

UNITED NATIONS  
ECONOMIC  
AND  
SOCIAL COUNCIL



Distr.  
GENERAL

E/CN.4/Sub.2/1983/SR.11  
29 August 1983

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS  
SUB-COMMISSION ON PREVENTION OF DISCRIMINATION  
AND PROTECTION OF MINORITIES

Thirty-sixth session

SUMMARY RECORD OF THE 11th MEETING

Held at the Palais des Nations, Geneva,  
on Monday, 22 August 1983, at 3 p.m.

Chairman:

Mrs. WARZAZI

later:

Mr. BOSSUYT

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The meeting was called to order at 3.15 p.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION AND OF APARTHEID, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII) (agenda item 6) (continued) (E/CN.4/Sub.2/1982/L.9, E/CN.4/Sub.2/1983/7, E/CN.4/Sub.2/1983/8, E/CN.4/Sub.2/1983/9, E/CN.4/Sub.2/1983/10, E/CN.4/Sub.2/1983/36)

1. Mr. WISNOEMOERTI (Observer for Indonesia) said that the representatives of three non-governmental organizations had repeated the arbitrary accusations against Indonesia based on false reports concerning the situation in East Timor. He wished to take the opportunity to present the facts so that the Sub-Commission might have a balanced view of the question.
2. The right to self-determination of the people of East Timor had been duly exercised in 1976 in accordance with the relevant United Nations General Assembly resolutions, one of which, resolution 1541 (XV), stated clearly that a Non-Self-Governing Territory could achieve self-government by emerging as a sovereign independent State, by entering into a free association with an independent State, or by integration with an independent State. That important resolution was not even mentioned in the resolution that had been adopted by the Commission on Human Rights (resolution 1983/8) on the recommendation of the Sub-Commission, which was tantamount to denying the right of the East Timorese to exercise their right to self-determination in accordance with a procedure sanctioned by a General Assembly resolution.
3. On 31 May 1976, the people of East Timor, through their duly elected People's Assembly, had formally requested the Government of Indonesia to accept their decision for integration with Indonesia, a country with which they had historical and cultural links severed only by the period of colonial occupation. The Indonesian Parliament, having received a positive report from a fact-finding team, had promulgated a law on 17 July 1976 accepting the wish of the people of East Timor.
4. Since that date, the Indonesian Government had done its best to alleviate the suffering of the people of East Timor, resulting from centuries of colonial subjugation, and to promote the human rights of which they had been deprived by the former colonial power. It was concentrating on the development in East Timor of the social sectors and agriculture together with the promotion of a healthy cultural and religious life. Since integration, it had allocated some \$US 225 million to the development of East Timor, including \$US 83 million for the 1982-1983 fiscal year. Such an allocation was substantial in comparison with those allocated to the other provinces of Indonesia.
5. The development efforts of the Indonesian Government, including the local Government of East Timor, fully supported by its people, had yielded tangible results, particularly in the production of food, where paddy production had become sufficient to meet the local requirements.

6. East Timor had, for many years, been open to foreign visitors. United Nations agencies and other international organizations had engaged in humanitarian activities there without any restriction and with the fullest co-operation of the Indonesian Government, including access to all parts of the province. The International Committee of the Red Cross had paid visits to prisons where those convicted of atrocities against fellow East Timorese were serving their sentences. The Government had also co-operated with ICRC in connection with the family reunion of East Timorese.

7. Some prominent Australian politicians and reputable journalists, including a strong critic of Indonesia, had recently paid an extensive visit to East Timor, accompanied by an independent interpreter. They had been able to go wherever they wished and had found that the Indonesian Government was paying attention to development, that there were no signs of famine, that security conditions were very good, that there was no sign of the resistance alleged by East Timorese exiles in Australia and that all the important posts in the local government of the province, including the position of Governor, were held by East Timorese.

8. Such favourable reports from impartial and distinguished sources totally contradicted the horrifying picture of East Timor presented by the three NGOs he had mentioned and the report by Amnesty International mentioned by Mr. Whitaker. For reasons of principle, Indonesia had refused to accept resolution 1985/8 of the Commission on Human Rights, which could not, therefore, be implemented, and it was incorrect to state that consultations initiated by the Secretary-General of the United Nations under that resolution were currently under way. Support for resolutions on East Timor was rapidly decreasing in the General Assembly owing to a growing awareness in the international community of the actual situation in East Timor and of the exercise by its people of their right to self-determination in 1976.

9. His delegation hoped that the Sub-Commission would maintain its impartial and balanced treatment of any issue brought before it. Its primary concern should be the well-being of the people of East Timor, which was not served by continuing to adopt unacceptable resolutions falsely accusing Indonesia of denying that people its right to self-determination.

10. Mr. VIEIRA (Observer for Portugal) said that the question of East Timor was an important and serious matter, because it involved the most fundamental human rights of the people of East Timor. His delegation's stand on the question was reflected in General Assembly resolution 37/30, of which it had been a sponsor. To implement that resolution, his Government was committed to contributing to the success of the consultations currently in progress, which should involve all the parties concerned in an endeavour to achieve a comprehensive settlement, for which purpose, however, an improvement in the human rights situation within the territory was needed.

11. The alleged improvement in the situation there did not appear very credible to his delegation, since there was no free access to the territory or to information about it. The statements of several speakers at the current session and the reports published in the international media still gave strong cause for concern. Nevertheless, his Government wished to reiterate that it accepted its responsibilities with regard to the relevant United Nations resolutions.

12. Ms. PURI (Observer for India) said she wished to amplify the comments she had made at an earlier meeting (E/CN.4/Sub.2/1983/SR.6) on the statement made by the representative of the World Conference on Religion and Peace. Untouchability did not exist in India as a legal or administrative concept and was not prevalent as a social trait. In post-independence India, there were special constitutional safeguards and legislative action in favour of communities suffering from social disabilities, in implementation of a revolutionary and almost unique policy of reverse discrimination.

13. The representative of the World Conference on Religion and Peace had also stated that social disabilities were suffered only within the context of one religion and that such disabilities disappeared on conversion to another religion. That statement was, however, contradicted in the paper he had circulated to members of the Sub-Commission which emphasized that social disabilities were not so limited. His allegation that the Government of India was hostile to conversions was not true: India was a secular State in which everyone was entitled freely to practice and to preach any religion. The Government did not interfere in any religious procedures, including conversion, but it had often been faced with the phenomenon of forced conversions, which impinged on the right of groups and persons to religious freedom, and in such circumstances it had had to take protective action on their behalf.

14. Furthermore, rural impoverishment had, over the years, generated violence which affected not only the scheduled castes but all the rural poor. That was one of the greatest challenges facing her Government, which had tried to combat violence by encouraging self-defence squads among the disadvantaged groups; increasing recruitment of members of such communities into the police and administration and their representation on local bodies, such as the Panahayats; and by improving their access to recourse proceedings.

15. Miss SINEGIORGIS (Observer for Ethiopia) said that the statement made by the representative of the Anti-Slavery Society (E/CN.4/Sub.2/1983/SR.9) was as sweeping as it was unsubstantiated. It was certainly true that a number of Ethiopian nationals had, in 1977-1978, been forced to seek sanctuary in the Republic of Djibouti but there had been no war between Ethiopian forces and the so-called Somali Liberation Front, only fighting between Somalia and Ethiopia owing to the upprovoked aggression of the former.

16. To describe those refugees as unfriendly to the Ethiopian Government was to make an unqualified value judgement. Before the UNHCR special programme to repatriate refugees had been launched, there had been a distinct tendency for such people to return spontaneously to Ethiopia from the neighbouring countries. Her Government, though lacking the material resources to receive and rehabilitate the returnees in view of the destruction during the war of all means of subsistence in the areas from which the returnees originated, had established reception centres for them at suitable locations in border areas and created favourable conditions for their safe return. It had also arranged for visits by United Nations officials and others to

areas where the refugees were being voluntarily repatriated. As a result of those measures, several thousands of Ethiopians had already returned home and the current rehabilitation programme was being implemented under the joint responsibility of her Government, UNHCR and the League of Red Cross Societies. Thus the statement by the representative of the Anti-Slavery Society that there was "no new circumstance in their country of origin" was quite unwarranted.

17. Her delegation categorically rejected the allegation that refugees from Djibouti were being repatriated against their will. Her Government adhered in both the spirit and the letter to the provisions of the OAU Convention on Refugees to which it was a party. To alleviate the fears of returnees, it had issued amnesty proclamation No. 183 of 1980, entitled "Repatriation of Ethiopian Refugees in the Republic of Djibouti", which specifically stated that any such refugee who returned in accordance with the Proclamation was exempt from all prosecution for any crime committed by him for political purposes before he left Ethiopia and that a person returning under the proclamation would be assisted to resume a normal life. That amnesty had been extended by a further Proclamation in 1982.

18. Her Government was clearly in no position to influence the refugees to return and, indeed, had there been any force used, as the Anti-Slavery Society alleged, the repatriation process would have been completed more rapidly. As it was, the Programme had had to be extended, owing to the time and work involved in the intricate process of voluntary repatriation. Furthermore, such an allegation challenged the independence and integrity of UNHCR and the League of Red Cross Societies, whose reputations were beyond reproach. The UNHCR Special Programme, which had been conceived as part of a regional approach to solve the problem of refugees in the Horn of Africa had been explained in detail by the High Commissioner for Refugees in his statement to the Economic and Social Council on 11 July 1983.

19. If the concern of the Anti-Slavery Society had been sincere, it could have been readily allayed by direct involvement because, under the Agreement on Assistance to Returnees in Ethiopia, her Government had agreed that non-governmental organizations other than the League of Red Cross Societies might participate in the implementation of the repatriation programme. While the increasing number of spontaneous returnees had been made possible by the administrative, legal and other measures introduced by her Government, it needed the co-operation of the countries of asylum and the support of UNHCR, the voluntary agencies and the international community at large, for the material implementation of the Programme.

20. Mr. KHOURI (Observer, Palestine Liberation Organization) said that he wished to draw the Sub-Commission's attention to the situation with respect to human rights of the Palestinians as a result both of the Israeli invasion of Lebanon and Israel's continued occupation of other Arab territories. Palestinians living in the parts of Lebanon invaded by Israel had been summarily executed by the allies of Israel, particularly in the Saida region. Outraged public opinion in the international community had caused the occupation forces to restrain their allies, but the danger of such attacks continued and the Israeli General Staff and its allies hoped that the resultant terror would lead to a new mass exodus of the Palestinians, in whose memories the massacres of Sabra and Chatila were still fresh. Those massacres had been described as an act of genocide by various United Nations organs and, in an interesting analysis published in the Monde Diplomatique of June 1983, a well-known

Israeli journalist had concluded that the Commission of Enquiry had been wrong in putting most of the blame on Israel's allies rather than on the Israeli leaders, without whose agreement the massacres could not have occurred.

21. The distress of the Palestinians living in the areas of Lebanon occupied by Israel was increased by the fact that institutions which had been established by the PLO and offered their services free of charge to Palestinians and non-Palestinians alike, were no longer allowed to operate. Many Palestinian men, often the sole support of their families, were either dead or detained in concentration camps and the privations suffered by their families could be readily appreciated. Israel did not respect the Geneva Conventions: civilians were arbitrarily arrested as a preventive measure and combatants of Palestinian and other nationalities were not granted prisoner-of-war status, although their rights had been recognized by the international community in, for instance, resolution 1983/27 of the Commission on Human Rights.

22. The situation of the Palestinian population in the occupied territories had also deteriorated. There also, Israel challenged the applicability of the Geneva Conventions since, in the eyes of the Begin Government, they were liberated territories over which Israel exercised legitimate sovereignty. The occupation authorities were therefore entitled to proceed with Judaization by establishing new settlements and terrorizing the Palestinian population into leaving.

23. The Israeli settlers were quick to use their weapons and it was very noticeable that, if a Palestinian was murdered, the perpetrators were never brought to justice whereas, if an Israeli was murdered or wounded, curfews and collective punishments were imposed on the Palestinians. Israelis were above the law and Palestinians had no legal recourse.

24. Detailed information on the situation in the Israeli-occupied territories was to be found in the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories and also in that of a remarkable Seminar on the Violations of Human Rights in the Palestinian and other Arab Territories Occupied by Israel, held at Geneva in late 1982. He had been surprised to note that neither report appeared in the Sub-Commission's list of documents.

25. On the eve of the International Conference on Palestine, his organization hoped that the Sub-Commission, which had already expressed its support for the inalienable national rights of the Palestinian people, would adopt a resolution reflecting its concern at the gross violation of those rights.

26. The CHAIRMAN said that the necessary additions to the Sub-Commission's list of documents would be made.

27. Mr. LOVO CASTELAR (Observer for El Salvador) said that, in the past two years, the Sub-Commission had adopted controversial resolutions regarding his country which his Government had rejected as being tendentious, unbalanced and interventionist. The Government had submitted communications disputing those decisions and explaining the progress made in the matter of human rights in the country. He hoped that the experts constituting the Sub-Commission would produce suggestions in an effort to improve the situation in countries which had problems, remembering that the Charter of the United Nations, while prescribing the promotion of human rights, prohibited intervention in the domestic affairs of a State. His

Government had co-operated with the various United Nations organs and with the International Committee of the Red Cross. Moreover, although it did not recognize the validity of the mandate of the Commission's representative, Professor Pastor, it had assisted his work and had also co-operated with the Working Group on Enforced or Involuntary Disappearances.

28. The situation in his country was a very difficult one and the victims of the conflict could be counted in their thousands, not to mention the damage done to the infrastructure as a result of terrorist action. It was therefore urgent for the international community to help the countries in his region by co-operation, as opposed to intervention, in the search for a peaceful solution. That was particularly so, since that situation of regional conflict was endangering international peace and security. It was urgent for the countries of Central America to find a peace formula before the conflict spread and the area became a field of battle on which the Superpowers of East and West confronted each other.

29. It was necessary to consider the historical background of the situation in Central America as well as the fact that the crisis was due in part to the economic, social, cultural and political under-development of the area. The unequal distribution of wealth and the lack of education of the people had produced resentment and class struggles; a combination of ambition and resentment had led to violence and to the dispatch of weapons from abroad.

30. The arms traffic in Central America had to be checked and the various political, military, economic and religious groups should seek a solution in the common interest. The primary aim was to put an end to violence, whatever its source, whether of the Left or of the Right. The situation was complex, one which was difficult for a simplistic foreign observer to understand. The majority of Salvadorians wanted political and social change, but they also wanted freedom. It was not clear that the Sub-Commission understood the magnitude of the social changes that had been occurring as a result of the coup d'état of 15 October 1979. Since March 1980, agrarian reform had become a reality, while banking and foreign trade had been nationalized. The process was a complex one with its ups and downs, but it was continuing.

31. The Sub-Commission should also realise the great process of democratization which was taking place as a result of the elections in March of the Previous year, when the entire people had gone to the polls. It was hoped that the new political constitution would be completed by September or October and that presidential elections would be held in the following year.

32. In short, El Salvador was seeking a solution through the democratic will of the people; an attempt was being made to reach an understanding that would quickly lead to a peace settlement; an act of amnesty had been passed benefiting more than 1,000 people; the Peace Commission had made contact with the leaders of the insurgents with a view to incorporating them in the democratic process; many measures were being taken in the field of human rights and the Commission on Human Rights had undertaken an educational campaign in that connection; social programmes were being implemented to meet the urgent needs of those people who had been displaced as a result of the conflict; measures were being taken to improve the judicial system; and, at the regional level, there was active participation in a process of consultation promoted by the Contadora Group. In that connection, he quoted the report of the President of the Republic on 1 July 1985 to the Legislative Assembly concerning the implementation of human rights in the country, the establishment of a Commission on Human Rights and promulgation of an Act of Amnesty, and the steps which were being taken to reform the judicial system and establish the complete independence of the judiciary.



33. Referring to the various criticisms of his Government which had been voiced in the Sub-Commission, he said that they were clearly biased since they simply attributed the commission of certain acts to government forces, without taking into account the existence of guerrilla and terrorist groups and without considering the Government's policy of putting an end to any act of violation of human rights. In some cases, the bias was so obvious as to be patently absurd. Non-governmental organizations which did not adopt a balanced attitude would lose their credibility. At all events, replies would be given to the accusations in question through the reports that were regularly submitted to the Centre for Human Rights.

34. The comments by a Latin American expert at the tenth meeting of the Sub-Commission were unacceptable and unduly subjective, being based on a political preference for the opposition groups. As for the case of Marianela García Villas, it appeared that she had met her death while with a guerrilla group during a military confrontation. Her case would, however, be the subject of the fullest investigation.

35. The CHAIRMAN said it was clear that, when such delicate matters were discussed, it was difficult for government observers to accept the views of the members of the Sub-Commission and vice versa.

36. Mr. HEREDIA (Observer for Cuba) said that Mr. Ferrero, who had recently visited his country, had mentioned the great progress made in the field of human rights and Cuba's revolutionary achievements, particularly in public health and education, both of which were free, and also the low prices of goods, which brought them within everyone's reach.

37. With regard to Mr. Ferrero's comments on the freedom of the press, he wished to make it clear that freedom of expression and freedom of the press in Cuba were guaranteed by articles 52 and 53 of the Constitution. Moreover, article 62 of the Constitution guaranteed the right of every citizen to submit complaints to the authorities and to receive a satisfactory reply within a due period. Freedom of the press was not a mere legal formality, since the people owned not only the means of production but also the means of communication. The press, which was completely free from all censorship, made a point of publishing any criticisms submitted by citizens. Bulletins giving the workers' views were published in the factories, and artists and writers had their own reviews in which they could express themselves freely.

38. In the People's Assembly, people were completely free to criticize the acts of the delegates whom they themselves had democratically elected. During the period of drafting, the most important bills were freely discussed in all districts and work centres before they became law. Many years previously, the General Assembly of the United Nations had indicated the restrictions that might be imposed on the expression of opinion to safeguard national security, public order, health and public morals. In that sense, the freedom of the press in Cuba was not a counter-revolutionary instrument which could be used to subvert the revolutionary order. Moreover, the Cuban press was free from the monopolistic influence of the transnational news agencies.

39. In conclusion, he stressed that all human rights, not only civil and political, but also economic, social and cultural, were respected in Cuba.



40. Mr. BASHIR (Observer for Pakistan) said that his delegation attached great importance to the Sub-Commission's valuable contribution to the promotion and protection of human rights. His Government had participated actively in the various United Nations forums dealing with human rights issues and had endeavoured, with other members of the international community and in its domestic domain, to promote human rights and fundamental freedoms for all.
41. In view of the reference made to Pakistan by some members of the Sub-Commission, he wished to clarify the steps taken by his Government for the restoration of democracy. On 12 August 1983, the President of Pakistan had announced a political framework and programme for a peaceful transfer of power and restoration of democracy in Pakistan. Under that programme, local Government elections would be held in 1983, followed by elections to the Provincial and National Assemblies and to the Senate. The entire process for the peaceful transfer of power by free and fair elections would be completed by 23 March 1985.
42. The President of Pakistan had stated on a number of occasions that the Government was firmly committed to the protection of the fundamental rights of all citizens, including minorities. In Islam, minorities did not constitute an oppressed class but enjoyed a privileged position.
43. His Government had, in the past, denied the various unfounded allegations of arrests, torture and political persecution. The Judiciary in Pakistan continued to perform its functions independently and without interference. The Chief Justice of the Lahore High Court had recently stated that the Judiciary in Pakistan enjoyed all the powers to which it was entitled in a civilized community and an Islamic society. Government agencies, including those in charge of law enforcement, had always acted within the confines of the law, and his delegation firmly denied the accusations of torture and of political or any other form of persecution in Pakistan.
44. He had been much surprised at the allegation made by the representative of the World Conference on Religion and Peace concerning untouchability in Pakistan. The Government and people of Pakistan were committed to the Islamic principles of equality and brotherhood, and the obnoxious problem of untouchability was completely alien to an Islamic society.
45. Mr. HARAN (Observer for Israel) said that the Chairman had wisely indicated, on opening the debate to observers, that she would not permit any aggressive statements. It was difficult, however, to decide what a delegation should do when it was at the receiving end of aggressive declarations and when a so-called independent expert dared to compare conditions in the territories administered by Israel with the conditions under Nazi rule. The man in question, who was an expert in slander and in shamefully disregarding historical facts, spoke in the Economic and Social Council as a representative of his Government. It would appear that some experts were more independent than others. Unspeakable crimes had been committed by the Nazis against the Jewish people and any attempt to compare them with current circumstances was utterly contemptible and inadmissible in the Sub-Commission.
46. Reference had been made by a number of experts to the terrible happenings in Sabra and Chatila. It appeared to have been forgotten that it was the local Arab forces which had perpetrated those acts. His Government had set up a Commission of Enquiry which had produced a report on the subject. A member of the Sub-Commission had suggested that the report in question should be examined, and

another member - a learned judge - had felt constrained to withdraw his initial support for that idea when he learned that the Commission on Human Rights had already blamed Israel for the acts. If its members were being thus pressured and influenced, it was hardly surprising that many of the Sub-Commission's resolutions had not been well received.

47. Mr. MASUD said he strongly objected to the unparliamentary language which the speaker had used with reference to members of the Sub-Commission.

48. Mr. CHOWDHURY said that it was completely out of order for the speaker to refer to statements which had been made elsewhere. In his own view, the speaker had exceeded the bounds of decency and, if he continued to do so, the Chairman would be obliged to deny him the floor.

49. The CHAIRMAN asked the Observer for Israel to explain his delegation's position without using insulting language or otherwise going beyond the bounds of courtesy.

50. Mr. HARAN (Observer for Israel) said that a certain expert had stated that there were 500 United Nations resolutions concerning Israel which had not been complied with. A report by a former Legal Counsel of the United Nations (A/38/265) had pointed out that the mere fact that a rule or decision had been repeated a number of times in the General Assembly did not necessarily make it a customary norm. It would be far too easy if a resolution could be made into a law merely by reiterating it a number of times.

51. A preparatory document for the International Conference on the Question of Palestine, which was to be held the following week, mentioned that the first resolution adopted by the United Nations on the subject of Palestine, on 29 November 1947, had been resolution 181 (II), which, with minor modifications, established a partition plan recommended by the United Nations Special Committee on Palestine. The document continued that the Zionist Organization had accepted the plan but that the Arab Higher Committee had rejected it. It would seem that not only the Arab Higher Committee but all the Arab States represented in the United Nations were trying to destroy one of the few democratic States in the region.

52. There was a Special Committee to deal with human rights in the occupied territories but, since the matter had been brought up, he wished to point out that the social and economic aspects of human rights were no less important than the legal ones and that a United Nations report (A/38/278) had said that the economy of the occupied territories, as measured by the real rate of growth of its GNP, had improved.

53. He hoped that the Sub-Commission would hold fast to its true functions and would not permit attempts to use its meeting room to wage war.

54. Mr. MINAMI (Observer for Japan) said that his Government had always taken a strong interest in the humanitarian issue of the repatriation of the Koreans still residing on Sakhalin. At the end of the Second World War, those Koreans who had gone to southern Sakhalin before or during the War were given no opportunity of leaving. With the entry into force of the San Francisco Peace Treaty in 1952, Korea's separation from and independence of Japan had been legally established and Koreans residing in Japan, including those resident on Sakhalin, who had hitherto possessed Japanese nationality, lost that nationality, while Japan had also renounced all rights, title and claim to southern Sakhalin.

55. His Government could no longer take any legal steps, therefore, to secure the repatriation of Koreans residing in Sakhalin, and its ability to take any action in the matter was very limited. However, in view of the historical circumstances, it was much concerned about the matter as a humanitarian problem and had, on numerous occasions, requested the Government of the Soviet Union to give favourable consideration to applications for repatriation by those Koreans. The matter had been taken up more than 15 times, including five times at ministerial level. The Government of the Soviet Union always maintained, however, that, since the people concerned were not Japanese citizens, the matter could not appropriately be discussed between Japan and the Soviet Union.

56. His Government, which had also requested assistance in the matter from the International Committee of the Red Cross through the Japanese Red Cross Society in 1982, would continue to do everything possible to bring about the repatriation of those concerned.

57. Mr. SAKER said he supported the request by the Observer for the Palestine Liberation Organization that the report on the 1982 Geneva Seminar and the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories be included in the Sub-Commission's list of documents. The Sub-Commission should adopt the work carried out by the Special Committee and the conclusions of the Seminar, the documents of which should have been made available. An annex might be provided to E/CN.4/Sub.2/1983/8 in that regard.

58. There were more than 500 United Nations resolutions condemning Israel and the Israeli leaders had arrogantly disregarded them all. Israel had violated every United Nations resolution on the human rights of the Arab residents of the occupied territory. When a Palestinian baby was born, the Israeli authorities issued a document stating that its nationality was unknown. There were also the practices of inflicting communal penalties, the breaking-up of families, the confiscation of property and the establishment of civilian settlements devoted to terrorizing the Arab population.

59. The destruction of hospitals and of Red Cross and Red Crescent institutes during the Israeli invasion of Lebanon was known to all, and the international community was aware of all the details of the massacres of Sabra and Chatila, although there were some people who tried to extenuate the Israeli responsibility. The time had come to consider both the violations of human rights committed by Israel and the powerful forces enabling Israel to carry out such policies.

60. The demand that Israel withdraw from all the occupied territories was a just one since the Palestinian had the right to return to his homeland and to establish his own State. The observer for Israel had alleged that Israel had raised the living standards of the occupied populations which should therefore welcome the occupation - an extraordinary suggestion. It was an insult to the intelligence to maintain that colonialism and imperialism were good and sound.

61. Mr. SHAHABI (Observer for the Islamic Republic of Iran) said that the compassion expressed by President Reagan, the European Parliament, the Council of Europe and the European Commission for the Baha'i sect in the Islamic Republic of Iran contrasted strangely with their attitudes to the massacres of Sabra and Chatila, the deplorable situations in South Africa, Namibia and Latin America, and the bombing of Iranian

cities. The reason was clear to all: the seed was sown and the grain harvested by imperialism. The same group of countries which protected the usurper regime of Israel and South Africa's maintenance of apartheid was also interested in Baha'i subversion in the Islamic Republic of Iran.

62. Large numbers of Sunnite Moslems, Armenians, Christians and Jews were living happily in the Islamic Republic of Iran, in spite of Western attempts to reverse that situation. Even religious minorities not recognized by the Iranian Constitution were granted equality before the law. However, the actions of the Baha'is were contrary to public order and it was the right of every State to impose restrictions on such activity. Documents seized by the Islamic revolutionary forces from Savak centres proved that there was close and long-standing collaboration between the Baha'i sect, the usurper Zionist regime and the apartheid regime of South Africa. Those plotting against the popular Islamic revolution and the Islamic Republic of Iran were accordingly subject to punishment, but there was no distinction made in the treatment of Moslems, non-Moslems and other ideological groups. Members of the Baha'i sect had been sentenced, but not solely because of their faith.

63. At the previous session, his delegation had requested that a representative of the United Nations pay a visit to the Islamic Republic of Iran in order to provide the Sub-Commission with a clear picture of the situation there. Unfortunately, however, such a visit had not taken place. His delegation had been confirmed in its suspicions that the real task of the Commission was to exert political pressure on States acting in opposition to the illegitimate interests of certain major Powers. Nevertheless, it hoped that the Sub-Commission would carry out its duties despite such pressures.

64. Mr. Bossuyt took the Chair.

SLAVERY AND SLAVERY-LIKE PRACTICES (agenda item 13) (E/CN.4/Sub.2/1983/27)

(a) QUESTION OF SLAVERY AND THE SLAVE TRADE IN ALL THEIR PRACTICES AND MANIFESTATIONS, INCLUDING THE SLAVERY-LIKE PRACTICES OF APARTHEID AND COLONIALISM

(b) EXPLOITATION OF CHILD LABOUR

Report of the Working Group on Slavery (E/CN.4/Sub.2/1983/27)

65. Mr. CHOWDHURY, Chairman-Rapporteur of the Working Group on Slavery, introducing the Report, said that the practice of slavery in its more subtle forms was currently affecting 100 million people throughout the world and that the United Nations was expected to use its influence to create a climate in which it could not exist. In that connection, it was most gratifying that the Government of Mauritania should have invited the Sub-Commission to send a mission to Mauritania to give such international help as was possible in eradicating whatever slavery-like practices still remained in that country.

66. The Working Group had decided that, although female circumcision was not a form of slavery, it should continue to discuss that important question until such time as an appropriate group could be established to deal with it. A study was to be made on the subject by Mrs. Warzazi and Mr. Mudawi, and the representative of Ethiopia had offered the full support of her Government.
67. With regard to debt bondage, particular attention should be paid to the action by the Government of India to deal with what it described as the legacy of colonialism (para. 35 of the report). Some alterations to that paragraph had been made since the document had been circulated. After the word "obligation" in line 11, the following sentence had been added: "The Government of India's experience had shown that a solution to the problem of eradicating debt bondage was a three-pronged one, involving identification, release and rehabilitation of those under debt bondage." A short sentence had also been added at the end of the paragraph: "She asserted that the estimate of the number as given by the representative of the International Commission of Jurists was not based on any scientific ground."
68. The Working Group was determined that strong legal action should be taken at both the national and the international levels, followed by practical and positive measures, to eradicate the traffic in persons and the exploitation of the prostitution of others as well as the exploitation of child labour.
69. Among the conclusions and recommendations in section IV of the report, he wished to draw particular attention to the recommendation that an appeal be made to the States members of the Security Council to support mandatory economic sanctions against South Africa, and to the recommendation on co-operation with other United Nations agencies and the recommendation that the persons whose names appeared on the list of slavery experts be more closely involved in the work of the United Nations bodies combating slavery.
70. Mr. HERNDL (Assistant Secretary-General, Centre for Human Rights) said he wished to inform the members of the Sub-Commission that the details of the mission to Mauritania had been agreed upon with the Government of Mauritania and that Mr. Bossuyt and Mr. Mudawi would visit that country from 14 to 21 January 1984.
71. Mr. SAKER said that, while he agreed with the Working Group's recommendations, he thought that, with more time to spare, the Working Group could have elaborated more concrete measures, particularly with regard to prostitution and child labour. As things stood, it had had to base its work on the Slavery Convention of 1926 as amended and supplemented in 1953 and 1956.
72. Slavery was one of the most serious forms of violation of human rights, particularly when it involved the exploitation of women and children, and all countries that needed help to put an end to that practice should be assisted by every organization in the United Nations system that was in a position to do so. As Mr. Whitaker had said at the previous session, the task of the Sub-Commission was not to blame such countries but to help them rid themselves of the scourge of slavery.
73. In that connection, a new international economic order was important, as was democracy, although that was a very elastic word. Democracy had first and foremost to ensure the fundamental needs of mankind: the right of children to food and education and of adults to work, to a home and to health.

74. Mr. MOLIFI (Observer, African National Congress) said that perhaps the most obvious slavery-like aspect of apartheid was the system of pass laws in South Africa which was designed to channel cheap African labour to all sectors of the white economy as and when it was required and to dispense with it when it was no longer required. Under those laws, every African man and woman over the age of 16 was required to carry a pass book, and failure to produce it on demand to the police or other lawful authority could lead to instant arrest, followed by imprisonment or a fine. The laws not only restricted Africans' opportunities of seeking gainful employment, they were also breaking up families, since men and women employed in towns and cities were not allowed to live with their families in the areas of their employment.

75. The laws also made it an offence for any African to remain in a white area or any urban area without a permit for more than 72 hours. Africans had occupation rights to only 13 per cent of the whole land area of the country, the most backward and arid part, and were regarded as sojourners in the remaining 87 per cent, where the white colonialists enjoyed one of the highest standards of living in the world. The patches of barren arid land scattered throughout the country, which were the reservations of cheap African labour, were currently being granted "independence", thus reducing the African population in Namibia and South Africa to the status of a migrant proletariat in their own countries. The mass anti-pass demonstrations of 1960, that had led to the Sharpeville massacre, had to be seen in that light.

76. In the course of 1982, over 200,000 Africans had been arrested under the pass laws, and a study by students of the University of Witwatersrand had found that pass offenders were tried in the Bantu (African) Commissioner's Court at the rate of one person every 30 seconds, the longest time taken on any one case being five minutes. Most of those charged preferred to pay the fines, since pleading not guilty might lead to the case being deferred, resulting in long detention. Similarly, the persons accused were afraid to ask for legal representation, which might result in lengthy litigation, during which time the defendant remained in prison.

77. Mr. BOBINGER (Observer for the Federal Republic of Germany) said, with respect to the comments by the representative of the Anti-Slavery Society on the situation of children of migrant workers in the Federal Republic of Germany that were mentioned in paragraph 44 of the Working Group's report, that his Government would examine those comments carefully, in the context of its continuous efforts to improve the situation of migrant workers. Should it be necessary to refer again to the substance of any of the allegations involved, it would do so at a later stage in writing. His Government would also examine carefully the statement by the representatives of the International Abolitionist Federation, referred to in paragraph 37 of the report, which also contained allegations concerning his country.

78. Mr. DAVIES (Anti-Slavery Society) said he wished to draw attention to an error in the drafting of the report: the references to the International Commission of Jurists and the Anti-Slavery Society in paragraphs 32 and 34 respectively should be transposed.



79. It was good news that the mission to Mauritania had finally been arranged. The whole operation was a model of the manner in which such situations should be handled. His Society had made a report in good faith and the Government of Mauritania had been liberal-minded enough to accept it and to act upon it in the way that the Society had hoped. Government representatives seldom acted in so immediate and positive a manner. It was a welcome precedent and he hoped that similar reports from his Society and other non-governmental organizations would receive similar responses from other Governments. The NGOs did not criticize for the sake of criticism, they genuinely wished to contribute to the betterment of the world and to help the Governments they criticized.
80. With regard to the question of female circumcision - a matter deserving more attention, since it affected millions of women, mostly in Africa - he had welcomed the decision at the previous session to invite Mrs. Warzazi and Mr. Mudawi to undertake a study and report to the Sub-Commission. Nothing appeared to have happened, however, and he hoped that the study could be reactivated. His Society would be pleased to provide all possible advice, help and information to the two members if they were reappointed.
81. Debt bondage - one of the most important practices similar to slavery described in the Supplementary Convention of 1956 - was a subject to which his Society had devoted considerable time and thought, and on which it had reported on three occasions to the Sub-Commission and the Working Group. That problem, far from being particular to India, was common on most continents. It was only because the number of cases of debt bondage ran into millions in India that India had been chosen as a starting point. He hoped that the Working Group's recommendation that a member of the Sub-Commission should be delegated to prepare a study would be implemented, perhaps as part of the proposed five-year programme. The subject was a very important one and his Society would be reporting on a number of other countries in that regard.
82. Child labour was another of his Society's major preoccupations and he was disappointed that the Bouhdiba Report, which had been received with such acclaim and which contained such useful recommendations, had led to little action. He understood that a recommendation was to be submitted during the current session and hoped it would be pursued. The case of the Federal Republic of Germany was an indication that the problem was not restricted to the developing world. It was a concomitant of economic depression and decline and there were certainly pockets that could be so described in many industrialized countries of Europe and also in Japan and United States of America.
83. His Society had begun a study on the situation in the United Kingdom and would be studying other European countries also. The problem was sometimes related to the question of the children of immigrant or migrant workers but in other cases involved children born and bred in those countries and having no foreign connections.
84. With respect to apartheid, which his Society was sometimes accused of neglecting, he wished to recall that much of its early work had centred on the situation in South Africa and the then Prince of Wales had withdrawn his patronage in 1910 because the Society had attacked the United Kingdom Government in connection with the South Africa Act. The Society was particularly concerned with the exploitation of black children in South Africa, a subject which linked the two topics of apartheid and child labour, just as debt bondage and the exploitation of women were linked.



85. Mrs. IRANDOKHT (Anti-Slavery Society) said that Iranian children were being used as cannon fodder in the war with Iraq. More than 90 per cent of the thousands of children, aged between 13 and 18, that had been sent into battle had been killed and the rest had become prisoners of war. The parents of those children, most of whom belonged to the lowest socio-economic group in the Islamic Republic of Iran, were compelled to let them join up, receiving in exchange in some cases about \$60 and in others a "martyrdom card", if their children were killed, which provided advantages in obtaining food and jobs.

86. The virtue of martyrdom was extolled and the children were sent into battle carrying a "key to heaven" as a special gift from the Ayatollah Khomeini. Some child-soldiers had told her that they had not wanted to be captured, because they would not be allowed to return to the Islamic Republic of Iran as they should have become martyrs. The Iranian authorities had even implied that those children might be Iraqis disguised as Iranians, thereby attempting to turn public opinion against the children who had not been killed. Another child had told her that he was fighting to defend his country and his religion. In reply to the question whether the Iraqis were not also Moslems, he said that he had been told that the Imam wanted four Iraqis killed for every Iranian who died in battle. He was fighting Kurds because they liked to drink wine.

87. A war psychosis had taken over in the Islamic Republic of Iran and propaganda glorifying war and violence was particularly aimed at the children. Children and their parents were invited to witness hangings, and news of executions were broadcast over the radio. In schools religious teachers taught them about threats to Islam and the Imam from counter-revolutionaries and foreign powers, and the need to defend Islam and become a martyr. Pictures of martyrs decorated the school walls. Iranian children were instilled with the belief that sacrifice and martyrdom for Islam was the highest goal in their lives.

88. Dispatch to the front was, in fact, a death sentence, as they were not expected ever to return to their families and the Sub-Commission should use its influence to persuade the Iranian Government to stop sending those children to their deaths. Furthermore, the children currently being held in Iraq should not be regarded as prisoners of war, but should instead be given a chance of going to school. The Anti-Slavery Society was organizing a group of educators, doctors and psychologists and was prepared to send a mission to Iraq to inquire into the welfare of those children.

89. Mr. ZAHIRNIA (Observer for the Islamic Republic of Iran) said that, when his delegation had drawn the attention of the Sub-Commission to the disappearance of 10,000 people following the war of aggression launched by Iraq, it had decided that the question came within the competence of the International Committee of the Red Cross.

90. In connection with paragraph 42 of the Working Group's report and the statement by the previous speaker, he pointed out that, when a country was the victim of aggression, no questions about age were asked of the volunteers joining up to defend their homeland.

91. Since hostilities had begun some three years previously, about 10,000 Iranian civilians had been deported from occupied Iranian territory and thousands of Iranians were currently being held in Iraqi camps, including young people who had not been soldiers but had been deported to Iraq. As ICRC had stated in its report of 7 May 1983, there were then 17 women and five children in Mossul camp.

92. As for the young prisoners of war, to whom public attention had been drawn, his Government had repeatedly asked ICRC to hand those prisoners over to the Iranian authorities at Kuwait and Ankara but, in the case of 23 of them, it had been insisted that they should be handed over in Paris, presumably because of the propaganda facilities available there.

93. In conclusion, he thought that, as a matter of principle, no member of a non-governmental organization should speak against his own country, a fact that he hoped the Sub-Commission would bear in mind in the future.

94. Mr. MASUD said, with reference to recommendation 12 by the Working Group that the Economic and Social Council be invited to consider authorizing that its name be changed to "Working Group Against Slavery, Apartheid, Gross Human Exploitations and Human Degradation", said that, while he considered it appropriate to change the name, he wondered whether it was necessary to retain the mention of slavery, which had long since been abolished. The real issue was slavery-like practices, many of which were not being dealt with by the Sub-Commission or the Working Group.

95. Such practices appeared in different forms in different countries, both developed and developing. There were immoral traffic, sexual aberrations, uncontrolled polygamy, arranged marriages, excessively easy dissolutions of marriages or divorces, treatment of migrant workers, or distinction between citizens of different races or ethnic origins. People often concentrated on major abuses, such as apartheid and bonded labour, to divert attention from other issues. In many cases, such problems were really economic in origin and would disappear with better education and better economic conditions. In that connection, he welcomed the news concerning the mission to Mauritania.

96. With regard to the section on traffic in persons and the exploitation of the prostitution of others, he regretted that there had been no discussion of the causes. Women could be drawn into prostitution, for example, as a result of religious practices, or poverty or fraud (a false offer of marriage or work). There should have been a reference to and a discussion of remedies, such as the efforts being made in China to educate young prostitutes and rehabilitate old ones. Consideration should also be given to the role of religion in removing apartheid, since all the major religions preached the love of mankind and the fact that all people were the children of God.

97. Mr. HADI said that it was for the Observer for Iraq to reply to the statement made by the Observer for the Islamic Republic of Iran but that he himself could not refrain from mentioning that the Iraqi Government had more than once expressed its readiness to release without any quid pro quo the children it held among the prisoners of war.

98. Mrs. SCHREIBER (International Abolitionist Federation) said that, for a number of years, the Federation had been submitting detailed reports on slavery and slavery-like practices to the Sub-Commission and it had been struck by the indifference with which those evils, which led to the physical and moral destruction of human beings, had been accepted and the fact that little attempt had been made to implement the many recommendations on the subject. Procurement still existed on a wide scale and it was high time that Governments were asked to state precisely what they proposed to do to protect young people. A proper home and the prospect of employment and a means of livelihood would do more than all the speeches in the world to dissuade a young person from becoming a prostitute. The Federation had submitted reports on that subject to a number of countries, including the United States, Brazil, Belgium and the Federal Republic of Germany, and it hoped that the Governments of the countries concerned would report to the Sub-Commission what action they intended to take to eliminate such evils.

99. In connection with the second subitem, she wished to draw attention to the plight of gipsy children, who seemed to have been overlooked in the long list of exploited children, although they were among the most badly treated of all. While the right of all communities to live in accordance with their customs and beliefs should be respected, she felt that the rights of the child were intrinsic and should be safeguarded whatever the circumstances. It was obvious that, in the industrialized countries, the root cause of their plight as of that of all deprived children was poverty, and the fact that they were kept on the margin of society by the selfishness of the community.

100. Mr. DAS (World Conference on Religion and Peace) said that he wished to touch upon three issues arising out of untouchability in the Indian Sub-Continent. The first was the existence of eunuchs, who were not just castrates or transvestites, but based their behaviour on a set of religious beliefs and had a priesthood and a ritual peculiar to themselves. The leaders of the cult recruited their diminishing ranks by kidnapping or enticing young boys, who were needed to support them in their old age. However recruited, the boys were crudely castrated while under drugs and were then unable to return to their families. A law had been passed in Pakistan a few years previously which forbade men to wear female dress, but that was perfectly legal in India, where the sect, despite criminal activities, enjoyed a considerable measure of freedom.

101. The second issue he wished to mention was sacred or temple prostitution, which was peculiar to India. Temple prostitutes, who were known as Dev Dassis, mainly belonged to the untouchable caste. Some ignorant parents, in order to propitiate their gods, dedicated their daughters to such a life. It was estimated that there were about 60,000 Dev Dassis in southern India. The Government of Karnataka, one of the States in which temple prostitution existed, had banned the custom by law but laws were seldom respected when they ran counter to religious beliefs and superstitious practices.

102. The third issue was that of the despised occupations, including road sweeping, garbage collection and tanning. In India, Pakistan and Bangladesh, people engaged in those occupations were considered polluting, inferior and degraded, yet no community could exist without them. Their only reward was low wages and contempt but it was impossible for them to find other kinds of work. In rural areas, force would be used to prevent them from leaving.

103. In India, some 4 million people were involved and in Pakistan, about 700,000. In the latter country, they were Christians, their ancestors having embraced Christianity in the early decades of the century to escape from the tyranny of Hinduism. The people employed in those despised occupations were not slaves in the strict sense of the word, or within the meaning of any international convention on that subject. In fact, however, it was a form of slavery since the people concerned were condemned to do the same kind of work until the day they died and were deprived of any possibility whatsoever of change or advancement. The Government of Pakistan had done very little to help such people while in India; despite five commissions that had studied that problem, there was no sign of that centuries-old system being abolished.

104. Mr. EIDE said that the Working Group should be renamed the "Working Group Against Slavery-like Practices and Gross Human Exploitation". Slavery was an extreme form of exploitation which combined personal non-freedom and dependence as far as subsistence was concerned. Slavery in its extreme chattel form had become rare, but the two aspects he had mentioned existed in varying degrees in a number of situations. Lack of freedom, which could limit a person's ability to find appropriate work, might result from a colour bar, political reasons or the like. Dependence was the result of lack of alternative resources, such as land or other natural resources, to fall back upon. Indigenous populations were exploitable because they were easy prey. Apartheid was a very severe form of such exploitation.

105. The question of female circumcision did not come within the scope of the Working Group and should properly be taken care of in another forum, such as the World Health Organization. It was outside the context of the kind of material exploitation and personal non-freedom which was the appropriate subject for the Working Group.

106. Mr. FLOOD (Observer for the United States of America) said there was a minor inaccuracy in paragraph 43 of the report. The second sentence should read: "She added that she would forward the statement of the Anti-Slavery Society to her Government for its consideration."

107. Mr. CHOWDHURY Chairman/Rapporteur of the Working Group on Slavery and Slavery-like Practices, said that he had noted the valuable suggestions made in the discussion, including those by Mr. Saker, the ANC Observer, the Observer for the Federal Republic of Germany and the representatives of the International Abolitionist Federation and the World Conference on Religion and Peace. He had also noted the corrections pointed out by the representative of the Anti-Slavery Society and the Observer for the United States of America.

108. As for the question of the Working Group's name, since the Working Group was a body set up to assist the Sub-Commission, the latter was entitled to change its name to reflect the work assigned to it. He would, personally, be in favour of the name "Working Group on Apartheid and Slavery-like Practices", since the omission of apartheid might give the impression that it was no longer being given attention.

The meeting rose at 6.50 p.m.