to have a true understanding of the questions up for debate.

DOCUMENTS: Secretary-General's report on preparations for the World Conference on Human Rights (E/CN.4/1991/57).

Extreme Violations

Afghanistan

Since the Soviet withdrawal from Afghanistan, 47,000 people are still missing and 5.5 million Afghan refugees have not yet returned, according to the report by Special Rapporteur Felix Ermacora (Austria). Although 20,000 prisoners have been released since the beginning of the national reconciliation policy, this number is equaled by the number of new arrests.

The Commission urged parties in conflict to respect humanitarian laws, asked for the release of prisoners of war and expressed concern over the increasingly difficult living conditions of Afghan refugees (78).

In the discussion on self-determination, a second resolution on Afghanistan called for a cessation of hostilities and a solution acceptable to Afghan people (5).

M

While attempting to carry out his mandate, Special Representative Rafael Rivas Posada (Colombia) was unable to make contact with Cuban officials. The special representative said the government was uncooperative.

In his intervention at the Commission, Mr. Rivas Posada said there was a lack of guarantees for civil and political rights in Cuba. He said violations often involved the persecution of opponents to the regime and disappearances during attempts to flee the country.

The Commission expressed concern at Cuba's failure to facilitate the work of the special representative and requested that a special rapporteur review and report on the situation.

(61).

Cyprus

The Commission decided to  
postpone the debate on human rights  
in Cyprus until next year.

Iran

Iranian laws are not up to par with  
international standards of human  
rights, according to the report of

Special Representative Reynaldo Galindo Pohl (Guatemala). Mr. Galindo Pohl said the human rights situation in Iran had neither changed nor improved.

The Commission voiced concern over the continuing human rights violations and extended for one year the mandate of the special representative (67).

Iraq

Special Rapporteur Max van der Stroel (Netherlands) said violations of fundamental human rights in Iraq were so grave and of such a massive nature that since the Second World War few parallels can be found?

M. van der Stroel listed violations such as mass arbitrary executions, torture of dissidents and tens of thousands of enforced disappearances. He called the attacks on Kurds genocidal.

His report was the most condemning text reviewed at this year's Commission on Human Rights and received extensive international press coverage.

The Commission was alarmed at the repressive treatment of the Kurds, deplored Iraqis failure to comply with Security Council resolutions and extended the special rapporteur's mandate for one year (71).

Several NGOs intervened on the treatment of the Kurds in Iraq.

Unless the UN wishes to perpetuate regional insecurity for decades to come? said a representative from Minority Rights Group International, the position of the Kurds must be addressed as a major priority?

Similarly she said, if the Genocide Convention is intended to be more than mere words on paper, it must be evoked?

A member of the Iraqi delegation said the Commission was ignoring the crime of the century - the "genocide" of Iraqi citizens as a result of the food and medicine blockades imposed during Iraq's wars with Iran and the United States.

Kuwait

Kuwaiti citizens were executed, tortured and treated inhumanely in direct violation of the rights described in the Fourth Geneva Convention, according to Special Rapporteur Walter Kalin (Switzerland).

Several thousands of Kuwaiti people were arrested, detained and often deported to Iraq during the occupation of Kuwait by Iraqi forces last year. Two thousand people are still missing, Mr. Kalin said.

The Commission called for the release of the missing persons, requested information on all persons abducted between August 2, 1990, and

February 26, 1991, and condemned Iraq for failing to abide by international humanitarian law (60). This resolution was adopted by a roll-call vote of 47 in favor, 1 against (Iraq) and one abstention (Gabon).

#### Southern Lebanon

The Commission was concerned by the Secretary-General's report on the practices by Israeli occupation forces in southern Lebanon and regretted Israel's failure to implement Security Council resolutions requiring total withdrawal from the area (70).

#### El Salvador

Although grave violations in El Salvador are less numerous than in the past, they still exist. According to Special Representative Jose Antonio Pastor Ridruejo (Spain). Mr. Pastor Ridruejo was satisfied with recent efforts by the government and the FMLN to achieve peace.

However, he reported continued summary executions by government "death squads", killings, and kidnappings by the MN.

The Commission urged fighting parties in El Salvador to abide by agreements and encouraged the government to move ahead with its judiciary reforms (62).

#### Sri Lanka

It was acknowledged that the government of Sri Lanka has tried to address its human rights situation by establishing mechanisms to monitor reports of disappearances and by again inviting the Working Group on Enforced and Involuntary Disappearances to investigate the degree of implementation of the Group's recommendations, yet the chairman of the working group was still concerned over the situation in this country. All parties were called upon to respect humanitarian law.

#### Tibet

Tibet came close to receiving a concrete message of support from the Commission on Human Rights in the form of a resolution drafted by Tibetan NGOs, introduced by Portugal and co-sponsored in part by the European Community, the United States and Japan (116).

During the first three weeks of the Commission, many governments had seemed open to the resolution, yet the addition of China to the title created much debate for it enlarged the scope of the draft by including not only the region of Tibet, but all of China.

Many African, Asian and Latin American countries supported a policy of inaction regarding this resolution. The Commission decided not to take action on the resolution titled "Situation in China and Tibet."

#### Romania

Recent progress in Romania is less

spectacular than what followed the collapse of the Ceaucescu regime. but the improvements are more substantive and systematic, according to Special Rapporteur Joseph Voyame (Switzerland).

Mr. Voyame said the problems remaining to be solved include police brutality in breaking up demonstrations and a strengthening of the police protection of certain groups, namely ethnic minorities and members of the Greek Catholic Church. Many



members of the former regime are employed in the current administration. he noted.

The Commission urged the Romanian government to continue its efforts and commended it for cooperating with the Commission (64).

Albania

The Albanian government has adopted legislative and administrative measures to meet the requirements under the International Bill of Human Rights.

The Commission welcomed these steps and asked the government to respect the rights of its minorities (69).

Burma gMyanmar!

The situation in Burma remains serious. The exercise of fundamental human rights is still restricted. The electoral process initiated in May, 1990. has not been finalized.

The Commission deplored the government's inertia at establishing a democratic state and for detaining political leaders\_includ'ing Ms. Aung San Suu Kyi-and nominated a special rapporteur to examine the human rights situation (58).

East Timor

The massacre by Indonesian armed forces at the Santa Cruz Cemetery in Dili, East Timor, on November 12, 1991, was widely condemned.

The special rapporteur on torture deduced from his visit to Indonesia and East Timor that the attacks were unprovoked and resulted in a large number of deaths and injuries.

ttHow would the world react

if Pol Pot were appointed

special rapporteur for

Genocide in Cambodia?"

-An East Timorese on the official investigation of the Dili massacre

He also cited extra-judicial executions, arbitrary arrests, ill-treatment, disappearances and political imprisonment .

A draft Resolution condemning the unjustifiable actions by the armed forces of Indonesia was withdrawn by the sponsors after the Chairperson made a statement expressing concern about the situation in East Timor and deploring the events of November 12.

The statement also called upon the Indonesian government to facilitate access to East Timor by humanitarian and human rights organizations.

Mr. Jose Ramos-Horta, an East Timorese intervening through MRAP, said the massacre was not an aberration for it corresponded to an ideology of violence inherent to Indonesian military culture.

tlForce is an instrument of policy,n he said, land violence a means to extract loyalty and obediencef

The speaker was appalled that the

(resolution 1991/66, para.2),  
(E/CN.4/1991/37); Tibet (pursuant to Sub-  
Commission resolution 1991/10, para.2),  
(E/CN.4/1992/37); report on reprisals ,  
against witnesses or victims of human  
rights violations (resolution 1991/70,  
para.5), (E/CN.4/1991/ 29); report on  
arbitrary executions (resolution 1991/71  
para 4) (E/CN.4/1992/30) and Add.1).

South Africa

Apartheid still exists despite recent  
developments, the Commission  
agreed.

An observer from the International  
Movement for the Fraternal Union of  
Races and Peoples said even though  
President de Klerk has abolished  
important laws, their removal remains  
theoretical for no measures have been  
taken to implement what was adopted.  
East Timorese were expected to accept - .'  
the government's investigation of the 9  
massacre as proof of good faith  
from the Indonesian military .  
How would the world react? he  
asked, if Mrs. Imelda Marcos were  
to be appointed head of a commission  
to investigate allegations of corruption  
in the shoe industry in the  
Philippines?"

Two North American journalists  
present during the attack in Dili, Ms.  
Amy Goodman and Mr. Alan Najrn,  
testified during the Commission and  
later showed film coverage of the  
incident at an NGO meeting organized  
by the Portuguese delegation.

DOCUMENTS: Cyprus (decision  
1991/106), (E/CN.4/1992/25); Kuwait  
(resolution 1991/67, para.9),  
(E/CN.4/1992/26); Cuba (resolution  
1991/68, para. 6), (E/CN.4/1992/28);  
Romania (resolution 1991/69, para.6),  
(E/CN.4/1992/28); Iraq (resolution  
1991/74, para.5), (E/CN.4/1992/31); El  
Salvador (resolution 1991/78, para. 13),  
(E/CN.4/1991/32); Afghanistan (resolution  
1991/78, para. 14), (E/CN.4/1992/33); Iran  
(resolution 1991/82, para. 8),  
(E/CN.4/1992/34 and Add.1); Albania  
(resolution 1991/76, para. 4 (b)),  
(E/CN.4/1992/35); Southern Lebanon  
Last year 2,672 people were killed  
in South Africa, he said, noting that  
without continued sanctions, the  
dismantling of apartheid would be  
stopped.

An observer from the World  
Conference of Labour said six million  
blacks-or 42% of the active  
population-was unemployed. Black  
on black violence was the result of  
the longstanding policy of segregation,  
she said.

Last year's Commission requested  
that its Ad Hoc Working Group of  
Experts continue to examine human  
rights in South Africa. Referring to

the interim report of this working group, a member of the Nigerian delegation noted the admission by ministers of the government of South Africa of having secretly funded the Inkatha Freedom Party to sustain the killings between blacks. According to the representative, changes would only occur when the indigenous black majority was enfranchized on the basis of one person, one vote. Apartheid could not be reformed, the delegate said, it had to be completely demolished. The Commission urged the government of President de Klerk to repeal remaining apartheid laws in order to correct socio-economic inequalities and asked the government to allow the Ad Hoc Working Group to visit the country to evaluate human rights developments (19). Special Rapporteur Ahmed Khalifa (Egypt) will continue to update the list of banks, corporations, and other organizations which assist South Africa (7). Finally the Commission condemned the collaboration of certain governments with the South African regime, requested sanctions be maintained until agreement was reached on transitional arrangements and asked for the special rapporteur to be permitted to visit South Africa (20).

Commission  
DOCUMENTS: Ad Hoc Working Groups' interim report (E/CN.4/1992/8), special rapporteurs' report (E/CN.4/1991/13 and Add.1) and resolution I from Sub-Commission report (E/CN.4/1992/2 - E/CN.4/Sub.2/1991/65).  
Occupied Territories  
Often confined to small cubicles called closets or, when cold, refrigerators/ Palestinian civilians endure unbearable violations of their human rights by the Israeli military during interrogation and detention, Amnesty International (AI) reported. They are beaten all over their body, deprived of food and sleep and shackled in painful positions for long periods of time. AI said shortcomings of the Israeli justice system in the Occupied Territories facilitate this ill-treatment. The gravity of human rights violations in the Israeli Occupied Territories has not changed since the beginning of the Palestinian intifada, AI said.

The Commission deplored the acts of torture and deportation of Palestinians, condemned Israelis' refusal to obey UN resolutions and its attempts to impose Israeli citizenship on Syrian citizens in Golan, called upon Israel to withdraw from all the occupied Arab territories and cease the illegal settlements of Israelis in Palestine and reaffirmed its support

for a Middle East peace conference  
(1,2,3,4).

Yasser Arafat, Chairperson of the  
Committee of the  
Palestinian Liberation Organization.  
said the intifada would continue  
ilwave upon wavell until the  
Palestinian people could exercise their  
right to self-determination and  
sovereignty in an independent  
Palestine. He said 2,000 people had  
been killed since the beginning of the  
intifada and over 120,000 injured.  
The United States and some  
European countries had strengthened  
Israel economically, politically and  
militarily, Mr. Arafat said, and had  
made it a tifear-inspiring nuclear  
Executive  
power?

In a later intervention, an observer  
from the International Commission of  
Jurists (ICJ) said the Israeli Minister  
of Health reported in late January the  
United States would allow Israel to  
continue lttmassivem settlement  
building programs in the West Bank  
and Gaza Strip, offering a compromise  
over the \$10 billion sought by Israel to  
proceed with current building projects  
in the area.

These statements, the  
representative said, have not been  
contradicted by the US government.  
Mr. Arafat also condemned Israel  
for its attempts to cause the failure of a  
peaceful political settlement.  
liWe refuse to give in to the fait  
accompli which Israel has tried to  
impose? he said.

A member of the Israeli  
delegation, referring to the diffflculties  
of the peace conference in Moscow,  
said decades of suspicion and distrust  
required time to overcome.

He also appealed to  
Commission to refrain  
ttantagonistic attitudes?

DOCUMENTS: report of Secretary-  
General on the implementation of the  
resolutions (E/CN.4/1992/6), note by  
Secretary-General on conditions in  
occupied territories (E/CN.4/1992/7),  
resolution X contained in Sub-Commission  
report (E/CN.4/1992/2  
E/CN.4/Sub.2/1991/65).

the  
from  
Advisory Services  
Haiti

The independent expert on the  
situation in Haiti said a semblance of  
peace in the streets was maintained  
through the terror the government had  
spread throughout the population.  
ttls forced repatriation a  
form of racial  
discrimination? h  
- Haitian President Jean-Bertrand  
Aristide, On the treatment of refugees  
from Haiti

Mr. Jean-Bertrand Aristide,  
President of Haiti before last  
September's putsch, said the  
international community should take a  
stronger stand against governments  
that come into power by force.  
Over 20,000 people had fled his  
country, he said. and the attitude of the  
receiving countries --including the  
US--was not always commendable.  
President Aristide argued forced  
repatriation of Haitian refugees might  
be viewed as an act of racial  
discrimination. He also implored the  
Commission to appoint a special  
rapporteur to look into the situation in

his country and suggested the rapporteurs on torture and arbitrary executions investigate as well. The Commission asked the Chairperson to appoint a special rapporteur to investigate human rights in Haiti (77).

#### Guatemala

Last year 2,439 violent deaths, including 553 extrajudicial executions, occurred in Guatemala, according to the independent expert's report.

A representative from the Grand Council of the Crees listed group executions, arbitrary detentions, tldisappearanceslland assassination attempts. The observer also said 852 cases of extra-judiciary executions had been reported during the first eight months of President Serranols government.

Many speakers said the discussion of Guatemala under item 19 (advisory services) was not sufficient, that the seriousness of the violations in Guatemala ought to be considered under item 12 (gross violations of human rights).

The Commission urged the government of Guatemala to implement reforms that would ensure respect for human rights and decided to consider the situation of human rights in Guatemala at its 49th session either under item 19 or under item 12, depending on the findings of the independent expert (78).

#### Equatorial Guinea

Independent Expert Fernando Volio Jimenez (Costa Rica) said Equatorial Guinea was approaching a situation comparable to the 11-year dictatorship of Francisco Macias. Internment, beatings, and confinement are commonplace. There is no separation of powers, no trade union liberty, and no freedom of the press, he said. The condition of women falls short of the universal standards of democratic societies.

Mr. Volio Jimenez said the situation in Equatorial Guinea went beyond the scope of advisory services and deserved different treatment from the Commission.

The denial of human rights in Equatorial Guinea was deplored by the Commission, which asked the Chairperson to appoint an independent expert to prepare a thorough study on violations by the government (79).

#### Promoting Advisory Services

Governments need to be informed of the availability of advisory services and reminded that technical cooperation is also available through the voluntary fund, according to resolution #80 which urges governments to make use of the services of UN human rights experts.

DOCUMENTS: report of Secretary-

General on advisory services  
(E/CN.4/1992/49), report of the  
independent expert on Haiti  
(E/CN.4/1992/50), report of the expert on  
Equatorial Guinea (E/CN.4/1992/51).  
Torture

Based on a proposal from Costa  
Rica, a working group was established  
to create a draft Optional Protocol to  
the Convention against Torture which  
would permit visits to places of  
detention in an effort to prevent torture  
(43).

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Right to Development  
Only the United States and Japan  
voted against a resolution asking the  
Sub-Commission to submit the final  
report of its special rapporteur to the  
next session of the Commission on  
Human Rights.

The report deals with the impact  
of economic adjustment policies due  
to foreign debt on the implementation  
of the Declaration on the Right to  
Development and on the enjoyment of  
human rights (9).

Human Rights Covenants  
As of March 31, 1992, the  
International Covenant on Economic,  
Social and Cultural Rights had been  
ratified by 108 states. The  
International Covenant on Civil and  
Political Rights had been ratified by  
104 countries.

The Commission asked the  
Secretary-General to encourage  
ratification of the Covenants (14).

Extreme poverty  
The Sub-Commission was asked to  
study the effects of extreme poverty  
on human rights, the efforts by the  
poorest in the development of their  
society and the conditions that would  
allow this group to become active in  
the struggle for human rights (11).

Sub-Commission electionstk  
In the election of the members of  
the Sub-Commission on the  
Prevention of Discrimination and  
Protection of Minorities, the following  
geographical criteria were to be  
observed: Asia, Eastern Europe and  
Latin America: two members; Western  
European and other States: three;  
Africa: four.

African States  
Mr. Ahmed Khalifa -Egypt  
(Mr. Ahmed Khalil)  
Mr. Fisseha Yirne\_Ethiopia  
fl

Ms. Halima Embarek Warzazi-  
 Morocco  
 (Mr. Mohamed Benkaddour)  
 Mr. Sai'd Naceur Ramadhane-Tunisia  
 (Mr. Abdelfettah Amor)  
 Asian States  
 Mr. Muksum-Ul-Hakime-Bangladesh  
 (Tofazzal Hossain Khan)  
 Mr. Ribot Hatano-Japan  
 (Mr. Yozo Yokota)  
 Eastern European States  
 Mr. Ioan Maxim\_Romania  
 (Mr. Petru Pavel Gavrilescu)  
 Mr. Volodymyr Boutkevitch\_  
 Ukraine  
 Latin American States  
 Ms. Clemencia Forero Ucros\_  
 Colombia  
 (Mr. Jorge Orlando Melo)  
 Mr. Miguel J . Alfonso Martinez\_  
 Cuba  
 (Ms. Marianela Ferriol Echevam'a)  
 Western European and other States  
 Mr. Marc Bossuyt-Belgium  
 (Mr. Guy Genot)  
 Mr. Asbjom Eid-Norway  
 (Mr. J an Helgeson)  
 Ms. Linda Chavez-United States  
 (Mr. Robert J. PorlInan)  
 ikalternates shown in parentheses.  
 DOCUMENTS: note by the Secretary-  
 General containing the names and  
 biographical data of the candidates  
 (E/CN.4/ 1992/56) .  
 New Leadership  
 The Secretary-General  
 appointed Mr. Antoine Blanca  
 (France) to replace Mr. Jan  
 Martenson as Under-Secretary-  
 General for Human Rights and  
 Director-General of the United  
 Nations Office in Geneva,  
 effective March 1, 1992.  
 Mr. Blanca worked since 1989  
 as Director-General for  
 Development and International  
 Economic Cooperation of the  
 United Nations in New York.  
 From 1984 to 1988, he served  
 as Ambassador of France to  
 Argentina and roving  
 Ambassador for Latin America,  
 Central America and the  
 Caribbean from 1982 to 1984.  
 He was Counselor in the  
 Cabinet of Prime Minister Mr.  
 Pierre Mauroy from 1981 to  
 1982.  
 Mr. Blanca has also worked as a  
 professor of literature and for  
 non-governmental  
 organizations. He has written  
 studies, essays and political  
 biographies that deal with  
 developing countries and holds  
 a Doctorate in Spanish  
 literature.  
 \_ report by Rebeka Martensen  
 Commentary  
 by Mario Yutzis  
 The international community is



confronted with new challenges and possibilities to achieve a more permanent and lasting peace. In this context, the field of human rights is of increasing importance, given that the fulfilment and the indivisibility of basic rights are ultimately based upon the security of every human being. For this reason there exists an undeniable link between security, peace and human rights.

With this in mind, I will attempt a brief report of the main accomplishments\_ and also shortcomings- of the last Commission on Human Rights.

111 terms of positive developments. the debates, dynamics and conclusions of the Commission yielded a sense of growing global consciousness of the need for promotion and defense of human rights.

There was also a notable increase in the elaboration of norms and

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standard. The last session, while adding to the long list of existing norms, showed important progress in the promotion of norms through the creation of an optional protocol to the Convention against Torture and in the area of arbitrary detention, minority rights, forced and involuntary disappearances and summary executions.

The interrelation between member States and non-governmental organizations was also significant. The dialogue and confrontation between these principal participants at the Commission further consolidated universal will to protect and promote the defense of human rights.

A final positive aspect of the Commission can be found in the stronger emphasis on economic and social rights

The right to education, food, housing and an adequate and healthy environment is inherent to the right to a more full and egalitarian development. Likewise, the Commission considered the issue of extreme poverty more seriously and with more dedication than in the past, not only from the perspective of poor countries, by also from countries who have arrived to a higher degree of development. The liberty of expression, the right to participate in public life and to consolidate a representative and pluralistic democracy in the framework of stable and just institutions were also raised. In terms of shortcomings, one may want to mention the excessive politicization which at times plagued the last Commission, with the consequent unnecessary polarization which in turn lead to a loss of the essence of an issue and resulted in

sterile unproductive debates.

Also worth noting was the existence of double standards, in other words a double criteria used to take action and approve projects of resolution in a selective manner and therefore without the objective impartiality which the issues deserve.

Another negative aspect was the practice of using the Commission as a mum of law in which a few assumed the role of prosecutors and others were confined to the bench of the accuse. It is not that I consider value judgements to be unnecessary, I only indicate the need to avoid working unilaterally since no country can boast complete innocence when it comes to human rights, for in all societies there are people who suffer due to their social condition, race, nationality, religion or culture.

In many the Commission condemned the effects of human rights violations instead of trying to work toward a prevention of these violations. Prevention is not achieved solely through the magic of the ritual of approving a resolution, but also by means of an efficient cooperation and solidarity between the concerned parties, whether States, non-governmental organizations or other institutions working toward the defense and promotion of human rights.

It is within these limitations that the Commission functioned during this last session. Nevertheless the Commission showed a desire to spread a consciousness of human rights on a worldwide scale and promote the idea that each human being is responsible for the promotion and creation of conditions that enable all to live a more full and humane life. It is for these reasons that, at the end of his farewell speech before the Commission, Mr. Yan Martenson, former Under-Secretary-General for Human Rights, said the following:

1(The Session of the Commission on Human Rights which ends today has made significant achievements in many areas and this augurs well for the future. Other challenges remain for the future sessions and will heed the continued good will and dedication of all for their successful resolution. We are at a decisive point in human history. The decisions we take now and in the immediate future will affect instances, human life throughout the world well into the next century; few have had the opportunity to support human rights and democracy as decisively as we do today. Building on the great wave of hope in human rights and democracy which is sweeping the world, we act to build a better world."

Members of Commission  
AggLa (1995), Australia (1993),  
Austria (1993), Bangladesh (1995),  
Barbados (1995), Brazil (1992),  
Bulgaria (1995), Burundi (1993),  
Canada (1995), M (1995), China  
(1993), Cyprus (1995), Colombia  
(1995), Costa Rica (1995), Cuba

(1995), Czechoslovakia (1993),  
France (1992), Gabon (1995), Gambia  
(1993), Germany (1993), Ghana  
(1992), Great Britain and Northern  
Ireland (1995), Hungary (1992), India  
(1995), Indonesia (1993), 11% (1995),  
Iraq (1992), Italy (1992), Japan  
(1993), Kenya (1995), Lesotho (1995),  
Libya (1995), Madagascar (1992),  
Mauritania (1993), Mexico (1992),  
Nigeria (1995), Netherlands (1995),  
Pakistan (1992), Peru (1993),  
Philippines (1992), Portugal (1993),  
Russian Federation (1995), Senegal  
(1992), Somalia (1992), Sri Lanka  
(1995), Syria (1995), Tunisia (1995),  
Uruguay (1995), USA (1992),  
Venezuela (1993), Yugoslavia (1992),  
Zambia (1993).

tend of term shown in parentheses