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HUMAN RIGHTS SUB-COMMISSION STARTS CONSIDERATION OF HUMAN RIGHTS AND SCIENTIFIC AND TECHNOLOGICAL DEVELOPMENTS

The Sub-Commission on Prevention of Discrimination and Protection of Minorities started consideration at its extended afternoon meeting on Thursday, 4 September, its consideration of its agenda item 9: "Human rights and scientific and technological developments".

The debate of the Sub-Commission was based on a report by the Secretary-General (E/CN.4/Sub.2/446) on "medical measures that may be properly employed in the treatment of persons detained on the grounds of mental ill-health" and a "body of principles for the protection of persons suffering from mental disorder" (document E/CN.4/Sub.2/NGO/31) which was submitted in a written statement of the International Association of Penal Law and the International Commission of Jurists. The General Assembly had requested that this subject be considered in the light of the Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind. The Sub-Commission had decided earlier to consider formulating guidelines on medical measures and the procedures for determining whether adequate grounds existed for detaining persons suffering from mental ill-health and applying such medical measures.

The Sub-Commission, earlier in the afternoon, had concluded its three day debate on its agenda item 5: "Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid, with particular reference to colonial and other dependent countries and territories." The Sub-Commission had heard statements by non-governmental organizations and by governmental observers.

It also concluded its debate on its agenda item 7: "Question of the human rights of persons subjected to any form of detention or imprisonment" after having decided to defer its debate on the field of competence of the Sub-Commission until such time as the schedule of work of the Sub-Commission would allow an exchange of views on this topic. For this reason the members decided not to consider at this session the project of telegrams which had been proposed to be sent to Governments by the Sub-Commission and to introduce the ideas which were to be reflected in these cables into draft resolutions which will be received by the Sub-Commission.

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The next meeting of the Sub-Commission is to be held on Friday, 5 September, at 11:00 a.m. when the Sub-Commission is scheduled to continue consideration of its agenda item 9: "Human rights and scientific and technological development".

Statements by non-governmental organisations on violations of human rights

Blaise ROBEL (World Confederation of Labour) expressed deep concern about the human rights situation in Bolivia where rights of workers had been totally abolished and all Bolivian trade unions had been dissolved. The World Confederation of Labour had addressed a telegram to the Secretary-General of the United Nations requesting him to exercise his good offices with a view of saving human lives in Bolivia and of putting an end to torture, disappearances and repression. The World Confederation of Labour had also filed a complaint with the International Labour Organisation against violations of freedoms and trade union rights in Bolivia asking the Director-General of the International Labour Organisation to send urgently a mission to visit Bolivia in order to look into the question of violations of human rights. The World Confederation of Labour also asked the Sub-Commission to send a committee of enquiry to Bolivia in order to examine allegations of human rights violations.

Homer A. JACK (World Conference on Religion and Peace) spoke about genocide in Kampuchea, which had been practiced from 1975 to 1978. The genocide had ceased with the ouster of the Pol Pot regime. However, the Kampuchean people still suffered from violations of human rights, including widespread famine. Another violation of human rights was the denial of the right to self-determination. The Khmer people, in whose country conditions of war were continuing, also had not been able to enjoy for more than a decade the right to life.

The representative of the World Conference on Religion and Peace requested that the human rights of the Khmer people should be kept under review. He hoped that one or more members of the Sub-Commission would be enabled to examine the human rights situation of the Khmer people.

Speedy humanitarian help was needed from many United Nations agencies, the International Committee of the Red Cross and bilaterally. The Secretary-General should be requested to continue his good offices to find urgently "least bad" political solutions.

Marco KAPPENBERGER (Baha'i International Community) drew the attention of the members of the Sub-Commission to the violation of human rights and fundamental freedoms experienced by the Baha'i community of Iran. This community was a religious minority with over 300,000 members. It was the largest religious minority in Iran. The Baha'is were the most frequently persecuted group in Iran. The plight of the Baha'i community in Iran had been described in detail in a report published on 12 September 1979 by the Human Rights Commission of the Federation of Protestant Churches in Switzerland. On 21 August 1980 all nine members of the National Administrative Council of the Baha'is of Iran had been accused of being involved in subversive activities to overthrow the Iranian Government. Such accusations were without any foundation. The representative of the Baha'i International Community appealed to the Sub-Commission to take action to protect the Baha'is in Iran and to prevent the elimination of the Baha'i religious minority in Iran.

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Alejandro ARTUCIO (International Commission of Jurists) spoke about the human rights situations in Guatemala, El Salvador and Bolivia. Some positive advances had been made in Peru and Ecuador. In Nicaragua the dictatorship had been toppled, and Brazil had made remarkable achievements in the human rights field.

In Guatemala torture, assassinations and disappearances of persons had occurred. The violations of human rights had reached such an extreme proportion that urgent action by the international community was needed. Political assassinations happened at the rate of 20 murders a day.

In El Salvador a real massacre was taking place. The junta, which had seized power in October 1979, had continued the policy of repression of the previous regimes. In 1980 over 2,000 political murders had been committed. The authorities clearly had responsibility for some of these political assassinations.

In Bolivia the recent coup had been more violent than previous coups. The authorities of Bolivia were perpetrating atrocities as had already been reported to the Sub-Commission by representatives of other non-governmental organizations.

A Special Rapporteur of the Sub-Commission should be appointed for these grave human rights situations and the Sub-Commission should appoint investigation committees to examine such situations.

Patrick MONTGOMERY (Anti Slavery Society) expressed grave concern at recent events in the Central American Republics of El Salvador and Guatemala, and referred, in particular, to widespread atrocities committed this year against the peasant and indigenous populations of these countries.

The Anti Slavery Society appealed to the Sub-Commission to recommend to the Commission on Human Rights that the Governments of Guatemala and of El Salvador be invited to welcome a United Nations investigation committee to study the situations of human rights and fundamental freedoms in those countries.

Marilyn WEINGARTNER (International League for Human Rights) spoke about the intimidation of human rights advocates and mentioned, in this connection, occurrences of intimidation in Pakistan, South Korea, Bolivia, the Soviet Union and Chile. She expressed the hope that the Sub-Commission would bear in mind the need for special protective measures to guarantee the security of human rights advocates in accordance with international law and the resolutions of the General Assembly and the Commission on Human Rights.

Statements by governmental observers

F. ORTIZ-RODRIGUEZ (Cuba) referred to the statement by the United Nations High Commissioner for Refugees in which he had said that the persons who had recently left Cuba were not political refugees. The departure of these Cubans was due to reasons that were connected with the struggle for development of his country.

Mostafa DABIRI (Iran) in response to the allegations raised about the violations of human rights concerning a minority group in Iran, said that the subject of minority groups would be specifically dealt with by the Sub-Commission under other agenda items. His delegation would reserve the right to reply to the allegations raised when the Sub-Commission considered the relevant agenda item.

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Field of competence of the Sub-Commission

The Sub-Commission decided to defer its discussion until such later date when the schedule of work would permit to find time for this debate.

The members agreed to take up subjects, which they wished earlier to deal with in telegrams to be sent to governments by the Sub-Commission, in resolutions in which the same thoughts could be expressed. This subject had been raised in connection with agenda item 7: "Question of the human rights of persons subjected to any form of detention or imprisonment."

Human rights and scientific and technological development

Introductory statements

George BRAND (United Nations Division of Human Rights) introduced item 9. The General Assembly had requested that, in the consideration of the question of scientific and technological progress and human rights, special attention should be given to the implementation of the provisions of the Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind, adopted by the General Assembly in resolution 3384 (XXX) of 10 November 1975.

Under General Assembly resolution 33/53 of 14 December 1978 the Sub-Commission had been requested to undertake as a matter of priority the study of "the question of the protection of those detained on the grounds of mental ill health". The Sub-Commission, upon its request, had before it a report (E/CN.4/Sub.2/446) by the Secretary-General on "medical measures that may be properly employed in the treatment of persons detained on the grounds of mental ill-health." The report had been requested by the Sub-Commission with a view to the formulation of guidelines regarding such medical measures and the procedures for determining whether adequate grounds existed for detaining such persons and applying such medical measures.

Hans THOLLEN (International Commission of Jurists) said that a draft body of principles for the protection of persons suffering from mental disorder was before the Sub-Commission in document Sub.2/NGO/81 which had been submitted by the International Association of Penal Law and the International Commission of Jurists.

This draft body of principles had been prepared by a Committee of Experts with experience in judicial, legal, psychiatric and social work in Western, East European and African countries. The Committee had met from 29 to 31 May 1980 in Siracusa, Sicily. The meeting had been organized by and held at the premises of the International Institute of Higher Studies in Criminal Sciences.

The Committee of Experts had had a genuinely universal composition. For this reason the body of principles might have some compromise character. The draft was of a preliminary nature.

The International Institute of Higher Studies in Criminal Sciences was planning another, larger meeting in December 1980 to discuss the draft further in the light of the Sub-Commission's comments.

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