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ROUND-UP OF SESSION

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HUMAN RIGHTS SUB-COMMISSION CONCLUDES THIRTY-THIRD SESSION AT GENEVA

Decisions adopted Covered among others Jerusalem, Apartheid as a Collective Form of Slavery, Detention on Grounds of Mental Ill-Health, Enforced Disappearance of Persons and the Liberation of American Detainees in Iran

The United Nations Sub-Commission on the Prevention of Discrimination and Protection of Minorities concluded today Friday, 12 September, at the Palais des Nations, Geneva, a four-week session with the adoption of its report to its parent body, the Commission on Human Rights.

The 26-member expert body considered during this session a 17-point agenda which included two new items, namely: "The individual's duties to the community and the limitations on human rights and freedoms under article 29 of the Universal Declaration of Human Rights" (item 8), and the work of the "sessional Working Group on the encouragement of universal acceptance of human rights instruments" (item 14).

The Sub-Commission endorsed the recommendations of the Working Group concerning apartheid as a collective form of slavery and recommended that the Commission on Human Rights should envisage calling for mandatory sanctions against South Africa.

It reaffirmed the principle of inadmissibility of the acquisition of territory by force and strongly disapproved of and regretted the refusal of Israel to implement the United Nations resolution concerning the Holy City of Jerusalem.

The Sub-Commission, aware that the General Assembly has proclaimed 1981 as the International Year for Disabled Persons, decided to entrust one of its members, Mrs. Erica-Irene DAES (expert from Greece) with the task of elaborating guidelines related to procedures for determining whether adequate grounds exist for detaining persons because of mental ill-health.

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The attention of governments, in particular Iran, Italy, Spain, West Malaysia, Thailand and Guatemala, was called to what appeared to the Sub-Commission as violations of human rights in those countries.

Following its consideration of the question of human rights of persons subjected to any form of detention or imprisonment, the Sub-Commission emphasized the extreme gravity of enforced or involuntary disappearances of persons and urged the Secretary-General to continue to exercise his good offices in those cases paying particular attention to urgent cases where action is necessary to preserve life or integrity of individuals.

Concerning its own role in promoting measures to combat racism and racial discrimination, the Sub-Commission asked one of its members, Justice Abu Sayeed CHOWDHURY (expert from Bangladesh) to prepare an action-oriented report on discriminatory treatment of minorities in the administration of justice. In carrying out this assignment, he is to pay particular attention to methods of action for combatting discrimination in the administration of criminal justice.

The Sub-Commission recommended the creation of an information gathering service within the United Nations Division of Human Rights reflecting the situation in different countries and systems.

During the last day of the session, the Sub-Commission called for the release of the United States citizens held in Iran since November 1979; requested Mrs. Halima WARZAZI (expert from Morocco) to make an analysis of reliable information on violations of human rights in Bolivia; and recommended to the Commission on Human Rights that it should keep the situation of human rights in Kampuchea under continuing review and to this end, to consider inviting the Secretary-General to designate a special representative to assist in restoring full respect for human rights and fundamental freedoms as speedily as possible in that country.

The Sub-Commission also devoted six private meetings to consider communications which appear to reveal a consistent and reliably attested to pattern of gross violations of human rights. These communications were brought before it by its Working Group, together with the replies of governments, if any. Details of these and other decisions follow.

Measures to Combat Racism and Role of Sub-Commission

Under its agenda item 4: "Measures to combat racism and racial discrimination and the role of the Sub-Commission", two resolutions were adopted.

Under the first resolution (E/CN.4/Sub.2/L.739), the Sub-Commission recommended to the Commission on Human Rights that it should make the following recommendations to the Economic and Social Council:

- to consider the proposal of setting up a Human Rights Assistance Fund to help countries to achieve at least minimum standards of human rights laid down in the international instruments on human rights in a practical and purposeful manner on an urgent basis;

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Rights of Persons Belonging to Ethnic, Religious and Linguistic Minorities

Under its agenda item 15: "Rights of persons belonging to ethnic, religious and linguistic minorities", the Sub-Commission adopted by 12 votes to none against and six abstentions draft resolution E/CN.4/Sub.2/L.759 by which it:

- expressed its profound concern for the safety of the recently arrested members of the elected National Administrative Council of the Baha'is of Iran, and that of all members of this community, both as individuals and collectively;

- requested the Secretary-General to transmit this concern to the Government of the Islamic Republic of Iran, and to invite that Government to express its commitment to the guarantees provided in the above-mentioned International Covenant on Civil and Political Rights, ratified by that State, by granting full protection of fundamental rights and freedoms to the Baha'i religious community in Iran, and by protecting the life and liberty of the members of that Baha'i community.

Under the same agenda item, the Sub-Commission adopted a resolution consisting of an amalgamation of draft resolutions E/CN.4/Sub.2/L.760 and E/CN.4/Sub.2/L.763. Under the resolution, as amended, the Sub-Commission:

- expressed its hope that the Study of the problem of discrimination against indigenous populations will be completed as a matter of urgency, in time for consideration by the Sub-Commission at its thirty-fourth session;

- decided to this end to request the Secretary-General to provide all possible assistance to the Special Rapporteur so as to facilitate his work.

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Other issues

The Sub-Commission considered at its thirty-third session numerous allegations which may reveal such patterns of violations but which the Sub-Commission wishes to verify by independent fact-finding before bringing them to the attention of the Commission. To that effect it adopted resolution E/CN.4/Sub.2/L.749 under which it requested the Commission on Human Rights, at its thirty-seventh session, to authorize the Chairman elected by the Sub-Commission at its thirty-third session, in consultation with the Vice-Chairman and Rapporteur then elected and with the Secretary-General, and with the consent of the governmental authorities concerned, to make arrangements for one or more of the members of the Sub-Commission elected by the Commission on Human Rights at its thirty-seventh session to visit any countries with a view to examining first-hand, and reporting to the Sub-Commission at its thirty-fourth session upon the human rights problems in such countries which were the subject of discussions at the Sub-Commission's thirty-third session, together with any other human rights problems of comparable magnitude which may come to the attention of such member or members during their examination.

The Sub-Commission decided under resolution E/CN.4/Sub.2/L.737 to mandate Mr. Ahmed Khalifa (expert from Egypt) to continue to update, subject to annual review, the list of "banks, transnational corporations and other organizations assisting the racist regimes in southern Africa" and to submit the updated report through the Sub-Commission to the Commission on Human Rights. The Special Rapporteur is to use all available material from other United Nations organs, Member States, specialized agencies and other intergovernmental organizations, non-governmental organizations and such other sources as publications media, in order to demonstrate clearly the volume and nature of the assistance given to the racist regimes in southern Africa.

The Sub-Commission also decided to consider in the future as a separate item of its agenda the topic entitled "adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the colonial and racist regimes in southern Africa".

The Secretary-General is requested to give the Special Rapporteur all the assistance that he may require in the exercise of his mandate, including the necessary resources to pay for pertinent services solicited from various agencies.

During its review of developments in the field of its work, the Sub-Commission also took the following decisions:

It nominated five members to constitute a sessional Working Group on the encouragement of the universal acceptance of human rights instruments. These five members are: L.M. Singhvi (expert from India) who will serve as Chairman/Rapporteur of the Working Group; John Carey (expert from the United States of America); Raul Ferrero (expert from Peru); Ibrahim Jimeta (expert from Nigeria); and Mr. Sofinsky (expert from the Soviet Union).

The Sub-Commission also appointed Mario Amadeo (expert from Argentina) to serve as Chairman/Rapporteur of the open-ended working group on minorities which is to examine the revised draft declaration (E/CN.4/Sub.2/L.734) on "the rights of persons belonging to ethnic, religious and linguistic minorities", as elaborated by a Working Group of the Commission on Human Rights. The Sub-Commission is to submit its views on this revised draft declaration to the 1981 session of the Commission on Human Rights.

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