



General Assembly

Distr.
GENERAL

A/HRC/4/SR.14
25 April 2007

Original: ENGLISH

HUMAN RIGHTS COUNCIL

Fourth session

SUMMARY RECORD OF THE 14th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 20 March 2007, at 10 a.m.

<u>President:</u>	Mr. DE ALBA	(Mexico)
later:	Mr. BURAYZAT (Vice-President)	(Jordan)
later:	Mr. DE ALBA (President)	(Mexico)

CONTENTS

IMPLEMENTATION OF GENERAL ASSEMBLY RESOLUTION 60/251 OF
15 MARCH 2006 ENTITLED "HUMAN RIGHTS COUNCIL" (continued)

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Editing Unit, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Council at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.07-12099 (E) 190407 250407

The meeting was called to order at 10.05 a.m.

IMPLEMENTATION OF GENERAL ASSEMBLY RESOLUTION 60/251 OF
15 MARCH 2006 ENTITLED "HUMAN RIGHTS COUNCIL" (agenda item 2)
(continued)

Introduction of reports followed by an interactive dialogue:

Report of the Independent Expert on minority issues (A/HRC/4/9 and Add.1-3;
A/HRC/4/G/5; A/HRC/4/NGO/25, 30, 34 and 92)

Report of the Special Rapporteur on the human rights of migrants (A/HRC/4/24
and Add.1-3; A/HRC/4/NGO/5, 53 and 127)

Report of the Special Rapporteur on the situation of human rights and fundamental
freedoms of indigenous people (A/HRC/4/32 and Add.1-4; A/HRC/4/NGO/46,
137 and 143)

1. Ms. McDOUGALL (Independent Expert on minority issues), introducing her second annual report (A/HRC/4/9 and Add.1-3), said that in every region of the world there were minorities who were victims of longstanding discrimination, exclusion, denial of their basic rights and, sometimes, violence. The dynamics of their poverty were often complex, defying the rationale of accepted poverty alleviation policies. Since minorities were often excluded from efforts to achieve the Millennium Development Goals, she had her report focussed on that aspect of their plight.
2. In designing and implementing poverty alleviation policies, Governments must give high priority to ensuring that disadvantaged minorities were taken into account, if only for the sake of preventing conflict. If strategies were successful for some groups but not for minorities, inequalities - and thus political tension - would increase.
3. To get a clearer picture of the situation, she had conducted a survey of the reports of 50 countries on their progress towards the Millennium Development Goals and a number of Poverty Reduction Strategy Papers in order to determine whether and to what extent they took marginalized groups into account. The findings, which appeared in document A/HRC/4/9/Add.1, were revealing. Ethnic or linguistic minorities were mentioned in only 19 of the reports reviewed. The inequalities experienced by religious minorities were mentioned in only 2 reports, while an additional 10 reports mentioned only indigenous peoples, without identifying any other minority group. There was a wide variety in the nature of references to minorities: some reports provided a good range of information under several of the Goals, including disaggregated data, while in other cases, minorities were mentioned only in the background section describing the national population but without particular reference to their situation in relation to the Goals. They were mentioned most frequently in connection with Goal 2, which related to universal primary education. In general significantly greater attention was paid to indigenous peoples than to non-indigenous marginalized minorities. While gender issues were positively covered, there was little discussion of the discrimination experienced by minority women or of policies that

targeted marginalized minority women. References to minorities were virtually absent from reports submitted by donor countries. Not a single report covered the situation of minorities under each Goal.

4. The reports showed a weak understanding of the causes of poverty among minorities. Moreover, the issue of discrimination was noticeably absent in poverty analyses and in Government policy responses. Nor was there much discussion of other rights of minorities. Such a lack of information was not necessarily indicative of practice on the ground but suggested that the inclusion of minorities in poverty reduction strategies was not a priority for most Governments. While resources and capacity were vital factors, the primary need was for political will. She hoped that her survey would help minorities to attain development and realize their human rights.

5. Many factors made realization of the Millennium Development Goals a challenge, including the need for increased development assistance, greater transparency in governance and economic, social and political stability. Developed countries had a responsibility to address more fully the structural issues facing developing countries in eradicating poverty in general and the disproportionate poverty among minorities in particular.

6. Her report contained recommendations to States and international development agencies on how to bring minorities fully into existing poverty alleviation strategies. States could, for example, do much to gather data disaggregated along ethnic, religious and linguistic lines and by gender to reveal the extent of inequalities, thereby making informed policy responses possible.

7. She had enjoyed valuable collaboration with the United Nations Development Programme (UNDP), including the holding of a joint consultation on the programme's engagement with minorities in development processes in October 2006. UNDP had undertaken to strengthen its work with regard to minorities and to develop a policy/guidance note on the matter. Regional consultations and pilot projects had also been proposed with the objective of strengthening work at the regional and country level.

8. During her visit to Hungary, discussed in document A/HRC/4/9/Add.2, she had focused on the particular situation faced by the Roma and on Hungary's unique system of minority self-government. Although Hungary's legislation and policy relating to the Roma were commendable, the situation remained dire. Roma communities continued to experience widespread discrimination and exclusion, unacceptably low human development and severe levels of poverty. The powers of the Equal Treatment Authority, charged with monitoring implementation of the Equal Treatment and the Promotion of Equal Opportunities Act of 2003, must be extended to enable it not only to rule on discrimination in the public or private sector but also to impose legally binding remedies. Hungary must also take stronger affirmative action measures to redress historic discrimination against the Roma community. Such measures, which were justified and necessary, should build on the useful foundation already in place, as exemplified by the Equal Chances Plan, which required public offices to recruit disadvantaged minorities. The Government should be more aggressive in enforcing its policy of school desegregation, thus providing Roma children with the opportunities that they were currently denied. The experiences of other States, including her own, demonstrated that such segregation must be vigorously challenged in law and in action if true change was to be achieved.

9. She had also visited Ethiopia (A/HRC/4/9/Add.3), the Constitution of which provided a strong foundation for rights and equality, recognizing the country's diverse languages and cultures and allowing the use of minority languages as official working languages of the regional states. The Constitution also established a system of ethnically based federalism, under which different ethnic groups had an opportunity to govern in distinct territories. There were nine regional Governments with the right to draft regional constitutions, promulgate laws, establish and administer government functions and, ultimately, secede.

10. The promise of the Constitution remained unfulfilled in some fundamental respects, however. In her discussions with non-governmental organizations (NGOs), she had encountered expressions of despair and fear with regard to the political process and domination by a political and ethnically based elite. Events following the elections in May 2005 had deeply undermined confidence in the democratic process and the equal participation of all ethnic groups. Many opposition political leaders remained in jail, awaiting trial on charges of "attempted genocide" and "treason". Such treatment constituted a violation of the Government's human rights obligations and a breach of trust between it and its citizens. Meanwhile, continuing ethnic conflicts in several states, often caused by scarcity of natural resources or political factors, were damaging prospects of regional stability and a unified, democratic and prosperous Ethiopia. Every effort must be made to rebuild confidence and ensure security, good governance and human rights for all communities.

11. Lastly, she wished to reiterate the importance that she attached to the establishment of a forum for minorities within the United Nations system. Her meeting in 2006 with the Working Group on Minorities had demonstrated the benefits to be gained from a close working collaboration between her mandate and a forum in which minorities themselves participated and she urged the Council to support such a forum.

12. Mr. BUSTAMANTE (Special Rapporteur on the human rights of migrants), introducing his second annual report (A/HRC/4/24 and Add.1-3), said that he was glad to have received 30 replies to a questionnaire on the impact of certain laws and administrative measures on migrants that he had sent to all Member States in September 2006. The responses were to be found in document A/HRC/4/24/Add.1, and he urged Governments that had not submitted a response to do so for inclusion in his next report. The questionnaire had focused on five main themes: border control and measures to reduce and address irregular migration; expulsion; conditions for admission and stay; migrants' rights; and the protection of migrants.

13. His report highlighted the importance of numerous initiatives taken by States as a result of the High-level Dialogue that had been held during the sixty-first session of the General Assembly, chief among which was the Global Forum on Migration and Development to be hosted by the Government of Belgium in July 2007. The Forum would provide a unique opportunity to identify best practices, share experiences and identify obstacles. It should enhance cooperation among countries. He hoped that a wide range of stakeholders would participate in the Forum, including migrant youth, migrant women and migrants from indigenous groups. United Nations human rights mechanisms, including the special procedures mandate-holders and the members of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, should also be invited to participate. States, meanwhile, should demonstrate their commitment to improving the rights of migrants by ratifying the International Convention on the Protection of All Migrant Workers and Members of Their Families. A

voluntary fund should be established to help least developed countries and other stakeholders, especially representatives of civil society and migrant groups, participate in the Forum.

14. As part of his mandate he had also received communications containing allegations of human rights violations, including arbitrary detention (sometimes involving children), inhumane detention conditions, ill-treatment in the context of border control, death resulting from the excessive use of force by police or security forces, impunity for crimes committed against migrants, gender violence, gender discrimination and legislation resulting in discrimination.

15. The report also expressed concerns about a number of situations, including abusive working conditions; child labour; the withholding of passports; non-payment of wages; restrictions on freedom of movement; verbal and physical abuse; denial of the right of association; and abuses by migrant worker recruitment agencies.

16. His visit to the Republic of Korea was discussed in document A/HRC/4/24/Add.2. On that visit he had noted that civil society, including migrant workers' associations, was well equipped to cope with migration. Following negotiations with migrants' and women's organizations, the Government had undertaken important commitments aimed at improving the situation of migrants, especially foreign wives. The Government should, however, ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, review the Employment Permit for Migrant Workers Act, and protect the rights of migrant women, including those involved in international marriages. The vulnerable situation of unskilled migrant workers who remained in an irregular situation was a matter of particular concern, given the impossibility for most of them to stay longer than the three years established by law.

17. He welcomed the fact that the Seoul High Court had recently ruled that migrant workers were entitled to form a trade union, regardless of their status. That order had overturned a lower court ruling of 2006, which had backed the Government's refusal to grant a request by a group of migrant workers to form a union. On the other hand, a fire at an immigration detention centre a few days later had killed 10 and severely injured 18 undocumented migrants, out of a total of 55 who had been in custody either for unauthorized entry or for overstaying their visas. The Republic of Korea should act urgently to regularize the situation of migrant workers.

18. In December 2006 he had visited Indonesia (A/HRC/4/24/Add.3), where he had heard poignant testimonies from female migrant domestic workers who had escaped back to Indonesia through the jungle or been deported from the country in which they had been employed. The women had recounted horrific experiences suffered during their employment abroad. He urged the Government to uphold its international and domestic commitments to protect them and, in particular, to amend the memorandum of understanding signed with Malaysia in May 2006. Having read the Malaysian Government's response to his queries, he believed that the two sides should bring the memorandum into line with international standards. He welcomed the Government's recent commitment to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families in the near future.

19. The need to tackle the abuses suffered by the world's 200 million migrants, one third of whom remained undocumented and far from their homes and families, was more pressing than ever. Migrants, particularly women and children, were among society's most vulnerable groups, facing violence and hostility and often targeted as scapegoats. Their plight should be addressed through comprehensive policies that covered every aspect of population flows. He understood that Governments wished to strengthen their border protection policies, but human rights should not be infringed thereby. Governments still needed to be convinced that ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families was necessary. Too often, undocumented migrants were detained for excessive periods and in bad conditions.

20. For many people, migration was not a choice but a desperate effort to break the cycle of poverty and destitution. Once in their country of destination, however, migrants were particularly vulnerable to exploitation because of the ever-present threat of denunciation to the authorities, which also prevented them from obtaining medical care, social services or legal assistance. No one country could tackle the problem, which required international cooperation between the countries of origin, transit and destination. International efforts must also address the human rights abuses that led people to believe that their only option was to place their lives in the hands of people smugglers or traffickers.

21. Mr. STAVENHAGEN (Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people), introducing his sixth annual report (A/HRC/4/32), said that he had focused on the evolution of the human rights of indigenous peoples around the world, especially those of the most vulnerable groups, such as forest peoples and traditional pastoralists. The report also contained a summary of communications with Governments concerning specific alleged violations (A/HRC/4/32/Add.1) and a study of best practices for the implementation of the recommendations appearing in his annual report (A/HRC/4/32/Add.4).

22. Although recent years had witnessed the emergence of new norms, institutions and policies relating to indigenous peoples' rights, there remained an "implementation gap" between legislation and practice. Indigenous peoples continued to suffer serious violations of their individual and collective human rights and to show lower indicators of human development. Moreover, a number of negative human rights trends had also been observed: indigenous territories were constantly shrinking and their peoples were losing control over their natural resources. The process had been intensified by the dynamics of a globalized economy and, in particular, by increased use of energy and water resources. The environmental impact of extractive industries, the extension of plantation economies, and the destruction of the planet's last native forests by uncontrolled logging all had a particular impact on indigenous peoples.

23. Forest peoples were dispossessed of their traditional habitat without compensation or economic alternatives, thus facing an uncertain future of poverty, loss of identity and social conflict. The situation faced by the small number of communities that still lived in isolation in remote areas of tropical forests, whose traditional territories were threatened by powerful economic interests in several countries in the Amazon region was of particular concern, since they might be lost altogether. Pastoralist peoples in arid and semi-arid regions were also endangered, owing to the privatization and fragmentation of their traditional grazing lands or the

creation of protected natural areas. The displacement of indigenous communities resulted in high levels of poverty and serious nutritional and health problems. One dramatic situation was that of the Arctic peoples, who were feeling the full effect of global warming.

24. Various forms of social organization or mobilization often seemed to offer the only way for indigenous peoples to be heard, yet all too often social protest was criminalized, with the result that new and serious human rights violations arose. His report documented many such cases, relating to extrajudicial executions, forced disappearances, torture, arbitrary detention, threats and other forms of harassment, often in connection with the defence by indigenous organizations and communities of their lands or natural resources.

25. Increasing numbers of indigenous persons were migrating as a result of the inequality and poverty generated by globalization. Indigenous migrants were at particular risk of having their human rights violated in agricultural work and mining, in urban settings and in foreign countries. Indigenous peoples were frequently forced to migrate because of the dire situation in their places of origin.

26. In many parts of the world, indigenous women still faced persistent disadvantages. Throughout his mandate he had heard the personal testimony of indigenous women, girls and children who had suffered from discrimination, violence and abuse in urban and rural areas, at home and abroad, and who had sometimes been forced to migrate even within their own communities. As violations of indigenous women's rights was a subject that had not yet been fully addressed by the United Nations system, the Human Rights Council must take due notice of the tremendous efforts made by some human rights organizations on behalf of indigenous women and ensure that the issue was not overlooked.

27. Turning to the report on his mission to Ecuador (A/HRC/4/32/Add.2), he observed that the Ecuadorian Constitution embodied various collective rights of indigenous peoples and nationalities. The Government had established a number of State institutions to deal with the challenges faced by indigenous peoples and enable them to participate in the implementation of public policies. Nevertheless, conflicts of jurisdiction were occurring between indigenous and ordinary courts because there was no law harmonizing the two justice systems. Indigenous people also had difficulty gaining access to the courts because of a lack of an adequate public defence system, translators and cultural sensibility on the part of the judicial actors. It was to be hoped that sufficient attention would be paid to those issues in the constitutional reform process currently under way in Ecuador.

28. The deterioration of the indigenous habitat and the impact of mining on the environment and on the rights of Ecuador's indigenous peoples were matters of particular concern. Special attention should be paid to peoples living in remote areas, as illegal logging and other unlawful activities on their land might in some cases push them to the brink of extinction.

29. In his report on his mission to Kenya (A/HRC/4/32/Add.3) he had highlighted the challenges facing minority communities of hunter-gatherers and pastoralists living in arid and semi-arid areas. Those groups had suffered from discrimination throughout history on account of their way of life and they had been socially, politically and economically marginalized. The main obstacle to their enjoyment of human rights was the gradual loss and deterioration of their land,

forests and other natural resources, owing to dispossession during the colonial and post-colonial periods. Their plight had been aggravated by widespread corruption in the allocation of national and trust land.

30. Special mention must be made of the growing difficulties faced by communities that were being forcibly displaced so that protected natural areas could be created on their ancestral land. Although such parks generated foreign currency earnings for the national economy, their establishment had given rise to lively debates on violations of communities' land rights and the loss of resources caused by the ban on traditional hunting and animal husbandry activities in those areas. Thus far the communities in question had not been able to participate in the management of the protected areas or received any income from them.

31. The lack of access to social services enjoyed by the majority population had implications for indigenous women and children, who also suffered from discrimination when it came to property rights. Many of them were also the victims of harmful traditional practices, such as female genital mutilation.

32. Ms. BLAZSEK (Observer for Hungary) said that the visit to Hungary of the Independent Expert on minority issues had provided a welcome opportunity for constructive exchanges on the situation and protection of national, ethnic, religious and linguistic minorities there. Although some of the mechanisms that had been set up to solve particular problems had been deemed exemplary, much remained to be done, especially in respect of the Roma. The Hungarian authorities would closely study the recommendations made in the Special Rapporteur's report; some were easier to implement than others, but her Government stood ready to pursue the ongoing dialogue.

33. She fully concurred with the Independent Expert that it was important for national, ethnic, religious or linguistic minorities to participate in national efforts to reduce poverty. It was indeed true that the Millennium Development Goals could not be achieved unless minority communities were included in the process and that minorities' full participation in decision-making and public life would enhance not only national development but also national stability. It was not enough to respect the principle of non-discrimination; minorities must be given the means to ensure their continued existence. Her Government therefore welcomed the Independent Expert's collaboration with UNDP and encouraged her to pursue her cooperation with other agencies as well. The Independent Expert's mandate had such potential that it should be both continued and strengthened.

34. Mr. Burayzat (Jordan), Vice-President, took the Chair.

35. Mr. WIBISONO (Indonesia) said that the visit of the Special Rapporteur on the human rights of migrants to Indonesia in December 2006 had been very useful. The Special Rapporteur's report demonstrated an appreciation of many of the thorny issues raised by migration, especially from the perspective of a sending country. His skill in producing a well-researched report that sufficiently reflected the concerns of migrant communities, the Indonesian Government and local NGOs was commendable. The Indonesian Government would carefully consider the improvements suggested in the report.

36. In addition to the national measures outlined in paragraphs 44 to 46 of the report, his Government had ratified a number of international conventions, including the 1949 Migration for Employment Convention (No. 97) and the 1975 Migrant Workers (Supplementary Provisions) Convention (No. 143) of the International Labour Organization (ILO). It had also signed the Declaration on the Protection and Promotion of the Rights of Migrant Workers issued by the Association of Southeast Asian Nations (ASEAN).

37. Cooperation with United Nations mechanisms was an essential part of his country's efforts to defend migrants' rights. The Indonesian Government hoped to complete the process of ratifying the International Convention on the Protection of the Rights of All Migrants and Members of Their Families in the very near future. In connection with that ratification it would welcome the expert advice of the Special Rapporteur on the human rights of migrants, and it therefore invited him to make another visit to the country.

38. The recommendations contained in the report were feasible and constructive. The Government's endeavours to implement them would be beneficial not only to Indonesia, but also to the promotion and protection of migrants' human rights in general.

39. Mr. CHANG Dong-hee (Republic of Korea) said that his Government fully supported the independence of the Special Rapporteur on the human rights of migrants and would continue to cooperate with any independent expert designated by a United Nations body.

40. Migrants' human rights had become one of the most challenging issues as globalization accelerated the free movement of persons. Although migrant workers should enjoy all human rights and be treated with dignity, in fact they tended to suffer from discrimination rooted in inadequate legislation, cultural misunderstandings and even racism.

41. The report on the Special Rapporteur's mission to the Republic of Korea (A/HRC/4/24/Add.2) offered an opportunity to assess the human rights situation of migrants through the eyes of an international expert. The Government of the Republic of Korea would take the appropriate action on his conclusions and recommendations.

42. In some parts of the report, however, the Special Rapporteur had interpreted isolated cases as reflective of a widespread trend, and he had also given disproportionate weight to the arguments of certain sources of information. The Government of the Republic of Korea, a country which had formerly exported migrants, had made great efforts to promote the human rights of migrants. The Industrial Trainee System, described in paragraphs 10-15 of the report, had been abolished and replaced by the Employment Permit System, which was designed to guarantee migrant workers' fundamental labour rights and equal treatment. The report had not given sufficient recognition to the improvements introduced through the new System and had overlooked the fact that although it did not include a judicial mechanism, various judicial remedies were available under the relevant laws.

43. Although international marriage was a fairly recent phenomenon in his country, the Government offered language and other educational courses and was introducing laws to facilitate the integration of foreign wives into Korean society.

44. The fire at the immigration detention facility in Yeosu had been a human tragedy that must never be repeated. His delegation extended its condolences to the victims, their families and their countries of origin. The Government of the Republic of Korea had immediately taken steps to compensate the victims, investigate the cause of the fire and prevent the recurrence of such an event.

45. The National Action Plan, mentioned in paragraph 50 of the report, was still under consideration as it was only in draft form. Domestic laws would be adjusted to bring them into line with the International Convention on the Protection of the Rights of All Migrants and Members of Their Families once that instrument had been ratified by his Government.

46. Mr. VAYAS (Ecuador) welcomed the balanced, sound conclusions contained in the report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people on his mission to Ecuador (A/HRC/4/32/Add.2) and said that his Government had taken note of the Special Rapporteur's recommendations, which it would implement within the framework of existing domestic laws and institutions. It would also strive to carry out sustainable policies along the lines suggested by the Special Rapporteur and adopt legislation to give effect to the constitutional rights of indigenous peoples in the social, educational and health fields.

47. The Ecuadorian authorities were prepared to join the Council in sending an unambiguous signal to the international community and the relevant bodies of the United Nations system to remind them of the significance of the draft United Nations Declaration on the Rights of Indigenous Peoples for the cause of human rights. That Declaration had great moral force and sought to respond to the legitimate claims and historic aspirations of indigenous peoples. The Ecuadorian Constitution laid down standards and principles which were in keeping with the ILO Indigenous and Tribal Peoples' Convention (No. 169) of 1989, which his Government had ratified.

48. Ecuador was in favour of renewing the mandate of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people within the special procedures system, as his all-important work deserved continued support.

49. Mr. OWADE (Observer for Kenya) said that the report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people on his mission to Kenya (A/HRC/4/32/Add.3) was comprehensive and contained a welcome acknowledgement of the Kenyan Government's special efforts to address the situation of the country's vulnerable groups. However, the use of the term "indigenous" was completely inappropriate, since all Kenyans of African origin were indigenous. To refer to some communities as indigenous to the exclusion of others was discriminatory and could lead to disastrous, albeit unintended, consequences. The terms "minorities", "marginalized" or "vulnerable communities" would be more apt.

50. In addition to the measures mentioned by the Special Rapporteur, a number of steps had been taken by the Government to improve the lives of nomadic, semi-nomadic and pastoralist groups. They included the adoption of a national policy for the sustainable development of arid and semi-arid land, the provision of universal primary education in mobile schools for nomadic

people, school feeding programmes, affirmative action to promote access to national facilities and the re-establishment of the Kenya Meat Commission to provide pastoralists with a ready market for their livestock.

51. A comprehensive land policy launched the previous year would pave the way for ownership of land by marginalized communities. As discrimination against women was not a specific problem of marginalized communities, policies had been put in place to counter discrimination against women from all population groups. Transitional justice and democracy no longer needed to be made a priority, since a number of measures had been passed to redress historical injustices.

52. The report had not distinguished between game reserves and game parks. Local communities had access to game reserves for obtaining water, grazing their animals and gathering medicinal herbs. As for the registration of persons living along the country's borders, Kenya had procedures for conferring citizenship, which was bestowed on individuals, not groups. Each application was considered on its individual merits. Customary law was recognized in Kenya in civil cases where one of the parties was subject to or affected by that law. The Constitution made express provision for the application of customary law in personal matters.

53. The PRESIDENT invited the Council to engage in an interactive dialogue on the three reports which had just been introduced.

54. Mr. O'BRIEN (Observer for Australia), noting that the Independent Expert on minority issues had focused on the Millennium Development Goals in her report (A/HRC/4/9 and Add.1-3), said that, while his Government fully and actively supported those Goals, it believed that progress towards their achievement was a complex challenge. Australia's strategic framework centred on promoting the conditions necessary for attainment of the Goals by supporting good governance, strengthening security and fostering broadly based economic growth in developing countries. Australia's latest report on its progress towards the Millennium Development Goals, entitled "A global partnership for development", outlined key principles guiding the country's approach. They included ownership of poverty reduction strategies by national Governments, progress driven by broadly based sustainable economic growth, greater openness to trade and investment, effective governance to achieve sustainable growth, and an equitable and broad distribution of benefits. Stability and security laid the foundations for economic growth and poverty reduction. Aid alone would be insufficient to meet the Millennium Development Goals.

55. Turning to the report of the Special Rapporteur on the human rights of migrants (A/HRC/4/24 and Add.1-3), he said that Australia's experience had shown that well-managed migration protected not only States' interests but also migrants' human rights because it greatly diminished the scope for the exploitation of migrants by traffickers in persons and unscrupulous employers. Managed migration could also address humanitarian situations; for example, Australia's offshore resettlement programme had brought 100,000 refugees and humanitarian entrants into the country over the last decade. Migration policies that included post-arrival support promoted respect, self-sufficiency and participation in society. Australia was doing its best to prevent abuses of migrants' human rights through concerted domestic, bilateral, regional and international efforts.

56. Mr. GOLTYAEV (Russian Federation) said that minorities were one of the most vulnerable groups in both developing and developed countries. In many States, including those which persistently advertised themselves as democracies, policies on minorities showed some disturbing trends. National laws were reinforcing discrimination, especially in respect of citizenship. Unfortunately, some countries used arbitrary deprivation of citizenship as a tool to marginalize minorities and prevent their participation in the national and local decision-making processes. Mass statelessness was a grave concern. A situation where almost one third of a country's population was deprived of its right to citizenship, a fundamental human right, was a flagrant violation of a universal human rights standard. He therefore welcomed the initiative of the Independent Expert on minority issues to give priority consideration to those issues.

57. In many countries, practical restrictions existed on the use of minority languages, even in areas where minorities in fact constituted the majority, and opportunities for minorities to be educated in their mother tongue were shrinking. It was extremely dangerous when authorities shut their eyes to language discrimination or, worse, encouraged it. Such discrimination was one of the main reasons why minorities in some States were faced with the choice of assimilation or taking no part in social life. It was thus hard to overestimate the importance of the work the Independent Expert intended to undertake in the area of equal opportunities for quality education, including education provided in minority languages.

58. Although discrimination against minorities might well be indirect and unintentional, it could also be direct and intentional and reflect actual policy. The Independent Expert should turn her attention to direct discrimination in all countries and should concentrate on cases where minorities were discredited and marginalized by the mass media, public action, the statements of officials and, what was particularly alarming, by educational curricula. In some countries, history was being rewritten and war criminals sentenced in accordance with international law were being treated as heroes and freedom fighters. Such a situation was intolerable.

59. Respect for minority rights was fundamental to democracy, yet it was still not a fact of modern life, nor did it guide States in their policies. Every day saw reports of restrictions being placed on minorities' rights; sometimes such restrictions were an integral part of a State system. Such infringements therefore demanded the constant attention of the international community. It was to be hoped that in her future work the Independent Expert would look into efforts to uphold the basic rights of minorities, especially their right to use their mother tongue, the right to citizenship and their right to respect for their history, traditions and culture. In view of the urgent need to protect the rights of minorities, his Government supported the extension of the Independent Expert's mandate.

60. Ms. KONRAD (Germany), speaking on behalf of the European Union, asked the Independent Expert on minority issues to explain how her activities might contribute to the prevention of conflicts within and between States, and what plans she had for mainstreaming minority issues into the activities of other United Nations bodies. It would be interesting to know what she felt were the greatest obstacles or challenges she had encountered when trying to integrate minority issues into the work of the different United Nations agencies.

61. She wished to know what the Special Rapporteur on the human rights of migrants thought the reasons might be for Member States' low response rate to the questionnaire on the impact of certain laws and administrative measures on migrants. She asked him to expand on his

preliminary conclusions regarding two aspects of the complex issue of migrants' human rights: secure borders and the protection of human rights. She wondered in particular how the need for secure borders could be reconciled with the obligation to fully respect the human rights of all.

62. She invited the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people to tell what measures could be taken to ensure that indigenous peoples' representatives were able to participate in the Council's discussion of those topics and in the work of the Council in general. She also asked how the Council could help representatives of indigenous peoples defend the civil, political, economic, social and cultural rights of their peoples and communities, given the lack of redress mechanisms available to those human rights defenders.

63. Ms. SCHÖFER (Observer for Austria) asked the Independent Expert on minority issues whether she had been able to make a detailed analysis of States' best practices in the protection and promotion of the rights of persons belonging to national, ethnic, religious or linguistic minorities outside the framework of poverty reduction strategies. If she had, perhaps she could share some of the key elements of those practices. It would also be useful to know where she saw the most potential or greatest necessity for future action in her work to promote the implementation of the Declaration on the Rights of Persons Belonging to National, Ethnic, Religious or Linguistic Minorities. Lastly, she wished to know what role the international community, and especially the Human Rights Council, could play in that regard.

64. Ms. FERNÁNDEZ BLUNES (Observer for Spain) drew attention to section II. E of the report of the Special Rapporteur on the human rights of migrants (A/HRC/4/24) in which he had asked States about measures they had taken in areas of particular importance to migrants, such as access to health services, education and adequate housing. She wished to know what "good practices" he had identified from the answers received to his question. In his conclusions and recommendations he had mentioned recommendations that he wished to make to the Global Forum on Migration and Development, to be held in July 2007. She asked for more details about the contributions he could make to the Forum.

65. Mr. BRAAD (Observer for Denmark) said that the goal of the Second International Decade of the World's Indigenous Peoples (2005-2014) was to further strengthen international cooperation with a view to resolving the problems faced by indigenous peoples in areas such as culture, education, health, human rights, the environment and economic and social development. He asked the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people what action he would recommend to promote implementation of the Programme of Action for the Decade. He agreed with the Special Rapporteur's remarks about the importance of the adoption of the draft United Nations Declaration on the Rights of Indigenous Peoples.

66. Mr. GOLDSTEIN (Observer for Saint Kitts and Nevis) said that his Government attached great importance to the rights of indigenous people and looked forward to cooperating with the Council and the Special Rapporteur in the future in order to ensure that the interests of all parties concerned were taken into account.

67. Mr. BUTT (Pakistan) thanked the Special Rapporteur on the human rights of migrants for the valuable comments he had made in his report (A/HRC/4/24) on the impact of certain legal and administrative measures on migrants. He also welcomed the response of some countries to the Special Rapporteur's specific concerns.

68. In view of the increased linkage between migration, economic development and international security, all three of those factors should be borne in mind when formulating migration policies. The Special Rapporteur's report had highlighted some key problems faced by migrant communities and suggested innovative ways of addressing them. He supported the Special Rapporteur's view that States should endeavour to incorporate a humane dimension in their migration policies. He also supported the recommendation that a voluntary fund should be set up to facilitate the participation of all stakeholders in the forthcoming Global Forum on Migration and Development. All migrants, irrespective of their legal status, deserved human rights protection in keeping with the laws of the host country. He noted with satisfaction that some countries were already amending their domestic legislation to enhance human rights protection for migrant communities, and he urged other countries to follow their example.

69. Ms. STUENER (Canada) called for closer cooperation with and support for the Special Rapporteur on the situation of the human rights and fundamental freedoms of indigenous people, especially on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR). She noted with satisfaction that he had referred to some best practices that reflected the positive relations between the Government and Aboriginal peoples of Canada (A/HRC/4/32/Add.4, paras. 42-46). However, when referring to the so-called Kelowna Accord, the Special Rapporteur should also have referred to the practical steps taken by the new Government to deal with the issues involved in cooperation with Aboriginal peoples. The 2006 budget had allocated \$3.7 billion to support initiatives on behalf of Aboriginal peoples and northern communities in areas such as education, water safety and Aboriginal women's rights.

70. The Special Rapporteur's comment on Canada's vote against the draft United Nations Declaration on the Rights of Indigenous Peoples at the first session of the Human Rights Council had been unbalanced. Canada had worked since the mid-1980s for a declaration that would promote and protect the human rights and fundamental freedoms of every indigenous person without discrimination and recognize the collective rights of indigenous peoples around the world. Unfortunately, the current draft failed to provide practical guidance to States, indigenous peoples and multilateral organizations, since parts of the text were vague and ambiguous and thus open to different and possibly conflicting interpretations. Canada was committed to renewed negotiations to achieve an effective declaration through a process that was open, transparent and included indigenous participation.

71. Mr. GUEVARA (Mexico) welcomed the study by the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people regarding best practices carried out to implement his recommendations (A/HRC/32/Add.4). Mexico, a country with deep-rooted indigenous traditions, had taken numerous steps to promote indigenous people's rights, including legislative reform, ensuring access to the justice system and bilingual intercultural education. As the Special Rapporteur had recognized, Mexico was acting and would continue to act on his

recommendations, but the Mexican authorities acknowledged that there were still enormous challenges to be addressed before it could claim that indigenous rights had been institutionalized in all of the country's states.

72. Mexico shared the Special Rapporteur's concern about the widespread failure to implement international human rights standards pertaining to indigenous peoples. It was essential to harmonize domestic legislation at various levels, set up monitoring mechanisms and involve all authorities, including at the local level, in promoting awareness of and implementing indigenous rights.

73. Mexico also agreed with the Special Rapporteur that the draft United Nations Declaration on the Human Rights of Indigenous Peoples, as adopted by the Council, already constituted a frame of reference for the Council itself, OHCHR, United Nations agencies and the human rights treaty bodies. He urged the General Assembly to adopt the Declaration at the earliest opportunity.

74. In general, Mexico would work to ensure that the Council and its various mechanisms and procedures gave the requisite attention to the rights of indigenous peoples in liaison with the treaty bodies and regional organizations.

75. He welcomed the report submitted by the Special Rapporteur on the human rights of migrants on responses to the questionnaire that he had sent to States (A/HRC/4/24) and expressed the hope that the results could serve as the basis for a compilation of good practices in the promotion and protection of the human rights of migrants.

76. Mr. GARCIA (Philippines) said that the promotion and protection of the human rights of migrants was a pillar of his country's foreign policy, since over 10 per cent of the Philippine population was seeking to live decent and productive lives abroad. He shared the concern of the Special Rapporteur on the human rights of migrants about the vulnerability of migrants, especially female migrants, to abuse. The Philippines had been working closely with other States and stakeholders to ensure the success of the forthcoming Global Forum on Migration and Development. His delegation had a keen interest in the Special Rapporteur's recommendations to the Forum and would study them carefully.

77. He applauded the Special Rapporteur's emphasis on the fact that the human rights and dignity of irregular and undocumented migrants must also be better protected, inter alia through international cooperation. He urged all States to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and asked the Special Rapporteur what further action he could undertake through his mandate to encourage such ratification. He was also interested in hearing what the Special Rapporteur considered to be the most urgent issues relating to migrants and how he thought the Council should seek to address them. Referring to the statement by the representative of the Russian Federation, he suggested that the Special Rapporteur should examine the role of the media in creating negative stereotypes.

78. Turning to the study of best practices by the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people (A/HRC/4/32/Add.4), he said that his Government had taken careful note of the recommendations and would study the best practices further in order to identify measures and approaches that could be applied in the Philippines, especially in areas identified as needing more attention.

79. His Government remained strongly committed to addressing communications pertaining to indigenous peoples. Investigations of pending cases would be continued and information would be provided to the Special Rapporteur as it became available. Special attention was being given to reported cases of extrajudicial killings of indigenous individuals.

80. Lastly, he asked the Special Rapporteur which issues, in his view, required the Council's most urgent attention and whether he had any recommendations on how his mandate might be strengthened in the context of the ongoing review of mandates.

81. Mr. RAHMAN (Bangladesh) said that although migrants were particularly vulnerable, their plight had only recently begun to attract the attention of the international community. As the Special Rapporteur noted in his report (A/HRC/4/24), the relationship between migration and human rights was multifaceted and evident at all stages of the migratory cycle: in the country of origin, during transit and in the country of destination. The challenge of enforcing migrants' human rights at the national level and integrating them into international migration governance remained daunting. Unskilled workers, who formed the majority of migrants, were more vulnerable to human rights violations; in cases where they were trafficked, exploited or smuggled, their vulnerability was acute. Racism and xenophobia were also becoming increasingly prevalent, especially in many Western countries. In times of political tension, migrants were the first to be suspected of being a security risk.

82. Addressing the human rights aspects of migration, including the rights of irregular migrants, was an urgent necessity. Fear of detection prevented irregular migrants from reporting abuses. Migrants' status should not serve as an excuse for violations of their human rights. The chain of abusers, traffickers, smugglers and abusive employers must be broken. Recipient countries should be mindful of their human rights obligations and ensure that migrants were not subjected to discrimination on grounds of race, colour, religion or cultural background. United Nations agencies and civil society could play an important role in complementing national and international efforts in that regard.

83. Ms. KOHLI (Switzerland) agreed with the Independent Expert on minority issues that minorities were often the poorest members of society and prone to insecurity, physical or mental violence and discrimination. In formulating policies to assist minorities, Governments needed reliable sources of information. Switzerland therefore considered that more systematic collection of statistical data on discrimination, such as court judgements, was a vital means of assessing the effectiveness of legal instruments and identifying appropriate measures for eliminating discrimination. Switzerland welcomed steps to establish principles and guidelines for States regarding the collection of statistics on such phenomena as the economic and social exclusion of individuals, including minority women, and encouraged the Independent Expert to continue her work in that area. Switzerland also supported the Independent Expert's emphasis on the

continued need for a United Nations forum on minorities that could be attached to the Council, in which representatives of minorities and States, international experts and the Independent Expert herself could engage in a dialogue on minority issues.

84. Mr. CARRERA HIDALGO (Ecuador) said that Ecuador had consistently argued in international forums for a human rights approach to the phenomenon of migration rather than an approach based on supply and demand in international labour markets that treated human beings as mere variables in an equation. Standard-setting in the area of migrants' rights should acknowledge that the right to life, well-being and dignity took precedence over outdated notions such as territorial sovereignty or purely economic considerations and interests.

85. As both a destination country and a country of origin, Ecuador gave top priority to migration issues in its domestic and foreign policies. It was one of the few countries to have submitted its initial report to the Committee on the Protection of the Rights of All Migrant Workers and Member of Their Families. Since 1980 it had taken action on several occasions to regularize the situation of migrant workers, especially from Colombia and Peru. Ecuador was also taking effective action to halt and prevent trafficking in migrants. Since 2002 a Technical Selection Unit for Migrant Workers had been providing appropriate assistance and training to emigrant workers.

86. He urged destination countries to take a greater interest in the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. So few destination States had ratified the Convention that it was not possible to implement article 64, which required States parties to consult and cooperate with a view to promoting sound, equitable and humane conditions for migrant workers and members of their families.

87. Ecuador was taking steps to ensure the orderly return of migrant workers in cooperation with the countries of origin. However, in the case of Colombia its efforts to ensure the orderly return of the huge number of Colombian economic migrants had failed. The growing number of asylum-seekers was a different matter, since it fell within the jurisdiction of the Office of the United Nations High Commissioner for Refugees (UNHCR).

88. Mr. De Alba (Mexico), President, resumed the Chair.

89. Mr. ZHAO Xing (China) noted that the Independent Expert on minority issues had referred in her report (A/HRC/4/9) to studies on the achievement of the Millennium Development Goals and had made specific proposals on how they could be achieved for minorities. He pointed out in that connection that the problem of poverty called for a joint effort by the international community to address structural problems.

90. Migrant workers were frequently in a highly vulnerable situation in countries of destination. The basic question was how to guarantee their fundamental rights and to establish a multi-ethnic and multicultural society. In introducing his report, the Special Rapporteur on the human rights of migrants had mentioned undue use of force by the police, impunity and discrimination as examples of violations of migrants' rights. He asked the Special Rapporteur what could be done in both countries of origin and countries of destination to protect migrants' fundamental rights. He also asked the Special Rapporteur to comment on the problem of brain drain, which affected countries of origin.

91. Mr. LOULICHKI (Morocco) welcomed the recommendations made by the Special Rapporteur on the human rights of migrants in his report (A/HRC/4/24) concerning the Global Forum on Migration and Development to be held in Brussels in July 2007. Morocco was actively involved in the follow-up to the High-level Dialogue on International Migration and Development held in September 2006 and in preparations for the Forum, which would provide a flexible setting for discussion of the theme of migration and development in a spirit of partnership.

92. Morocco had also participated in the Ministerial Euro-African Conference on Migration and Development held in Rabat in July 2006, which had adopted a Final Declaration and Action Plan. The main goals of the Action Plan were to: promote development through economic cooperation, trade and conflict prevention; formulate development policies and programmes aimed at enhancing the contribution of immigrants to poverty reduction; promote regional integration; develop knowledge and know-how; prevent brain drain and encourage students to return to their country of origin; facilitate access to new information and communication technology; strengthen cooperation in the area of training; promote cooperation on legal migration management; develop emigration services that would provide information to potential emigrants; adopt measures to facilitate the movement of workers; and encourage cooperation in controlling irregular immigration.

93. He urged States to accede to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. King Mohammed VI of Morocco would shortly be establishing a Higher Council for the Moroccan Community Abroad. The legal framework for the Council was currently being finalized by the Advisory Council on Human Rights.

94. Ms. AJAMAY (Observer for Norway) said that Norway considered the mandate of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people to be an essential instrument for making the situation of indigenous peoples more visible. Norway joined the Special Rapporteur in calling for the urgent adoption by the General Assembly of the United Nations Declaration on the Rights of Indigenous Peoples, which provided a framework for improved partnerships between Governments and indigenous peoples and thus constituted an important means of reducing the implementation gap highlighted by the Special Rapporteur. Ensuring effective participation of indigenous peoples in the Council's work was crucial, and she wished to hear the Special Rapporteur's views on how that might best be done.

95. The reports of the Independent Expert on minority issues clearly showed that her mandate covered areas that were also relevant to other mandates, including those of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance. She asked the Independent Expert to comment on her cooperation with the holders of related mandates and explain how a coherent system of special procedures for the protection of vulnerable groups could be established without any overlapping of mandates.

96. Mr. MARTÍNEZ ALVARADO (Guatemala) said that the High-level Dialogue on International Migration and Development held in 2006 had been an important first step towards giving migration the place it deserved on the international agenda, but it was necessary to ensure

continuity and to take the perspective of developing countries into account. While Guatemala was trying to improve living conditions within its borders in order to replace irregular migration by orderly and voluntary migration, people were still induced by extreme poverty and a lack of opportunities to seek a better life elsewhere. Once they had emigrated, they added to the wealth of the destination country, which often failed to appreciate their contribution. He urged States to honour their obligations to respect the human rights of migrant workers, regardless of their status. Guatemala opposed the criminalization of migration and mass deportations that disrupted both the lives of those affected and the social balance in the countries of origin. He joined the Special Rapporteur on the human rights of migrants in calling on States to sign and ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. As migrants, especially women and children, were particularly vulnerable to human trafficking and other threats, they should be provided with the necessary protection.

97. Guatemala looked forward to the Special Rapporteur's planned visit to the country in August 2007 and assured him of its full support.

98. It was true that the indigenous population of Guatemala still faced obstacles to the full enjoyment of their human rights; however, progress had been made, thanks to efforts on the part of the Guatemalan Government and society as a whole. The problem of insecurity mentioned by the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people in his report (A/HRC/4/32/Add.1) affected the entire Guatemalan population, but vulnerable groups were clearly at greater risk. An anti-exclusion programme targeting poor rural women in particular was playing an important role in combating discrimination, especially against indigenous peoples. Steps were also being taken to amend the Mining Act to introduce a procedure whereby indigenous peoples would be consulted on plans to prospect for or exploit mineral resources.

99. The Council's adoption of the draft United Nations Declaration on the Rights of Indigenous Peoples had been one of its most significant achievements to date. However, the reconvening of the relevant Working Group would not, in his view, be the best way to secure its final adoption. He called instead on the Special Rapporteur to urge the General Assembly to adopt it as soon as possible.

100. He expressed appreciation of the Special Rapporteur's study of best practices carried out to implement his recommendations (A/HRC/4/32/Add.4) and suggested that other mandate-holders should follow that example. He hoped that the best practices identified could be applied in Guatemala with the active participation of the Government and indigenous organizations.

101. Mr. NEYRA SÁNCHEZ (Peru) drew attention to paragraph 45 of the report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people (A/HRC/4/32), which spoke of the inadequacy of Government measures to protect indigenous people, and said that the Peruvian Government was firmly committed to closing the "implementation gap". Peru had adopted legislation to protect the traditional knowledge of indigenous peoples within the framework of the intellectual property system and had established the National Commission for the Protection of Access to Peruvian Biological Diversity and to the Collective Knowledge of the Indigenous Peoples (the National Anti-Biopiracy Commission) in 2004. The Government had also submitted specific proposals to the World Intellectual

Property Organization (WIPO) and the World Trade Organization (WTO) for the effective protection of biodiversity and indigenous knowledge within the multilateral system. His delegation would gladly share the country's experience in that regard.

102. His Government supported the Special Rapporteur's conclusions and recommendations, especially with regard to the draft United Nations Declaration on the Rights of Indigenous Peoples. While the Declaration already constituted an important reference framework by virtue of its adoption by the Council, its early adoption by the General Assembly would be crucial to the formal recognition of indigenous rights at the global level. Indigenous issues should remain high on the Council's agenda and the mandate of the Special Rapporteur should be renewed.

103. Mr. FLORENCIO (Brazil) said that the human rights dimension of migration warranted special attention. Arbitrary detention, impunity for crimes targeting migrants, non-payment of wages and restrictions on the movement of migrants were only some examples of the human rights violations affecting that category of persons.

104. Brazil had been a long-standing supporter of the Global Forum for Migration and had participated in the High-level Dialogue on International Migration and Development. The Global Forum was the appropriate mechanism for discussing the most pressing migration-related issues at the multilateral level, and economic and social development and human rights should be at the core of the debate. The Global Forum should be a Government-driven exercise, independent from existing structures, but should engage in close consultations with relevant United Nations bodies. While the Belgian Government was to be commended for hosting the first meeting of the Forum, there was a clear need for a more permanent support structure and adequate funding.

105. The progressive adoption of new norms and the establishment of institutions for the promotion and protection of the rights of indigenous peoples must go hand in hand with efforts to breach the implementation gap. Delay in the adoption of the draft United Nations Declaration on the Rights of Indigenous Peoples by the General Assembly could hamper the further development of relevant international standards. He therefore urged the General Assembly to adopt the Declaration at the earliest opportunity.

106. Mr. CHERIF (Tunisia) said that the international community faced a twofold challenge: development and the urgent need to reconcile peoples through partnership and cooperation. The main causes of migration were poverty, underdevelopment and a lack of hope. Mass migration caused uncontrollable tensions in developed countries and undid the social fabric of developing countries already weakened by globalization.

107. Devising co-development policies and projects was thus crucial to the protection of migrants and their families. The global fight against irregular migration could not be based on security concerns only. His delegation looked to the Special Rapporteur on the human rights of migrants and the Council for guidance on ways to raise the international community's awareness in order to ensure a multidimensional approach to international migration, including the implementation of development strategies in countries of origin.

108. Ms. MARTÍN GALLEGOS (Observer for Nicaragua) observed that international migration affected rich and poor countries alike. The economic benefits of migration for sending countries were offset by migrants' vulnerability to human rights violations. Migration was, in

essence, a reflection of the poverty and injustice that characterized the developing world. Her Government had therefore made combating poverty, corruption, illiteracy, unemployment, insecurity and lack of access to housing, health and education a policy priority.

109. International solidarity was required to build a more egalitarian, just world and thus overcome the obstacles to development that forced millions to leave their homes in search of better opportunities. The outcome of the 2006 High-level Dialogue on International Migration and Development should be used as a basis for finding solutions to the problems posed by migration, which must include respect for the human rights and fundamental freedoms of migrants at all times. As a State party to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, Nicaragua called on all States to ratify that important instrument.

110. Mr. DOUCIN (France) requested the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people to explain how the General Assembly could be encouraged to resume its dialogue on the draft United Nations Declaration on the Rights of Indigenous Peoples. The Special Rapporteur should also identify, if possible, the reasons for the General Assembly's failure to adopt the Declaration and suggest ways to promote its early adoption.

111. His delegation welcomed the comments made by the Independent Expert on minority issues on the disproportionate impact of poverty on certain national minorities. It would be useful to explore the issue further, including the link between governance and the economically disadvantaged status of minorities.

112. Migration-related issues should be addressed primarily through development strategies in countries of origin. Co-development based on equal partnerships was crucial to addressing that complex issue. Ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families had become a bone of contention between North and South. The Council must strive to resolve those differences. The European Union had offered to engage in an open dialogue on the content of the Convention, since a number of countries had expressed concern about its legal implications. The International Network of National Human Rights Institutions had recently called on OHCHR to conduct a study on that subject, and he asked the Special Rapporteur to brief the Council on any progress made in that regard.

113. Ms. BIKOUTA (Observer for the Democratic Republic of the Congo) said that draft legislation prepared with the assistance of ILO and OHCHR and aimed at guaranteeing and strengthening the rights and freedoms of the pygmies was currently under consideration with a view to its adoption. In August 2007 the Ministry of the Environment would organize a subregional forum on indigenous peoples, which would provide an opportunity for indigenous peoples who had been driven from their land by deforestation to make their voices heard.

114. On behalf of her Government, she extended an invitation to the Special Rapporteur on the situation of human rights and fundamental freedom of indigenous people to visit the Democratic Republic of the Congo. The Special Rapporteur's mandate should be renewed and eventually converted into a permanent special procedure of the Council. The early adoption of the draft Declaration on the Rights of Indigenous Peoples was also crucial.

115. Ms. CALFUNAO (Comisión Jurídica para el Autodesarrollo de los Pueblos Originarios Andinos (CAPAJ)) said that earlier calls for the Ecuadorian Government to stop awarding oil concessions on the “untouchable land” of the Huaorani people had been futile. The Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people had discussed that issue in his report (A/HRC/4/32/Add.2, paras. 37-41), and she urged him to recommend that the Ecuadorian Government should place a moratorium on oil concessions in the Amazon. An end to those practices was crucial to protecting the Huaorani people from genocide. The Council should encourage the Ecuadorian Government to develop a plan for the protection of peoples in voluntary isolation, with the participation of their representatives. Such a plan should provide for protection measures and criminalize human rights violations committed against those peoples.

116. Mr. CAHN (Centre on Housing Rights and Evictions) said that systemic racial discrimination against the Roma was a global issue that most countries had made little effort to address. His organization therefore welcomed the report of the Independent Expert on minority issues on her mission to Hungary, which provided a detailed overview of the many issues facing Roma in that country. While the Hungarian Government had made laudable efforts to remedy the social exclusion faced by the Roma, the progress made up until 1993 in improving the housing situation of the Roma had been undone as slums expanded and homelessness increased. He urged the Hungarian Government to redouble its efforts to end segregation in education and improve the housing situation.

117. Neither the United Nations system nor individual Member States were fulfilling their obligations to end the discrimination and exclusion of Roma people. The extent to which post-communist regression in the area of fundamental social and economic rights undermined the international human rights law regime had not been properly recognized or addressed. Government policies aimed at combating the exclusion of minorities must be implemented fully.

118. Mr. MOTA (Consultative Council of Jewish Organizations) said that the report of the Special Rapporteur on the human rights of migrants rightly emphasized the need to move towards accountability and openness in discussing Member States’ migration policies and legislation. The rights of migrant workers could only be upheld if Member States recognized their responsibilities. Given the regrettably low response rate to the Special Rapporteur’s questionnaire, he wondered how the Special Rapporteur intended to ensure a sufficient level of engagement from Member States.

119. Mr. GALLON (Colombian Commission of Jurists) welcomed the Council’s adoption of the draft United Nations Declaration on the Rights of Indigenous Peoples. The Declaration was an important tool for addressing the human rights impact of large-scale development projects in indigenous territory, which caused displacement, migration and environmental pollution and undermined indigenous communities’ right to life, health, adequate food and security. The Declaration would also be useful in addressing the ongoing human rights violations against indigenous peoples occasioned by armed conflict.

120. In his 2005 report on his mission to Colombia, the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people had called for international cooperation to be mobilized “to prepare an emergency programme of aid to the indigenous communities in danger of extinction” and had recommended that “advice should be sought from

the United Nations focal point on the prevention of genocide” (E/CN.4/2005/88/Add.2, para. 115). In his report on his recent visit to Ecuador (A/HRC/4/32/Add.2) the Special Rapporteur had reiterated those concerns and had recommended that the Council should urge the three States concerned, namely Ecuador, Colombia and Peru, and the international community to cooperate in order to protect and save indigenous populations threatened by extinction. The Special Rapporteur had further stated that the region’s most serious problem was the aerial spraying of illicit crops on the Colombian side of the border under the auspices of Plan Colombia. In the light of those concerns, the Council should request the Special Adviser on the Prevention of Genocide to visit Colombia, with a view to preparing a report and action plan for the protection of indigenous communities.

121. Ms. YUNG (International Federation of Human Rights Leagues (FIDH)) said that her organization was gravely concerned at the impact of the aerial spraying of illegal crops in Colombia on indigenous communities living on the Ecuadorian side of the border. The practice had detrimental consequences for environmental resources, health and food security. She asked the Special Rapporteur whether steps had been taken by the Governments of Ecuador and Colombia to implement his recommendations to appoint an independent commission to study the effects of aerial spraying on indigenous border populations and to halt the aerial spraying of illicit crops.

122. In the report on her mission to Ethiopia (A/HRC/4/9/Add.3), the Independent Expert on minority issues had drawn attention to the killing of protesters and the imprisonment of opposition leaders following the May 2005 elections. The Independent Expert had recommended that the human rights defenders, political opponents and journalists currently awaiting trial should be treated in accordance with international standards and guaranteed a fair trial, and that steps should be taken to ensure the safety of human rights defenders. She asked whether the Independent Expert had been informed of any measures taken to implement her recommendations.

123. Ms. DJANAEVA (Asia Pacific Forum on Women, Law and Development), speaking on behalf of the rural and indigenous women of the Asia Pacific Forum on Women, Law and Development, said that her organization was deeply disturbed by the death of indigenous women human rights defenders in the Philippines and India, and by the displacement of over 200,000 indigenous people on the east coast of Sri Lanka. As countries developed into market economies, rural and indigenous women regressed further into poverty. Poor rural women, especially young girls, were particularly vulnerable to trafficking for the purpose of sexual exploitation. She urged the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people to study the situation of rural and indigenous women in the Asia-Pacific region with a view to preparing a report on that topic. Member States should take urgent measures to address the double discrimination facing rural and indigenous women.

124. Ms. JOHNSON (Human Rights Advocates) urged Council members to ensure the full protection of migrant workers’ right to life, freedom from cruel, inhuman or degrading treatment and their basic labour rights. Restrictive immigration policies forced migrants to risk their lives travelling on dangerous routes to circumvent fences and border controls. The situation in many migrant holding centres was appalling: children were separated from their parents, slept in cells on metal bunks and were forced to clean the communal showers. Migrant workers’ right to freedom of association was also restricted, and a United States Supreme Court ruling had

declared that undocumented migrant workers could not obtain back pay as remedy for violations of their labour rights. Rulings of that kind were likely to dissuade migrants from reporting abuse. The Council and the Special Rapporteur on the human rights of migrants should therefore identify steps to be taken to ensure that States amended their domestic legislation and policies in order to protect migrant workers and their families.

125. Ms. QOIRIAH (Asian Migrant Centre), speaking also on behalf of Forum-Asia and Migrants Rights International, expressed strong support for the conclusions contained in the report of the Special Rapporteur for the human rights of migrants. It was regrettable that few Asian countries had responded to the questionnaire circulated by the Special Rapporteur, especially since migrant workers in Asia, and domestic workers in particular, were subject to severe violations of their rights.

126. Domestic labour legislation in such countries as Singapore, Malaysia and Saudi Arabia offered no protection for domestic workers. Domestic workers in those countries were also denied the right to unionize, had no access to social security and did not have recourse to labour tribunals. In addition, their rights to family reunification, reproductive health or freedom to change jobs were not guaranteed, and in Malaysia and Singapore migrant workers who intermarried or got pregnant were deported. In certain countries, including Malaysia, non-State actors and vigilante groups involved in migration control committed serious human rights violations with total impunity. Thousands of illegal migrants in Malaysia had been subject to severe corporal punishment and 16 Indonesian migrant workers had been sentenced to death; the same fate had befallen 4 migrants in Saudi Arabia and 1 in Singapore.

127. She enquired whether Asian Governments had offered any reasonable justification for their failure to respond to the questionnaire, and she wondered how that failure had affected the Special Rapporteur's work. She urged Asian Governments to respond to the questionnaire and ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families without delay.

128. Mr. CHAPMAN (Minority Rights Group International), speaking also on behalf of the International Movement Against All Forms of Discrimination and Racism (IMADR), welcomed the information provided by the Independent Expert on minority issues on good practices with regard to the participation of minorities in the development process. Such information could be useful in identifying ways to address the impact of poverty and unequal development on minorities. He also commended the Independent Expert's analysis which held that the involvement of minorities in the development process contributed to stability. That particular issue deserved further attention, and he looked forward to the Independent Expert's next report. He supported the notion of a United Nations forum for minorities. The Independent Expert and the Working Group on Minorities were essential mechanisms that provided an opportunity for minorities to be heard and kept the relevant United Nations bodies well informed on minority issues.

The meeting rose at 1.10 p.m.