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COMMISSION ON HUMAN RIGHTS

Fiftieth session

SUMMARY RECORD OF THE 21st MEETING

Held at the Palais des Nations, Geneva,  
on Monday, 14 February 1994, at 3 p.m.

Chairman: Mr. ENDO (Japan)

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The meeting was called to order at 3.15 p.m.

MEASURES TO IMPROVE THE SITUATION AND ENSURE THE HUMAN RIGHTS AND DIGNITY OF ALL MIGRANT WORKERS (agenda item 13) (continued) (E/CN.4/1994/62\*)

RIGHTS OF PERSONS BELONGING TO NATIONAL OR ETHNIC, RELIGIOUS AND LINGUISTIC MINORITIES (agenda item 18) (continued) (E/CN.4/1994/72, 92 and 107; E/CN.4/1994/NGO/20; E/CN.4/Sub.2/1993/34 and Add.1-4; A/48/509 and Add.1)

IMPLEMENTATION OF THE DECLARATION ON THE ELIMINATION OF ALL FORMS OF INTOLERANCE AND OF DISCRIMINATION BASED ON RELIGION OR BELIEF (agenda item 20) (continued) (E/CN.4/1994/79, 80 and 105; E/CN.4/1993/62; E/CN.4/1994/NGO/10)

1. Mr. KEDZIA (Poland) said that human rights proved their value only when they efficiently protected those who were weaker and that, therefore, the protection of minorities formed an integral part of human rights. As the Special Rapporteur had stressed in his report on possible ways and means of facilitating the peaceful and constructive solution of problems involving minorities (E/CN.4/Sub.2/1993/34 and Add.1-4), the State should be the common home for all parts of its resident population, with separate group identities being preserved for those who wanted it, under conditions making it possible to develop those identities.

2. Two years previously, following a debate that had lasted for 13 years, the General Assembly had adopted the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. At that time, the Declaration could have been regarded as the consummation of international efforts aimed at the protection of minorities. In the meantime, dramatic developments, brought about by minority-related conflicts, had taken place throughout the world. In the resolutions to be adopted at the current session, the Commission on Human Rights would have to take account of the objectives set by the Vienna Programme of Action concerning the rights of minorities, so as to ensure that States and the international community promoted and effectively protected the rights of persons belonging to national or ethnic, religious and linguistic minorities, and that the Centre for Human Rights was able to provide, when necessary, qualified expertise in fields in which minorities were involved and human rights were threatened, and in the prevention and settlement of disputes. His delegation also called upon the Commission to support the recommendations made by the Special Rapporteur in his report, which placed emphasis on both bilateral and multilateral cooperation. In that regard, his delegation noted that Poland had concluded bilateral treaties with its neighbours, dealing, inter alia, with the situation of minorities.

3. The Commission, the High Commissioner for Human Rights and the Centre for Human Rights should collaborate in defining the system-wide strategy to be adopted to provide peaceful and constructive solutions to problems involving minorities. Consideration should be given, among other things, to means of effectively promoting the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities and monitoring its implementation. For that purpose, a special programme of advisory services in the field of protection of minorities should be drawn up as a matter of urgency. Assistance to States by impartial bodies might contribute significantly to improving the situation of minorities and solving existing problems. Existing or potential conflicts stemming from tensions caused by

alleged violations of minorities' rights in various parts of the world also meant that there was an urgent need for the Commission to establish a permanent mechanism to monitor implementation of the Declaration. One possible solution would be the appointment of a special representative of the High Commissioner for Human Rights or of the Secretary-General. A small, regionally balanced working group might also be set up to monitor the implementation of the Declaration. The question remained open, but it would be wise for the Commission to take a decision on the matter at its current session.

4. Mr. PRATOMO (Indonesia) said that his country comprised hundreds of ethnic and religious groups and that their religious freedom was guaranteed by the national Constitution and by Pancasila, the State philosophy. Indonesia viewed the proclamation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief an important stage in international efforts to protect human rights. By embodying freedom of thought, conscience and religion, the Declaration considered religion as one of the fundamental elements in a person's conception of life. It was therefore essential for each individual and for the stability of the community that freedom of thought, conscience and religion should be guaranteed.

5. One only needed to follow recent events in the Balkan region to realize that atrocities were committed daily as a result of religious intolerance. Clearly, then, no effort should be spared to achieve the goals of the Declaration, so as to help reinforce world peace and stability. In that regard, it was noteworthy that the Vienna Programme of Action called upon all Governments to take all appropriate measures to counter intolerance and related violence based on religion or belief. At its present session, the Commission had the important task of translating the Vienna Declaration and Programme of Action into positive measures. In that context, Indonesia commended the quality of the reports of the Secretary-General (E/CN.4/1994/80) and of the Special Rapporteur on religious intolerance (E/CN.4/1994/79).

6. The importance Indonesia attached to inter-religious tolerance was clearly reflected in the Fifth Five-Year Development Plan, which laid down the following goals: to guarantee freedom of devotional practice for adherents of various religions; to take measures to counter any negative effects of modernization; to promote unity and harmony among followers of the same religion and between those of different religions, as well as between followers of the various religions and the Government; and to bolster the dynamic role played by religion. The Indonesian Government would therefore not condone any interference in religious practice, nor would it permit any action that might incite the followers of one or another religion to destabilize the country. Indonesian law also prohibited anyone from deliberately making interpretations of any of the religions in Indonesia or from publicly engaging in activities which deviated from those religions, in accordance with article 1 (3) of the Declaration, which stated: "Freedom to manifest one's religion or belief may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals or the fundamental rights and freedoms of others." For Indonesia, inter-religious tolerance was essential for national unity and harmony.

7. Monsignor TABET (Observer for the Holy See) said that no one who sought the well-being of humankind and the achievement of its full potential could exclude the religious dimension, or approach it with mistrust, as if religion were itself a source of discrimination that encouraged intolerance. True religious values distorted neither the intelligence, nor the will, nor yet the feelings of human beings. Thus, true religion could not be intolerant, since that would be contrary to its very essence. Intolerance could only be brought about by a perversion of religion, when it was used to the detriment of humankind and became an excuse for injustice and violence. But intolerance could also stem from those who, by denying or restricting freedom of religion, denied human beings the enjoyment of their most basic rights. Furthermore, no social project could afford to ignore ethical and spiritual values. Cultural development would be genuine and lasting only if it concealed no human dimension, including the religious dimension. When believers - particularly if they constituted a minority - felt that their beliefs were acknowledged, they were able to participate with confidence in the life of society.

8. The Holy See considered that there were still too many situations in which manifestation of a belief and membership of religious communities were prohibited. In particular, it deplored the fact that some minority communities were prevented from having places of worship or from meeting in order to pray. There were also cases of parents effectively being denied the right to decide on their children's religious education, even though national legislation accorded them that fundamental right. It was also regrettable that, even when reasonable guarantees of freedom of religion existed, the authorities were increasingly tending to enact more restrictive laws and provisions concerning believers and religions. Sometimes, too, leaders of religious communities were unable to give their views concerning problems affecting society without immediately being suspected of betraying the national cause. All of which ran counter to the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief.

9. The Special Rapporteur had rightly pointed out that implementation of the Declaration could not be dissociated from the general question of respect for all human rights. States were indeed faced with difficult challenges in attempting to harmonize groups whose outlooks or behaviour differed. However, it was important that States should try to base themselves on the principles and rules set forth in the international instruments guaranteeing the various dimensions of the right to freedom of religion.

10. Mr. SHAMSHUR (Observer for Ukraine) deplored the fact that, as the twentieth century drew to a close, humanity was confronted with yet another cycle of ethnic problems, comparable in their intensity to the events that had followed the First World War. The enormous sufferings inflicted on the peoples of the former Yugoslavia and of some regions of the former Soviet Union, as well as in other parts of the world, were the consequence of inter-ethnic and inter-religious strife. In the light of those events, it was crucial to take preventive measures to find peaceful and constructive solutions to problems involving minorities. Elaboration of comprehensive national policies in the field of ethnic relations and protection of minorities constituted the core of those preventive measures, particularly in times of transition, when overall instability was accompanied by radical socio-economic and political transformations.

11. It was in that spirit that the Parliament and Government of Ukraine had considered the questions of ethnic relations and protection of minorities. It must also be stressed that the notion of the "people of Ukraine" embraced all citizens of Ukraine, irrespective of their ethnic, racial or national origin. The Declaration on the Rights of the Nationalities of Ukraine and laws on the languages and on national minorities in Ukraine had been adopted in that same spirit. Minority rights were also guaranteed in the draft Constitution of Ukraine. Moreover, the law on citizenship granted Ukrainian citizenship to all persons who had been permanently residing in Ukraine at the moment of its entry into force. The experts of the Conference on Security and Cooperation in Europe (CSCE) had concluded that Ukrainian legal instruments on the question were in conformity with international human rights standards.

12. It was also worth noting that Ukraine had been one of the sponsors of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. Unfortunately, the principles embodied in that Declaration, and subsequently in the Vienna Declaration and Programme of Action, had not always been incorporated in the domestic legislation of many of the successor States to the former Soviet Union. More than a million persons had already been internally displaced on the grounds of their ethnic origin, because of intolerance or extreme nationalism. Although the causes of those displacements were comprehensible, the policies underlying them must be rejected. All problems in the field of ethnic relations, especially when they involved relations between different States, must be solved exclusively by peaceful means. That obligation was particularly important in tackling problems concerning the maintenance of military bases or contingents stationed on the territory of other States without their consent, or in defending the rights of so-called compatriots, who were in fact citizens or residents of other countries. The principle of reciprocity should also be strictly observed in that respect. Ukraine hoped that the millions of Ukrainians living in the countries of the former Soviet Union would be able to enjoy the full range of their fundamental rights and freedoms.

13. The solution of many specific problems concerning the rights of persons belonging to minorities could be greatly facilitated through the effective use of the various international instruments and mechanisms. Bilateral agreements were a very useful tool in that regard, and he noted that Ukraine had signed a bilateral declaration with Hungary and concluded a number of similar agreements with other States. He also drew attention to the constructive role played in that field by CSCE, the first organization to have appointed a High Commissioner for Minorities, and by the Council of Europe. However, the role of the United Nations remained pivotal, particularly in the framework of the Commission and of the Sub-Commission. In that connection, Ukraine considered that the question of minorities should figure more prominently on the agenda of the Sub-Commission, whose efficiency would definitely benefit from a reform of its procedures and less politicization of its work.

14. Mr. SIMONI (Observer for Albania) said that, under the communist regime, all religions had been outlawed in Albania, and all places of worship had been closed, some of them being converted into sports halls, museums and the like. Most members of the clergy had been jailed, or simply killed. Such religious persecution had been all the more odious as it ran counter to a long tradition of tolerance among the Albanian people. Muslims, Roman Catholics and Orthodox Christians had lived together in perfect harmony and mutual respect. There had never been a war of religion in Albania and there had never been any

discrimination against persons on grounds of their religious beliefs. The representatives of various religions had made a major contribution to the cultural and social development of the Albanian people, and Albania had given the world a number of prominent religious figures, one of whom was Mother Teresa of Calcutta.

15. After the downfall of the communist regime, the newly elected democratic Government had proclaimed the right of all citizens to freedom of religion and had done everything in its power to make good the damage caused to various religious institutions. Religious intolerance thus no longer existed in Albania. All persons were free to express, preserve and develop freely their religious identity, pursuant to the Copenhagen Document of the CSCE Conference on the Human Dimension, which the Albanian Government had undertaken to respect to the letter. The Albanian Parliament had adopted a law on the return of property confiscated by the former communist regime, including the property of religious communities - a law which was in conformity with European legal norms.

16. Mr. RYDER (International Confederation of Free Trade Unions) drew the Commission's attention to the plight of migrant workers the world over. Throughout history people had fled the poverty in their countries and migrated to other richer countries, as in the case of the tens of millions of Europeans who had set off for the Americas in search of better living conditions. Similarly, many workers had left their homes in Africa or Latin America to seek work in Europe and North America. In 1992, for example, 3.4 million people had emigrated to European Union countries.

17. Migration had become one of the main political problems of today's world. Anti-democratic movements of a racist, xenophobic or religious nature were growing in many countries and attacks on immigrants, foreigners and refugees were increasing. Effective national and regional policies had to be formulated to deal with such problems, with a view to the application of the principles contained in the relevant ILO conventions and the International Convention on the Protection of All Migrant Workers and Members of Their Families. Trade unions could play a decisive role in that respect. The International Confederation of Free Trade Unions (ICFTU) had consistently encouraged its affiliates to urge their respective Governments to help the countries of origin of migrant workers in promoting economic and social development with a view to creating jobs and securing better working and living conditions for their citizens, who would thus no longer have any reason to emigrate.

18. The Governments of the receiving countries, for their part, should ensure that migrant workers of both sexes enjoyed the same rights as national workers, especially with respect to working conditions, wages, career possibilities, trade union rights, housing, education, health care and retirement pensions. That was far from the case, especially in some countries where migrant workers were deprived of the right to family life and were under constant threat of expulsion. ICFTU believed that the problems of illegal workers should be dealt with case by case, that decisions on expulsion should be taken by a court and not by an administrative authority, and that workers subject to expulsion orders should have the opportunity of appeal. Lastly, migrant workers who had resided for a specified period in their country of adoption ought to be able to obtain a permanent residence permit, and their property should, in all cases, be protected.

19. ICFTU and its affiliates had organized several conferences and seminars on such problems and were taking action to protect migrant workers and combat racism. In France, for example, CFDT had published a guide on the rights of migrant workers; in Belgium FGTB had issued information on the question; and in Great Britain TUC had negotiated the right of migrant workers to wear their national dress and take leave on their religious festivals. However, it was clear that policies to assist the countries and regions from which migrant workers came should be promoted at the international level and that Governments should take severe measures against illegal recruitment agents, traffickers and persons who encouraged migration under false pretences. ICFTU and its affiliates would continue to organize public awareness campaigns for that purpose, particularly in the workplace, and to promote solidarity with migrant workers. It urged the Commission to request Governments to ratify and implement the ILO conventions concerning migrant workers, and in particular Conventions No. 27 (1949) and No. 143 (1975), as well as the relevant United Nations Convention.

20. Mr. MILOSEVIC (World Federalist Movement) drew the Commission's attention to the situation of the Serb minorities in countries bordering on the Federal Republic of Yugoslavia, where the rights of minorities were guaranteed by the Yugoslav Constitution in accordance with international norms. Those norms were not respected in the Republic of Croatia, where the authorities had expelled more than 300,000 Serbs, where several Serb Orthodox Churches had been demolished or seriously damaged and Serb cemeteries had been destroyed. In addition, the Serbs were subjected to arbitrary repression and various kinds of persecution, and their property was being destroyed, as could be seen from the most recent report of Mr. Mazowiecki, the Special Rapporteur on the former Yugoslavia (E/CN.4/1994/47). On 9 September 1993, for example, Croat troops had made an incursion into the Serb Republic of Krajina, a zone protected by the United Nations, destroyed 11 Serb villages and killed several civilians. In the light of those incidents it was essential to set up a commission to investigate the human rights situation in that Republic.

21. In the former Yugoslav Republic of Macedonia, the Serb community of 300,000 had never obtained the status of national minority or any guarantees with regard to the opening of schools offering teaching in Serbian, the protection of Serb culture or the freedom of religion. The same was true of the 60,000 Serbs living in the Republic of Slovenia, where they did not have the status of minority and were not represented in the National Assembly. In Hungary, the Serb community had obtained national minority status and the possibility of having its children educated in their mother tongue, but it was still awaiting the restitution of the property of the Serb Orthodox Church nationalized by the Communist authorities and the preservation of the important Serb cultural monuments located in the Szentendre region. The situation of the 32,000 Serbs living in Romania was clearly better, since they had several Serb schools and radio and television broadcasts in Serbian, and were represented in the national Parliament.

22. In contrast, it could be asserted without hesitation that the Serbs in Albania were currently the most persecuted minority in Europe. The number of Serbs living in Albania had fallen by half, from 80,000 to 40,000, since the middle of the twentieth century as a result of their forced assimilation effected by the Albanian authorities in the most brutal manner. The Serbs in Albania enjoyed none of the rights accorded to national minorities in international human rights instruments in that the use of the Serbian

language, manifestations of Serb culture such as dances and songs, Serbian names and Serb Orthodox religious practices were prohibited throughout the Republic of Albania. Most of the churches had been demolished, and priests who dared to practise their religion received heavy sentences - one example being Father Lazar Popovic of Skadar who had died in prison. Nor were there any primary or secondary Serb schools, newspapers, books or radio and television broadcasts. In contrast, the Albanian minority in Serbia, which was concentrated in the Kosovo region, could freely practise the Muslim religion in more than 600 mosques scattered throughout the region and it had 1,400 primary schools, 60 secondary schools and an Albanian-language university with 10 faculties, as well as colleges of the professions in 7 towns.

23. It was clear that the survival of Serb minorities in the various countries bordering on the Federal Republic of Yugoslavia was under serious threat, particularly in Croatia and Albania, and that their future would depend on the attention their situation received from the Commission on Human Rights and on the measures it took to protect their fundamental rights.

24. Mr. WADLOW (International Fellowship of Reconciliation) said that the International Fellowship of Reconciliation (IFOR) had participated actively throughout the world in the efforts to eliminate discrimination based on religion or belief and to further inter-faith understanding. The two types of discrimination based on religion covered by the Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief still being practised were the discrimination in the communist States, where religion was seen as a counter-ideology, and the discrimination practised in States such as Spain, where a particular religion enjoyed privileged status in relation to others.

25. An example of the first type was offered by the People's Republic of China, where all religions were suppressed because they were contrary to official ideology. Catholic priests and Protestant ministers had been arrested and persecuted, and all religious activities had been prohibited or strictly limited for overseas Chinese and foreigners by two recent decrees. Whereas the whole world was witnessing a resurgence of traditional Chinese philosophical thought based on Confucianism, Taoism and Buddhism, the Chinese political leadership had been particularly hostile since 1950 to Tibetan Buddhist institutions, which were regarded as the source of all demands for Tibet's independence or greater autonomy. Despite the efforts made, the situation of those institutions had not changed, and the proposed dialogue between the Dalai Lama and the Chinese authorities had never taken place. Accordingly, the Commission and the Special Rapporteur should continue to follow closely what China was doing and help the Chinese Government to modify its policies so as to meet internationally recognized standards of tolerance.

26. The most striking example of religious discrimination of the first type was certainly provided by Iran, where the members of all religions other than Islam were persecuted and repressed, including women who did not follow the religious precepts of the Government or the Revolutionary Guards. It was to be hoped that, with time, the Iranian leadership would see the light. At present, however, it felt that it had a duty to spread its particular vision of proper State-religion relations, and the Sudanese Government had been so strongly influenced by the Iranian model that a civil war had been going on in Sudan for several years. IFOR had been among the first to raise the question



of Sudan in the Commission and to call for the appointment of a Special Rapporteur; an IFOR member's analysis of the report submitted by the Special Rapporteur to the General Assembly was available to participants. Similar problems existed in Pakistan, where the Government had legislated in favour of one school of Islamic thought over another - the Ahmadis, whose situation was examined in detail by the Special Rapporteur, Mr. d'Almeida Ribero, in his various reports. Christians were also being put under pressure. It was to be hoped that the democratization of Pakistan would lead to improvements in the religious sphere and the adoption of policies consistent with the international norms in force. An effort must also be made to persuade Saudi Arabia, a State where Islam was the official religion and where the practice of other religions was subject to stringent restrictions, to comply with the principles of openness and tolerance. Lastly, there was also a need to monitor what was happening in Israel, where only one form of orthodox Judaism was recognized, a situation which limited the rights of members of other traditions. The monopoly exercised by orthodox Jews in some areas was excessive, especially in a part of the world where there was already too much State support for particular schools of religious thought.

27. A few years ago a third form of discrimination based on religion had emerged, characterized by an aggressive and violent activism which was completely beyond State control. Its manifestation was the most obvious in Algeria, where the list of victims of assassination - liberal or secular Algerians and non-Muslim foreigners - was growing longer and longer. Similar patterns had emerged in Egypt, Turkey, Afghanistan, northern Nigeria and Bangladesh. Violence was the only means of action of such movements, which were very difficult to control but must be dealt with by the international community and by the Commission in particular. As Mr. d'Almeida Ribero had stressed in his 1993 report (E/CN.4/1993/62), the establishment of the rule of law and the functioning of democratic institutions were the prerequisites for an inter-faith dialogue designed to eliminate sectarian and intransigent attitudes. The legitimate grievances of such groups must be heard, but their use of violence must be firmly condemned and the narrow and closed tyranny of thought which they wished to impose rejected.

28. Mr. VITTORI (Pax Christi International) said that as the century drew to a close the world was experiencing an alarming crisis characterized by the impoverishment of the peoples of the South, by inter-community conflicts and by inadmissible violations of human rights. In contrast with the profound spirituality of the great religious traditions, perverse ideologies were seeking to divert the only force capable of transforming mankind into a brotherly society. Religion and culture were often used as pretexts for intolerance and war. The market economy provided the basis for decisions, some of whose effects warranted the description of crimes against mankind.

29. Despite its shortcomings, the United Nations remained an essential institution whose activities could not be underestimated. While its standard-setting work should be strengthened in various areas of human rights, the exercise of those rights would not be secured without a powerful upsurge of morality. The great religions and spiritual systems bore an enormous responsibility in that regard; the three monotheist religions in particular must become genuine forces for the defence of justice, truth and peace. It was regrettable that the teaching of religion to children of all faiths still

too often contained elements that inhibited their emotional and intellectual development. The major religions and spiritual traditions could and must work together, accepting and respecting each other in their diversity.

30. The Universal Declaration of Human Rights had been inspired by what was best in the great spiritual traditions, and it was regrettable that it should receive so little respect; the United Nations must rekindle the spirit that had inspired it and generate new hope among the peoples of the Earth. It was with that in mind that several NGOs had, in August 1993, submitted to the Sub-Commission a communication announcing their decision to establish an open-ended and informal study group made up of academics, leading representatives of the social and theological thought of the great religions, and human rights experts (E/CN.4/Sub.2/1993/NGO/17). The group, which should preferably work in close collaboration with the United Nations Centre for Human Rights, would have the task of highlighting the risks of deviation in the teaching of religion. Religious education as a means of promoting the union of minds for the observance of human rights had been the subject of the colloquium on science and faith organized and chaired by Rabbi Leonard Sztejnberg at the International Conference Centre in Geneva in November 1993.

31. The communication in question requested the Commission, firstly, to invite the rapporteurs concerned to provide for each country or each topic a balanced account of the connections between the violations they had recorded and local cultural customs, including customs with a religious connotation, to the extent that such customs appeared to conflict with international human rights standards; and, secondly, to request the Secretary-General to instruct the Centre for Human Rights to submit a consolidated report on the rapporteurs' comments on the religious and cultural obstacles hampering the implementation of the Universal Declaration of Human Rights and supplementary instruments.

32. Mrs. SPALDING (International Association of Educators for World Peace) requested the Commission to take into account, in its consideration of agenda item 13, the report of Mr. Despouy on human rights and disability (Study Series No. 6), which it had approved unanimously in 1992. The report stressed that migrant workers were particularly vulnerable because they were poor and exploited, that they ran a greater risk of disability than other groups and suffered particular disadvantage once they were disabled. The International Association of Educators for World Peace requested the Commission to take the issues of disability into account in its work on the rights of migrant workers and their families.

33. Mr. TAHIR (International Association of Educators for World Peace), speaking on item 18, described the situation of the minorities in Pakistan and in Pakistan-occupied Kashmir. Pakistan had become a theocratic State. Although it could not be called to account under the two human rights Covenants because it was not ready to ratify them, the Universal Declaration of Human Rights could be invoked with respect to Pakistan since, over the years, it had become a reference text for human rights, both internationally and nationally. Three articles of the Constitution of Pakistan in particular, namely, chapter 1, part III, article 41 (2), chapter 2, part II, article 91 (2), and chapter 3A, part VII, article 203 (c), (d) and (e), stood in total contradiction with articles 1, 2, 4, 5 and 7 of the Universal Declaration of Human Rights. Furthermore, the Ordinances of General Zia-ul-Haq designed to limit the freedom of religion and the rights

of women were now an integral part of the Constitution. They had been incorporated in the Penal Code and were invoked for the purpose of persecuting non-Muslims. National minorities had no protection against imprisonment without trial, disappearance, torture and murder. But the situation was most serious in Pakistan-occupied Kashmir. The non-Muslims who had sought refuge in Jammu after the invasion of Kashmir by Pakistan in 1947 were still waiting to return to their homes, and Pakistan, although it had agreed to withdraw in compliance with the resolutions adopted by the General Assembly on 13 August 1948 and 5 January 1949, still maintained its military occupation. Intolerance and sectarian hatred were backed by the authorities. For example, the security forces and 14 political and religious groups - including members of Mrs. Bhutto's party - had attacked participants in a peaceful meeting of the People's National Party of Jammu and Kashmir. The International Association of Educators for World Peace requested the inclusion of Pakistan in the list of countries to which fact-finding missions should be sent to investigate violations of the rights of religious and national minorities.

34. Mr. ZHU Shiyan (China) said he wished to assure Mr. Amor, the Special Rapporteur on religious intolerance, of his support and cooperation. Many religions were practised in China, the main ones being Buddhism, Taoism, Islam, Catholicism and Protestantism. Some 100 million people had a religious faith and the Chinese Constitution accorded citizens freedom of religion. It stipulated that no State organ, social organization or individual could compel anyone to have or not to have a religion. Neither believers nor non-believers were subjected to discriminatory measures. The State protected normal religious activities. All religions were equal. The freedom to practice a religion and freedom of worship were also guaranteed by specific provisions of civil law, penal law and the laws on military service, compulsory education, regional and national autonomy, etc. Furthermore, special bodies dealt with religious matters at various levels of the Government. They were responsible for applying the legislation on religion and ensuring that religious organizations carried out their activities in a normal manner.

35. Chinese citizens were absolutely free to practise their religion in the place of worship of their choice - in Buddhist or Taoist temples, in mosques or churches, or even at home. The legitimate rights and interests of religious groups were protected. China had more than 2,000 religious organizations, including 7 national, 164 regional and over 2,000 local ones. For more than 10 years tens of millions of religious works had been on sale, and 10 million copies of the Bible had been published. Members of religious faiths in China also had the right to participate in political affairs and to be consulted on an equal footing with other citizens. Some 10,000 members of religious faiths held seats in people's assemblies at various levels.

36. Freedom of religion was also guaranteed in the autonomous regions, such as Tibet, Inner Mongolia, Ningxia, etc. There were at present 1,400 Buddhist temples and more than 34,000 Buddhist monks and nuns in Tibet. Muslims in the autonomous region of Xinjiang had over 20,000 mosques and religious centres. Citizens who practised a religion must of course comply with the law. In recent years a number of believers who had engaged in activities which violated State security, disturbed public order, caused physical or mental harm to others, disrupted the country's education system, or otherwise broke the law - practices which clearly had nothing to do with the expression of a religious belief, as any State would agree - had been punished in accordance with the provisions of the Penal Code.

37. Mr. DI ROMAGNANO (Italy) said he wished to inform the Commission of a number of developments that had occurred in Italy since the forty-ninth session concerning the application of the right to religious freedom. From 1984 to 1987, the Italian Government had renewed the agreements with the Waldensian-Methodist, Pentecostal and Adventist Churches, as well as with the Jewish communities. In 1993, it had signed important agreements with the Baptist and Lutheran Churches, in line with the Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief. An agreement concluded with the Holy See concerning the recognition of academic degrees delivered by faculties approved by the Holy See had given effect to the agreement concluded with the latter on 18 February 1984. As a means of ensuring respect for religious freedom in a tangible manner, the Italian Government had recently decided to keep the polling booths open for one day longer than originally planned for the forthcoming elections - which were held on the last Sunday in March and therefore coincided with the Jewish Easter - so that the Italian Jewish community could exercise the right of vote without having to neglect their religious celebrations.

38. The Special Rapporteur's statement showed that the situation as regards freedom of religion in the world was far from ideal. The international community must strive to eradicate religious intolerance, which could endanger international peace and security. In that context, an integrated approach, taking into account the activities of other human rights bodies such as the Human Rights Committee, was indicated. In that connection, the general comment on article 18 of the International Covenant on Civil and Political Rights made by the Human Right Committee the previous July deserved careful attention.

39. His delegation wished to recall that the General Assembly had decided to declare 1995 as the International Year for Tolerance, and hoped that the Commission would take initiatives in that connection. It had the pleasure to announce that, following a resolution adopted at the most recent General Conference of UNESCO, an international workshop on the subject "Tolerance and law" would be organized in 1995 in Italy at the Universities of Siena and Florence.

40. Referring to agenda item 18 and the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, he suggested that the Commission should consider recommending that the Declaration should be monitored by an expert appointed by the High Commissioner for Human Rights, the Secretary-General, or an ad hoc group.

41. Mr. BAKHMIN (Russian Federation), commenting on the distressing and complex question of the rights of persons belonging to ethnic, religious and linguistic minorities, said that the political upheavals of recent years had led to outbursts of nationalism, xenophobia and intolerance. The collapse of totalitarian and unitary States had exacerbated national sensitivities to such an extent that persons who spoke another language, had a different colour of skin or practised another religion were persecuted. The tragic and bloody culmination of that development was vividly illustrated by what was now taking place in the former Yugoslavia, Nagorny Karabakh, Ossetia and other parts of the world.

42. The international community had not foreseen the gravity of the situation of minorities. Elated by the fall of the Berlin wall, it had not realized that the shock would release feelings of hatred and aggression that had long been repressed. It was now like a fire brigade, trying to fight a fire that was so large as to be virtually uncontrollable. Apart from economic difficulties, ethnic conflicts and problems connected with the situation of minorities placed a heavy burden on the shoulders of Russians. They could not remain indifferent to the fate of 25 million of their compatriots living beyond the borders of the Russian Federation. A feeling of wounded national dignity had favoured the expression and dissemination of chauvinistic ideas and nostalgia for a faded imperial glory. The tendency of those who spread such ideas, of course, was to provide society with an unduly simplistic explanation of its difficulties and to single out scapegoats. Ultra-nationalistic propaganda had borne fruit, as was evident from the results of the most recent legislative elections. Russian society was none the less reacting positively. The first democratic and free elections had recently been held, bodies for the protection of human rights had been set up, and a new Constitution, recognizing the democratic rights and freedoms, had been adopted. Russia now needed understanding and support if those rights were to be exercised.

43. The situation of the 25 million Russians living in the "near abroad" was one of the main concerns of the Russian leaders. Their adjustment, in favourable conditions, to a new political and socio-economic way of life could be achieved only by establishing relations of trust and cooperation between the CIS States and concluding agreements in all fields, including education, retirement and visas. The CIS States must guarantee their citizens equal rights, irrespective of nationality. Bilateral agreements had also been concluded between Russia and the CIS States in areas such as civil and criminal law, emigration and legal aid. The situation of Russians living in the near abroad, however, remained difficult and of concern. Isolated from Russia, they were faced by an upsurge of nationalism and hostile feelings. The use of the Russian language in public affairs and in the press was increasingly restricted and very often Russians were unable to find work or lost their jobs because of national protectionism.

44. Recalling the events of 1991 when many people from Moscow who upheld human rights had marched through the streets of the USSR capital in condemnation of the Soviet regime's intervention in Vilnius and Riga, he said it was regrettable that the same people now had to criticize the policy of Latvia and Estonia, since their hopes of seeing those newly independent countries develop along democratic lines had been frustrated. Latvia and Estonia pursued a policy - sometimes overtly, more often covertly - of discrimination against the Russian-speaking population. Notwithstanding the General Assembly resolution and the recommendations of the experts of international organizations, the situation of the Russian-speaking population of Latvia and Estonia was deteriorating. In Estonia, for example, thousands of retired army personnel and their families were living in constant fear of deportation. Yet there were signs in that country that the authorities were beginning to acquire some common sense far as the problems of the Russian diaspora were concerned. The Tallinn authorities, for instance, had taken steps to give effect to a number of recommendations made by the High Commissioner of CSCE responsible for the rights of minorities and by Council of Europe experts. The Russian minority who did not have Estonian citizenship had been able to take part in local elections. It was to be hoped that, in

the final analysis, a just and equitable solution to the situation of the Russian diaspora in Estonia would be found, in keeping with democratic principles.

45. While the needle of the political barometer pointed to "variable" in Estonia, in Latvia it was set at "stormy". The situation as regards the inhabitants who were not natives of Latvia was becoming more difficult. The Latvian authorities showed contempt for the warnings sounded by the Russians and for the recommendations and advice of international bodies and non-governmental organizations. The majority of Russians living in Latvia were deprived of their political rights; they could not take part in elections to parliament or local assemblies, nor could they hold office in the administration or found a political party or organization. One third of the population, therefore, were denied their right to express an opinion on issues affecting their daily life. The number of kindergartens and schools for Russian-speaking children was being reduced systematically as was the number of Russian newspapers and television broadcasts. Latvian extremists were apparently even contemplating a "final solution" to the national question. Lists of names and addresses of Russians, who were former members of the armed forces living in Latvia, were already appearing in the national press. All that, like the provocation to which some Russian officers in Riga were subjected, served mainly to bolster the Russian chauvinists' propaganda.

46. It might be thought that the Russian delegation was exaggerating the problem of the Russian-speaking minorities in the Baltic countries unnecessarily. Yet reference to the documents before the Commission and, in particular, to the final report on possible ways and means of facilitating the peaceful and constructive solution of problems involving minorities, submitted by Mr. Eide, Rapporteur of the Sub-Commission (E/CN.4/Sub.2/1993/34 and Add.1 to 4), would suffice to show that the concerns of the Russian authorities were justified and their claims legitimate. There was no question that, in Latvia and Estonia, national interests came before the interests of people, and that some States lent a sympathetic ear to that attitude. And so, in the twilight of the twentieth century, as in the 1930s, ideas of racial superiority or ethnic cleansing were being voiced. Nowadays, however, nobody had the right to remain silent as the world had done when peoples had been regarded as inferior, when the Jews had had to wear a yellow star, and windows had been smashed during Kristallnacht. Violations of minority rights demanded that the world remain on its guard and prove that it knew how to learn from history.

47. Mr. FASEHUN (Nigeria), speaking on agenda items 18 and 20, said that Nigeria was a veritable microcosm of 300 ethnic groups and diverse religious associations that lived together. A federal system of government and devolution of power to local communities allowed for the full expression of minority rights. Practically all ethnic groups participated in decision-making at the federal level.

48. It was regrettable that, in spite of the Vienna Declaration which ought to promote the brotherhood of man, the world was facing a resurgence of racism, xenophobia, religious intolerance and Fascist ideologies - evils that were, moreover, acquiring a transnational dimension. At a time when immigrant communities were exposed to violence from majority groups with different faiths, the international community must fight against ideologies that generated hatred and must encourage Governments to curb the slide towards ethnic and religious cleansing that would undoubtedly lead the world into

barbarism. Racial and religious minority groups everywhere should be accorded full protection under the law. Nigeria therefore called upon the Commission to appoint a special rapporteur to study right-wing and racist violence in Europe and elsewhere and to recommend practical solutions to arrest that evil. The racist violence that had gripped Europe half a century earlier must not be allowed to recur.

49. He would, however, warn against improper use of the freedom of religion. Freedom of religion must not, of course, be curtailed in any way, particularly since most religions preached peace, love and brotherhood, but it was inadmissible to use religion for purposes inconsistent with the Charter of the United Nations and other human rights instruments. Those who embarked upon that path must be firmly discouraged.

50. Mrs. MANOHAR (India) said that the world was passing through a period of religious intolerance, with the ensuing conflicts becoming more dangerous and assuming new forms. Such intolerance was particularly dangerous as it could be used as a pretext for foreign interference and kindled hatred between peoples. That was why the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief stated that religion and belief must not be used for ends inconsistent with the purposes and principles of the Charter of the United Nations and of the Declaration itself.

51. Ethnic cleansing and separatist movements based on religious extremism were a direct challenge to the principle that all human beings were born free and equal in dignity and rights and should not be subject to any discrimination. In the twentieth century, almost all States were multi-ethnic or multi-religious, and would remain or become more so. The task of combating intolerance was, therefore, higher than ever on the agenda.

52. Protection of the rights of its diverse cultural, religious, ethnic and linguistic groups formed part of the ethos of India, a country with a very ancient and composite culture. That ethos was enshrined in India's Constitution and institutions and was given effect by the judiciary. Virtually all faiths, and even atheism, were represented in India by a large number of communities. Far from practising discrimination, India promoted preferential treatment of the underprivileged, and the fundamental human rights set forth in the Constitution could be invoked before an independent court. Of course, it was not easy for India to maintain its diversity but it was ready to tackle the difficulties in order to retain its basic pluralist character. There was no denying that, occasionally, violence had occurred in India, but it had been committed by extremist movements that had never had the backing of the Government, of public opinion which was secular in nature, of the free Indian press, or of the judiciary. Any incident involving violence was immediately followed by legal proceedings to punish the guilty and provide relief to the sufferers. Terrorist elements supported from abroad endeavoured to undermine India's secular fabric and its territorial integrity, but the country remained committed to reason, compassion and tolerance. Terrorist elements had failed in Punjab, where harmony had been restored. In Kashmir, religion-based extremism had resulted in the exodus of 250,000 non-Muslims and as many as 50,000 Muslims. It was significant that those refugees had not fled across the border but had gone to other parts of India.

53. It was easy for the intolerant to spread discord. That was why the tolerant and the sagacious must never fail to resist the threat to human rights posed by religious extremism and religion-based separatist and secessionist movements. Mindful of the need to safeguard pluralism and secularity, India had created its institutions in such a way that individualism and group loyalties could coexist alongside respect for the rights of other groups. It was in that context that the reports on human rights violations in India, and in particular those that were politically motivated, must be judged. The tolerance and understanding which Swami Vivekananda had proclaimed in 1893 to be the principles of civilization should be reaffirmed in human rights jurisprudence.

54. Mr. GOONETILLEKE (Sri Lanka), speaking on agenda item 13, observed that the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families constituted a step forward compared with the sectoral approaches previously adopted by the international community, in particular through the International Labour Organization and the International Organization for Migration. The Convention contained a catalogue of obligations of States parties and an inventory of the rights of migrant workers. Until its adoption, the rights and status of the migrant worker had not been protected either in the receiving State or in the State of origin; that void had now been filled. Furthermore, the Convention extended to migrant workers the protection of the human rights enjoyed by every citizen of a country, such as the freedom to leave the country and to practise a religion of one's choice, and freedom from arbitrary arrest and collective expulsion. The Convention could also play a positive role in combating the exploitation of migrant workers and their families as well as trafficking in migrants and the irregular situations it created. In short, its goal was to stress the equality of all human beings before international law. Sri Lanka hoped to become a party to the Convention and trusted that all Members of the United Nations, and in particular the receiving States and the States of origin of migrant workers, would also become parties in the near future.

The meeting rose at 6.00 p.m.