



# UNITED NATIONS

Press Release

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## SUBCOMMISSION CONCLUDES SUBSTANTIVE DEBATE FOR YEAR

Subcommission on the Promotion  
and Protection of Human Rights  
53rd session  
15 August 2001  
Morning

The Subcommission on the Promotion and Protection of Human Rights completed its general debate this morning under its 2001 agenda, hearing several statements on the subjects of human trafficking, terrorism, and the treatment of women in Afghanistan.

The Subcommission will vote this afternoon on draft resolutions and decisions tabled under its agenda items on economic, social and cultural rights; prevention of discrimination; and "other human rights issues", including such matters as women and human rights and contemporary forms of slavery. The panel's fifty-third session will adjourn on Friday.

Among those speaking this morning, Subcommission Expert Erica-Irene A. Daes said many of the thousands of people who were being smuggled or trafficked around the world were economic migrants looking for a better life or fleeing instability in their homelands. They were being exploited by criminal elements and often were abandoned in remote locations, without food or shelter, or were thrown into the sea. To combat smuggling and trafficking, Mrs. Daes said, some States had tried to intercept migrants without proper documentation just prior to their arrival, but this practice was problematic, because it could prevent many legitimate asylum-seekers from realizing their right to sanctuary.

Expert Miguel Alfonso Martinez said that one aspect of the fight against terrorism that should receive greater attention was preventive measures. Populations generally resorted to acts defined by some as "terrorism" and by others as freedom fighting when their human rights had been deeply violated for years. Efforts to bolster the human rights of such populations could

alleviate the anger and frustration that led to such violence, Mr. Alfonso Martinez said.

And a representative of Afghanistan charged that "militia fanatics" supported and even imported from across the border were profoundly defying women's rights in Afghanistan in the name of some culture or other, but it was not the Afghan culture -- Afghan culture supported the rights of women, and prior to the domination of the militias there had been no "sexual apartheid" in the country. Women had worked in Government, the representative said; they had attended and taught in schools and universities, and they had received proper health care.

Subcommission Experts or Alternates Iulia-Antoanella Motoc, Y.K.J. Yeung Sik Yuen, Francoise Jane Hampson, and Yozo Yokota also addressed the session.

The Republic of Korea, the Democratic People's Republic of Korea, the United States, Indonesia, the United Kingdom, Mauritius, and Iraq spoke in exercise of the right of reply.

The Subcommission will reconvene at 3 p.m. to begin consideration of draft resolutions and decisions.

### **Statements**

ERICA-IRENE DAES, Subcommission Expert, said the note of the Secretary-General pointed out several of the problems associated with trafficking in human beings. The note stressed that a connection between human rights and abusive forms of migration made it especially important that the international human rights community take up this issue with full force and vigour. The right to asylum was a sacred right, the sanctuary that accepted the asylum-seekers was a sacred place. Illegal migration was growing throughout the world. There had been an increase in the number of people who crossed borders without the requisite information. Many of the people who were being smuggled or trafficked were economic migrants, looking for a better life, or fleeing from instability in their home lands. They were being exploited by criminal elements who preyed on vulnerable peoples. Often, the human cargo was left abandoned in some remote parts of the countries, without food or shelter. Other smugglers threw their human cargo into the sea, often without life jackets, leaving the weakest to drown.

In order to combat smuggling and trafficking, States had tried to intercept persons without proper documentation just prior to their arrival. This practice was problematic, because it could prevent many legitimate asylum-seekers from realizing the rights that they were guaranteed. The Office of the High Commissioner for Refugees was asked to intensify its efforts to stop illegal

smuggling and trafficking in people.

IULIA-ANTOANELLA MOTOC, Subcommission Expert, said technology, in connection with human rights, was a concern to the United Nations as far back as the 1960s. In the Subcommission, several studies were carried out in the 1980s, with respect to human rights and health and technology. The Bioethics Committee was established in 1993 by the United Nations Education, Scientific and Cultural Organization. The Declaration on the Human Genome was adopted by this Committee, and it was later accepted by the General Assembly. It contained several principles -- including the right to research and human rights. Research that affected human dignity, like cloning, was not permitted. The issue of how to deal with research was important. It was a complex issue. The Declaration said that the most vulnerable people should be protected, and young people should be informed about the possible consequences of genetic research and genetic data. This was the responsibility of States.

The question of follow-up was important. It was brought up before the United Nations Educational, Scientific and Cultural Organization (UNESCO), and a governmental committee was established, which set up a follow-up mechanism. The Commission on Human Rights had been trying for years to get a study to see how the follow-up mechanism could work with the Commission. In the Subcommission, there needed to be more studies to see what follow-up there could be to the Declaration on the Human Genome.

Y.K.J. YEUNG SIK YUEN, Subcommission Expert, said shortly before Mauritius obtained its independence from Britain in 1968, the Chagos Islands were detached by the colonial masters, Britain. The Ilois, former inhabitants of the Chagos, were displaced to Mauritius in the early '70s. Last year the High Court of Justice in London had laid bare the concerns and attitude of British officials at the time -- the strategy was to depopulate the Chagos with the ulterior motive of handing over Diego Garcia to the United States for establishment of a military base. The High Court held that there was no lawful power to remove the Ilois from the Chagos. There was no appeal against a judgement of the High Court. Following that judgement, a bill was rushed before the House of Lords in June this year with the objective of offering British nationality to the Ilois with a right of residence in Britain.

Mrs. Hampson had proposed a draft resolution to the Subcommission, Mr. Sik Yuen said. He could not accept it because the draft resolution was a wolf dressed in sheepskin; because it concerned principally the Ilois; and because some of its elements were disturbing. The measure seemed almost to assume that return would not be possible and compensation would be provided to the Ilois instead. These displaced people were already vulnerable populations; it would be a fallacy to believe that in their difficult conditions they would be able to exercise a "free choice" when faced with what appeared to be a short-

term and facile solution. It would be sad if there were to be a United Nations-generated resolution which would mix the right of return of displaced persons with the position of the Ilois wherein they would lose the right of return in exchange for a sum of money or other benefits which would be illusorily termed "compensation". The Ilois had already suffered tremendous prejudice as a result of their forced displacement and already had a good case for reparation. The Subcommittee should not compound the wrong done to them by providing their henchmen with the rope to prepare a noose for them.

MIGUEL ALFONSO MARTINEZ, Subcommission Expert, said at the end of every session there was always little time, especially with item 6, because it was always a mixed bag of issues. Trafficking in persons was one of the topics that deserved in-depth attention from the Subcommittee, and he supported the draft resolution that would be considered later. The Subcommittee should look into this matter as much as possible, including by organizing a seminar, which was outlined in the draft resolution. This kind of trafficking was on the increase, and it was well-documented. It represented an additional type of trade that was carried out by smugglers, the other smuggling operation being drugs.

Another point was the report on terrorism. The emphasis put on measures that could prevent terrorism could represent a question that needed greater attention. The violation of human rights should never happen, nor should it be justified, in combatting terrorism. A terrorist could be considered someone who defended human rights. The term intellectual terrorism had been used. Until the issue was dealt with clearly, there would continue to be terrorism. The clearest example of that was Palestine, where people were denied their basic human rights. Terrorism had an infinite number of issues that could use further studies. Issues like sovereignty certainly needed to be studied, as did the issue of extradition.

HUMAYUM TANDER (Afghanistan) said the report of the Secretary-General on the situation of women and girls in Afghanistan illuminated a very serious problem. Afghanistan did have a legitimate Government, but it was beleaguered by insurgencies funded by a foreign State which supplied support and an army of fanatical volunteers. The Government of Afghanistan, faced with this coalition of fanatics, obviously had to respond. These militia fanatics who were so profoundly defying women's rights in Afghanistan, perhaps were imposing a culture of some kind, but it was not Afghan culture. Afghan culture supported the rights of women; there had been women Government ministers and women elected officials; there were many women university professors and schoolteachers; many women had worked in the civil service; girls had routinely attended school and had been provided access to standard health care. The explanations offered by the fanatical militias for their current treatment of women were distorting the true picture of Afghan history and culture.

Afghanis wanted to rebuild their country; a political solution had to be found to the war in Afghanistan. Afghanistan appealed for help and appealed for the Subcommittee to take these facts into account in the relevant draft resolution. Afghanis wanted an end to the abhorrent sexual apartheid currently being inflicted upon the country.

FRANCOISE JANE HAMPSON, Subcommission Expert, said it was troubling to find that there were serious allegations that international civil servants and international forces had been involved in trafficking. It was too bad that her independence and integrity was called into question by a colleague. The Ilois were a relatively small group, but they would still be covered by the resolution that was supported by the United Nations High Commissioner of Refugees. It detailed the right to return. The resolution provided for voluntary settlement elsewhere because the right to return was simply a right -- it was not an obligation, and alternate settlements should be provided for. The only time that compensation was relevant was if property were destroyed and needed to be replaced -- for example, a house.

YOZO YOKOTA, Subcommission Expert, said he agreed that the question of smuggling and trafficking in persons, particularly women and children, was a very serious matter, and the Subcommittee should address it as a matter of priority.

MR. SIK YUEN, Subcommission Expert, said it should be said that Mrs. Hampson was the first person to broach the question of the Ilois, and she was applauded for that last year. Nevertheless, she then came forward with a resolution with the same difficulties, and she insisted on the vote, and the motion was defeated. But he apologized.

### **Rights of Reply**

A representative of the Republic of Korea, speaking in right of reply, said that regarding the role of the Japanese Government in approving distorted history textbooks, the Japanese Government actually approved such textbooks by its screening system; the Government should ensure that its children had access to a truthful and sound education. It also should be recalled that Japan and the Republic of Korea had made a solemn pledge a few years ago that the understanding of the history of the region should be enhanced for students of both countries. It also had to be made clear that the Japanese Prime Minister had officially visited a war monument that named war criminals, among others; he had done so as a Prime Minister. Finally, the Republic of Korea did not accept that Japan's obligation to compensate officially and legally the "comfort women" was negated by treaties the Government of Japan had signed. Japan still had a legal responsibility to provide acknowledgement and compensation for crimes committed against

the comfort women.

A representative of the Democratic People's Republic of Korea, speaking in a right of reply, said his country could not accept the statement of the Government of Japan yesterday. Japan during World War II committed grave crimes against humanity. Today was the fifty-sixth anniversary of Korea's independence from Japan, but since then, Japan had not made a sincere apology. Japanese authorities approved the distorted history textbooks, and the Prime Minister the other day visited a shrine for Japan's war criminals.

A representative of the United States, speaking in right of reply, said Iraq had consistently sought to place the blame for the suffering of the Iraqi people on everyone but Iraq. But the blame did lie with Iraq, which was still responsible for its naked and deadly aggression against a neighbouring country 11 years ago, and was responsible for not cooperating with United Nations resolutions on the matter and with not cooperating with United Nations programmes to improve the condition of the Iraqi population. Any study of the health effects of depleted uranium in Iraq, as proposed last night by Iraq, would be far beyond the competence of the Subcommittee; furthermore, balanced, reputable surveys of the health effects did not correlate with Iraq's claims of severe health damage.

A representative of Indonesia, exercising a right of reply, said the delegation was perplexed by a statement yesterday that gave a distorted version of the history of the Mollucas. The statement was not corroborated by historical fact. The International Association of Democratic Lawyers had made sweeping allegations, and they were false. The people in the Mollucas, Christians and Muslims, had lived next to each other peacefully for many years, until the conflict began in 1999. The Government had condemned the fighting and the violence. Last April, various factions had produced a Muslim-Christian agreement, stating their desire to peacefully co-exist. The Government had undertaken several reconstruction activities, and it was confident that the issues would be successfully resolved.

A representative of the United Kingdom, speaking in right of reply, said Iraq had spoken of the United Kingdom yesterday; the United Kingdom fully associated itself with the statement just made by the United States. The United Kingdom's Government was aware of the claim that depleted uranium weapons had caused health problems in Iraq; but there was a lack of credible evidence for this -- a formal, credible study should be carried out. Regarding the statements made this morning about the Chagos Islands, Great Britain reserved the right to respond in writing at a later time.

A representative of Mauritius, exercising a second right of reply, said a proposal had been made to the delegation that it should submit a proposal to the draft resolution. But that issue was still being studied. But simply having

an amendment to the draft resolution did not mean that the delegation would support it.

A representative of Iraq, speaking in right of reply, said what had just been said by the United States and the United Kingdom was misleading. The United States had said it was doing its best to help the Iraqi people -- but the United States had just put an end to a contract for the delivery of food, medicines, and drugs. In fact billions of dollars in contracts for food and medicines to be supplied to Iraq had been blocked by the United States. Regarding depleted uranium, it was not easy to say there was no clear proof of damage to the environment and health. Documents showed there were instructions given to American soldiers urging them to leave areas where depleted uranium had been used. Also there had been American and British soldiers who had suffered cancer following use of these weapons. There had been many Italian soldiers who had died following the use of this weapon in Kosovo. Iraq was cooperating with the World Health Organization, which would send a commission of inquiry to the country. Why couldn't Iraq ask the Subcommittee or any other international body to study the use of depleted uranium? It would seem there were fears about what might be discovered.

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