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## Commission on Human Rights Sixtieth session

### Summary record of the 43rd meeting

Held at the Palais des Nations, Geneva, on Thursday, 8 April 2004, at 12.15 p.m.

*Chairperson:* Mr. Smith ..... (Australia)  
*later:* Mr. Markotic (Vice-Chairperson) ..... (Croatia)

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- (d) Other vulnerable groups and individuals

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*The meeting was called to order at 3 p.m.*

**Specific groups and individuals: (a) Migrant workers; (b) Minorities; (c) Mass exoduses and displaced persons; (d) Other vulnerable groups and individuals** (agenda item 14) (*continued*) (E/CN.4/2004/71–75, 76 and Add.1–4, 77 and Add.1–4, 78 and Add.1, 119, 122; E/CN.4/2004/G/15, 17, 32; E/CN.4/2004/NGO/20, 22, 23, 61, 63, 67, 75, 87, 90, 97, 115, 137, 148, 178, 188, 209, 215, 216, 233–235, 242, 249–252; A/58/118 and Corr.1, 161, 255)

1. **Ms. Rodríguez Pizarro** (Special Rapporteur on the human rights of migrants), introducing her report on migrant workers (E/CN.4/2004/76 and Add.1–4), submitted pursuant to Commission on Human Rights resolution 2003/46, said that the report described her activities and the findings of a questionnaire on the human rights of migrant domestic workers, primarily women, which she had sent in 2003 to Governments, non-governmental organizations, United Nations agencies and programmes and relevant experts. The questionnaire had revealed the abuse and discrimination suffered by many migrant domestic workers who were employed under unfair contracts, incurred unjustifiable debts vis-à-vis recruitment agencies, had their identity papers taken away or were subjected to ill-treatment and sexual violence by their employers.

2. It was essential to regulate the situation of migrant domestic workers more effectively in order to protect them from exploitation. She urged States which operated sponsorship or special visa schemes to ensure that the administrative situation of such workers was not directly dependent on their employment status. She likewise urged all States to accede to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. Only 25 States had ratified the Convention thus far, and none had recognized the competence of the Committee on Migrant Workers to consider communications from States or individuals pursuant to articles 76 and 77 of the Convention.

3. Many women who signed on with recruitment agencies became victims of trafficking and were sometimes subjected to exploitation which was tantamount to slavery or forced labour. She called upon all States to accede to the United Nations Convention against Transnational Organized Crime, its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children and its Protocol against the Smuggling of Migrants by Land, Sea and Air, and to support initiatives to protect all persons against trafficking.

4. The situation of female migrant domestic workers reflected three major contemporary migration challenges: the increasing number of women migrants, the growing number of undocumented migrant workers and the constant erosion of migrants' fundamental rights and freedoms.

5. In document E/CN.4/2004/76/Add.1, she had summarized the urgent appeals and allegations which she had transmitted to various Governments. The situations described were typical of those of millions of migrants in an irregular administrative situation or suffering the consequences of trafficking and acts of violence provoked by racism and xenophobia or resulting from a lack of basic guarantees during detention.

6. During the period covered by her report, she had visited Spain, Morocco and the Islamic Republic of Iran. During her visit to Spain in September 2003, she had been informed of the growing numbers of migrants in an irregular administrative situation who were, in practice, denied any possibility of regularization. The authorities were unable to deal with the large numbers of irregular migrants or enforce the ever-increasing number of expulsion orders. In a note verbale dating from January 2004 (E/CN.4/2004/G/17), the Spanish Government had challenged a number of her assertions, including the alleged lack

of assistance for migrants and the alleged ignorance among law enforcement officials of the rights and guarantees accorded to migrants under Spanish law. She would send details of the individual cases which she had cited to the Government.

7. She was deeply concerned about the situation in the Spanish exclaves of Ceuta and Melilla. She would communicate soon with the Spanish Government about the reasons given by a certain non-governmental organization for suspending its activities in the city of Ceuta, which were not consistent with those cited by the Government in the aforementioned note verbale.

8. During her visit to Morocco in October 2003, she had seen for herself the vulnerable situation both of Moroccan prospective emigrants and of migrants to Morocco from sub-Saharan Africa. She was particularly concerned about the situation of unaccompanied minors. The main problem was the lack of economic resources to manage migration. She called upon the Government of Morocco to amend its legislation in order to manage the flow of migrants more effectively and reduce the gap between the level of protection which Morocco demanded for its own emigrants and that which immigrants from other countries enjoyed in Morocco. She urged the European Union to continue its cooperation with Morocco to prevent irregular migration through technical and development assistance.

9. The preliminary findings of her visit to the Islamic Republic of Iran in February 2004 were contained in document E/CN.4/2004/76/Add.4. The full report would be submitted to the Commission at its next session. She had been particularly concerned by the situation of Afghan and Iraqi refugees who refused to participate in voluntary repatriation programmes for fear of reprisals in their own countries. She expressed her appreciation to the Government for facilitating the visit to the refugee camp and immigrant detention centre in Khourestan province.

10. In closing, she paid tribute to the work done under intergovernmental initiatives such as the Global Commission on International Migration and the Berne Initiative to draft agreements on the management, control and protection of migrants. However, all States participating in those initiatives must remember that their migration policies must be consistent with their international human rights obligations. She drew attention in that connection to Advisory Opinion OC-18/03<sup>1</sup> of the Inter-American Court of Human Rights, which she had made available to members of the Commission. She thanked all the States and organizations, and the migrants themselves, who had assisted her in her work as Special Rapporteur.

11. *Mr. Markotic (Croatia), Vice-Chairperson, took the Chair.*

12. **Mr. Alaei** (Islamic Republic of Iran) thanked the Special Rapporteur for her remarks. His Government had extended a standing invitation to all special rapporteurs and special representatives with a mandate under the Commission's special procedures. It had arranged meetings with various Government authorities, as requested by the Special Rapporteur. It looked forward to the submission of the Special Rapporteur's full findings and recommendations at the next session of the Commission.

13. **Mr. Hilale** (Morocco) said that various organizations and agencies worked on behalf of over 2 million Moroccan citizens living and working in other countries, including a ministerial department for the Moroccan expatriate community. The new Family Code, adopted earlier in 2004, would benefit women and children, as well as foreigners who had been disadvantaged by conflicts in the laws governing personal status.

<sup>1</sup> Inter-American Court of Human Rights. *Juridical condition and rights of the undocumented migrants*: Advisory Opinion OC-18 of 17 September 2003 (Series A No. 18).

14. Irregular migration had become a serious problem particularly for Morocco, because of the latter's proximity to Europe. The Government focused on breaking up trafficking networks. It had adopted a new law on migration which increased the penalties for trafficking in human beings and had set up the Directorate of Immigration and Border Control and the Observatory on Immigration. Irregular migration was the consequence of current world economic conditions and therefore required regional and international solutions. Morocco had participated in the second Ministerial Conference on Migration in the Western Mediterranean (Rabat, 22 to 23 October 2003), which had called for a comprehensive solution to migration problems. His Government had likewise cooperated fully with the Special Rapporteur during her visit, and commended her on the intellectual rigour and frankness of her report. It noted her concerns, particularly those related to the situation of irregular migrants from Morocco and third-country nationals in Morocco.

15. The problem of irregular migration to Morocco was due to many factors, including economic and social conditions in countries of origin and international trafficking. Irregular migrants were provided with food, accommodation and medical care as generously as Morocco's limited resources allowed, and encouraged to participate in voluntary repatriation programmes. Morocco's efforts to combat trafficking had been commended by the Special Rapporteur and the State Department of the United States Government. Over 250 illegal networks had been dismantled in 2003.

16. It was incorrect to say that the Moroccan authorities had not pursued prospective irregular migrants with enough rigour. Liaison officers had been appointed to work with the Spanish Government and joint sea patrols with Spain were conducted between southern Morocco and the Canary Islands. Some 16,000 would-be irregular migrants had been detained in 2003. A memorandum of understanding with Spain on the voluntary repatriation of unaccompanied minors had been signed in December 2003.

17. **Mr. Perez-Villanueva y Tovar** (Spain) thanked the Special Rapporteur for the information and opinions that she had provided. He said that Spain was committed to transparency and cooperation in the promotion of human rights and had extended an open invitation to all United Nations special rapporteurs and representatives to visit the country. He expressed his appreciation for the documentation and research produced by the Special Rapporteur, her understanding of the complex situation of migration in Spain and her recognition of the difficulties that Spain faced and its efforts to adapt its legislation and policies to the changing phenomenon of migration, while still respecting its national and international human rights obligations.

18. Spain, which had been a country of emigration in the past, was now a country of destination or transit for hundreds of thousands of migrants. Despite the adverse effects of irregular migration and the risk of exploitation by organized criminal networks, Spain was also aware of the positive aspects of migration.

19. The Government had invested considerable resources in the promotion of regular migration and the regularization of the situation of irregular migrants. It did not consider the answer to be merely to grant permanent residence to irregular migrants, although many such migrants were fully integrated into Spanish society with the same rights as citizens. Expulsion orders were enforced only when the migrant's irregular situation had been proved and he/she had refused to leave the country voluntarily. The Special Rapporteur's report did not do justice to his Government's efforts to regularize the situation of irregular immigrants or to the free legal assistance and interpretation services which it provided.

20. The Government had sought to make administrative procedures more flexible and to simplify administrative requirements. It had opened employment offices in foreign countries in 2003, and had strengthened its social and assistance policies with the active participation of the non-governmental organizations. Non-governmental organizations, with Government

support, also provided programmes for migrants, including unaccompanied minors. While not doubting the good faith of those who had questioned the Government's data, as reported by the Special Rapporteur, he wished to point out that the data in question had been officially validated and could be challenged, if desired, through the courts.

21. Since discrimination on any grounds was prohibited both by the Constitution and by employment legislation, certain allegations in the Special Rapporteur's report relating to job and salary discrimination in domestic employment were unfounded. In that connection, Spain sought to communicate, through public awareness campaigns, the positive aspects of migration and the contribution that migrants could make to Spanish society. While there were still isolated cases of abuse, the authorities took firm action to deal with them, particularly where they affected vulnerable groups such as women and children. Solidarity and the wish for peaceful coexistence still predominated.

22. He thanked the Special Rapporteur once more for her report and reaffirmed his country's willingness to use her constructive suggestions in its attempts to resolve the complex problems associated with migration.

23. **Mr. Noonan** (Ireland), speaking on behalf of the European Union, thanked the Special Rapporteur for her report. Trafficking in persons, particularly in women and girls, for the purposes of prostitution was often concealed by false offers of employment. He wondered whether the Special Rapporteur considered information and awareness-raising campaigns in countries of origin to be an effective way of preventing such trafficking, and whether national, regional and international educational programmes were essential for that purpose.

24. The increased demand for domestic workers in developed countries encouraged women, in particular, to migrate. He said that he wished to know whether countries of origin were now more economically dependent on remittances from their nationals, and whether there was a link between migration and a lack of rights in the country of origin.

25. **Mr. Lord** (Canada), recalling the entry into force of the United Nations Convention against Transnational Organized Crime, its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children and its Protocol against the Smuggling of Migrants by Land, Sea and Air, asked the Special Rapporteur for her views on the degree of engagement in international cooperation which should be expected of the States parties to that Convention.

26. **Ms. Sosa** (Mexico) noted that the number of female migrant domestic workers in developed countries was increasing, as the Special Rapporteur had reported. Those workers were particularly vulnerable to violence and other forms of abuse. She would welcome further comments from the Special Rapporteur on that issue.

27. **Mr. Ferrer Rodríguez** (Cuba) said that very few developed countries had ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. He would like to know the Special Rapporteur's views on the best way to implement the Convention effectively.

28. **Ms. Rodríguez Pizarro** (Special Rapporteur on the human rights of migrants), replying to the question raised by the representative of Ireland speaking on behalf of the European Union, said that, in her opinion, fairer employment contracts and conditions of employment in destination countries were more important than awareness-raising campaigns in countries of origin. Recruitment agencies often changed workers' terms of employment or their class of visa after they arrived in the destination country: such agencies should be much more closely regulated.

29. The subject of remittances had been dealt with extensively by the World Bank and other agencies. However, it was more important to concentrate on both the human rights

and the security of the workers concerned and ensure effective liaison between countries of origin and destination countries.

30. In reply to the point raised by the representative of Canada, she said that she strongly recommended that all States should accede to the two Protocols to the United Nations Convention against Transnational Organized Crime, as an essential contribution to their fight against the abuse suffered by migrants. In reply to the point raised by the representative of Mexico, she said that an increasing number of migrant domestic workers were recruited or employed in Mexico. Amendments to the law on domestic service and better consular services were required.

31. Replying to the point raised by the representative of Cuba, she said that 25 States had ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, which was another valuable United Nations instrument for the protection of that group. She called upon all other States to accede to the Convention.

32. **The Chairperson** thanked the Special Rapporteur for participating in the interactive dialogue with the Committee.

33. **Ms. Whelan** (Ireland), speaking on behalf of the European Union; the acceding countries; the candidate countries Bulgaria, Romania and Turkey; the stabilization and association process countries; and potential candidates Albania, Bosnia and Herzegovina, Croatia, the former Yugoslav Republic of Macedonia, and Serbia and Montenegro, said that contemporary forms of slavery, including forced and bonded labour, exploitation following human trafficking and the worst forms of child labour not only persisted, but had actually increased in some parts of the world. The International Labour Organization (ILO) estimated the number of children in slavery as 8.4 million. In addition, millions of adults were compelled to work as forced or bonded labourers.

34. The European Union was committed to working for the elimination of contemporary forms of slavery, in accordance with article 5 of its Charter of Fundamental Rights, and to preventing and combating trafficking in human beings. In that regard, the European Council Framework Decision of 19 July 2002 on combating trafficking in human beings had introduced a common definition of trafficking for the whole of the European Union and required member States to establish effective, proportionate and dissuasive criminal penalties. Regional and international cooperation on those matters was also important.

35. The European Union urged all States to accede to the Protocol to Prevent, Suppress and Punish Trafficking in Persons of the United Nations Convention against Transnational Organized Crime and to the Convention on the Rights of the Child and its two optional protocols. It likewise commended compliance with the Recommended Principles and Guidelines on Human Rights and Human Trafficking issued by the Office of the High Commissioner for Human Rights in 2002, which focused on the primacy of human rights, the prevention of trafficking, protection and assistance for trafficked persons, criminalization and punishment of offences and compensation.

36. With regard to forced labour, she drew attention to the standards set out in the ILO Convention concerning Forced or Compulsory Labour (No. 29) and the ILO Convention concerning the Abolition of Forced Labour (No. 105). The European Union urged all States to work with the ILO Special Action Programme to Combat Forced Labour.

37. The European Union welcomed the Action Plan to Combat Trafficking in Human Beings, adopted by the Organization for Security and Co-operation in Europe in 2003, and called for effective implementation mechanisms and national action against trafficking, including data collection and analysis, legislation prohibiting trafficking, an adequate law enforcement response and protection and support for victims of trafficking. Lastly, she

urged all States to prioritize the eradication of all contemporary forms of slavery and ensure that the human rights of victims were upheld at all times.

38. **Mr. Kotane** (South Africa) said that South Africa's policy for supporting disabled people was part of a broader policy aimed at transforming society and empowering the disadvantaged. He welcomed the progress made by the Ad Hoc Committee on a Comprehensive and Integral International Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities. Regional initiatives led by South Africa, Japan, Mexico and Thailand had contributed to the dialogue on various aspects of the proposed convention. He was concerned, however, that some had opposed the inclusion of international cooperation in the proposed convention, despite the importance of such cooperation in relation to all human rights. He expressed the hope that the countries concerned would show more flexibility and agree to the sharing of experiences and best practices.

39. South Africa had examined the proposed supplement to the Standard Rules on the Equalization of Opportunities for Persons with Disabilities adopted by the General Assembly on 20 December 1993. In 2000, his Government had enacted legislation identifying disabled people as a "designated group" whose interests it undertook to promote both in the workplace and in society at large. Disability was compounded by conflict within and between countries. The international community should reject war as a way of settling disputes and increase its capacity for conflict prevention. All States should work for the finalization of the proposed convention, which would help disabled persons to achieve their full potential.

40. **Mr. Martínez** (Mexico) said that the groups under discussion were particularly vulnerable and deserved special treatment if they were to enjoy all their rights without discrimination. The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families provided a valuable framework for guaranteeing respect for the fundamental human rights of migrant workers, and the Committee established under the Convention would carry out useful awareness-raising work and clarify States' obligations to protect migrants. In that connection, the Inter-American Court of Human Rights, in its Advisory Opinion OC-18/03, stated that the fact that an individual was a migrant should not be used as a justification for depriving that person of his/her human rights. The Advisory Opinion clarified the obligation of States to ensure non-discrimination and equal treatment for migrants.

41. Both the Commission on Human Rights and the United Nations system as a whole should take a more active role in safeguarding the rights of female migrant domestic workers and supporting disabled persons. Mexico reiterated its commitment to cooperating on the adoption of an international instrument to protect the rights of disabled persons.

42. Lastly, his Government attached great importance to the problem of population displacement, which had serious economic, political, cultural and humanitarian consequences. In that connection, the Representative of the Secretary-General on the human rights of internally displaced persons, Mr. Deng, had attended the Inter-Governmental Conference on Internal Displacement in the Americas held in Mexico in February 2004, and the Mexican Government had made great efforts to promote Mr. Deng's work and ensure the universal application of the Guiding Principles on Internal Displacement, which he had introduced.

43. His delegation intended to submit three draft resolutions on the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the human rights of migrants and persons with disabilities. He expressed the hope that they would all be adopted by consensus.

44. **Mr Singh Puri** (India) said that India, an immensely diverse society, was committed to the values of equality of opportunity, tolerance and respect for the individual. At the current session, his delegation would again submit a draft resolution on “Tolerance and pluralism as indivisible elements in the promotion and protection of human rights”.

45. Under the secular Indian Constitution, the State must not deny any person equal protection before the law. Everyone had the freedom to profess and practise a religion and conserve his/her language and culture. The National Commission for Minorities, founded in 1993, enjoyed broad statutory powers to protect the interests of minorities and make relevant recommendations to the central and State Governments. The differences which inevitably arose within a society must be addressed by means of empathy and dialogue.

46. India closely followed the work of the Working Group on Minorities to examine the problems of minority groups and identify solutions, and took note of the High Commissioner’s report on the rights of persons belonging to national or ethnic, religious and linguistic minorities (E/CN.4/2004/75), which put forward many ideas requiring careful deliberation. The international community should be prepared to contribute to the creation of appropriate national capacity if required. India had taken an active part in the Working Group established to prepare the convention on the rights of persons with disabilities and had submitted comprehensive proposals to it earlier in 2004.

47. **Mr. Boros** (Hungary), recalling the tenth anniversary of the Rwandan genocide which the United Nations had just commemorated, said that most of the major world crises of the previous decade had been triggered by ethnic conflicts of some kind. It was not surprising that successful campaigns to address the situation of minorities had all been launched in democratic societies. In a society where the rule of law and general respect for human rights prevailed, affirmative action in favour of national minorities was not seen as discriminatory against the majority. Some 10 years before, Hungary had established an institutional framework for promoting the cultural autonomy of 13 national minority communities. The system had worked well both for the communities concerned and for the Government, and there were plans to expand it.

48. The High Commissioner’s report on the rights of persons belonging to national or ethnic, religious and linguistic minorities presented an objective assessment of the existing system of minority protection and showed possibilities for increasing its effectiveness. His delegation supported the report’s proposals, especially on the establishment of a new mechanism alongside the Working Group on Minorities. United Nations special procedures already made a commendable effort to take account of issues of concern to minorities: other parts of the Organization and the specialized agencies should also involve themselves more actively.

49. The Working Group on Minorities was a unique forum for dialogue and the identification of minority problems. Its most recent recommendations reflected the forward-looking ideas raised during the session. All stakeholders, including Member States and non-governmental organizations, should find ways to enable that important forum to fulfil its unique mission.

50. **Mr. Belashov** (Ukraine) said that, since members of national minorities made up over 22 per cent of his country’s population, the Government made particular efforts to protect their rights. Ukraine had acceded to the relevant international human rights conventions, including the European Convention for the Protection of Human Rights and Fundamental Freedoms and the Framework Convention for the Protection of National Minorities. National legislation had been adopted inter alia in the areas of national minority rights, use of minority languages, resettlement of displaced persons, asylum, refugees, immigration, freedom of movement and free choice of residence.



51. The Government's policy towards national minorities observed the principles of equality and eschewed discrimination, extremism and intolerance, promoting respect for all ethnic groups and their cultures, languages, traditions, religious beliefs and freedom of expression. Ukraine had entered into bilateral cooperation agreements with the Federal Republic of Germany, the Republic of Moldova and Lithuania, and had set up intergovernmental commissions with Hungary, Romania and Slovakia on such matters. A council of non-governmental organizations representing national minorities contributed to the drafting of relevant legislation. Despite the country's economic difficulties, education was provided in national minority languages, and activities were undertaken to preserve cultural traditions.

52. The Government had focused efforts on the reintegration of persons who had been forcibly displaced by the former Soviet Government: they were mostly Crimean Tatars, but also included ethnic Bulgarians, Armenians, Greeks and Germans. The programme for the resettlement and development of displaced persons returning to Ukraine had a budget of 50 million hryvnias (approximately US\$ 10 million), and the Council of Ministers of the Autonomous Republic of Crimea had adopted a decree on the allocation of land to displaced persons returning to Ukraine.

53. **Mr. Cerda** (Argentina), speaking on behalf of the Group of Latin American and Caribbean States (GRULAC), said that migrants were often rejected by the societies in which they lived, and their fundamental human rights were violated. The member States of GRULAC called urgently for the agreements reached in international negotiations to be translated into national policies and strategies on the observance and protection of migrants' human rights and on acknowledgement of the important contribution that migrants made to their host countries.

54. At the national level, legislative, administrative, educational and awareness-raising measures were needed to eradicate discrimination, racism and xenophobia, while, at the international level, regional and bilateral agreements for the protection of migrants should be concluded, and all countries should ratify the relevant international instruments. The member States of GRULAC congratulated the Special Rapporteur on her work so far and urged her to continue her efforts.

55. He said that he wished to draw attention to the recent Advisory Opinion OC-18/03 of the Inter-American Court of Human Rights, which stated that all States must guarantee the principle of equality and non-discrimination in respect of all persons, including migrants. A migrant worker had rights which must be respected, whether his/her situation in the host country was regular or irregular.

56. The protection of the rights of persons with disabilities was a priority of the international community. Studies showed that 10 per cent of the world population suffered from some kind of disability: 80 per cent of them lived in developing countries. That figure was growing rapidly as a result of increasing poverty, war, landmines, violence, natural disasters and accidents in the workplace. GRULAC intended to promote appropriate mechanisms to protect the rights and dignity of persons with disabilities, so that they could participate fully in society and the economy. It therefore welcomed the current work to draw up a wide-ranging and comprehensive convention on the rights of persons with disabilities, to which the Commission could make a valuable contribution.

57. **Mr. Carvallo** (Chile) said that Chile aimed to redress inequality of opportunity and to protect the rights and freedoms of persons with disabilities. The year 2004 had been declared the Ibero-American Year of Persons with Disabilities and the Year of Persons with Disabilities in Chile. His Government had launched projects to help disabled persons to exercise their right to vote and to improve procedures relating to air travel. It had conducted the first national survey on disability, which would provide baseline data for the policies

and programmes to be carried out under the Plan of Action for Social Integration of Persons with Disabilities.

58. Chile welcomed and supported the efforts of the Ad Hoc Committee on a Comprehensive and Integral International Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities. The future convention would help to redress the balance with respect to the great social disadvantages suffered by disabled people, promote the equal participation of this group in all social domains and protect their human rights. He called upon civil society organizations to participate fully in the drafting of the convention. The Office of the High Commissioner also had valuable experience which it could contribute to the endeavour.

59. **Ms. Wang Yi** (China) said that national Governments should protect the rights of their ethnic minorities using measures which were adapted to their own situation. At the international level, they should engage in dialogue and exchange experiences on the protection of minority rights. China, a unified, multi-ethnic nation, pursued an ethnic policy of equality, solidarity and common prosperity. It had established a system of regional autonomy in areas inhabited by ethnic minorities. Since 1991, over 20 sets of regulations and some special regulations on ethnic regional autonomy had been promulgated, including the 2001 amendment to the Act on Ethnic Minority Regional Autonomy which provided for increased investment in autonomous regions. The Government provided support in the areas of finance, technology and human resources for ethnic minority areas and pursued a national strategy on accelerated development in the western part of the country, which covered all 5 provincial-level autonomous regions and over 30 autonomous prefectures.

60. Over the previous decade, China had trained many more teachers and students from ethnic minorities and had invested large sums in the preservation and maintenance of cultural heritage sites such as the Potala Palace and Jokhang Monastery in the Tibetan Autonomous Region. The Chinese Government fully respected the freedom of religious belief of ethnic minorities. There were over 17,000 places of religious activity in the Tibetan Autonomous Region and over 23,000 mosques in the Xinjiang Autonomous Region. China was a party to the Convention on the Elimination of All Forms of Racial Discrimination and recognized the significance of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. It was prepared to strengthen its cooperation with United Nations human rights bodies on the promotion and protection of ethnic minorities' rights.

61. **Mr. Traore** (Burkina Faso) said that while Burkina Faso was primarily a country of emigration, it had acceded to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, thereby undertaking to ensure that migrants in its own territory were humanely treated.

62. The descendants of those who had migrated from Burkina Faso in colonial times were still classified as migrant workers and now faced new forms of exclusion, ostracism, intolerance and xenophobia. Just recently, in Côte d'Ivoire, for example, a dozen Burkinabe citizens had lost their lives in the violent aftermath of political demonstrations. The Commission on Human Rights should denounce violence against migrants and the Special Rapporteur should do more to raise collective awareness of the need to guarantee their rights.

63. **Mr. Chernenko** (Russian Federation) said that he wished to emphasize once again the importance of universal mechanisms and procedures for protecting the human rights of particular groups, including national minorities. Unfortunately, even in countries which considered themselves civilized, minorities continued to be excluded from decision-making, deprived of their rights and subjected to discrimination in employment and education.

64. The Commission played an important role in protecting minority rights, as reflected in the report by the Office of the High Commissioner (E/CN.4/2004/12) and the recommendations which the Working Group on Minorities had adopted at its tenth session. He called upon the latter to pay more attention to specific situations which were a subject of international concern.

65. The Russian Federation had established a sound legislative base which guaranteed national minorities protection and support and a role in decision-making. Particular attention was paid to preventive measures, primarily education. The Government's anti-discrimination policy was based on the principle of equal socio-economic and civil rights for all.

66. Commission on Human Rights resolution 2003/50 on minority rights had been sponsored by a number of States whose treatment of their own national minorities gave cause for concern. For example, although the Governments of Latvia and Estonia had taken some remedial action, the current situation relating to naturalization, education and use of minority languages was not yet consistent with international standards. In Latvia, large-scale civil disobedience campaigns had been conducted in protest. He called upon the two Governments concerned to simplify the procedure for acquisition of citizenship in order to allow hundreds of thousands of permanent residents to enjoy their full political and other rights, and to enter into a dialogue with national minorities about education in minority languages in order to ensure that attempts at integration did not merely lead to assimilation.

67. **Mr. Mautner-Markhof** (Austria), recalling the Secretary-General's remarks on the occasion of the International Day of Reflection on the 1994 Genocide in Rwanda, said that international commitment to the rights of minorities had not been matched by national or international action. The root causes of violence and genocide must be addressed, and his delegation looked forward to the Secretary-General's report on that subject which would be submitted to the General Assembly at its forthcoming session.

68. The international community had not yet found a way of ensuring the timely protection and monitoring of minority rights. Minority issues were not the main focus of the existing mandates of human rights bodies, which were, therefore, unable to reflect the full range of minority concerns. It was essential for the international community to become more effective in assessing risks for minorities, collecting and analysing information and suggesting countermeasures. He called on the Commission to support the High Commissioner's efforts to identify minority issues in a timely manner, including through the possible creation of a special procedure.

69. Internal displacement was a serious issue of global proportions. Austria, as the traditional main sponsor of the annual resolution on internally displaced persons, wished to thank the Representative of the Secretary-General, Mr. Deng, for his excellent report on the subject (E/CN.4/2004/77 and Add.1-4).

70. Since its inception, the mandate of Mr. Deng had evolved into six areas of importance in dealing with internal displacement. Much had been achieved in developing the international response to the crisis of internal displacement: constructive engagement with Governments, regional and national seminars and country visits had dispelled the initial concerns about involving the international community in a problem which was, by definition, an internal matter for States. Moreover, an appropriate normative framework had been developed to respond to the needs and protect the rights of internally displaced persons, and inter-agency cooperation had been strengthened in response to the crisis of internal displacement. He expressed the hope that the resolution adopted by the Commission at the current session would support that approach.

71. **Mr. Socanac** (Croatia) said that, besides ratifying key international instruments, his Government had committed itself to implementing the Constitutional Act on the Rights of

National Minorities, which prohibited discrimination, guaranteed members of minorities the same rights and freedoms as Croatian citizens and promoted the participation of minority representatives in local and regional government. The Government had concluded written agreements with the Italian and Serb national minorities on issues of particular concern. In October 2003, it had adopted the National Programme for the Roma Population, which incorporated the provisions of relevant international instruments of the Council of Europe, the European Union and the United Nations.

72. Another key issue was the return of refugees and restoration of their property. Almost 320,000 refugees had already returned to their homes: all properties temporarily occupied by others were due to be returned by the end of 2004 and all property was to be reconstructed within one year. The Government was also assisting the former holders of tenancy rights in areas not directly affected by the civil war. It had spent almost US\$ 100 million on the programme of refugee return to Bosnia and Herzegovina and had stepped up the programme for exchanging data on Croatian refugees still living in Serbia and Montenegro. While over 90 per cent of refugee return costs, amounting to approximately US\$ 3 billion, had been met from the State budget, Croatia was grateful for the assistance it had received from the European Union, the World Bank, various United Nations agencies and bilateral donors. UNHCR played a fundamental role in encouraging the return process and promoting the Stability Pact for South Eastern Europe.

73. **Ms. Tsegaye** (Ethiopia) said that, an estimated 65 million people were economically active in a State other than their own, accompanied by approximately the same number of dependants. High unemployment or other crises drove such persons to move to other countries. Although migration had many advantages for the country of destination, migrants were frequently subjected to abuses regarding pay, working conditions, freedom of movement and the confiscation of their passports. Female domestic workers were at particular risk from sexual assault and other forms of physical violence by employers or recruitment agencies.

74. Despite the gravity of the human rights problems experienced by migrant workers, the international community seemed unwilling to safeguard their interests. She called upon all States, especially the major destination countries, to accede to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. An effective follow-up mechanism should be established for the Convention.

75. **Mr. Sid Ahmed** (Sudan) thanked the Representative of the Secretary-General on internally displaced persons, Mr. Deng, who had taken a special interest in the situation in the Sudan. In his report (E/CN.4/2004/77/Add.4), Mr. Deng had summarized the discussions and conclusions of the Conference on Internal Displacement in the Intergovernmental Authority on Development (IGAD) subregion. The participants had concluded that, as internal displacement adversely affected the countries of the subregion, it was an appropriate area of action for all member States of the Intergovernmental Authority. The Representative of the Secretary-General had appealed for international funding for education and resettlement of displaced persons and for sustainable development in the region. In that regard, the Guiding Principles on Internal Displacement were a useful tool which the member States of the Intergovernmental Authority had used in developing their own policies.

76. The Sudan sought to provide decent living conditions for displaced persons, to the extent that local resources allowed, and involved displaced persons in making decisions which affected them. Assistance from the international community was dwindling, however. He appealed for more help in tackling the problem of displaced persons, identifying the causes and effects of internal displacement, containing the phenomenon as far as possible and encouraging displaced persons to return to their homes. The issue of

asylum-seekers was also a significant one, and a national workshop on the subject had been held in 2002.

77. **Mr. Umer** (Pakistan) recalled that his country had been the victim of terrorism since the early 1980s. Only a few cases had received considerable international attention, but the fact was that the Pakistani people were still subject to continuous terrorist threats.

78. In Pakistan, non-Muslims accounted for 3.72 per cent of the population. Discrimination was prohibited by the Constitution, and institutional arrangements had been made to protect minority rights. Committees, including representatives of minority communities, dealt with the problems of minorities at the local level and involved law enforcement agencies in issues related to the protection and preservation of lives and property. A fund for minorities was used for small-scale development schemes and for providing financial assistance to individuals in need. Over the previous two years, schemes had been launched in areas including education, health, water and sanitation, electricity and the renovation of churches and temples. A minority scholarship fund had assisted 4,558 poor students over the previous two years.

79. The Government had reinstated the "joint electorate" system which facilitated the participation of minorities in national politics. Ten seats were reserved for minority deputies in the National Assembly and 23 seats in the provincial assemblies. Minorities were also represented at all three levels of local government.

80. In its efforts to curb extremism, his Government pursued a policy of "enlightened moderation". That concept had been adopted by the Organization of the Islamic Conference at its Summit in Malaysia in 2003. He was concerned, however, by the recent trend for all Islamic migrants to be viewed with mistrust. It was essential for both security and social harmony that that group should not be targeted.

81. **Mr. Pathirana** (Sri Lanka) said that his country recognized the importance of social inclusiveness, since many conflicts sprang from the need to protect the identity of a particular group. Sri Lanka viewed individual rights and the collective rights of groups as complementary; neither took precedence over the other. The international community must help to guard against attempts to downgrade individual rights which would only lead to undemocratic or totalitarian practices.

82. Sri Lanka faced the historic challenge of establishing peace between its communities. The new Prime Minister, Mahinda Rajapakse, had declared that he would give high priority to resuming the peace negotiations with a view to finding a solution that was acceptable to all communities. In that connection, the Government had noted the recommendations of the Working Group on Minorities on the potential of national human rights institutions to help prevent minority-related conflicts and to protect minority rights. The Working Group's expert papers and subregional workshops on minority questions had also proved very useful.

83. Turning to the subject of migrant workers, he said that almost 10 per cent of the population of Sri Lanka sought overseas contract work. The majority were women, who were particularly vulnerable to discrimination and hardship: the Government constantly sought solutions to their many problems, including training, model contracts, insurance and compensation. Like many developing countries, Sri Lanka relied more on remittances as a source of foreign exchange earnings which financed development and boosted gross domestic product (GDP). However, while significant progress had been made in the liberalization of capital flows, there were still many obstacles in the way of international mobility of labour.

84. Noting that the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families had now entered into force, he expressed

support for the efforts of the Committee on Migrant Workers to promote adherence to the Convention and urged all States which had not yet acceded to the Convention to do so.

85. **Mr. Acharya** (Nepal) said that the entry into force of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families had raised awareness of the issue of migrant workers. Migrant workers made an invaluable contribution to their own countries, particularly through remittances, but they also made an enormous contribution to the economic, social and cultural development of the host country. More research was needed to gain a better perspective on that contribution.

86. According to the United Nations, there were currently approximately 175 million international migrants, excluding irregular and undocumented migrants, and that number would continue to increase. Hence, better management of migrant workers and guarantees of their fundamental rights were needed.

87. As a source country for migrant workers, Nepal sought to ensure that its citizens were able to work in a safe, informed and orderly environment by providing training and orientation programmes before the workers left and checking the legality of their contracts. It called for further consolidation of the international legal and institutional framework in order to safeguard the human rights of migrant workers and their families. His country appreciated the efforts of ILO to increase cooperation in that area.

88. Despite the benefits which migrant workers brought to host countries, they still faced problems affecting their safety, security, human rights and dignity. The nexus between migration and human trafficking was also a matter of great concern which could not be addressed simply through tighter border controls: human rights violations occurred both on the journey to the host country and after the worker arrived.

89. With regard to violence against migrant workers, particularly women, his delegation welcomed the recommendations of the Special Rapporteur on the human rights of migrants on ways of promoting and strengthening migrants' rights and her active participation in conferences, seminars and other events on that topic. It was to be hoped that those efforts would continue in the future.

90. **Ms. Ayvazyan** (Armenia) said that her country had benefited greatly from its cooperation with the international community in developing a consistent approach to issues related to refugees and migrants. Armenia was committed to achieving a lasting solution to refugee problems at home: in recent years, over 65,000 refugees had taken Armenian citizenship. Refugees already enjoyed almost as many rights as full citizens, but the Government had encouraged them to become citizens by offering extra benefits in areas such as housing. The Government had allocated the sum of US\$ 5 million for a housing programme over the period 2004–2006, and hoped to attract additional funding from international sources.

91. Notwithstanding the benefits of migration for both the country of origin and the country of destination, many concerns had been raised about migrants' rights and their vulnerability. The mass information programmes conducted by the International Organization for Migration (IOM) provided an essential tool offering both migrants and Governments specific, regular and reliable information about migration issues. Her Government had concluded an agreement with IOM on capacity-building in migration management. It also conducted assisted voluntary return programmes, in collaboration with European countries and IOM, which provided information, logistical and financial support for returning migrants and advisory services for the Government.

92. Illegal trafficking could be countered by qualified assistance and professional consultation on migration issues. In 2002, the Armenian State Department for Migration

and Refugees had established the Migrants Service Point, which provided relevant information and conducted trafficking prevention programmes.

93. One of the saddest legacies of conflict was the tragedy of missing persons and the anguish of their families. She stressed the importance of full cooperation between all the parties concerned and to the need to avoid politicization of the issue. Her country greatly valued the role of the International Committee of the Red Cross in that area, and was committed to continuing its own cooperation.

94. **Mr. Wille** (Norway), speaking on behalf of the Nordic countries, thanked Mr. Deng, the Representative of the Secretary-General on internally displaced persons, for his well-written and thought-provoking report (E/CN.4/2004/77 and Add.1-4). Mr. Deng had successfully focused attention on the human rights aspects of internal displacement, showing human rights violations as both a root cause and a consequence of internal displacement.

95. The Guiding Principles on Internal Displacement were increasingly applied as a basic standard by States and United Nations agencies. However, there had been less progress in the promotion of effective institutional arrangements and the collaborative approach adopted by the United Nations system. Four major studies had shown that the collaborative approach was not yet working successfully in the field. All the actors involved shared the responsibility for those shortcomings. However, efforts to improve the system had already begun, as shown by the workshop hosted by Canada in February 2004. The Nordic countries welcomed the commitment to internally displaced persons shown by the new United Nations Emergency Relief Coordinator, Mr. Egeland, and would play their full part in reinvigorating the collaborative approach. It was essential for the Internal Displacement Unit of the Office for the Coordination of Humanitarian Affairs (OCHA) to be recognized as representing a common effort by all participating agencies and Secretariat departments. He called upon the Office of the High Commissioner for Human Rights to make its own contribution by, for instance, seconding a staff member to the Unit.

96. The Nordic countries had been among the staunchest supporters of Mr. Deng's mandate, contributing financially to his work and supporting initiatives by non-governmental organizations to focus world attention on the situation of internally displaced persons. In particular, the global database of internally displaced persons created by the Norwegian Refugee Council had played a pioneering role. The increase in the number of internally displaced persons, from 1.2 million in 1982 to almost 25 million in 2004, showed that a global ombudsman would be needed for years to come to give a voice to displaced persons.

97. **Mr. Ferrer Rodríguez** (Cuba) said that only Cuban migrants were referred to by the United States of America and its transnational disinformation media as "exiles" and "refugees" in search of "liberty". There was no mention of the impunity and protection which the United States Government afforded to the trafficking of migrants and the illegal emigration of Cubans, who were given a hero's welcome even when they had hijacked vessels or aircraft or resorted to the most serious terrorist methods. Nor was there any mention of Cuban emigration motivated by family reunification or economic problems, exacerbated by the oldest and most stringent economic blockade in history. Successive United States Governments had politicized the bilateral migration agreements concluded with Cuba in 1994, in pursuit of their own electoral goals and the interests of organized criminal groups of Cuban origin in Florida.

98. The United States Government was bent to fabricating a migration crisis to justify a military attack on Cuba. Cuba could not be held responsible for the serious and unpredictable consequences of such a crisis. Cuba had proposed a bilateral agreement to counter illegal migration and trafficking, had recently prevented over 70 hijackings and

over 70 other attempts at illegal emigration and had simplified the entry requirements for Cuban emigrants who wished to return. The United States of America had escalated its attacks on the fragile and sensitive bilateral migration relations, denying visas to individuals who wished to abide by the official emigration procedures and failing to send illegal migrants back to Cuba. It continued to apply the unjust and criminal Cuban Adjustment Act, which encouraged illegal emigration by giving Cuban citizens immediate welfare benefits and automatic residence one year after arrival. In January 2004, just three days before the scheduled date, the United States Government had postponed regular migration talks indefinitely.

99. Cuba would continue to do everything in its power to prevent incidents which jeopardized the lives of innocent civilians, but held the United States Government responsible for the negative consequences of its irrational and irresponsible actions, which violated bilateral migration agreements and international law.

*The meeting rose at 3 p.m.*