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Sixtieth session

SUMMARY RECORD OF THE 5th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 16 March 2004, at 1 p.m.

Chairperson: Mr. SMITH (Australia)

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The meeting was called to order at 1 p.m.

STATEMENT BY THE MINISTER FOR FOREIGN AFFAIRS OF THE PHILIPPINES

1. Ms. DOMINGO ALBERT (Philippines) said that the Philippines had brought in a Framework Plan for Women as a means of implementing the Philippine Plan for Gender-Responsive Development in accordance with the goals of the Beijing Platform for Action. The Framework Plan required 5 per cent of the budget of every Government office to be dedicated to gender development activities.
2. She condemned all forms of violence against women. A Violence Against Women Coordinating Committee of Philippine Government agencies had been created to provide programmes and services for victims and offenders, to examine the nature and causes of gender-based violence and to change attitudes and values in society. All available State mechanisms were being used to prevent, investigate and punish acts of violence against women. Help desks for women had been set up in every police station, and women's protection units had been established in 39 hospitals throughout the country. A community-based National Policy Violence Prevention Programme was educating local communities, men especially, about the negative impact of domestic violence on the family; local campaigns were being used to persuade men not to treat women as sex objects. The recently enacted Anti-Violence against Women and their Children Act (2004) and the Anti-Trafficking in Persons Act (2003) had made trafficking in and violence against women illegal; the Anti-Trafficking in Persons Act also provided for victim protection and rehabilitation. Her Government had also ratified the United Nations Convention Against Transnational Organized Crime and the related Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.
3. There were around 3.5 million Filipino women migrant workers in over 100 countries: such workers must be protected. She called on all countries that had not yet done so to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, which had entered into force in 2003.
4. Her delegation would be submitting two draft resolutions on women's rights: one on violence against women migrant workers, and one on trafficking in women and girls. It sought all delegations' continued support for or sponsorship of those draft texts. The resolution adopted by the Commission at its fifty-eighth session had called on all Governments to put in place penal sanctions to punish perpetrators of violence against women migrant workers. She urged Governments also to provide victims with immediate assistance, to safeguard their dignified return to their countries of origin, and to establish reintegration and rehabilitation schemes for returning women migrants. Consideration should be given to appointing a Special Rapporteur on trafficking in women and girls.
5. She commended the Minister for Foreign Affairs of Switzerland for organizing the activities on women's rights of the previous day, enabling women ministers attending the session to exchange views and identify urgent, practical measures to address the issue of violence against women.

STATEMENT BY THE MINISTER FOR FOREIGN AFFAIRS OF ALBANIA

6. Mr. ISLAMI (Albania) condemned the previous week's terrorist attacks in Madrid. Those monstrous acts had affected not only Spain but the international community as a whole, and he called on all delegations to be more alert and united in combating terrorism.
7. The tragic loss of Mr. Sergio Vieira de Mello and other United Nations personnel killed in August 2003 in Baghdad was still fresh in everyone's mind. Mr. Vieira de Mello's work and devotion had inspired the international community to follow his path towards promotion and protection of human rights throughout the world.
8. He congratulated Ms. Louise Arbour on her appointment as United Nations High Commissioner for Human Rights and reaffirmed his Government's support for human rights.
9. The countries of the Western Balkans region were aiming to join the European Union, through the Stabilization and Association Process, and it was important for them to cooperate with each other in promoting economic, social and cultural progress. Albania was also a candidate for membership of the United Nations Economic and Social Council.
10. His Government had submitted initial and periodical reports to five of the human rights treaty bodies and would soon be submitting its national report on implementation of the International Covenant on Economic, Social and Cultural Rights. A draft National Platform on Women, based on the Beijing Plan of Action and the Convention on the Elimination of All Forms of Discrimination against Women, had been formulated, and his Government had ratified the Optional Protocol to that Convention in 2003. A National Strategy on Children was being implemented in keeping with the principles of the Convention on the Rights of the Child.
11. His Government was working hard to strengthen regional cooperation in halting illegal trafficking in persons. It had ratified and was implementing the United Nations Convention against Transnational Organized Crime and its Optional Protocols, and the country was no longer considered one of the main transit roads for trafficking. The implementation of the regional platform "Open but safe borders for the Western Balkans", approved at the Ohrid Regional Conference on Border Security and Management in May 2003, and the liberalization of visa systems were fundamental to the integration of the countries of the region into the European Union. They helped combat trafficking in persons and had reduced casualties where previously Albanians and others crossing the border illegally had met with excessive violence from the police authorities in neighbouring countries. Albania was seeking better cooperation with its neighbours and was working to increase its citizens' awareness of the rules governing the free movement of persons.
12. His Government guaranteed the rights of national minorities in compliance with the National Constitution and the Council of Europe's Framework Convention for the Protection of National Minorities. A national strategy had been drafted to promote and protect the rights of the Roma minority in Albanian society.
13. His Government welcomed the initiative by the Special Representative of the United Nations Secretary-General in Kosovo to renew dialogue between Pristina and Belgrade

with the aim of establishing democracy in Kosovo. It commended the self-governing institutions in Kosovo for their commitment and devotion to the integration of all communities into Kosovar life; the Serbian authorities should encourage the integration of the Serbian minority. His Government also welcomed the commitment of the authorities in Montenegro to protect and respect the rights of the Albanian minority there.

14. His Government deeply regretted the tragic death of Mr. Boris Trajkovski, President of Macedonia and the architect of the Ohrid Agreement, but strongly believed that Macedonia would continue to implement that agreement and establish a democratic society based on multi-ethnicity.

STATEMENT BY THE MINISTER FOR FOREIGN AFFAIRS OF CAPE VERDE

15. Ms. VEIGA (Cape Verde) echoed Mr. Islami (Albania) in condemning in the strongest terms the previous week's terrorist attacks in Madrid.

16. She spoke of the extent and terrible consequences of violence against women for both the victims and society as a whole. Initiatives by the United Nations, individual Governments and civil society testified to a growing awareness of the need for decisive action to counteract the problem; the creation of the post of Special Rapporteur on violence against women, its causes and its consequences had been a major step in that direction.

17. A third of all women in the world were affected by violence, but silence still surrounded the issue; more should be done to combat such violence. The tenth anniversary of the institution of the Special Rapporteur provided an occasion to review achievements, rectify mistakes and move closer to the elimination of all forms of violence against women.

18. The initiative taken by female ministers and senior officials, of meeting during the sixtieth session of the Commission, was very important: the statement that had resulted reaffirmed a commitment to identifying the underlying causes of violence against women and helping to promote women's rights.

19. Few studies on violence against women were conducted in Africa and few women there reported violent crimes. Culture, tradition, religion and politics were widely used to justify and perpetuate degrading behaviour towards women although there were national and supranational legal instruments banning discrimination on grounds of sex, religion, ethnic origin and other considerations. The decision to respect gender equality when filling vacancies within the African Union was a step forward, even if some thought it disproportionate, since women in Africa had long had no access to learning and therefore could not compete on an equal footing with men.

20. In spite of moves to bring her country's legislation into line with modern values, discrimination against women still occurred. Successive Governments, aware of the issue, had introduced important social and legal reforms and revoked all legislation that went against women's rights. Sexist messages in schoolbooks had come in for especial scrutiny. All agreements on human and women's rights adopted within the United Nations system, regional organizations, the African Union and the Economic Community of West African States had been incorporated into the national legal system.

21. The National Commission on Human Rights had just adopted an Action Plan assigning priority to education as a means of promoting women's rights. Cape Verde was firmly committed to reaching the Millennium Development Goals and had elected to promote gender equality and the attainment of women's autonomy by improving education and health services and fighting poverty among women.

22. Violence against women as defined at the fourth World Conference on Women, in Beijing, often occurred within families or couples and, according to recent studies, at all socio-economic and educational levels and in all age groups. The number of instances of domestic violence reported by women had been increasing in recent years: women were becoming more aware of their rights and more inclined to break the silence imposed by traditional values.

23. The lack of separate statistics on the two sexes made it difficult to measure the real scale of violence against women. One of the challenges that must be faced was to encourage the production of reliable statistics to help formulate and implement appropriate policies. A crackdown on violence against women should go hand in hand with prevention and victim support.

24. Countries and organizations working to promote human rights deserved greater support: solidarity and international cooperation should be turned into genuine action to tackle violence against women.

STATEMENT BY THE MINISTER OF HUMAN RIGHTS OF IRAQ

25. Mr. SA'EED (Iraq) said that his country had not yet signed the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment because of the oppressive regime previously in power; it was now considering doing so.

26. The Iraqi people had first had an opportunity to express their freedom after the events of 9 April 2003. Some had abused that freedom, disrupting law and order because, in the absence of civil institutions in Iraq, they could not understand their new circumstances. The Ministry of Human Rights in Iraq was striving to establish such institutions and set basic guidelines for human rights education in schools. It was also preparing workshops, lectures and seminars on human rights in conjunction with Iraqi, Arab and international institutions.

27. Other, more ambitious projects that his Government intended to implement would need international support: the establishment of a national network to monitor human rights, the creation of a compensation fund for victims of the former regime, the establishment of a national human rights training centre and a centre for human rights documentation, the establishment of a specialized statistical bureau for missing persons and the creation of special disarmament and mine-clearance portfolios. Such plans might, however, be undone by the daily violence causing hundreds of civilian victims and destroying the country's infrastructure.

28. Violence and terror had also affected the United Nations and other humanitarian organizations. He paid a tribute to the late Mr. Vieira de Mello as a defender of human rights and offered condolences to the Government and people of Spain following the attacks in Madrid.

29. Humanitarian assistance was being withheld from his country on a variety of pretexts, with grave political, economic and social consequences. Security and stability depended on the Iraqi people's being able to form their own military and police institutions. The Governing Council needed support in imposing law and order. The people were determined to build a new, democratic country, free from foreign control.

30. Despite the toppling of the former regime, however, the Iraqi people still suffered almost daily abuse by Coalition Provisional Authority forces. Those forces must honour their responsibility to protect civilians according to international law and practice, in particular the Geneva Convention relative to the Protection of Civilian Persons in Time of War.

STATEMENT BY THE MINISTER OF HOUSING OF SOUTH AFRICA

31. Ms. MABANDLA (South Africa) called on all present to reflect on recent tragic events, particularly those in Madrid. She paid a tribute to Mr. Sergio Vieira de Mello and the other 24 United Nations officials who had perished with him in Baghdad on 19 August 2003, and to the Swedish Minister for Foreign Affairs, Ms. Anna Lindh, who had died tragically in Stockholm on the eve of a national referendum.

32. Democracy in her country was celebrating its tenth anniversary, and South Africa had demonstrated its total commitment to the Universal Declaration on Human Rights. The Government had put in place national human rights mechanisms and institutions to enable officials to meet and uphold its commitment to the protection and promotion of human rights. Over the past decade, it, in partnership with civil society, organized labour and the private sector, had made progress towards satisfying the socio-economic rights of housing, health and basic education for all citizens. It had made great strides in addressing poverty, providing primary health care for all citizens and establishing a comprehensive programme for the care, management and treatment of those affected by HIV/AIDS.

33. To support the commitments made at Beijing in 1995, her Government was successfully promoting gender equality. It was applying the Convention on the Elimination of All Forms of Violence against Women (CEDAW) and had passed a Domestic Violence Act in 1998. Encouraging progress had stemmed from the annual 16-day campaign on violence against women, in which men and traditional leaders were active partners. The Government had set up counselling centres for victims of violence, rehabilitation centres for perpetrators and special courts to deal with violence against women and children. A powerful network of non-governmental and community-based organizations was assisting it in promoting women's rights. Since poverty and ignorance raised the risk of violence, it was also important, the Government recognized, to improve living conditions as a means of reducing that risk.

34. In closing she saluted the Swiss Minister for Foreign Affairs on the excellent initiative that had culminated in the recently adopted declaration on violence against women. The Commission needed to ensure effective follow-up to the call made in that declaration.

STATEMENT BY THE MINISTER FOR FOREIGN AFFAIRS OF LUXEMBOURG

35. Ms. POLFER (Luxembourg) joined in paying tribute to Mr. Sergio Vieira de Mello, killed in Iraq on 19 August 2003. She also wished the newly appointed United Nations High Commissioner for Human Rights, Ms. Louise Arbour, success in her office.

36. Women at decision-making levels, in the United Nations and elsewhere, were still a rarity. At the prompting of the Swiss delegation, women Minorities for Foreign Affairs had met on 15 March 2004 and drawn up a declaration condemning violence against women, to be the main focus of the current session of the Commission. Men would have to participate, however, if discussions on the topic were to be truly effective, for violence against women could occur at any level of society and women's rights continued to be trampled underfoot. A recent report by the International Labour Office had shown that women suffered disproportionately from unemployment lack of security, poverty and unequal wages, that most refugees and people affected by HIV were women, and that great numbers of girls were still being subjected to traditional practices such as genital mutilation.

37. Her Government fully supported all United Nations initiatives to promote and protect women's rights. It had made the fight against domestic violence a priority, had passed a series of measures promoting the rights of the child and had established a national Committee on the Rights of the Child. It was strongly opposed to the use of the death penalty and applauded the worldwide trend towards abolition.

38. Solemn pronouncements by the Commission on Human Rights needed to be followed up by genuine action, and at present the Commission sometimes fell short of public expectations. Her Government therefore supported moves to reform the Commission so that it could realize its full potential. It also hailed the inauguration of the International Criminal Court and urged States to ratify its Statute. It looked forward to the adoption of a European Constitution that would incorporate the International Bill of Human Rights into the binding rules governing the European Union.

39. Being aware of the disastrous effects that poverty and humanitarian disasters had on the exercise of certain fundamental rights, her Government had considerably increased its humanitarian and development aid, which would soon amount to 1 per cent of GDP.

40. The horrific images in the media from the recent Madrid bombings must not make anyone forget that combating terrorism was a challenge for open societies where human rights were respected. Human rights and freedoms must not be allowed to fall victim to terror; on the contrary, they should be energetically reasserted, for it was they that conferred moral legitimacy on States' responses to terrorism.

41. To help the countries of the Middle East to develop, the solution was not to impose ready-made solutions from outside, but to respond to the profound desires of the people living there. An approach that pitted the West against the Muslim world must be avoided at all costs. On the contrary, reaffirming the principles of human rights by means of a dialogue among civilizations would be crucial. The divisions of the past must be set aside in a collective effort to ensure that Iraq became a country where democratic rights and principles were upheld for all citizens and communities.

42. Human rights ought to be values around which all civilizations could unite. The intercultural consensus upon which international human rights mechanisms rested did not need to be reconsidered.

STATEMENT BY THE PARLIAMENTARY SECRETARY OF THE MINISTER FOR
FOREIGN AFFAIRS OF AUSTRALIA

43. Ms. GALLUS (Australia) paid tribute to the late Sergio Vieira de Mello. She praised the work and achievements of the Acting High Commissioner, and particularly his strong leadership during the difficult period since Mr. Vieira de Mello's death in Iraq. She welcomed Louise Arbour as the new High Commissioner for Human Rights and pledged Australia's support to her.

44. Australia was taking the presidency of the Commission on Human Rights for the first time. It would work assiduously to maintain the standards expected of the Commission. Practical improvements in human rights would be a key measure of the success and relevance of the Commission's collective efforts.

45. Good governance was the foundation of a free and secure society. The Governments and populations of the Pacific region had requested assistance in addressing institutional deficiencies; Australia was cooperating with them to improve law and order, democratic processes and public sector accountability so that human rights could flourish. A regional assistance mission by the countries of the Pacific Islands Forum to the Solomon Islands had been successful in its aims: the people of the Solomon Islands were able to live free from the threat of violence for the first time in three years, and work could begin on rebuilding institutions, restoring services to the community and bolstering civil society and non-governmental bodies. A regional policing initiative would greatly improve training capabilities for regional police. Economic policy and public service reforms with which her Government was assisting would help to stamp out corruption in the Pacific region and ensure that Government resources reached the areas of greatest priority: education, law and order and health.

46. Her Government was committed to combating violence against women, both domestically and through its aid programme. It was tackling trafficking in persons throughout the Asia and Pacific region and had pledged large sums to related projects in Asia, most recently to help countries in the Subcontinent abolish sex slavery. It would shortly ratify the Protocol to Prevent, Suppress and Punish Trafficking In Persons, Especially Women and Children, to the United Nations Convention against Transnational Organized Crime.

47. National human rights institutions were vital to good governance. Her Government had donated funds to improve legal access in Sri Lanka and establish a human rights commission in Bangladesh. Australia's Human Rights and Equal Opportunity Commission was a founder member of the only regional human rights body in the Asia-Pacific region. Its Centre for Democratic Institutions provided training to meet the operational requirements of key democratic institutions and processes in countries throughout the region.

48. Her Government was committed to ensuring, in cooperation with all Commission members, that the current session would make a practical difference to the lives of men, women and children all over the world.

STATEMENT BY THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES

49. Mr. LUBBERS (United Nations High Commissioner for Refugees) condemned the previous week's terrorist attacks in Madrid and offered his condolences to the families of the victims and to all the people of Spain. He paid tribute to the former High Commissioner for Human Rights, Sergio Vieira de Mello, another victim of terrorism, who had devoted 25 years of his life to the refugee cause. He welcomed Louise Arbour as the new High Commissioner and congratulated Bertrand Ramcharan on the job he had done in managing the Office of the High Commissioner for Human Rights during a difficult period.

50. His own responsibility as High Commissioner for Refugees was to give a voice to people who had been forced to flee their countries as a result of violence and persecution, and to ensure that their rights were respected. The 1951 Convention on the Status of Refugees well articulated the rights of refugees and the obligations of States towards refugees, but it was less effective when it came to apportioning responsibilities among States. The key issues to resolve were how States could share the burden and work together to provide permanent solutions for refugees. It was much easier to hold one State accountable for its actions than all States collectively. For that reason, the "Convention Plus" initiative had been launched to strengthen and complement the Convention, in line with his Office's Agenda for Protection. International cooperation had not always been as effective as it might have been, and there had been too many protracted refugee situations as a result. The "Convention Plus" initiative was based on an understanding that it was not enough to focus solely on the humanitarian aspect of refugee problems. To ensure more comprehensive, predictable and effective responses to refugee situations, the economic, social and political dimensions must also be considered. Refugees should not be excluded from development assistance, as had been the general rule until then, nor should they be excluded from national HIV/AIDS programmes. The search for durable solutions must become more systematic and must begin at the outset of each new refugee crisis. Security aspects must not be ignored, nor should the broader migration dimension be overlooked.

51. His Office (UNHCR) was working to strengthen partnerships not only with Governments but also with a number of intergovernmental and non-governmental organizations. It had developed a Framework for Durable Solutions in close cooperation with UNDP, the World Bank and a range of other partners. The framework consisted of three elements: first, the promotion of better targeting of development assistance to countries and areas hosting large numbers of refugees over protracted periods; second, the establishment in post-conflict situations of programmes ensuring an integrated approach to repatriation, reintegration, rehabilitation and reconstruction; and third, the promotion, where local integration of refugees was a viable option, of a strategy of development through local integration. Those initiatives had already led to projects in Afghanistan, Eritrea, Sierra Leone, Sri Lanka and Zambia.

52. Repatriation had begun in Afghanistan, with more than 2.5 million Afghans returning to their homes over the past two years. The International Labour Organization and the International Organization for Migration were supporting his Office's efforts to facilitate temporary economic migration in contacts with the Governments of the Islamic Republic of Iran, Pakistan and Afghanistan.

53. A number of African countries had also seen repatriation operations, soon to be joined by other African countries where conflicts were showing hopeful signs of coming to an end. Given the enormous potential for resolving long-standing conflicts, consolidating peace and putting an end to protracted refugee situations in Africa, his Office had just hosted a ministerial-level dialogue on voluntary repatriation and sustainable reintegration.

54. As part of its focus on durable solutions, UNHCR had been investing in closer ties - both within and outside the United Nations family - on rule-of-law and justice issues. Successful reintegration of returnees in post-conflict situations largely depended on properly functioning protection mechanisms. The need for transitional justice strategies to deal with past violence and human rights abuses and with recurrences was becoming better understood. Another important issue for returnees was the guarantee of fair and equitable arrangements for land, housing and property restitution, areas in which his Office often had a role to play.

55. UNHCR had helped to set up the Geneva Migration Group to ensure that the rights of refugees and asylum-seekers were respected within the broader context of migration management: a number of international agencies whose responsibilities encompassed migration issues were taking part. UNHCR had also participated in a number of regional migration-related initiatives.

56. Although many millions of people throughout the world were effectively stateless, only 55 States had thus far acceded to the 1954 Convention relating to the Status of Stateless Persons. Even fewer - only 27 - had acceded to the 1961 Convention on the Reduction of Statelessness. The UNHCR Executive Committee and, subsequently, the United Nations General Assembly had requested UNHCR to help promote the prevention and elimination of statelessness. As part of that effort, UNHCR had sent out questionnaires in 2003 to help build up a comprehensive picture of the problem of statelessness. The survey had shown that, while a number of positive measures to address problems of statelessness had been taken, those measures were not consistent, and gaps remained which made it difficult to resolve some cases. He therefore urged the Commission to pay special attention to the problem of statelessness and disputed citizenship.

The meeting rose at 2.55 p.m.