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COMMISSION ON HUMAN RIGHTS

Fifty-ninth session

SUMMARY RECORD OF THE 49th MEETING

Held at the Palais des Nations, Geneva,  
on Tuesday, 15 April 2003, at 3 p.m.

Chairperson: Ms. AL-HAJJAJI (Libyan Arab Jamahiriya)

later: Mr. SMITH (Australia)  
(Vice-Chairperson)

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The meeting was called to order at 3 10 p.m.

STATEMENT BY THE MINISTER OF HUMAN RIGHTS OF CÔTE D'IVOIRE

1. Ms. WODIE (Côte d'Ivoire) said that, although the international community was rightly concerned about Iraq, it was important to remember that other countries around the world were also embroiled in conflict situations. Since December 1999, her country had suffered a military coup d'état followed by a popular uprising, seen a reconciliation forum set up and begin to function and had then been rendered unstable again by a further attempted coup d'état. The instigators of violence should remember that no regime established in such a violent manner had been able to stay the course in the long term. She called upon the international community to help her country put an end to the difficulties it was suffering and alleviate its serious humanitarian crisis.
2. Côte d'Ivoire had ratified virtually all the international instruments relating to human rights and 22 articles of its Constitution were devoted to the promotion of human rights and fundamental freedoms. In addition, a Ministry of Human Rights had been established together with various other mechanisms to make human rights one of her Government's priorities. Some of the action taken included discussions with non-governmental organizations (NGOs), meetings with diplomatic representatives and training sessions on human rights for members of the defence and security forces.
3. Like democracy, the construction of a human rights framework was never complete and her Government considered that its endeavours to promote and protect human rights gave the lie to accusations of xenophobia, exclusion and discrimination. Since achieving its independence in 1960, Côte d'Ivoire had never expelled any foreigners living on its soil. In fact, its people had received refugees from Liberia and Sierra Leone into their homes.
4. Although conflicts had flared up in particular regions between various communities, between farmers and pastoralists in the north, and clashes concerning property rights between the Abouré and N'gbatto in the south and between the Guéré and Baoulé in the west, such conflicts had not exclusively targeted foreigners. Similarly, the National Identification Office was not an institution for the categorization of the Ivorians or for the marginalization of foreigners. It was simply designed to register the population and monitor migratory flows with a view to establishing residence permits.
5. The alleged disparities between the Muslim north and the Christian south had been quoted as a reason for the armed conflict in Côte d'Ivoire. The north-south divide was mainly due, however, to economic problems linked to the country's history and various development programmes, such as a decentralization policy, had been initiated to correct the imbalance.
6. Since 19 September 2002, the human rights situation in the country had deteriorated badly, with attacks on property, physical integrity and violations of the right to life. Following negotiations under the auspices of the Economic Community of West African States (ECOWAS) and the African Union, and with the assistance of France, her Government had recently signed a peace agreement with the rebels. One of the principal points of the agreement was the formation

of a national reconciliation Government, which had been set up in March 2003 and would have the task of implementing mechanisms for the promotion and protection of human rights and the reconciliation of all the peoples in the country. It was also planned to establish a National Commission on Human Rights to monitor the protection of human rights and fundamental freedoms in the country.

7. During the reconciliation process, her Government would need the support of the international community. It had invited the Special Rapporteur on the right to freedom of opinion and expression, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and the Representative of the Secretary-General on internally displaced persons to visit the country.

8. It was also cooperating with an international commission of enquiry into the violations of human rights, a commission that had already undertaken an exploratory mission to Côte d'Ivoire in March 2003. Finally, the President of her country had asked the African Commission on Human and Peoples' Rights to carry out investigations and an evaluation mission was due to take place in the current month.

9. To ensure that all such mechanisms could carry out their missions as efficiently as possible, she asked the international community to help Côte d'Ivoire to implement the Linas-Marcoussis and Accra agreements, the next phase of which would involve the disarmament of rebel forces throughout the territory. Lastly, she reiterated her Government's commitment to democracy and the rule of law.

#### 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.4/2003/80-82, 83 and Add.1, 84, 85 and Add.1 and Corr.1 and Add.2, 3 and Corr.1 and Add.4, 86 and Add.1-6, 87, 88, 122, 123, 128 and 133; E/CN.4/2003/G/23, 28, 44, 55 and 56; E/CN.4/2003/NGO/2, 4, 27, 42, 43, 59, 66, 83, 99, 100, 112, 122, 138, 151, 152, 172, 189, 206, 222, 224, 228, 229, 257, 260 and 273; A/57/308 and 357)

#### PROMOTION AND PROTECTION OF HUMAN RIGHTS:

- (a) STATUS OF THE INTERNATIONAL COVENANTS ON HUMAN RIGHTS
- (b) HUMAN RIGHTS DEFENDERS
- (c) INFORMATION AND EDUCATION

(d) SCIENCE AND ENVIRONMENT

(agenda item 17) (continued) (E/CN.4/2003/96, 97, 98 and Add.1, 99-103, 104 and Add.1-4, 105, 106 and Add.1 and 122; E/CN.4/2003/G/13, 32 and 35; E/CN.4/2003/NGO/3, 8, 22, 38, 44, 52, 70, 104, 127, 132, 171, 184, 207 and 262)

EFFECTIVE FUNCTIONING OF HUMAN RIGHTS MECHANISMS:

(a) TREATY BODIES

(b) NATIONAL INSTITUTIONS AND REGIONAL ARRANGEMENTS

(c) ADAPTATION AND STRENGTHENING OF THE UNITED NATIONS MACHINERY FOR HUMAN RIGHTS

(agenda item 18) (E/CN.4/2003/6, 107-111, 122 and 126; E/CN.4/2003/G/31, 41 and 58; E/CN.4/2003/NGO/1, 39, 82, 101, 120, 125, 160, 172 and 225; E/CN.4/2003/CRP.2)

ADVISORY SERVICES AND TECHNICAL COOPERATION IN THE FIELD OF HUMAN RIGHTS (agenda item 19) (continued) (E/CN.4/2003/112-116 and 128; E/CN.4/2003/G/51; E/CN.4/2003/NGO/45)

RATIONALIZATION OF THE WORK OF THE COMMISSION (agenda item 20) (E/CN.4/2003/124; E/CN.4/2003/NGO/82 and 161; E/CN.4/2003/CRP.3)

10. Ms. JILANI (Special Representative of the Secretary-General on human rights defenders), introducing her report (E/CN.4/2003/104 and Add.1-4), said that it analysed the environment in which human rights defenders operated and assessed what was needed to promote the implementation of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms. Her conclusions and recommendations identified a number of strategic areas where the protection of human rights defenders could be reinforced. An addendum to the report summarized urgent appeals to and communications to and from Governments.

11. The difficulties being faced by human rights defenders should be urgently addressed through collaboration involving the United Nations system, States and NGOs. She had therefore striven to ensure that her recommendations were complementary to ongoing processes and supported reform within the United Nations, including the Office of the High Commissioner for Human Rights (OHCHR). She sought the cooperation of States and United Nations bodies for the implementation of her recommendations and urged Governments to invite her for country visits.

12. Addendum 2 to her report covered her visit to Guatemala, where the Government had already taken steps to bolster human rights and had demonstrated a readiness to cooperate with human rights mechanisms to do more in that direction. She was grateful to that Government for initiating a discussion on the progress achieved in carrying out her recommendations.

13. She had deeply appreciated the excellent cooperation of the Governments of Guatemala and The former Yugoslav Republic of Macedonia during her visits to those countries (the report on the latter visit would be submitted to the Commission at its next session). She had also received an invitation from the Government of Thailand and intended to pay a visit to that country in May 2003.

14. Mr. FUENTES SORIA (Guatemala) said that the Special Representative's report was a valuable one, because it dealt comprehensively with developments in his country and acknowledged his Government's efforts to reverse the effects of armed conflict and to honour the peace agreements and the Comprehensive Agreement on Human Rights.

15. The Government had allocated millions of quetzales to the National Compensation Programme and was giving priority to a panoply of measures designed to secure respect for human rights and fundamental freedoms. It shared the concerns expressed regarding shortcomings in the implementation of the Comprehensive Agreement on Human Rights and the Peace Agreements, especially those connected with impunity. To achieve social justice in a multi-ethnic, multicultural and multilingual country, it was essential to strengthen the institutions and bodies responsible for protecting human rights. More technical and financial resources would have to be devoted to extending the reach and improving the quality of those services.

16. Taking due account of ethnic, social, cultural and linguistic diversity was a complicated matter. There were 30 women from indigenous backgrounds that were being trained as lawyers so that they could handle applications to the Office of the Ombudsman for Indigenous Women. A linguistic map had been drawn and studies had been carried out of the dialects of the main indigenous languages with a view to preparing dictionaries and handbooks and decentralizing education and health care.

17. The Public Prosecutor's Office had established Offices of Human Rights and the Rights of Indigenous Peoples in the framework of its Democratic Criminal Policy and had encouraged the participation of civil society. Similarly, the Supreme Court of Justice was taking steps to ensure that indigenous languages could be used in court cases and was trying to increase the capacity of legal professionals in customary law which could be used provided that it did not conflict with the Constitution or the human rights agreements the Government had signed.

18. A High-Level Technical Commission had recently been established to follow up the special rapporteurs' recommendations and a Commission to Investigate Illegal Entities and Clandestine Security Units had just been set up to improve the protection of human rights defenders, judges, magistrates and court officials.

19. The support of United Nations agencies and international financial cooperation were vital for the implementation of the rapporteurs' recommendations and for the consolidation of efforts to honour the Peace Agreements.

20. Ms. THEODOROPOULOU (Observer for Greece), speaking on behalf of the European Union, asked what practical action had been taken as a result of the report. It was most alarming that Governments sometimes failed to reply to the communications of the Special Representative. She would like to know how Governments had reacted to the proposed adoption

of a strategic approach to the implementation of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms.

21. Mr. VIGNY (Observer for Switzerland) said that, as the media had an important role to play in creating public awareness of the need to protect human rights defenders, he wished to know if the Special Representative would be attending the World Summit on the Information Society to alert journalists and reporters to that issue. He would also be interested to hear whether she had reached any preliminary conclusions about the activities of non-State actors.

22. Mr. NAESS (Observer for Norway) asked the Special Representative how many communications she had received and whether any trend could be discerned.

23. Ms. JILANI (Special Representative of the Secretary-General on human rights defenders) said that, while few practical steps had yet been taken in response to her communications to Governments, it was encouraging to note that, in some cases, threats to human rights defenders had ceased as a result of urgent appeals. She was still holding a dialogue with Governments on the strategic approach suggested in her report and was optimistic that they would support it. She hoped that she would be able to participate in the World Summit on the Information Society. She was deeply concerned about the role played by non-State actors in the violation of defenders' rights and she would keep the Commission informed about that subject and about any framework that she could design to deal with that situation. The number of communications she had sent had risen dramatically during the year that had just ended. That increase reflected the greater credibility of her mandate among the community of human rights defenders and her ability to react speedily when necessary.

24. Mr. ALFONSO MARTÍNEZ (Special Rapporteur on human rights and responsibilities), introducing his final report (E/CN.4/2003/105), said that its late submission had been due to his desire to include in it the activities undertaken in the last quarter of 2002. A report by Mrs. Erica Irene Daes on the subject of individual social responsibility and the Universal Declaration on Human Social Responsibilities prepared by the InterAction Council had formed the starting point of his study, which was divided into several sections. Having given a brief account of their contents, he expressed his gratitude to the Governments of Bhutan and the Syrian Arab Republic for the facilities made available to him and for the hospitality shown by the Governments of the other countries he had visited.

25. The purposes of the recommendations he had made were twofold: to demonstrate the linkage between rights and responsibilities and to draw attention to individuals' responsibility to the societies in which they lived. The failure of Governments to define those responsibilities was very possibly due to their desire to pursue a repressive policy.

26. He had appended a pre-draft declaration on human social responsibilities to his report for the Commission's consideration.

27. Mr. FERNÁNDEZ PALACIOS (Cuba) asked the Special Rapporteur for some more information about the insight he had gained from his field visits to nine countries. Had it been useful when it came to writing the report? Had he noted any disparities in the viewpoints of the

countries of the North and those of the South? Did they have anything in common? What further action would he like the Commission to take on the pre-draft declaration on human social responsibilities?

28. Ms. NIAN (Senegal) said that her delegation appreciated the Special Rapporteur's balanced and objective approach. The national tragedy caused by the capsizing of the Joola ferry in September 2002 had resulted in an appeal by the President to all Senegalese citizens for greater vigilance and responsibility in their undertakings, which had produced a large echo in society. In addition to the reference made by the Special Rapporteur to social responsibility and human solidarity within the State (E/CN.4/2003/105, para. 24), she wished to point out that the Senegalese authorities had also been concerned to determine administrative and criminal responsibility for the tragedy; those persons in charge of maritime transport and others involved had been called upon to resign so that the justice system could work independently. A National Commission of Inquiry had been set up and its conclusions had enabled responsibility to be apportioned and the issue of compensation to be tackled.

29. Mr. LOUTFY (Observer for Egypt) reaffirmed his Government's intention to cooperate with the Special Rapporteur on human rights and human responsibilities and pointed out that it had been one of the first to bring up the subject of creating a mandate for a special rapporteur in that field. The Special Rapporteur had visited Egypt where he had met government officials, NGO representatives and members of the clergy. His Government had also responded to the Special Rapporteur's questionnaire.

30. Mr. KHAFIF (Syrian Arab Republic) thanked the Special Rapporteur for an objective report and his efforts to advance human rights. He hoped that the report would eventually be published in all the United Nations languages.

31. Ms. RODRÍGUEZ MANCIA (Guatemala) asked how the Special Rapporteur sought to resolve the problem of the reluctance expressed by some people to discuss the definition of responsibility because they thought that Governments could use such a definition to apply repressive policies. She also asked about the role of NGOs in relation to human rights and responsibilities.

32. Mr. ALFONSO MARTÍNEZ (Special Rapporteur on human rights and human responsibilities) said that he had gained unique experience of how States addressed the subject of his mandate on his field visits and had had contacts with representatives of a wide range of cultures and religions. He had received full cooperation from all authorities and NGOs. In all the countries he had visited in Africa and Asia, people were completely convinced of the dual role of a human being as a holder of rights who was also bound by certain obligations. Such a dual vision of human rights and responsibilities was more evident in the countries of the South, whereas discussion in the North focused mainly on rights rather than social responsibilities.

33. In response to the question by the representative of Cuba regarding the pre-draft declaration on human social responsibilities, he said that it was necessary to ensure that Governments were made aware of the text so that it could be discussed in the Commission. He hoped that his questionnaire had been sent out to the NGOs, because it was important to have some input from non-governmental sources concerning any such draft text.



34. Replying to the comments by the representative of Senegal, he said he was aware that steps had been taken in that country to ensure that the legal responsibility for the tragedy was recognized and thanked that representative for making the point.

35. He apologized to the observer for Egypt for failing to mention that his was the country that had first brought the idea of a special rapporteur's mandate to the attention of the Like-Minded Group of Countries.

36. In response to the representative of the Syrian Arab Republic, he explained that, since his visit to Syria had been unofficial, he had been unable to include any details in his report, but he was grateful to the Syrian authorities for their cooperation.

37. In reply to the representative of Guatemala, he said that the view expressed in all Western countries that a definition of responsibilities could be used as a means of repression was somewhat extreme. Rights and duties were mutually complementary and strengthened one another.

38. Mr. HAMMARBERG (Member of the Board of Trustees of the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights) said that the technical cooperation work of OHCHR was funded primarily by the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights. Since 1993, a Board of Trustees, which met semi-annually, had provided administrative and operational advice to the Fund. The previous Board's mandate had expired at the end of 2002 and the new Board was due to meet for the first time in July 2003, when a new Chairperson would be elected.

39. At the request of Governments, the technical cooperation programme supported countries in their efforts to promote and protect human rights by focusing on the administration of justice, human rights education, national institutions and national plans of action for the promotion and protection of human rights. Special attention was paid to economic, social and cultural rights and the right to development, racism, the rights of indigenous people, trafficking in women and children, gender and the rights of the child.

40. As it was impossible for OHCHR to be present in all countries, it had continued in 2002 to develop regional strategies through which intergovernmental cooperation could be fostered and common policies and programmes developed. By the end of the year, regional representatives had been posted in the United Nations regional economic commissions in Addis Ababa, Bangkok, Beirut and Santiago, Chile.

41. The context in which the Board of Trustees operated had changed significantly over the years. For example, OHCHR had not existed when the Fund had first been established. The external environment had also changed. There were currently many more institutions and actors playing a role in human rights and many more issues to address. At its first meeting, the new Board would have a unique opportunity to review its role.

42. The global review of the OHCHR technical cooperation programme, conducted by an external institutional partner, was expected to contribute to the development of a more strategic approach to technical cooperation, based on past experience. It would address the scope, nature and content of OHCHR technical cooperation activities, including organizational and methodological aspects, and would consist of a combination of thematic and country studies.

43. The review was part of the efforts of OHCHR to enhance its technical cooperation programme from a substantive and technical point of view. Moreover, the establishment of the Project Review Committee in 1998 had provided a mechanism to monitor performance, provide guidance and exercise internal control of its action-orientated activities. The establishment of a Project Management and Technical Cooperation Unit in 2002 was expected to enhance the programme still further by providing advice and developing training, methodology and tools for facilitating the management of project activities.

44. As a result of its efforts, the capacity of OHCHR to implement activities in the area of technical cooperation had improved significantly. Between 2000 and 2002, the Fund's expenditure had more than doubled. Unfortunately, however, there had been no parallel increase in contributions. If the trends continued, OHCHR would be obliged to make drastic cuts in its technical cooperation activities. He thanked all donors for their 2003 contributions and urged all Member States to provide increased financial and political support.

45. Mr. Smith (Australia), Vice Chairperson, took the Chair.

46. Mr. ROWE (Sierra Leone) said that his delegation welcomed the decision to discontinue consideration of the situation of human rights in his country under agenda item 9 and to take it up under agenda item 19. As in many other countries, the overwhelming majority of people in Sierra Leone had yet to enjoy their basic rights to food, adequate health care, education and even piped drinking water. Had it not been for the war, however, inflicted on the people of Sierra Leone by RUF rebels and their international and regional diamond-smuggling and arms-peddling cohorts, the human rights situation in his country would not have been confined to what, figuratively speaking, was the Commission's "detention centre", raising questions among some as to Sierra Leone's entitlement to Commission membership. In that connection, his delegation would like to work towards an early review of the criteria used for placing States under agenda item 9, taking into account such elements as gross and systematic violations by States and gross abuse by non-state entities, such as rebel movements, that were not parties to any human rights instruments.

47. His delegation firmly believed that all Member States of the United Nations had the right to serve as members of the Commission at some time or another. It was an opportunity for all States Members to meet on common ground and to find ways of ensuring that the common standards set in the various human rights instruments were translated into reality.

48. Moving Sierra Leone from item 9 to item 19 should not be seen merely as recognition of the dramatic progress that had been made in the peace process. It should, more importantly, be seen as an awareness of the fact that the Commission ought to focus its attention on the obstacles

that had to be overcome in his country to ensure that all people could enjoy their basic rights. People should be able to see the benefits of democracy in the form of food, medicine and a roof over their heads.

49. His Government did not need to be reminded of its human rights obligations. What it needed was the capacity to promote those rights. That required increased international cooperation, technical assistance and support, including for the National Recovery Strategy, the importance of which had been recognized by the Security Council in its resolution 1470 (2003).

50. While resources and technical assistance would not solve all his country's human rights problems, they would go a long way in addressing many of them. Without ignoring political and cultural rights, his Government's priority was the promotion of economic and social rights. The President's primary objective was to ensure that no Sierra Leonean went hungry to bed.

51. Sierra Leone produced high-quality diamonds but, if a Sierra Leonean man wanted to buy a diamond ring for his fiancée, he had to import it from abroad. In that regard, failure by any State or non-State entity to implement Security Council resolution 1306 (2000) on Sierra Leone's diamond certification regime or the Security Council arms embargoes was tantamount to a gross violation of the rights of the children of Sierra Leone.

52. Ms. NIANG (Senegal) said that it was impossible to achieve sustainable development and guarantee the full enjoyment of human rights without the prior establishment of a viable system of governance. Her Government was firmly committed to strengthening its governance policy, through a modernization and reform of the public sector. It intended to introduce mechanisms to ensure a genuine separation of power, a more efficient system of public management and the effective participation of civil society in public affairs. In that context, an interministerial committee had been established on the reform of the public sector, to encourage the national institutions to introduce a system of public administration and management based on a balance of power and local democracy. The programme had evolved and corresponded to the objectives set forth in the Tenth National Plan for Economic and Social Development.

53. She congratulated the Special Rapporteur on the human rights of migrants on her excellent report (E/CN.4/2003/85 and Add.1-4) and on the proposals it contained, which reflected the concerns of the Senegalese Government. Her Government was in favour of the universal ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. It also supported a more humanized approach to migration policies and a type of migration management incorporating a human rights dimension. Greater emphasis should be placed on providing appropriate information and assistance and on monitoring the social or psychological condition of migrants. Her Government would continue to ensure, wherever possible, respect for the rights and dignity of migrants.

54. Mr. WIILE (Observer for Norway), speaking also on behalf of the other Nordic countries of Denmark, Finland, Iceland and Sweden, commended the Representative of the Secretary-General on internally displaced persons for his longstanding dedication and for his report (E/CN.4/2003/86 and Add.1-6), which was well-written, informative and thought-provoking. The countries he was representing expressed particular satisfaction at the way in which the Representative had performed his challenging mandate, which played a crucial

and catalytic role in one of the most complex and sensitive issues currently facing the international community. His systematic and thorough approach had produced impressive results that boded well for the internally displaced persons.

55. The Guiding Principles were definitely a success in terms of creating and promoting an internationally accepted framework for protecting the rights of the internally displaced. However, the Representative should pursue the constructive dialogue with those Governments that still had some concerns on the subject. The four main pillars of the Representative's work had turned out to be quite efficient.

56. Regrettably, however, there had been less success in implementing the commitments on the ground. Although the primary responsibility for the protection and assistance of internally displaced persons lay with their own State, the international response could be improved, particularly in terms of protection. The Nordic countries agreed with the notion of sovereignty as responsibility and agreed also that the overall challenge was to operationalize that notion and inject greater accountability at the national, regional and international levels of response. Much could be gained by a better and more systematic follow-up of the Representative's country visits and the findings of the IDP Unit in the Office for the Coordination of Humanitarian Affairs (OCHA). The lack of resources in that respect needed to be put squarely on the international agenda.

57. The countries for which he was speaking had always been among the staunchest supporters of the Representative's mission. They had contributed financially to his work and had made continuous efforts to promote the cause of the internally displaced in international forums. They had also supported the work of NGOs in an attempt to focus world attention on the issue. The Norwegian Refugee Council and its Global IDP database had played a most valuable and pioneering role.

58. Since internally displaced persons had become the subject of international diplomacy, they had been viewed mainly as victims in need of protection and assistance. Gradually, the fact that they represented immense human resources was gaining more attention. The time had come to place increased emphasis on giving them a voice, which would enable the international community to understand their situation more fully and to target efforts on their behalf more effectively.

59. The Nordic countries agreed that internal displacement was related to a crisis of national identity and a lack of cohesiveness between a Government and its people. The prospects of solving the problem would be greatly improved if more efforts had been put into resolving the underlying causes. Ideally, those causes should be addressed before the symptoms of large-scale displacement became apparent.

60. Mr. SKURATOVASKYI (Ukraine) said that the problems discussed under agenda item 14 were undoubtedly the most urgent and complicated issues in the field of human rights. In view of the fact that virtually no country was ethnically homogenous, the issue of national minorities had a global character. The protection of human rights, including those of persons belonging to national or ethnic, religious and linguistic minorities, was the bedrock of peace and stability both in individual countries and internationally.

61. In view of the fact that national minorities made up 22 per cent of the total population of Ukraine, his Government attached prime importance to their protection, in accordance with international norms and standards. Ukraine's accession to the relevant international instruments served as vivid evidence of that fact. Parliament was about to ratify the European Charter for Regional or Minority Languages. In addition, to establish adequate national human rights mechanisms, several laws had been adopted in recent years to provide greater protection for minorities.

62. Over 140 different nationalities lived in Ukraine. Bilateral agreements between Governments were particularly important when promoting the harmonious development of minorities. Such agreements had already been concluded with Germany, Moldova and Lithuania and joint intergovernmental commissions had been established with Hungary, Romania and Slovakia.

63. A council of NGO representatives concerned with national minorities had been established, under the patronage of the President, to increase the role of NGOs in the decision-making process on ethnic, cultural and religious minority issues. The council was actively involved in the preparation of relevant legislative acts.

64. Guaranteeing the rights of people who had been deported from Ukraine under the Stalin regime was another of his Government's priorities. Efforts were being made to create favourable conditions for their return and to guarantee their rights. The Government had adopted a national programme on the resettlement of the Crimean Tatars as well as more than 20 decisions and decrees aimed at the comprehensive solution of the problems suffered by deported persons and their resettlement.

65. His Government was convinced of the importance of the special procedures mandate-holders. When the mandate-holders were being appointed, their competence and independence, as well as other objective criteria, should be taken into account. His delegation supported the renewal of the mandates of all the Commission's special rapporteurs and that of the Working Group on Arbitrary Detention. It was also in favour of establishing an open-ended working group to consider an optional protocol to the International Covenant on Economic, Social and Cultural Rights.

66. States should further strengthen their cooperation with the treaty bodies and ensure that the recommendations made by those bodies were implemented. Much remained to be done in terms of rationalizing and improving the work of the treaty bodies, as there were many backlogs and delays in the consideration of periodic reports. Nevertheless, the meetings involving an exchange of views with the States parties had proved to be very useful.

67. In conclusion, developing and strengthening national capacities was essential if any progress was to be made in the field of human rights. In that context, his Government supported the regional and subregional approach to backing national efforts, so efficiently developed by OHCHR.

68. Ms. VALLE (Mexico) said that her Government attached high priority to the protection of vulnerable groups. The International Convention on the Protection of the Rights of All Migrant Workers and Their Families would enter into force on 1 July 2003. One of its main objectives was to guarantee respect for the human rights of all migrant workers regardless of their status and their location, throughout the migration process. Other objectives included the adoption of cooperative measures to eliminate undocumented migration in countries of origin, transit and destination, and the encouragement of focused programmes for migrant workers.

69. Another group that needed special attention were people with disabilities. According to United Nations statistics, over 600 million people throughout the world suffered from some sort of disability. Her Government supported the proposal that an international convention be drafted to protect their rights. Her delegation had submitted to the Commission two draft resolutions, one on the human rights of migrants and one on the rights of disabled persons. She hoped that they would both be adopted by consensus.

70. The fact that it was the duty of a State to protect its population against terrorist attacks did not justify any failure to respect its human rights obligations.

71. Impunity was a widespread problem throughout the world. Her Government was making efforts to combat and eliminate impunity at both the national and international levels. The Senate had approved a constitutional reform that would enable Mexico to ratify the Rome Statute of the International Criminal Court. The Government was also seeking to address past human rights violations at the national level and to bring the perpetrators to justice. It had, therefore, created a Special Procurator's Office for Crimes connected with Social and Political Movements of the Past. Access had also been granted to the National Archives.

72. Lastly, she said that her Government supported any initiatives by the international community to impose a moratorium upon and eventually abolish the death penalty.

73. Mr. VIGNY (Observer for Switzerland) said that the Commission should consider, without delay, the establishment of a special procedure on minorities. Its mandate could include making recommendations to States on the implementation of the 1992 Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities and channelling OHCHR technical assistance towards the prevention and settlement of conflicts.

74. A greater percentage of the United Nations regular budget should be earmarked for the promotion and protection of human rights, enough to provide for 50 per cent of the needs of OHCHR. Currently, only 1.54 per cent of the regular budget was devoted to human rights, with the result that 70 per cent of the Office's budget came from voluntary contributions.

75. The legitimate role of human rights defenders had yet to gain universal recognition. In some countries, the scale and the nature of the violations of their rights indicated a clear political will to silence any critics of the State. His delegation shared the concern of the Special Representative of the Secretary-General on the situation of human rights defenders regarding the situation in countries such as Zimbabwe, Myanmar, Tunisia, Turkmenistan, Colombia, Cuba, Belarus and Haiti.

76. The death penalty had no place in a society governed by the rule of law and respect for human rights and should be abolished in all States, as swiftly as possible. The execution of persons who had been under 18 years of age at the time of the crime and execution by stoning were particularly barbaric.

77. The defence of human rights featured high on his Government's foreign policy agenda. His delegation was ready to assume its responsibilities as a full member of the Commission, and had therefore decided to stand for election to the Commission for the period 2007-2009.

78. Lastly, his delegation thought that the idea of submitting a single State report to all the treaty bodies was a very interesting one that warranted consideration.

79. Mr. MENON (Observer for Singapore) said that, since 1997, a draft resolution had been tabled every year in the Commission calling for the abolition of the death penalty. The merits or demerits of capital punishment were not the issue, since for every argument in favour of abolition there was an equally convincing counter-argument. Agreement would not be reached in the near future, as shown by the fact that the draft resolution had never received an overwhelming majority of the vote.

80. Individual countries had the right to choose their own systems, without being dictated to by other countries which took no account of diverse cultural, social and religious sensibilities. Some Governments presented the death penalty as a human rights violation, whereas his Government saw it as a criminal justice issue. To abolish capital punishment without abolishing murders suggested that a killer's right to life was defended more than that of the innocent victim. In many countries, the Constitution, the law and the popular will clearly supported the death penalty, with effective safeguards to ensure that no innocent people were executed. The Commission must not become a forum for some States to try to impose their notion of human rights on others.

81. Mr. NÆSS (Observer for Norway) said that human rights defenders continued to be at risk in all parts of the world, under various political systems. The United Nations had a fundamental role to play in implementing the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms. His delegation agreed with the Special Representative that her mandate would be strengthened if the various parts of the United Nations system contributed to the implementation of her recommendations. At the country level, too, the United Nations should be fully involved in her work. It was encouraging that many Governments were currently supporting her mandate. That support must, however, be translated into practical commitments: the Special Representative must be given access to wherever she wished to go and her mandate should be renewed.

82. Mr. LOUTFY (Observer for Egypt) said that agenda item 20 had, after a brief flurry of interest at the Commission's fifty-fifth and fifty-sixth sessions, been insufficiently discussed. Much more could be done to rationalize the Commission's work, ranging from the conceptual question of finding a balance between civil and political rights and economic, social and cultural

rights to practical issues, such as the need for documentation to be provided in all official languages, six weeks before the session. Meetings on negotiating draft resolutions should not be held in parallel, otherwise small delegations were at a disadvantage, since they could make no contribution to important issues such as agenda items 12, 13 and 20. The difficulty with parallel meetings also applied to some working groups, such as the Working Group of Experts on People of African Descent. It would also be helpful if NGOs issued more joint statements so as to save time.

83. Mr. ALCÁINE (Observer for El Salvador), after endorsing the statement made by the representative of Costa Rica on behalf of the Group of Latin American and Caribbean States welcomed the imminent entry into force of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, following the ratification by El Salvador. The Convention met the needs of a vulnerable sector of society which, in an ever more globalized world, needed protection. El Salvador, as both a sending and receiving country, as well as a country of transit, had a particular interest in the effective management of migration. While free to determine their own policies, States should respect the human rights of all migrants, whether in a regular or irregular situation. In that context, his delegation fully supported the Special Rapporteur's recommendation on irregular migration; migration management was extremely complex and more was required than unilateral punitive and control measures. His delegation would continue to participate actively in regional and international dialogues such as the Regional Conference on Migration (the "Puebla Process") and remained committed to the Durban Declaration and Programme of Action, which contained some important provisions on the human rights of migrant workers and their families.

84. Mr. COUTAU (Observer for the International Committee of the Red Cross (ICRC)) said that, when the protection and assistance needs of displaced persons had to be met, there was a tendency to turn immediately to the international relief organizations. While such organizations had an important role to play, the primary responsibility for meeting the needs of the persons concerned lay with the State in which they found themselves or, in occupation situations, the occupying Power. Humanitarian organizations should be called upon only if all else failed.

85. ICRC was most alarmed that the extraordinary recent advances in the field of biotechnology, many of which had great potential for misuse, had not been subject to adequate controls and oversight at the national or international levels. It had therefore launched, in autumn 2002, its "Appeal on Biotechnology, Weapons and Humanity", which called on all political and military authorities to strengthen their commitment to the prohibition of biological weapons contained in both the Geneva Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, of 1925, and the 1972 Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction. Potentially dangerous biotechnologies should be subjected to effective controls.

86. He drew attention to the ICRC Advisory Service, which aimed at supporting the efforts made by States to adopt national measures in implementation of international humanitarian law. The Advisory Service had set up a database on the Internet and would shortly be launching an electronic forum for the benefit of national commissions on international humanitarian law.



87. Mr. KOOLJIMANS (International Labour Organization (ILO)), having welcomed the imminent entry into force of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, said that extending rights-based policy to all migrants had become more important than ever: international labour mobility had increased but so had exploitation and deregulation. Migrant workers were attractive to employers wishing to “maintain competitiveness”, because they were obliged to endure poor working conditions. Irregular migrants were particularly vulnerable because of the threat of apprehension and deportation. Current practices presented a fundamental policy dilemma: many States had placed strict barriers on the legal entry of migrant workers while appearing to tolerate the presence of some irregular migrants, especially in low-paid sectors.

88. The concepts and language of the Convention drew on the ILO Migration for Employment Convention, 1949 (No. 97) and the ILO Convention concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers, 1978 (No. 143), but considerably extended the legal framework. The number of States that had ratified one or more of those three complementary standards had reached 62. The Conventions provided a comprehensive values-based definition and legal basis for national migration policy and practice.

89. ILO experience showed that several complementary elements were required for the effective regulation of migration. They included informed and transparent admission systems; the enforcement of minimum national labour standards; a plan of action against discrimination and xenophobia; and institutional mechanisms for consultation and coordination.

90. Mr. GASPARINI (Observer for San Marino) said that his delegation rejected, on moral grounds, capital punishment, a practice that denied the most fundamental human right, the right to life. The parliament of his country had reaffirmed that position when it had recently ratified Protocol No. 13 to the European Convention on Human Rights. His delegation would continue to speak out until an international moratorium on executions had been adopted, with a view to the complete abolition of capital punishment. It was a matter of satisfaction that the death penalty was being more sparingly applied throughout the world, particularly in the case of people under 18 years of age. His delegation congratulated the Governments of Cyprus and of Serbia and Montenegro for their decision to abolish capital punishment and the Government of Turkey for its decision to eliminate it in cases of ordinary law. He urged those States that retained the death penalty to observe scrupulously the nine guarantees contained in Economic and Social Council resolution 1984/50. Failure to do so involved, according to the Human Rights Committee, a violation of the International Covenant on Civil and Political Rights.

91. Mr. SIMONIN (Observer for the Order of Malta) said that, over the past years, the Order had been working for displaced persons and refugees involved in mass exoduses, in the Great Lakes region of Africa, in Kosovo and in Afghanistan. In the last of those areas it was currently developing two important projects, one in collaboration with the United Nations High Commissioner for Refugees (UNHCR). It was also working to help peoples who were victims of famine in Angola, Mozambique and Zimbabwe. Its Emergency Corps often worked with UNHCR.

92. Since the start of hostilities in Iraq, the Emergency Corps had concentrated its efforts at the northern frontier, where the German branch of the Corps and the Turkish International Blue Crescent Organization had made preparations to help local or displaced populations in the region. Since access to Kurdish areas had not yet been granted, the equipment was in storage and an Emergency Corps team was standing by in Ankara. Two water purification units able to supply 20,000 people a day, and an emergency health kit able to cover the medical needs of 10,000 people for three months were immediately available. The guns were beginning to fall silent, but the situation of the wounded, the sick and the displaced remained a matter of serious concern. They had a right to be protected at a time of conflict and humanitarian organizations must be allowed access to them. They should also be allowed to participate fully in the rehabilitation and reconstruction of the country.

93. Ms. MALUWA (Joint United Nations Programme on HIV/AIDS (UNAIDS)) said that UNAIDS brought together eight United Nations agencies in a common effort to fight the epidemic. It also worked with a broad range of partners. Human rights had always been a cross-cutting theme in its policies and activities. In 1998, together with OHCHR, UNAIDS had published the International Guidelines on HIV/AIDS and Human Rights. It also worked with the United Nations human rights machinery to strengthen understanding, monitoring and enforcement of HIV/AIDS-related human rights. It had carried out research in India and Uganda in an endeavour to achieve a better understanding of the relationship between HIV/AIDS and human rights, particularly with regard to stigma and discrimination. It also supported networks at the national, regional and international levels.

94. In conjunction with the Inter-Parliamentary Union, it had launched the Handbook for Legislators on HIV/AIDS, Law and Human Rights. It had also supported the Parliamentary Forum of the Southern African Development Community (SADC) on HIV/AIDS-related issues. Workshops had been held throughout the world. In 2003, in collaboration with OHCHR and national human rights institutions, UNAIDS would be developing a manual concerning the role of such institutions in dealing with HIV/AIDS issues.

95. Ms. PRESELECAN (Observer for Romania) said that her Government continued to develop its legislation and institution-building in an attempt to update its system for the protection of national minorities and bring it into line with international standards. The government body coordinating national minority policies was the Department for Inter-Ethnic Relations, within the Ministry of Public Information. Although Romania had signed the European Charter for Regional or Minority Languages in 1995, it had not yet ratified it. After meetings with the Council of National Minorities, an NGO, the Department had been able to put together the necessary documentation for ratification and forward it to the Ministry for Foreign Affairs.

96. She drew attention to achievements in the field of education: Ministry of Education Order No. 3699/2002 on facilitating the access of Roma to higher education had provided for the allocation of 390 places for Roma students. Romania had also started to participate in the European Union Community Action Programme to Combat Discrimination (2001-2006). Cooperation with the Council of Europe had also been encouraging: in 2002, the Council had financed three projects, which had proved most fruitful.

97. Mr. KEBAPCIOGLU (Observer for Turkey) said that the primary issue facing migrant workers was their legal status. Even after three generations, they were legally foreigners in their countries of residence, routinely lacking equal opportunities in employment, education, health and housing. Discrimination in the labour market resulted in poor housing, which in turn led to poor public education and thus, in a vicious circle, to inferior work with low pay. Policies of integration rather than assimilation should be pursued. Immigrants should be allowed a fair share in decision-making and active participation in the social, economic and political life of the country of residence. They should be granted the right to vote or be elected in local elections. A significant step would be the facilitation of dual citizenship. Migrants would thus be regarded not as aliens but as individuals sharing the responsibilities and rights of the people of the receiving country. For them, education was the key.

98. Mr. ESCUDERO MARTÍNEZ (Observer for Ecuador) welcomed the imminent entry into force of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, which would thereby become one of the main instruments of international human rights law. His delegation urged all States that had not yet done so to accede to and ratify the Convention. It commended the report of the Special Rapporteur on the human rights of migrants (E/CN.4/2003/85 and Add.1-4) and shared her view that a lack of documentation should not be used as a reason to detain people who had no criminal record. Migrants were often victims of misinformation or exploitation, but the way to tackle the problem was through bilateral dialogue and not unilateral measures, through mutual agreement between States rather than mere police measures.

99. His Government had continued to launch a series of programmes in support of the national plan for Ecuadorians living abroad and had increased its contacts with friendly countries to establish bilateral agreements regulating migration and protecting the rights of migrants.

100. Mr. KYRÖLÄINEN (Observer for Finland) said that minorities were still particularly subject to human rights violations. They were also underrepresented in political, economic and social life in many societies. Women and girls belonging to minorities were often in the worst position. Specific measures might be needed to protect and promote the human rights of the most disadvantaged groups. Affirmative action was one way of improving the situation, whether at the national or the international level. Particular priority should be given to those facing multiple discrimination.

101. Ms. BU FIGUEROA (Observer for Honduras) said that the role of the Special Rapporteur on the human rights of migrants was crucial in seconding government efforts in that direction and should be supported more enthusiastically by receiving countries through programmes to protect migrants, given that their economies benefited from the presence of such workers. Her own country was open to all. At the same time, her Government sought to attend to the needs of Hondurans living abroad, through agreements with friendly countries and information and awareness-raising campaigns. The United States of America had given her Government Temporary Protected Status under its cooperation programme following the devastation caused by Hurricane Mitch, from which the country had still not completely recovered. The Government was also developing various initiatives to reintegrate its nationals when they returned to the country.

102. Programmes for the benefit of migrants were of particular value to her country, since the work of Hondurans abroad provided an important source of foreign currency. Existing multilateral mechanisms should be strengthened; migrants should have legal protection from the beginning to the end of their journey and their working lives should also be covered. In that way it would be possible to avoid the tragedies that daily befell people seeking to improve their lot abroad.

103. Ms. HOUMMANE (Observer for Morocco) said that, from the dawn of history, immigration had been a source of cultural enrichment and peaceful coexistence. Migrants had always contributed to the economic development of the receiving country. Globalization, however, had created many difficulties. One of the most alarming was the recrudescence of xenophobic and racist movements which struck at the roots of such values as fraternity, tolerance and solidarity. It was high time, therefore, to move on from the tight security measures imposed after the terrorist attacks of 11 September 2001 and adopt a more humane approach that would benefit both the receiving and the sending countries.

104. Morocco, with over 2.5 million of its citizens living abroad, had a particular interest in addressing the human rights needs of its citizens both at home and in the receiving countries. A ministerial department had therefore been established by the new Government to deal specifically with Moroccans abroad. The Government had also, jointly with the International Organization for Migration (IOM), set up a resource centre on the rights of migrants.

105. Irregular migration had taken on alarming proportions, with the growth of international networks for illegal trafficking in persons. Morocco was, owing to its geographical position, among the countries most affected by the phenomenon, because it often served as a country of transit and, more recently, as a receiving country. Any effective policy to counter trafficking in migrants required substantial financial resources, which Morocco could not provide on its own.

106. Mr. SLABÝ (Observer for the Czech Republic) said that his delegation supported the elaboration of a legally binding international instrument for the promotion and protection of the rights and dignity of persons with disabilities. It should focus less on formulating new, specific rights and more on dismantling the barriers that prevented disabled people from exercising their rights in full. The new instrument should be a convention that would impose specific commitments on the States parties; it should be based on the generally recognized values of equality, freedom, dignity and solidarity; and it should stress the importance of existing conventions for the realization of the rights of disabled people. Lastly, the instrument should be monitored in the same way as the International Covenant on Economic, Social and Cultural Rights.

107. His delegation had participated actively in the process of improving the Commission's working methods and welcomed the recommendations contained in the note by the secretariat (E/CN.4/2003/118). His delegation believed that the new working methods should be tried out over the Commission's next two sessions. It would be premature to reopen the issue or to create any new mechanisms at the current session.

The meeting rose at 6 p.m.