



**Economic and Social
Council**

Distr.
GENERAL

E/CN.4/2003/SR.59
23 May 2003

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS

Fifty-ninth session

SUMMARY RECORD OF THE 59th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 23 April 2003, at 3 p.m.

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

CONTENTS

CIVIL AND POLITICAL RIGHTS, INCLUDING THE QUESTIONS OF:

- (a) TORTURE AND DETENTION
- (b) DISAPPEARANCES AND SUMMARY EXECUTIONS
- (c) FREEDOM OF EXPRESSION
- (d) INDEPENDENCE OF THE JUDICIARY, ADMINISTRATION OF JUSTICE,
IMPUNITY

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 Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

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

CONTENTS (continued)

- (e) RELIGIOUS INTOLERANCE
- (f) STATES OF EMERGENCY
- (g) CONSCIENTIOUS OBJECTION TO MILITARY SERVICE (continued)

INTEGRATION OF THE HUMAN RIGHTS OF WOMEN AND THE GENDER PERSPECTIVE

- (a) VIOLENCE AGAINST WOMEN (continued)

SPECIFIC GROUPS AND INDIVIDUALS:

- (a) MIGRANT WORKERS
- (b) MINORITIES
- (c) MASS EXODUSES AND DISPLACED PERSONS
- (d) OTHER VULNERABLE GROUPS AND INDIVIDUALS (continued)

The meeting was called to order at 3.10 p.m.

CIVIL AND POLITICAL RIGHTS, INCLUDING THE QUESTIONS OF:

- (a) TORTURE AND DETENTION
- (b) DISAPPEARANCES AND SUMMARY EXECUTIONS
- (c) FREEDOM OF EXPRESSION
- (d) INDEPENDENCE OF THE JUDICIARY, ADMINISTRATION OF JUSTICE, IMPUNITY
- (e) RELIGIOUS INTOLERANCE
- (f) STATES OF EMERGENCY
- (g) CONSCIENTIOUS OBJECTION TO MILITARY SERVICE

(agenda item 11) (continued) (E/CN.4/2003/L.48, L.58, L.59, and L.73; E/CN.4/2003/2-E/CN.4/Sub.2/2002/46, chapter I, draft decision 1)

Draft resolution on the right to freedom of opinion and expression (E/CN.4/2003/L.59)

1. Ms. NGUYEN (Canada), introducing the draft resolution on behalf of its sponsors, said that it was in line with previous resolutions on the same subject, but had been updated to take account of certain points raised in the report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression (E/CN.4/2003/67 and Add.1 and 2).
2. The sponsors had decided to make a number of changes to the existing text: in paragraph 2, third and fourth lines, the words “thematic and country-specific” should be deleted; in paragraph 3, subparagraph (c), first line, the word “on” should be replaced by “particularly directed against” after the words “killings of and attacks” and, in the second line, the words “against media professionals” should be preceded by “directed”. The words “as well as international cooperation aimed at the development of media and information and communication facilities in all countries” should be added at the end of paragraph 5. In paragraph 7, the words “and to protect media professionals” should be deleted at the end of the paragraph.
3. In the first line of paragraph 9, subparagraph (a), the words “dissent, political debate and” should be deleted and the words “and political debate” should be inserted after “discussion of government policies”; in the third line, the phrase “including for peace and democracy” should be added after “engaging in peaceful demonstrations or political activities” and the words “and dissent” should be placed after “expression of opinion”. In paragraph 17, subparagraph (e), the words “and communication” should be added after “new information” in the second line and the phrase “as well as access to the information society for all” should be inserted at the end of the paragraph.

4. Mr. LEBAKINE (Secretary of the Commission) said that the representatives of Australia, Armenia, Brazil, Costa Rica, Croatia, Guatemala, Paraguay, Peru, Senegal, Sierra Leone, South Africa, Sweden, Ukraine, Uruguay and Venezuela and the observers for Bosnia and Herzegovina, Colombia, Cyprus, Ecuador, El Salvador, the former Yugoslav Republic of Macedonia, Georgia, Israel, Latvia, Madagascar, Morocco, New Zealand, Nicaragua, Panama, Serbia and Montenegro and Turkey had become sponsors of the draft resolution.

Amendments to the draft resolution on the right to freedom of opinion or expression
(E/CN.4/2003/L.73)

5. Mr. REYES RODRÍGUEZ (Cuba) said that, in view of the progress made with the draft resolution, his delegation was, for the time being, withdrawing its amendments. It would table them again for consideration in greater depth at the forthcoming session of the General Assembly and the Commission's next session.

6. The draft resolution, as orally revised, was adopted without a vote.

Draft resolution on the independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers (E/CN.4/2003/L.48)

7. Mr. LAKATOS (Observer for Hungary), introducing the draft resolution on behalf of its sponsors, said that, at the beginning of paragraph 5, the words "Expresses its appreciation for" should be replaced by the words "Appreciates the efforts in". The text was based on earlier Commission resolutions on the same subject and he hoped that the draft resolution would be adopted without a vote.

8. Mr. LEBAKINE (Secretary of the Commission) said that the representatives of Armenia, Chile, Senegal and Sweden, and the observers for Ecuador, El Salvador, Estonia, Ethiopia, Finland, Georgia, Israel, Italy, Madagascar, Nicaragua, Serbia and Montenegro and Turkey had become sponsors of the resolution.

9. Ms. WHELAN (Ireland), speaking on behalf of the member States of the European Union that were members of the Commission and of Poland, with the endorsement of the entire European Union, the acceding countries and the associated countries, underlined the importance the Union attached to the draft resolution and to the mandate of the Special Rapporteur on the independence of judges and lawyers. The independence and impartiality of the judiciary was an essential prerequisite for the rule of the law which, in turn, was a vital element for ensuring respect for human rights. The Union therefore welcomed the extension of the mandate of the Special Rapporteur on the independence of judges and lawyers.

10. Ms. WONG (Office of the High Commissioner for Human Rights), speaking in accordance with rule 28 of the rules of procedure, said that the total full cost of the activities envisaged under paragraph 13 of the draft resolution would amount to US\$ 50,600 per year but that, as provisions for activities of a perennial nature had already been included in the programme budget for the current biennium and would be included in the proposed programme for the biennium 2004-2005, no additional appropriation would be required.

11. Mr. PEAY (United States of America), speaking in explanation of vote before the voting, said that, although his delegation had traditionally supported and still supported the resolution on the independence and impartiality of the judiciary and, in general, had supported the work of the Special Rapporteur on the independence of judges and lawyers, it was, however, concerned with, and could not endorse, the wording of paragraph 5, even as revised. In his oral report, that Special Rapporteur had not only criticized the President of the United States for having issued his Executive Order on Military Commissions, but he had also demeaned one of the most prestigious federal courts in the United States judicial system for a judgement it had independently and impartially rendered in a case. Furthermore, the Special Rapporteur had criticized the United States Attorney-General for having applauded the court's decision. That was surprising conduct from someone who had a long record of respecting the independence of the courts. The United States delegation would nevertheless join the consensus to adopt the draft resolution, in keeping with its tradition of approval for that agenda item.

12. The draft resolution was adopted without a vote.

Draft decision on discrimination in the criminal justice system recommended to the Commission by the Sub-Commission on the Promotion and Protection of Human Rights
(E/CN.4/2003/2-E/CN.4/Sub.2/2002/46, chapter I, draft decision 1)

13. Ms. WONG (Office of the High Commissioner for Human Rights) said that the total full costs of activities and research under the draft decision would amount to US\$ 19,100 in 2003 and to US\$ 4,100 per annum in 2004-2005. As provisions for activities of that nature had already been included in the programme budget for the current biennium and would be included in the proposed programme budget for the biennium 2004-2005, no additional appropriation would be required.

14. The draft decision was adopted without a vote.

Draft resolution on the elimination of all forms of religious intolerance (E/CN.4/2003/L.58)
(continued)

15. Mr. LEBAKINE (Secretary of the Commission) said that the representatives of Cuba, Peru and Sweden and the observers for Bosnia and Herzegovina, Estonia, Israel, Nicaragua, Portugal and Timor-Leste had become sponsors of the draft resolution.

16. Ms. KIRKPATRICK (United States of America) said that, while her Government supported the draft resolution in substance, it was dismayed that no Commission resolution specifically addressed the scourge of anti-Semitism and the dangers of Islamophobia. Unfortunately, her delegation's proposal to include language on that topic in the draft resolution on the Durban follow-up (E/CN.4/2003/L.4) had been blocked by a disturbing procedural manoeuvre.

17. As a result, her delegation was compelled to withdraw its sponsorship of the current draft resolution and to propose, as an amendment thereto, the insertion of a preambular paragraph 13 bis, based on paragraph 45 of General Assembly resolution 57/195, which would read:

“Recognizing with deep concern the increase in anti-Semitism and Islamophobia in various parts of the world, as well as the emergence of racial and violent movements based on racism and discriminatory ideas directed against Jewish, Muslim and Arab communities,”.

18. While her delegation regretted that it had become necessary to make such an amendment to a resolution it had sponsored in the past, it would be an abrogation of the Commission’s duties not to identify specifically those devastating phenomena during the course of its work.

19. Ms. WHELAN (Ireland), in answer to a question from Mr. UMER (Pakistan), said that the sponsors did not intend to make any changes to the wording of the draft resolution. They were unable to accept the amendment proposed by the United States of America. The draft resolution referred to all religions and did not single out any religion in particular, as the sponsors firmly believed that that was the best way to deal with the issue in question.

20. Mr. WESTDAL (Canada), speaking in explanation of vote before the voting, said he agreed that it was important to acknowledge the worrisome increase in anti-Semitism and Islamophobia and the emergence of violent movements based on racism and discriminatory ideas directed against Jewish, Muslim and Arab communities in various parts of the world. His delegation supported the inclusion of language on the subject and thus the amendment proposed by the United States.

21. Ms. RODRÍGUEZ MANCIA (Guatemala) said that her delegation supported the amendment proposed by the United States.

22. Mr. PURI (India) said that his delegation was concerned that racial intolerance and discrimination did not target only Jewish, Muslim and Arab communities. Consequently, it proposed that the phrase “and other communities” should be added to the wording of the United States amendment. He suggested a short suspension of proceedings to allow consultations with a view to arriving at language that would accommodate everyone’s concerns.

23. Ms. KIRKPATRICK (United States of America), speaking on a point of order, said that her delegation was able to accept the wording proposed by the Indian delegation and no suspension was required.

24. Mr. BARG (Libyan Arab Jamahiriya) said that the language proposed by the representative of the United States of America had been used in many other resolutions. It failed, however, to reflect the fact that there had been an increase in discriminatory acts specifically against Islamic and Arab communities. His delegation would prefer to change the order of the wording so as to reflect the actual reality, rather than place anti-Semitism at the top of a stereotypical list.

25. Mr. UMER (Pakistan) said that the Commission should proceed with caution, given that the draft resolution aimed specifically to address the elimination of all forms of religious intolerance. He was somewhat perplexed by the reference to the Arab community which, as he understood it, comprised many different religions. Furthermore, he wondered how accurate it

was to consider anti-Semitism as a religious concept. The Commission needed to be certain that the fundamental issues it raised in the context of the current draft resolution pertained to religious discrimination and not to racism.

26. Mr. REYES RODRÍGUEZ (Cuba) said that his delegation was a sponsor of the draft resolution and fully supported the statement made by the representative of Ireland. It was in favour of a comprehensive text that did not focus on any one religion in particular. Jews, Muslims and Arabs were not the only religious groups that faced discrimination; Catholics too were persecuted in many parts of the world. He agreed with the representative of Pakistan that all the elements of the draft resolution should relate specifically to religious-based discrimination; the reference to anti-Semitism was therefore inappropriate.

27. The Commission should act on the suggestion of the representative of India and examine the issue in greater depth before adopting an irresponsible decision it might regret. However, his delegation was flexible and would join the consensus that emerged.

28. Mr. KHABBAZ HAMOUI (Syrian Arab Republic) said that his delegation would vote in favour of the draft resolution, which was a well-structured one. Regrettably, however, the United States of America had, once again, politicized the debate, by confusing the issues of racism, religion and discrimination and, as a result, the Commission was becoming embroiled in futile and interminable discussions. He failed to understand why no reference had been made to Christian communities. At the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, a list of victims had been drawn up comprising over 20 categories. The Commission could neither make specific reference to all of those categories in the draft resolution nor should it attempt to add more categories. For those reasons, his delegation was not in a position to accept the proposal made by the United States of America, as amended by the representative of India.

29. Ms. WHELAN (Ireland) suggested that a recorded vote be taken on the amendment proposed by the United States of America.

30. Mr. UMER (Pakistan) said that the problem of Islamophobia was undeniably the primary difficulty faced by Muslims in various parts of the world. However, to reach a consensus and to remain within the parameters of religious intolerance, he suggested that the text proposed by the United States could be reformulated to read: “*Recognizing* with deep concern the increase in religious intolerance directed against all religious communities.”

31. Ms. KIRKPATRICK (United States of America) said that her delegation could not accept that formulation. She agreed that the Commission should hold a recorded vote on her delegation’s proposal, as amended by the representative of India, before proceeding any further.

32. Mr. BARG (Libyan Arab Jamahiriya) said that his delegation agreed with a number of the points made in the course of the discussion by the representative of Pakistan. The draft resolution must indeed faithfully reflect reality. The Commission should, however, avoid entering into a debate that would result in a recasting of the entire text.

33. It was unclear whether the formulation submitted by the representative of Pakistan was a sub-amendment to the amendment proposed by the United States of America. According to the rules of procedure, when an amendment was moved to a proposal, the amendment should be voted on first.

34. Mr. PURI (India) said that his delegation's sub-amendment could be further revised to address the concerns of the delegation of Pakistan. The word "all" could be inserted in draft paragraph 13 bis before the words "other religious communities".

35. Following a procedural discussion in which the CHAIRPERSON, Ms. RODRÍGUEZ MANCIA (Guatemala), Mr. UMER (Pakistan), Mr. KAMARA (Sierra Leone), Mr. REYES RODRÍGUEZ (Cuba), Mr. PURI (India) and Ms. WHELAN (Ireland) took part, the CHAIRPERSON suggested that consideration of the draft resolution, its amendments and sub-amendments should be postponed so as to allow time for further consultations.

36. It was so decided.

INTEGRATION OF THE HUMAN RIGHTS OF WOMEN AND THE GENDER PERSPECTIVE:

(a) VIOLENCE AGAINST WOMEN

(agenda item 12) (continued) (E/CN.4/2003/L.50 and L.52)

Draft resolution on integrating the human rights of women throughout the United Nations System (E/CN.4/2003/L.50)

37. Mr. PRADEL (Chile), introducing the draft resolution, said that paragraph 26 had been revised to read:

"Reminds Governments that their obligations under the Convention must be implemented fully and reaffirms their commitment to accelerate the achievement of universal ratification of the Convention, urges all States that have not yet ratified or acceded to the Convention to consider, as a matter of priority, doing so, and urges States parties to consider signing and ratifying the Optional Protocol to the Convention."

38. The sponsors of the draft resolution reaffirmed their commitment to mainstreaming a gender perspective into the work of all entities of the United Nations and welcomed the integration of such a perspective into the major United Nations conferences, special sessions and summits. They also referred to the United Nations Millennium Declaration, in particular its call for the promotion of gender equality and the empowerment of women as effective ways to combat poverty, hunger and disease and to stimulate development that was truly sustainable.

39. Mr. LEBAKINE (Secretary of the Commission) said that the representatives of Ireland, Paraguay, Peru, Republic of Korea and Thailand and the observers for Bangladesh, Belarus,

Ecuador, El Salvador, Greece, Iceland, Liechtenstein, Malta, Philippines, Portugal, Madagascar, Nicaragua and Serbia and Montenegro had become sponsors of the draft resolution, which had no financial implications.

40. Ms. BALLMAN (United States of America) said that her delegation strongly supported the goals of the resolution but still had difficulties with the reference to achieving universal ratification of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in paragraph 26, because that issue was the sovereign right of each State and was not relevant to the goals of the resolution. Nevertheless, since her delegation agreed with the overall goals of the resolution, it would join the consensus.

41. The draft resolution was adopted.

Draft resolution on the elimination of violence against women (E/CN.4/2003/L.52)

42. Ms. WALKER (Canada), introducing the draft resolution, said that it renewed the mandate of the Special Rapporteur on violence against women and highlighted violence within the family, the community and the State. It also stressed, in paragraph 16, the important contribution of the Rome Statute of the International Criminal Court which recognized that violence against women could constitute a war crime a major milestone in human rights. One change had been made to the text of paragraph 28, the first part of which should read: “Encourages the Special Rapporteur to respond effectively to reliable information that comes before her and ...”. She hoped that the draft resolution would be adopted by consensus.

43. Mr. LEBAKINE (Secretary of the Commission) said that the representatives of Armenia, Brazil, Costa Rica, Croatia, France, Guatemala, Ireland, Kenya, Malaysia, Mexico, Peru, Republic of Korea, Senegal, Sierra Leone, South Africa, Swaziland and Thailand and the observers for Angola, Belarus, Bolivia, Colombia, Cyprus, Ecuador, El Salvador, Estonia, the former Yugoslav Republic of Macedonia, Georgia, Italy, Latvia, Liechtenstein, Madagascar, Mongolia, Mozambique, Nicaragua, Philippines, Portugal, Turkey, United Republic of Tanzania and Zambia had become sponsors of the draft resolution.

44. Ms. GOROVE (United States of America) said that, while her delegation strongly supported the draft resolution, it could not accept the reference to the goal of universal ratification of CEDAW in paragraph 11 since it prejudiced a State’s sovereign right to decide whether or not to ratify the Convention. It was also opposed to the language of paragraph 16, which urged States to ratify the Rome Statute of the International Criminal Court, because its ratification was irrelevant to the theme of the draft resolution and because it urged States to ratify the Rome Statute instead of using the word “consider”. She therefore requested a recorded vote on the inclusion of paragraph 16 in the text, which her delegation would vote against, although it would join the consensus on the draft resolution as a whole.

45. Mr. FERRER RODRÍGUEZ (Cuba) said that, although his delegation agreed with the first part of paragraph 16, acknowledging the inclusion of gender-related crimes in the Rome Statute of the International Criminal Court, it had reservations about the second part of the paragraph urging all States to ratify or accede to the Rome Statute. Cuba had not ratified the

Rome Statute because it did not clearly define a crime of aggression or a blockade as a crime against humanity and therefore could not accept a text urging States to ratify that instrument. Consequently, his delegation would abstain in the vote on paragraph 16.

46. Ms. ZEGBIA (Libyan Arab Jamahiriya) said that her delegation had reservations concerning the references to the report of the Special Rapporteur on violence against women (E/CN.4/2003/75) in the seventh preambular paragraph and paragraph 1 of the draft resolution, because that report contained erroneous information regarding the situation of women in her country. Her delegation would therefore oppose the draft resolution.

47. Mr. ADIYIA (Office of the High Commissioner for Human Rights), speaking in accordance with rule 28 of the rules of procedure, said that, under paragraph 32 of the draft resolution, the Commission would renew the mandate of the Special Rapporteur on violence against women at a total cost of US\$ 54,700 per year. Provisions for such activities, of a perennial nature, had already been included in the programme budget for the current biennium and would be included in the proposed programme budget for the biennium 2004-2005. Consequently, no additional appropriation would be required.

48. At the request of the representative of the United States of America, a recorded vote was taken on paragraph 16 of the draft resolution.

In favour: Argentina, Armenia, Australia, Austria, Bahrain, Belgium, Brazil, Burkina Faso, Canada, Chile, Costa Rica, Croatia, Democratic Republic of the Congo, France, Germany, Guatemala, Ireland, Japan, Kenya, Malaysia, Mexico, Pakistan, Paraguay, Peru, Poland, Republic of Korea, Russian Federation, Senegal, Sierra Leone, South Africa, Sweden, Syrian Arab Republic, Thailand, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela and Zimbabwe.

Against: India, Libyan Arab Jamahiriya, United States of America

Abstaining: Algeria, Cameroon, China, Cuba, Gabon, Saudi Arabia, Sri Lanka, Sudan, Swaziland, Togo, Uganda, Viet Nam.

49. Paragraph 16 of the draft resolution was adopted by 38 votes to 3, with 12 abstentions.

50. The draft resolution was adopted.

51. Ms. NASCIMBENE DE DUMONT (Argentina), said that her delegation had joined the consensus on both resolutions under agenda item 12 because of its support for the rights of women and for policies to eliminate all forms of discrimination against them. However, it considered that the concept of gender referred to the natural differences between men and women and that the expression "gender perspective" signified achieving equal opportunities for men and women. Furthermore, Argentina had no plans to ratify the Optional Protocol to CEDAW and, in connection with a reference in paragraph 9 of the resolution on the elimination of violence against women, her delegation's support for that resolution should not be interpreted as acceptance of or justification for the practice of abortion.

SPECIFIC GROUPS AND INDIVIDUALS:

- (a) MIGRANT WORKERS
- (b) MINORITIES
- (c) MASS EXODUSES AND DISPLACED PERSONS
- (d) OTHER VULNERABLE GROUPS AND INDIVIDUALS

(agenda item 14) (continued) E/CN.4/2003/L.63, L.64, L.67, L.68, L.70 and L.71/Rev.1

Draft resolution on the human rights of migrants (E/CN.4/2003/L.63)

52. Ms. ACOSTA (Mexico), introducing the draft resolution on behalf of its sponsors, said that it represented a merger of the resolution on the protection of migrants and their families sponsored by Ecuador and adopted by the Commission in 2002 and the resolution on the human rights of migrants traditionally submitted by her delegation. A change had been made to paragraph 31 the revised text of which should read: “Urges States to consider ratifying or adhering to the United Nations Convention against Transnational Organized Crime and its two additional protocols...”, the rest of the paragraph remaining unchanged. She hoped that the resolution would be adopted without a vote.

53. Mr. LEBAKINE (Secretary of the Commission) said that the representatives of Argentina and Democratic Republic of the Congo and the observers for Bolivia, Georgia, Morocco and Serbia and Montenegro had become sponsors of the draft resolution, which had no financial implications.

54. The draft resolution was adopted.

Draft resolution on the protection of human rights in the context of human immunodeficiency virus (HIV) and acquired immunodeficiency syndrome (AIDS) (E/CN.4/2003/L.64)

55. Ms. ŻUREK (Poland), introducing the draft resolution on behalf of its sponsors, said that the promotion and protection of human rights were essential to safeguarding human dignity in the context of HIV/AIDS and ensuring an effective rights-based response to the pandemic. The language of the resolution had been updated to reflect new developments and some progress while still expressing concern over the devastating scale of the pandemic. She thanked the Joint United Nations Programme on HIV/AIDS (UNAIDS) for its continuous support and expertise during the preparatory process of the text and hoped that, as in previous years, the draft resolution would be adopted without a vote.

56. Mr. LEBAKINE (Secretary of the Commission) said that the representatives of Armenia, France, Peru, Thailand, Ukraine, United States of America and Uruguay and the observers for Bulgaria, Ecuador, Iceland, Nicaragua and Zambia had become sponsors of the draft resolution, which had no financial implications.

57. The draft resolution was adopted.

Draft resolution on the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (E/CN.4/2003/L.67)

58. Mr. ALBIN (Mexico), introducing the draft resolution on behalf of its sponsors, emphasized the special significance of the Convention in the year that it would enter into force, having accumulated the required number of ratifications. Migration had been going on since the dawn of time and all the world's populations were a product of the search for a better life. The Convention was crucial in guaranteeing respect for the human rights of all migrant workers. It contained no rights exclusive to migrant workers, but sought to promote their interests in the countries of origin, transit and destination. For its proper functioning, all three categories of countries should accede to the Convention. He looked forward to the election of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and the first meeting of States parties not later than 31 December 2003, which would itself promote the cause of the Convention.

59. Mr. LEBAKINE (Secretary of the Commission) said that the representatives of Chile and Democratic Republic of the Congo and the observers for Nicaragua and Timor-Leste had become sponsors of the draft resolution.

60. Ms. WONG (Office of the High Commissioner for Human Rights) said that, in view of the fact that the Convention would enter into force on 1 July 2003, travel and subsistence requirements for the 10 members of the Committee had been included by the Secretary-General in his proposed programme budget for the biennium 2004-2005.

61. Mr. SMITH (Australia), speaking in explanation of vote before the voting, said that, while his delegation would not oppose the adoption of the draft resolution, it was concerned at the implications of funding the Committee from the regular budget of the United Nations, given that the Committee's activities would be of direct relevance only to the relatively small group of States that were parties to the Convention. Secretariat support for the treaty bodies was already under-resourced and funding the Committee from the regular budget could divert resources from other human rights bodies, whose activities were of more direct relevance to a greater number of States.

62. Mr. DeLAURENTIS (United States of America) said that, although his delegation would not oppose the adoption of the draft resolution, it had strong reservations regarding the Convention and would not welcome or encourage ratifications thereof or accessions thereto. In particular, it had serious concerns about the financial implications of establishing and maintaining the Committee.

63. Mr. WESTDAL (Canada) said that his delegation's concerns regarding the Convention stemmed from the fact that, over the last century or more, Canada had carefully developed its own immigration system. His Government believed that migration was a positive phenomenon and that managed migration programmes could promote economic growth, family reunification, refugee protection and cultural diversity. To that end, the Canadian authorities had recently tabled new legislation to reinforce the values of citizenship and the importance of a strong commitment to Canada. Over the past 10 years alone, Canada had welcomed more than 2 million new immigrants as permanent residents and thousands more as temporary workers. The Canadian Charter of Rights and Freedoms protected everyone, regardless of status. It was his Government's view that Canada's existing system was - for Canada - preferable to the Convention.

64. Recognizing, however, that many countries did not have migration programmes or protection for migrants, his delegation would not oppose a consensus on the draft resolution. Indeed, it strongly supported the work of the Special Rapporteur on the human rights of migrants and urged the countries she had visited to give serious consideration to implementing her recommendations.

65. The draft resolution was adopted.

Draft resolution on the human rights of persons with disabilities (E/CN.4/2003/L.68)

66. Mr. MOLANDER (Sweden), introducing the draft resolution on behalf of its sponsors, said that human rights instruments applied to all, including persons with disabilities. People in vulnerable situations needed special protection, however, and Governments must create societies accessible to all. Under the draft resolution, Governments reaffirmed their commitments to take active steps to remove obstacles to the enjoyment of all human rights and to develop national policies. He hoped that it would be adopted without a vote.

67. Mr. LEBAKINE (Secretary of the Commission) said that the representatives of Armenia, Burkina Faso, Ireland, Pakistan, Paraguay, Peru, Sierra Leone and Ukraine and the observers for Belarus, Colombia, Dominican Republic, Eritrea, Ethiopia and Israel had become sponsors of the draft resolution.

68. The draft resolution was adopted.

Draft resolution on the rights of persons belonging to national or ethnic, religious and linguistic minorities (E/CN.4/2003/L.70)

69. Mr. MAUTNER-MARKHOF (Austria), introducing the draft resolution on behalf of its sponsors, said that it reminded States of their obligation to ensure that members of minorities could exercise their human rights and fundamental freedoms without discrimination and invited them to take appropriate steps to that end. The existing United Nations system of minority protection was often insufficient and the draft resolution asked the High Commissioner for Human Rights to examine the existing Commission mechanisms with a view to improving their effectiveness.

70. Many conflicts had their roots in the violation of the rights of minorities and such situations should be tackled at an early stage. Unfortunately, not all delegations had been able to agree to the proposal to include a reference to conflict prevention in the text. In order to maintain consensus, therefore, it had been decided to introduce a few changes. The eighth preambular paragraph should be replaced by a new paragraph, placed after the ninth preambular paragraph, to read: “*Emphasizing* the importance of the timely identification of human rights problems and situations involving national or ethnic, religious and linguistic minorities”. In paragraph 17, the phrase “and to identifying possible shortcomings” in the second line should be replaced by the words “and to identify possible gaps”. In the same paragraph, the phrase “in particular with respect to situations of tension involving those minorities” should be deleted.

71. Mr. LEBAKINE (Secretary of the Commission) said that the representative of Thailand and the observers for Ecuador, Eritrea, Ethiopia, Netherlands and Nicaragua had become sponsors of the draft resolution.

72. Mr. KARIYAWASAM (Sri Lanka) said that, in view of the thoughtful changes that had been made by the sponsors of the draft resolution, his delegation would like to become a sponsor.

73. Mr. UMER (Pakistan), after expressing appreciation of a draft resolution that had considerable contemporary relevance, said that his delegation was puzzled by the changes made to the text. Commission resolution 2002/57, paragraph 16, specifically requested the High Commissioner to submit a report on the situation of minorities, “in particular with respect to conflict prevention”. Paragraph 30 of that report (E/CN.4/2003/87) stressed the need for preventing conflict through early warning, mediation and the dissemination of the necessary knowledge on existing procedures and mechanisms. It was surprising, therefore, that such references should have been removed from the draft resolution. In a spirit of compromise, however, his delegation would not ask for a vote. It trusted that the High Commissioner would continue to fulfil his mandate.

74. The draft resolution, as orally revised, was adopted.

Draft resolution on internally displaced persons (E/CN.4/2003/L.71/Rev.1)

75. Mr. MAUTNER-MARKHOF (Austria), introducing the draft resolution on behalf of its sponsors, said that, over the past year, there had been changes in the institutional response of the United Nations system to the plight of internally displaced persons. An IDP Unit was operating within the Office for the Coordination of Humanitarian Affairs (OCHA), with the aim of improving collaboration by all the relevant agencies. The draft resolution stressed the need to strengthen such arrangements still further. Another important development had been the application of the Guiding Principles on Internal Displacement by an increasing number of Governments, United Nations agencies and regional and non-governmental organizations. Despite the progress made, however, the fate of many millions of internally displaced persons around the world remained a matter of concern. Long negotiations with a number of interested delegations had led to a good balance of views, which should allow for the adoption of the resolution without a vote.

76. Mr. LEBAKINE (Secretary of the Commission) said that the representatives of Australia, Croatia and Thailand and the observers for Afghanistan, Eritrea and Nicaragua had become sponsors of the draft resolution.

77. Mr. PURI (India) said that the primary responsibility for protecting and assisting internally displaced persons lay with the States concerned; international action should respect their sovereignty and should take place only at the request or with the consent of the countries concerned. Internally displaced persons suffering from an absence of legal or institutional basis for their protection were found only in countries where there was no effective State or the State had collapsed: in other words, failed States. There were not many such cases. Countries where such persons did not find adequate protection because of a lack of will on the part of the Government concerned were even fewer.

78. The Guiding Principles on Internal Displacement did not enjoy intergovernmental approval and were therefore not legally binding. Domestic law must prevail; and such domestic law must provide a high level of protection for human rights. His delegation was concerned at the attempts to introduce substantial new language and ideas in the draft resolution, which did not augur well for retaining the consensus within the Commission. Many of the issues that the sponsors had sought to include were humanitarian in nature and fell within the purview of specialized United Nations agencies rather than the Commission.

79. The draft resolution was adopted.

The meeting rose at 6.05 p.m.