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SUMMARY RECORD OF THE 44th MEETING

Held at the Palais des Nations, Geneva,
on Thursday 7 April 2004, at 3 p.m.

Chairperson: Mr. SMITH (Australia)

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

CONSIDERATION OF DRAFT RESOLUTIONS RELATING TO AGENDA ITEMS 4 AND 5

Draft resolution E/CN.4/2004/L.14 (Strengthening of the Office of the High Commissioner for Human Rights)

1. Mr. SHA Zukang (China), introducing draft resolution L.14 on behalf of his country and the States members of the Like-Minded Group of States, said that it contained a traditional text aimed at strengthening the Office of the High Commissioner, in accordance with the Vienna Declaration and Programme of Action. The text did, however, contain one new element, the reference in paragraph 2 to the appointment of the new High Commissioner for Human Rights. In that regard, the Like-Minded Group of States, while welcoming the appointment of Ms. Louise Arbour, noted with regret that that Ms. Arbour and her predecessors had been chosen by the two regional groups, those of States of Western Europe and of States of Latin America and the Caribbean. That was why paragraph 2 referred to General Assembly resolution 48/141, which stressed geographical rotation.

2. Following informal consultations among the States which he represented, it had been proposed to amend paragraph 2, dividing it into two parts. The paragraph would now read:

“2. *Welcomes* the appointment of the new High Commissioner for Human Rights.

3. *Requests* the Secretary-General, in appointing the High Commissioner for Human Rights in future, to take due account of geographical rotation, as set out in General Assembly resolution 48/141.”

The remaining paragraphs would be renumbered accordingly.

3. He thanked all parties for their cooperation and hoped that the text could be adopted by consensus.

4. Mr. STEINER (Germany), citing article 48 of the Rules of Procedure of Technical Commissions of the Economic and Social Council, requested a brief suspension of the meeting.

5. *The meeting was suspended at 1.13 p.m. and resumed at 3.29 p.m.*

6. Mr. DELAURENTIS (United States of America) proposed three amendments to draft resolution L.14, the first being to delete paragraph 8. In his delegation's view, there was no reason to mention the right to development in the draft resolution, especially since there had never been any generally accepted definition of that right. In addition, he proposed the inclusion, in the second line of paragraph 9, of the words “civil, political,” before the words “economic, social and cultural rights”. Similarly, he suggested the same amendment in the fourth line of paragraph 10. His delegation saw no reason to give priority to economic, social and cultural rights over civil and political rights. He asked for those amendments to be put to the vote.

7. Mr. SHA Zukang (China) pointed out to the United States representative that paragraph 8, which he had proposed deleting, and paragraphs 9 and 10, which he had proposed amending, were in fact identical to the text of draft resolution E/CN.4/2002/L.8, which the Commission had adopted by consensus at its fifty-eighth session.

8. Mr. FERNANDEZ (Cuba) said that the amendments proposed by the United States were quite out of place. For developing countries, the right to development, the follow-up to which the High Commissioner was invited to ensure in paragraph 8, was of capital importance. In addition, it was normal to give priority, in paragraphs 9 and 10, to economic, social and cultural rights, since they had long been neglected. He urged developing countries to vote against the amendments proposed by the United States delegation.

9. Mr. PURI (India) said that the proposal to delete paragraph 8 was inadmissible. The right to development had been accepted by the international community and was also referred to explicitly in the Vienna Declaration. Moreover, the fact that the definition of a term or expression raised certain difficulties was not a reason to stop referring to it. For example, it had not been possible to reach an understanding on a definition of terrorism, but that did not mean that it should no longer be combated.

10. Mr. LUKIYANTSEV (Russian Federation) supported the text introduced by the representative of China on behalf of the Group of Like-Minded States. He recalled that there had been a consensus in the past on the paragraphs to which the United States delegation had proposed amendments. The text proposed by the Chinese delegation served to correct the imbalance that had characterized the activities of the Office of the High Commissioner for Human Rights, which had for too long had a tendency to emphasize civil and political rights to the detriment of economic, social and cultural rights. By rightly stressing the latter and the right to development, the text restored the balance which the Office of the High Commissioner had to respect in its activities and its priorities.

11. Mr. MAXWELL HEYWARD (Australia) proposed a further amendment to the text submitted by China.

12. Mr. CHIPAZIWA (Zimbabwe), speaking on a point of order, noted that a new proposal could not be made at that stage of the proceedings.

13. The CHAIRPERSON agreed with the representative of Zimbabwe and put the amendments proposed by the United States delegation to a vote.

14. *At the request of the representative of the United States, a recorded vote was taken on the first United States amendment to delete paragraph 8 of draft resolution E/CN.4/2004/L.14*

In favour: United States of America.

Against: Argentina, Armenia, Austria, Bahrain, Bhutan, Brazil, Burkina Faso, Chile, China, Congo, Costa Rica, Croatia, Cuba, Dominican Republic, Egypt, Eritrea, Ethiopia, France, Gabon, Germany, Guatemala, Honduras, Hungary, India, Indonesia, Ireland, Italy, Mauritania, Mexico, Nepal, Netherlands, Nigeria, Pakistan, Paraguay, Peru, Qatar, Russian Federation, Saudi Arabia, Sierra Leone, South Africa, Sri Lanka, Sudan, Swaziland, Sweden, Togo, Uganda, Ukraine, United Kingdom, Zimbabwe.

Abstaining: Australia, Japan, Republic of Korea.

15. *The amendment proposed by the United States to delete paragraph 8 of draft resolution L.14 was rejected by 49 votes to 1, with 3 abstentions.*

16. *At the request of the representative of the United States, a recorded vote was taken on the second United States amendment, to paragraph 9 of draft resolution L.14.*

In favour: Australia, Honduras, Japan, United States of America.

Against: Argentina, Armenia, Bahrain, Bhutan, Brazil, Burkina Faso, China, Congo, Costa Rica, Cuba, Dominican Republic, Egypt, Eritrea, Ethiopia, India, Indonesia, Mauritania, Nepal, Nigeria, Pakistan, Paraguay, Qatar, Russian Federation, Saudi Arabia, Sierra Leone, South Africa, Sri Lanka, Sudan, Swaziland, Togo, Uganda, Zimbabwe.

Abstaining: Austria, Chile, Croatia, France, Gabon, Germany, Guatemala, Hungary, Ireland, Italy, Mexico, Netherlands, Peru, Republic of Korea, Sweden, Ukraine, United Kingdom.

17. *The second amendment proposed by the United States, to paragraph 9 of draft resolution L.14, was rejected by 32 votes to 4, with 17 abstentions.*

18. *At the request of the representative of the United States, a recorded vote was taken on the third United States amendment, to paragraph 10 of draft resolution L.14.*

In favour: Australia, Honduras, United States of America.

Against: Argentina, Armenia, Bahrain, Bhutan, Brazil, Burkina Faso, China, Congo, Costa Rica, Cuba, Dominican Republic, Egypt, Eritrea, Ethiopia, Gabon, India, Indonesia, Mauritania, Nepal, Nigeria, Pakistan, Paraguay, Qatar, Russian Federation, Saudi Arabia, Sierra Leone, South Africa, Sri Lanka, Sudan, Swaziland, Togo, Uganda, Zimbabwe.

Abstaining: Austria, Chile, Croatia, France, Germany, Guatemala, Hungary, Ireland, Italy, Japan, Mexico, Netherlands, Peru, Republic of Korea, Sweden, Ukraine, United Kingdom.

19. *The third amendment proposed by the United States, to paragraph 10 of draft resolution L.14, was rejected by 33 votes to 3, with 17 abstentions.*

20. *At the request of the representative of the United States, a recorded vote was taken on draft resolution E/CN.4/2004/L.14, as orally amended by the representative of China.*

In favour: Argentina, Armenia, Austria, Bahrain, Bhutan, Brazil, Burkina Faso, Chile, China, Congo, Costa Rica, Croatia, Cuba, Dominican Republic, Egypt, Eritrea, Ethiopia, France, Gabon, Germany, Guatemala, Honduras, Hungary, India, Indonesia, Ireland, Italy, Japan, Mauritania, Mexico, Nepal, Netherlands, Nigeria, Pakistan, Paraguay, Peru, Qatar, Republic of Korea, Russian Federation, Saudi Arabia, Sierra Leone, South Africa, Sri Lanka, Sudan, Swaziland, Sweden, Togo, Uganda, Ukraine, United Kingdom, Zimbabwe.

Against: None.

Abstaining: Australia, United States of America.

21. *Draft resolution E/CN.4/2004/L.14, as orally amended by the representative of China, was adopted by 51 votes to none, with 2 abstentions.*

Explanations of vote after the vote

22. Mr. PURI (India) expressed satisfaction that draft resolution L.14 had been approved by such an overwhelming majority. He thanked the European Union in particular for voting for the draft resolution.

23. Ms. WHELAN (Ireland), speaking on behalf of the European Union, regretted that there had not been sufficient time for the negotiations on the text to enable it to be adopted by consensus. The adoption of the draft resolution, and in particular article 2, in no way detracted from the fact that the European Union welcomed the appointment of Ms. Louise Arbour to the post of High Commissioner for Human Rights and wished to reaffirm its strong support for her in her new functions.

24. Mr. SHA Zukang (China) said that he did not accept the statement by the representative of Ireland that only lack of time had prevented a consensus on the text just adopted.

CONSIDERATION OF DRAFT RESOLUTIONS RELATING TO AGENDA ITEM 5

Draft resolution E/CN.4/2004/L.7 (Situation in occupied Palestine)

25. Mr. ATTAR (Saudi Arabia) recalled that articles 1 and 55 of the Charter of the United Nations, article 1 of the International Covenant on Economic, Social and Cultural Rights and article 1 of the International Covenant on Civil and Political Rights affirmed the right of peoples to self-determination, and that the Vienna Declaration and Programme of Action set forth the right of peoples, including peoples under foreign occupation, to self-determination. For their part, the General Assembly and the Commission had repeatedly affirmed the inalienable rights of the Palestinian people, especially its right to self-determination. Saudi Arabia and a number of other sponsors, convinced of the legitimacy of the rights of the Palestinian people, had drawn up draft resolution E/CN.4/2004/L.7 concerning the situation in occupied Palestine.

26. Mr. LEVY (Observer for Israel) asked members of the Commission to think carefully before voting on the draft resolution before them. Palestinian self-determination was a political issue that was under negotiation between Israel and the Palestinians. While some aspects of the question were related to human rights, it was part of a broad political context subject to negotiations between the parties. Not very long before, Israel and the Palestinians had been in negotiations about permanent status relating, among other issues, to the status of the territories under dispute.

27. Israel supported the right of self-determination and the right of peoples to govern themselves, in the Middle East as throughout the world. The history of the State of Israel was also to a large extent the story of the Jewish people's right to self-determination. The Palestinian leaders had to realize that the Israeli-Palestinian conflict was bound up with the history of two peoples, not just one, and their right to coexist in peace and security. Israel respected the right of its neighbours, the Arab States and the Palestinians, to self-determination. It expected in return recognition, not only of the *de facto* existence of the State of Israel, but also of its right to self-determination, and hoped to obtain that recognition through peaceful means in the framework of the Camp David Agreements negotiated in 1978. Arab leaders should encourage their peoples not only to defend their rights but also to make concessions and recognize the rights of others.

28. Unfortunately, as the record showed, the Palestinian Authority had chosen not to consummate the negotiations, neither at Camp David nor later at Taba in January 2001, but instead to continue the violence in an attempt to force Israel to make concessions, contrary to all the agreements negotiated and signed between the Israelis and the Palestinians. In the Commission, several States were trying to force Israel's hand through the diplomatic channel. Israel's position remained unchanged: self-determination must be achieved through direct and peaceful negotiations between the two parties directly concerned. Israel would not give in to violence and would not allow violence to dictate its policies.

29. Arab and Palestinian speakers sometimes used code words and euphemisms in their statements. In referring to the right of self-determination, for instance, Arab States had in mind the so-called "right of return". For the Palestinians, that right meant that, if a Palestinian State was established side by side with Israel, Palestinian refugees could return not only to the Palestinian State but also to another State, Israel, thus annulling Israel's right to self-determination. The Palestinian's hidden intentions, however, did not appear only in their words: Israel did not appear on the map printed on the letterhead of the Permanent Observer Mission of Palestine to the United Nations Office at Geneva. He urged the members of the Commission to vote against the draft resolution on the situation in occupied Palestine.

30. Mr. RAMLAWI (Observer for Palestine) recalled that the Commission had for several decades adopted resolutions recognizing the right of the Palestinian people to self-determination and calling on Israel to withdraw from the Palestinian territories occupied by force since 1967. The right of peoples to self-determination was enshrined in the Charter of the United Nations and in the Covenants. It was therefore legitimate that the Palestinian people should demand that right. Because of the Israeli occupation, however, it could not exercise that right. That occupation must cease. He would not comment on the Israeli observer's statement but asked the Commission to show its opposition to Israel's position by voting heavily in favour of the draft resolution.

Explanations of vote before the vote

31. Mr. WILLIAMSON (United States of America) said that the conflict in the Middle East required specific and pragmatic measures more than rhetorical statements. While some were seriously endeavouring to resolve it, the activities of the Commission on Human Rights seemed to be increasingly divorced from reality. That conflict was a matter for the Security Council, which in fact often considered the various aspects of the situation in the West Bank and the Gaza Strip. The Commission should not state its view on political issues that did not fall within its mandate. The draft resolution before the Commission did not advance the peace process.

32. President Bush had stated clearly that the United States favoured the existence of two States, Israel and Palestine, in the Middle East, and was doing everything it could to make that a reality. The previous week, envoys had been appointed to meet members of the group of four and leaders in the region. If progress was to be made, it was essential for the two parties concerned to assume their responsibilities and obligations. That meant that the Palestinians must take specific measures to stem violence and carry out reforms and that Israel must make efforts to improve the humanitarian situation and to fulfil its obligations, especially with respect to the settlements. The United States would continue to carry out active diplomacy in order to achieve the establishment of two States, Israel and Palestine. The United States delegation would vote against the draft resolution before the Commission and urged its members to do likewise.

33. Mr. PIRA (Guatemala) acknowledged the Palestinian people's right to self-determination and to have a State. The Guatemalan delegation would therefore vote for the draft resolution before the Commission. That position, however, in no way placed in question the right of Israel to exist as a State. Recognition of the mutual right to self-determination was essential if Israel and Palestine were to live as neighbouring States with internationally recognized borders. The Palestinian people's right to self-determination must be realized through negotiations between Israel and the Palestinian Authority. It was therefore important for the two parties to resume negotiations.

34. *At the request of the representative of the United States, a recorded vote was taken on draft resolution E/CN.4/2004/L.7.*

In favour: Argentina, Armenia, Australia, Austria, Bahrain, Bhutan, Brazil, Burkina Faso, Chile, China, Congo, Costa Rica, Croatia, Cuba, Dominican Republic, Egypt, Eritrea, Ethiopia, France, Gabon, Germany, Guatemala, Honduras, Hungary, India, Indonesia, Ireland, Italy, Japan, Mauritania, Mexico, Nepal, Netherlands, Nigeria, Pakistan, Paraguay, Peru, Qatar, Republic of Korea, Russian Federation, Saudi Arabia, Sierra Leone, South Africa, Sri Lanka, Sudan, Swaziland, Sweden, Togo, Uganda, Ukraine, United Kingdom, Zimbabwe.

Against: United States of America.

Abstaining: None.

35. *Draft resolution E/CN.4/2004/L.7 was adopted by 52 votes to 1.*

Draft resolution E/CN.4/2004/L.8 (Question of Western Sahara)

36. The CHAIRPERSON submitted the draft resolution on the question of Western Sahara to the Commission from the Chair. His understanding was that it had general support.

37. *Draft resolution E/CN.4/2004/L.8 was adopted without a vote.*

Draft resolution E/CN.4/2005/L.15 (The use of mercenaries as a means of violating human rights and impeding the right of peoples to self-determination)

38. Mr. REYES RODRIGUEZ (Cuba), introducing draft resolution E/CN.4/2005/L.15, said that the use of mercenaries was a threat to peace, security and the right of peoples to self-determination and prevented peoples from exercising their basic rights. The draft resolution paid tribute to Mr. Bernales Ballesteros, the Special Rapporteur on that subject, for the competence with which he had fulfilled his mandate for 16 years, and decided to extend his mandate for three years. In addition, the draft resolution requested the Office of the High Commissioner for Human Rights to convene a third meeting of experts on traditional and new forms of using mercenaries as a means of violating human rights and impeding the right of peoples to self-determination.

Explanations of vote before the vote

39. Ms. WHELAN (Ireland), speaking on behalf of European Union countries members of the Commission and Hungary, a country acceding to the European Union and member of the Commission, said that the European Union shared the concerns expressed by the Special Rapporteur on mercenaries and was particularly worried by the impact of mercenary activity on

the duration and nature of armed conflicts. It strongly condemned the involvement of mercenaries in terrorist activities.

40. The States members of the European Union would, however, vote against the draft resolution before the Commission because they believed that the Commission was not the right forum to discuss the question of mercenaries. They doubted whether that question should be dealt with primarily as a human rights problem and a threat to the right of peoples to self-determination, and considered that it should be considered, rather, by the Sixth Committee of the General Assembly.

41. The States members of the European Union believed that the mandate of the Special Rapporteur on the use of mercenaries should be terminated, and that the Office of the High Commissioner should not be asked to devote priority attention, or divert resources, to the organization of workshops on that subject. They would continue to participate actively, in the appropriate forums, in the dialogue with interested States, with a view to curtailing the threats posed by mercenary activities.

42. That explanation of vote had been agreed to by the European Union as a whole, and by the acceding countries – Cyprus, the Czech Republic, Estonia, Latvia, Lithuania, Malta, Poland, the Slovak Republic and Slovenia – and the candidate countries – Bulgaria, Romania and Turkey.

43. Mr. DELAURENTIS (United States of America) said that he broadly shared the views expressed by the representative of the European Union and requested that the draft resolution before the Commission should be put to the vote.

44. *At the request of the representative of the United States, a recorded vote was taken on draft resolution E/CN.4/2004/L.15.*

In favour: Argentina, Armenia, Bahrain, Bhutan, Brazil, Burkina Faso, Chile, China, Congo, Costa Rica, Cuba, Dominican Republic, Egypt, Eritrea, Ethiopia, Gabon, Guatemala, India, Indonesia, Mauritania, Mexico, Nepal, Nigeria, Pakistan, Paraguay, Peru, Qatar, Russian Federation, Sierra Leone, South Africa, Sri Lanka, Sudan, Swaziland, Togo, Uganda, Zimbabwe.

Against: Australia, Austria, France, Germany, Honduras, Hungary, Ireland, Italy, Japan, Netherlands, Sweden, Ukraine, United Kingdom, United States of America.

Abstaining: Croatia, Republic of Korea, Saudi Arabia.

45. *Draft resolution /CN.4/2004/L.15 was adopted by 36 votes to 14, with 3 abstentions.*

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.4/2004/71-76 and Add. 1-4, 77 and Add. 1-4, 78 and Add. 1, 119, 122; E/CN.4/2004/G/15, 17, 32; E/CN.4/2004/NGO/20, 22, 23, 61, 63, 67, 75, 87, 90, 97, 115, 137, 148, 178, 188, 209, 215, 216, 233, 234, 235, 242, 249, 250, 251, 252; A/58/118 and Corr. 1, 161 and 255).

46. Mr. COUTAU (Observer for the International Committee of the Red Cross) recalled that at the Commission's previous session the International Committee of the Red Cross (ICRC) had informed the Commission of the outcome of the International Conference of Governmental and

Non-Governmental Experts on Missing Persons which ICRC had organized in February 2003. As the President of ICRC had mentioned in his statement to the Commission, the 28th International Conference of the Red Cross and Red Crescent, held in December 2003 at Geneva, had acknowledged the importance of the issue by adopting the Agenda for Humanitarian Action, General Objective 1 of which was to respect and restore the dignity of persons missing as a result of armed conflicts or other situations of armed violence and of their families. The International Conference of Experts had recommended a number of specific measures, including providing means of identification for all members of armed forces and armed groups, facilitating exchanges of information between family members, including those who were members of armed forces or armed groups, and persons deprived of their liberty, ensuring that everything was done to identify the remains of the dead and providing all possible support to the families of missing persons. Those specific measures should be accompanied by legal guidelines. In that context, ICRC stressed the importance of the work of the intersessional open-ended working group to elaborate a draft legally binding normative instrument for the protection of all persons from enforced disappearance. States should ensure the implementation of the current and future provisions of international law by incorporating them into their domestic law. In its efforts to resolve the problem of persons reported missing in an armed conflict or situation of internal violence, ICRC would like to be able to count on the support of the Commission and the Office of the High Commissioner for Human Rights.

47. Mr. COSTEA (Observer for Romania) said that since human trafficking was a complex phenomenon going beyond national borders it could be combated effectively only through regional and international approaches. Regional instability and the difficulties resulting from economic transition had encouraged the emergence in Romania of criminal human trafficking networks. The firm and targeted measures taken by the Romanian Government had helped to reduce the activities of those networks. In 2003, the Romanian authorities had dismantled 40 criminal networks involved in trafficking and illegal immigration, 778 persons had been investigated as part of the anti-trafficking campaign, 125 cases had been sent to the courts and so far 50 sentences had been handed down with maximum penalties of up to 10 years' imprisonment.

48. Romania was also active in combating human trafficking at the regional level, especially through its role as coordinator in the Regional Centre for Combating Trans-border Crime in the framework of the Southeast European Cooperative Initiative, whose headquarters was in Bucharest. Guided by the lessons learned from the regional Mirage operations carried out in 2002 and 2003, the authorities had set up a network of Romanian liaison officers in European States and had adopted a new approach in gathering information. In addition, the anti-trafficking bodies had signed agreements with neighbouring countries of origin and some destination countries. The Romanian authorities also intended to enhance anti-trafficking measures in the framework of the Black Sea Economic Cooperation Organization (BSEC).

49. Mr. SALMAN (Observer for Iraq) recalled that millions of people had had to leave Iraq to escape political repression. It was currently estimated that about 3 million persons were outside the country, some of whom, but not all, had been able to obtain the status of political or humanitarian refugees. Those people were living in very difficult conditions and it was difficult for them to return to their country. The Iraqi authorities had established a Ministry of Exiles and Refugees which was taking measures, in cooperation with humanitarian agencies, to facilitate their return and try to find them suitable work, despite the high unemployment rate in Iraq.

50. The members of the Kurdish, Turkmen, Assyrian and other minorities had suffered greatly from the repression carried out under the dictatorship, and many of them had had to give up their cultural identity or leave the country. Currently, since the downfall of the former regime, the members of those minorities exercised all their rights; they could return to live wherever they wished in Iraqi territory and were free to express their views. However, new phenomena such as poverty, illiteracy and disease were now emerging in Iraq. The most vulnerable groups in society, such as the disabled, widows and children, were the first to be affected. Homes and other centres or those groups had often been destroyed. In order to rebuild that kind of infrastructure, the Iraqi authorities needed the immediate help of the United Nations and its various agencies.

51. Mr. HILL (Observer for New Zealand) drew attention to an often invisible and marginalized group: persons with disabilities. It was regrettable that all too often their rights did not receive the protection that should be provided to them under article 2 of the two international covenants. That had led New Zealand to give its active support to the drafting of a convention on the rights of persons with disabilities. Those persons aspired simply to live a normal life and to participate in decisions affecting them. It was, however, encouraging to note that the working group to prepare a draft convention on the rights and dignity of persons with disabilities had made progress in its work. It was to be hoped that the Ad Hoc Committee that would consider the text submitted by the Working Group would show the same positive spirit and that the convention could be concluded quickly.

52. Mr. PAREDES PROANO (Observer for Ecuador) reaffirmed the importance that Ecuador attached to the protection of the rights of disabled persons. In that connection, he recalled that his country had taken over the chairmanship of the Ad Hoc Committee established by the General Assembly to consider a draft convention for the promotion and protection of those persons' rights.

53. Ecuador's interest in migrants stemmed mainly from the fact that it was a country both of origin and of destination for a growing number of migrants. That situation had led the Ecuadorian Government to adopt measures to protect those persons and their families, the implementation of which had been entrusted to an under-secretariat for questions of migration. In addition, Ecuador had hosted the first meeting on migration and population movements in the European Union and Latin America and the Caribbean, the aim of which had been to take action to ensure the protection of migrants' rights, in particular those of illegal migrants, and to combat trafficking in human beings as a transnational offence.

54. Migration had increased continuously in recent years, and any violation of migrants' basic rights must be condemned. In that connection, Ecuador welcomed the entry into force of the Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, to which it was a party, and appealed to all States to accede to it. The Ecuadorian delegation also welcomed the holding of the first session of the Committee established to monitor the implementation by States parties of the standards contained in the Convention. Ecuador also intended to host an international seminar to promote and disseminate the Convention. Ecuador urged States to adopt the resolutions to be submitted on that issue at the current session by consensus.

55. Ms. ROWE (International Federation of Red Cross and Red Crescent Societies) said that the work of her organization was to help the most vulnerable, whose number was continually growing, inter alia, through disasters, disease and discrimination. One such group consisted of

persons living outside their country of nationality, whether they were migrant workers, refugees, asylum seekers or victims of trafficking. Whatever their status, it was for governments to ensure that their dignity was respected.

56. Another group of vulnerable persons was the victims of “forgotten disasters” – those that were forgotten because the attention of the media and hence of donors had moved elsewhere. In that connection, the work of the United Nations Emergency Relief Coordinator to address that problem was to be welcomed. Her Federation expressed the hope that the Office of the High Commissioner for Human Rights would take similar action to defend the rights of those groups.

57. At the 28th International Conference of the Red Cross and Red Crescent in December 2003, States and national societies had again committed themselves to developing monitoring mechanisms to protect human dignity in all circumstances and reduce the vulnerability of populations affected by armed conflicts, disasters and diseases. The Federation hoped that the Commission on Human Rights would contribute to the success of that endeavour.

58. Mr. TREJO (Observer for El Salvador) said that protection of the human rights of migrant workers was a priority for El Salvador because it was a country of origin, transit and, to a lesser degree, destination for migrant workers. For that reason, El Salvador welcomed the entry into force of the Convention on the Protection of the Rights of All Migrant Workers and Members of their Families and the fact that the membership of the Committee responsible for monitoring compliance with that instrument included one of its nationals. It hoped that the draft resolution on the rights of migrant workers would be adopted by consensus. It also strongly supported the recommendations of the Special Rapporteur in her report (E/CN.4/2004/76) aimed at combating the exploitation of migrant workers, in particular domestic workers, and the violation of their rights. The delegation of El Salvador urged States which had not already done so to ratify the International Convention on migrant workers.

59. Mr. HIMANEN (Observer for Finland) said that protection of the rights of minorities was an essential element of a democratic society. The Finnish Government was therefore taking an active part in the promotion and protection of those rights at the regional level, in the Council of Europe and OSCE, and at the international level, in the Working Group on Minorities of the Sub-Commission on the Promotion and Protection of Human Rights.

60. In that connection, tribute should be paid to the outgoing Chairperson of the Working Group, Mr. Eide, who had ably guided it in its difficult task of promoting the United Nations Minorities Declaration, and to the Working Group itself, which had contributed to the establishment of a fruitful dialogue between minorities and governments.

61. For its part, the Finnish Government had invited the Working Group to visit Finland in January 2004 and would study carefully the recommendations to be made by the Working Group on that visit. It was in favour of the establishment of a special procedure under the Commission to monitor the implementation of minority rights and contribute to the prevention of minority-related conflicts.

62. Mr. DIOP (Observer for Senegal) said that, according to ILO, some 180 million persons were living outside their countries of origin. However, under the Declaration on the Human Rights of Individuals who are not Nationals of the Country in which They Live, those persons had the right to preserve their mother tongue, culture and traditions, have access to education and health care, work in safe and healthy conditions and receive social benefits. In addition, the two

International Covenants obliged States parties to guarantee the rights set out in those instruments to all persons in their territory. Similarly, the Vienna Declaration and Programme of Action, the Programme of Action of the Cairo International Conference on Population and Development, the Copenhagen World Summit for Social Development and the Final Document of the Beijing World Conference on Women had all devoted the greatest attention to the question of the human rights of migrants.

63. Senegal, which had acceded to the Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, wished to congratulate the Special Rapporteur on the human rights of migrants, Ms. Rodriguez Pizarro, for her work in promoting ratification of that Convention and for the recommendations she had made in her report.

64. In order to improve the situation of migrant workers, a number of actions should be taken, including: encouraging very broad accession to the Convention, adopting a humanized approach to migration policies, backing efforts to support a new concept for the management of migratory flows, encouraging the development of bilateral cooperation and emphasizing appropriate policies for the provision of information and assistance to migrants and for their social and psychological care.

65. Ms. GRISS (World Health Organization) said that about 450 million persons currently suffered from mental disorders and a great many of them had no proper care because mental health was not a priority for some Governments. Moreover, those persons were often discriminated against in employment, housing and access to services.

66. WHO was working to promote the rights of persons suffering from mental disabilities by helping countries to implement mental health policies, services and legislation consistent with their human rights obligations. To that end, WHO was preparing a guide to mental health policies and services and was also organizing training seminars at the international, regional and country levels.

67. WHO thanked States members for their cooperation in taking specific action to preserve the dignity and human rights of persons with mental disabilities.

68. Mr. TARAN (International Labour Organization) said that ILO had prepared international instruments to protect migrant workers against the discrimination, xenophobia, abuse, exploitation and violence to which they were sometimes subjected. Those instruments were Conventions Nos. 97 and 143, which largely complemented the International Convention on the Protection of the Rights of Migrant Workers. Most policies to regulate and manage migration now also referred to the need to protect the basic rights of migrant workers. An example was the strategic framework for a migration policy for Africa that was now being implemented under the auspices of the African Union, which urged States members to ratify and implement the relevant ILO and United Nations conventions. Migrant workers would be the main topic in the general debate at the International Labour Conference to be held in June 2004. Three major themes would be discussed: international labour migration in the era of globalization, policies and structures encouraging more orderly migration for employment, and improved protection for migrant workers.

69. ILO was endeavouring not only to encourage ratification of the conventions it prepared and to develop guidelines, but also to ensure that those instruments and principles were put into

practice so that migration contributed to development, both in host countries and in countries of origin, and to the well-being of all migrant workers and their families.

70. Ms. AKUFFO (Observer for Ghana) said that Ghana welcomed the entry into force of the Convention on the Protection of the Rights of All Migrant Workers and Members of their Families and urged all States that had not done so to ratify it. For many developing countries, migrant workers made a significant contribution to the development of their countries and the well-being of their families. For example, Ghanaian migrant workers injected more than US\$ 600 million into the economy every year. Unfortunately, migrant workers often faced discrimination and were compelled to accept high-risk and poorly paid jobs to survive.

71. International migration was a natural consequence of globalization. The principle of free movement should apply not only to goods and services but also to people. Ghana noted with concern that some countries were behaving like “fortresses” under siege from migrant workers, who were in consequence subjected to unjustified attacks and wrongly blamed for all economic and social ills. In fact, they contributed to the development of host countries, which often took the most skilled workers away from developing countries.

72. Ghana called on all States to cooperate in the orderly management of migration, prevent illegal and secondary migration, including human trafficking, and implement declarations and international instruments aimed at protecting the rights of migrant workers. Ghana looked forward with interest to the International Dialogue on the costs and benefits of migration for all stakeholders, to be organized by IOM on 30 November to 3 December 2004.

73. Mr. TOMASI (Observer for the Holy See) said that the increase in human mobility was basically a positive factor for the development of modern societies. The delegation of the Holy See expressed its appreciation for the valuable reports of the Secretary-General and the Special Rapporteur on the situation of migrants. In that connection, it welcomed the entry into force of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. To combat those practices, the collection and sharing of data on the strategies and routes used by traffickers should be enhanced. Rather than affording protection only to victims who agreed to testify in court, at least a temporary residence permit should be granted to all victims, not only to encourage them to cooperate with the judicial system but also to facilitate possible integration into society. That was a moral necessity if the victim might be exposed to retaliation if he was sent home.

74. Illegal immigrants in an irregular situation could be exploited or induced to undertake illegal activity. Host societies would be acting in their own interest and that of migrants if they set up regular channels of immigration to meet their manpower needs and cover their demographic deficit. The application of labour laws could also go a long way in the protection of illegal immigrants and to discourage that type of migration. With the entry into force of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families all migrants now had an important instrument at their disposal.

75. What was needed for human mobility to become a motor for progress, even for the most vulnerable, was international cooperation in the prevention of human trafficking and rehabilitation of victims, the adoption of less restrictive and more realistic immigration policies, the promotion of sustainable social and economic development in poor countries and encouragement of the development of a culture of human rights and respect for the dignity of all.

76. Ms. REDPATH (International Organization for Migration) said that the some 175 million people who currently resided outside their country of birth or nationality had the right to humane treatment. IOM, in cooperation with non-governmental and governmental partners, had continued to defend the rights of migrants, including illegal immigrants, by publishing various information documents, organizing seminars on international migration law, cooperating with the Special Rapporteur on the human rights of migrants and making itself available to the Migrant Workers Committee. In addition, IOM was currently convening the international steering committee of the global campaign for the ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

77. IOM believed that lasting respect for the rights and dignity of migrants required the promotion of migration management systems based on the following principles: that migrant had both rights and obligations, that a State had the right, subject to its international obligations, to ban the entry of non-nationals into its territory, and that cooperation between States was of crucial importance. In that connection, IOM welcomed the entry into force of the Migrant Workers Convention, the United Nations Convention against Transnational Organized Crime, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and the Protocol against the Smuggling of Migrants by Land, Sea and Air.

78. IOM intended to participate more actively in the preparation of international migration law and to render the promotion of that law part of the framework of measures to ensure respect for the rights of migrant workers.

79. Ms. FORERO UCROS (Observer for Colombia) said that forced movements caused by clashes between illegal armed groups was one of the most serious problems which Colombia had to face. The organization responsible for helping displaced persons was the Social Solidarity Network. It had been assisted by the World Bank in carrying out certain projects. Colombia had also cooperated with UNHCR to encourage displaced persons to return to their homes of their own accord and in complete safety.

80. On the question of migrant workers, Colombia, like other countries, believed that migration flows must be channelled in an orderly fashion, respecting the rules of each country and the human rights of migrants. It condemned the networks of human traffickers and urged countries which had not already done so to accede to the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.

81. With respect to disabled persons, Colombia had drawn up a national plan for the disabled for the period 2003-2006, based on the Standard Rules on the Equalization of Opportunities for Persons with Disabilities adopted by the General Assembly in 1993. Colombia was particularly concerned about disabilities caused by anti-personnel mines. Between 2000 and 2003, those mines had injured 172 juveniles and killed 42 others. Colombia was endeavouring, in cooperation with the international community, to provide medical and psychological treatment for those children to facilitate their return to active life.

82. Mr. ONG (Observer for Singapore) said that Singapore fully supported the work done by the United Nations and the international community to protect the human rights and fundamental freedoms of migrant workers. Singapore was in fact a society of immigrants who had come from China, India and other parts of Asia and had contributed to the country's cultural diversity, social dynamism and economic growth.

83. However, Singapore believed that a clear distinction should be made between legal and illegal immigrants. Illegal immigrants violated immigration laws and posed a serious threat to the country which they had entered, often with the help of traffickers. That was a problem that required a comprehensive national and international response. It was necessary to strengthen cooperation between host countries and countries of origin, punish traffickers and facilitate the return of illegal immigrants to their countries. They were often aware that they were committing a crime, and should therefore know that they would have to face the consequences.

84. Singapore believed that every country had the sovereign right to develop an immigration policy tailored to its own particular circumstances, which depended on the size of the country, its population density, its labour market requirements and the need to maintain social order. Important as they were, the rights of immigrant workers were only one consideration among many. Singapore therefore had reservations about calls to regularize the situation of illegal immigrants or facilitate family reunification. In any event, it believed that regularization of the status of illegal immigrants must be balanced against the needs of host States.

85. Mr. VIGNY (Observer for Switzerland) said that it was essential for internally displaced persons to be protected by States, with the support of humanitarian organizations with an internationally recognized mandate, which must be given immediate and unhampered access to civilian populations and whose safety must be absolutely guaranteed. Governments and non-governmental armed groups had that obligation of protection and both were required to give specific application to the Guiding Principles on Internal Displacement. States requested to do so had to agree that the Special Representative could visit their territory and implement his recommendations.

86. Switzerland strongly supported the collaborative approach adopted by the organizations concerned under the aegis of the Office for the Coordination of Humanitarian Affairs and called on all partner organizations to continue their efforts, under the Emergency Relief Coordinator, to take better targeted and coordinated preventive action.

87. On the question of minorities, he said that their participation in the adoption of official decisions concerning them, like some forms of autonomy, contributed to their integration into society and thus to the prevention or solution of conflicts. In that spirit, the Working Group on Minorities of the Sub-Commission on the Promotion and Protection of Human Rights should be authorized to make recommendations to States to help them implement the various provisions concerning minority rights. That special procedure would complement the mechanism for the prevention of genocide announced by the Secretary-General.

88. Mr. RADOVANOVIC (Observer for Serbia and Montenegro) said that recent acts of violence by Albanian extremists against Serbs and other non-Albanian citizens in Kosovo had created a new influx of people to Serbia and Montenegro, which had already taken in more than 235,000 displaced persons. In five years only 4,000 persons had returned home to the province of Kosovo-Metohija, where their basic rights had been regularly violated. It was essential that UNMIK and the Office of the High Commissioner for Human Rights should intensify their efforts to ensure the protection of the basic rights of Serbs in the province and establish institutional guarantees.

89. Serbia and Montenegro had also taken in more than 280,000 refugees from Bosnia and Herzegovina and Croatia, making it the country with the most refugees in Europe and the fifth

largest number in the world. All countries concerned should, with the help of UNHCR, seek a lasting solution to the problem and meet their international obligations. The fate of missing persons (1,300 Serbs and other non-Albanian citizens had disappeared in Kosovo-Metohija since June 1999) was a matter of particular concern and, despite the setback to the negotiations caused by the recent upsurge in violence, Belgrade remained ready to resume the dialogue with Pristina both on the question of missing persons and on the return of displaced persons. Only dialogue, mutual trust and respect for the rights of all inhabitants would be able to resolve the difficult problems that divided the communities in Kosovo-Metohija.

90. Mr. MARDALIYEV (Observer for Azerbaijan), speaking on agenda item 14(c), acknowledged the need to give broader support to the work of the Emergency Relief Coordinator and the Internally Displaced Persons Unit of the Office or the Coordination of Humanitarian Affairs. Nevertheless, that work, like that of operational agencies, in particular UNHCR, should be more practical and more proactive. Responsibility for ensuring that cooperation worked smoothly in the field must lie with operational agencies.

91. Azerbaijan accepted that States had the responsibility to protect the rights of displaced persons within their jurisdiction and was taking the necessary measures in that regard. Nevertheless, it believed that the international community must take into account the scale of the phenomenon and help developing countries and countries in transition with limited resources to meet the needs of displaced persons. In Azerbaijan, international organizations were continuing to reduce their aid to displaced persons because of the lack of progress in resolving the conflict, while the humanitarian situation remained very difficult. The Azerbaijani Government was trying to integrate displaced persons temporarily. It had adopted a special plan of action to that end and was asking for the support of the international community in implementing it. In the transition from relief to a development strategy, it would be desirable in cases of lasting conflict to elaborate a development strategy tailored to that situation.

92. Mr. TZANCHEV (Observer for Bulgaria), speaking on agenda item 14(b), Minorities, said that the prohibition of discrimination was a principle that was set out in the Constitution and all branches of Bulgarian law. In addition, Parliament had in September 2003 adopted a law on protection against discrimination, which provided for the establishment of an independent nine-member commission to monitor its implementation, with powers of investigation, sanction and assistance. Constitutional and legislative guarantees were still, however, not enough to prevent discrimination against minorities. Bulgaria's experience with Roma showed that socio-economic integration measures were an essential means of reducing inequalities. In September 2003, therefore, the Bulgarian Government had adopted an action plan to further implementation of the Framework Programme for the Equal Integration of Roma, to which an additional 28.6 million leva had been allocated up to the end of 2004. Substantial progress had been made in education, particularly in integrating Roma children into the school system, and literacy courses specifically for adults of Roma origin had also been organized. Many projects were being carried out in the spheres of employment, vocational training and health care and other large-scale measures were being planned to address the socio-economic difficulties encountered by the Roma population.

93. Ms. MINA (Observer for Cyprus) drew attention to the serious situation of the enclaved persons in the occupied part of Cyprus. In its 2001 judgement in the *Cyprus v. Turkey* case, the European Court of Human Rights had established, inter alia, violations of the basic rights of Greek Cypriots and Maronites living in the northern part of Cyprus and had held Turkey responsible for those violations on the grounds that its responsibility extended to actions of the

local administration which controlled the northern part of Cyprus and was subordinate to it. In addition, the Report on the Rights and Fundamental Freedoms of the Greek Cypriots and Maronites Living in the Northern Part of Cyprus adopted by the Parliamentary Assembly of the Council of Europe expressed its serious concern at the de facto partition of Cyprus and endorsed the judgement of the European Court of Human Rights holding Turkey responsible for 14 violations of the European Convention on Human Rights. Yet, despite those conclusions, Turkey continued to infringe the rights and fundamental freedoms of the enclaved Greek Cypriots and Maronites.

94. Ms. BRETT (Friends World Committee for Consultation (Quakers)), speaking also on behalf of Amnesty International, International Catholic Migration Commission and Jesuit Refugee Service, noted that non-citizens were particularly vulnerable to discrimination and other violations of human rights. Following the study recently carried out on the subject by the Sub-Commission on the Promotion and Protection of Human Rights, it was necessary to address in greater detail issues raised in the study and to clarify States' obligations with respect to non-nationals. Three basic issues stood out: statelessness, detention and human rights violations.

95. So little attention was paid to the problem of statelessness that not even the approximate number of stateless persons was known, although they numbered in the millions. Almost all countries were affected. Stateless persons were usually forced to move from country to country because they were denied the right to reside for long in any State. They often spent months or even years in detention before being deported. The arbitrary detention of non-nationals was prohibited both by the Universal Declaration of Human Rights and by the International Covenant on Civil and Political Rights. The Convention also stipulated that all persons deprived of their liberty must be treated with humanity and respect for the inherent dignity of the human person. The commission should take up the question of the conditions of detention of non-nationals, and should above all consider the long-term effects of detention of unspecified duration on the mental and physical health of detainees, particularly children and vulnerable individuals.

96. While non-citizens were often deprived of their civil and political rights, States under whose jurisdiction they fell did not always respect their economic and social rights. A State could, of course, in certain circumstances make a distinction between citizens and non-citizens with regard to certain rights, but that must be exceptional, serve a legitimate objective and be proportionate to the achievement of that objective. States that had not already done so should ratify the 1954 Convention on the Reduction of Statelessness and the 1961 Convention relating to the Status of Stateless Persons.

97. Ms. ALA'I (Bahá'í International Community), speaking also on behalf of Minority Rights Group International, International Movement against All Forms of Discrimination and Racism and International Federation of Human Rights Leagues, said that the announcement by the Secretary-General of the creation of a post of Special Adviser on Genocide Prevention was a very positive step. The Adviser would have, however, to take effective action in all types of situation that could deteriorate into violent conflict threatening the very existence of minorities. The key principle was early action: by the time the world had taken notice of what was happening in Rwanda in 1994, the situation had deteriorated to such an extent that military intervention was the only solution, but no State had been prepared to undertake it. Yet warnings of the possibility of genocide had been given in 1993, particularly by the Special Rapporteur on Extrajudicial, Summary and Arbitrary Executions.

98. The organizations on whose behalf she was speaking had been lobbying for some years for the appointment of a Special Representative of the Secretary-General on minorities. That representative, whose mandate would be primarily to prevent conflict (and would therefore not duplicate existing mechanisms for minorities), could act quickly when there were credible signs of the existence of inter-community tensions that might escalate into violent conflict. He would receive communications regarding violations of minority rights and take preventive diplomatic action with the parties concerned. The Working Group on Minorities had recommended the creation of such a mechanism and that option was considered in the report on the rights of persons belonging to national or ethnic, religious and linguistic minorities (E/CN.4/2000/75), which was before the Commission.

99. Ms. KHALSA (3HO Foundation), speaking also on behalf of International Association for Counselling, Worldwide Organization for Women, Institute for Planetary Synthesis, International Association for Religious Freedom, All-India Women's Conference, World Organization of Former Students of Catholic Education, Interfaith International, Temple of Understanding and International Association of Educators for World Peace, called on the French Government to take immediate steps to prevent the implementation of the law that had recently been enacted to prohibit the wearing of clearly religious clothing and other symbols in schools. That law could conflict with article 18 of the Universal Declaration of Human Rights. It would have repercussions outside France and might encourage other countries to impose restrictions on religious minorities regarding the observance of their faith. Moreover, like the provisions recently adopted by the Berlin municipality with regard to teachers and civil servants, it was a retrograde step in the knowledge and understanding of faiths and cultures.

100. Societies must address their identity in relation to their pluralism, a necessity that was magnified because religious and ethnic minorities faced significant pressures to assimilate. The Special Rapporteur on freedom of religion should be able to visit France establish a dialogue between the civil authorities, NGOs and the parties concerned. It would also be desirable for the Special Rapporteurs on freedom of religion, contemporary forms of racism and the right to education should meet in order to make recommendations to the French Government and the international community on how to resolve the problems raised by the Stasi report.

101. Mr. TRAMBOO (International Human Rights Association of American Minorities), speaking also on behalf of Rural Development Foundation, International Educational Development and International Young Catholic Students, said there was general agreement that the system for the protection of the rights of persons belonging to minorities had failed adequately to address all the problems they faced. It was regrettable that some States deliberately encouraged discrimination against their minorities. That was the case in India, where the Dalits, who were considered to be untouchable, were marginalized in all spheres of social life and were made to do the most degrading jobs. Muslims, who made up 12.6 per cent of the Indian population, were also victims of discrimination. Their religion was attacked in school textbooks and the press, their mosques were desecrated and they were the subject of incitement to religious hatred. They were shamefully under-represented in decision-making bodies, the administration, the army, education and the private sector.

102. The NGOs which he represented were in favour of the appointment of a special rapporteur on minorities and a special representative of the Secretary-General for the prevention of minorities-related conflict prevention, the establishment of a voluntary fund for minorities and the proclamation of an International Year for Minorities. It was important that the discussion of

those new arrangements should be placed in the context of the reform of human rights machinery for the promotion and protection of minorities.

103. Ms. KAO (Becket Fund for Religious Liberty), speaking also on behalf of World Evangelical Alliance, drew the Commission's attention to the intensification of persecution of Sri Lanka's Christian minority. In 2003, more than 90 acts of terror had reportedly been committed against that minority by persons claiming to defend the primacy of Buddhism guaranteed by the Constitution. However, rather than being a conflict between Christianity and Buddhism, that was a clash between those who cherished religious freedom and those who wished to destroy it. Unfortunately, the judiciary supported the latter. The Supreme Court had recently banned Catholic nuns from establishing crèches, orphanages and children's homes on the pretext that they might misuse the ignorance and naivety of some people to convert them to Christianity. There was now a move to adopt an "unethical conversion" law under which the provision of moral support or material assistance leading to religious conversion would be punishable by seven years in prison. Such a law would deprive all Sri Lankans of freedom of religion, expression and association. The right to change one's beliefs lay at the heart of religious freedom and the international human rights covenants recognized that man's quest for truth, particularly religious truth, took place in the inviolable realms of hearts and minds. She called upon the Commission to urge Sri Lanka to allow all religions freely to address the population.

104. Mr. AULA (Franciscans International), speaking also on behalf of Initiative d'entraide aux libertés, said that it was shocking and shameful that the international community had been unable to guarantee to everyone one of the most fundamental human rights, the right to be free from slavery. He urged countries to incorporate into their national legislation the definition of trafficking set out in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, together with articles 6, 7 and 8 concerning the protection of victims of trafficking, and to follow the Recommended Principles and Guidelines on Human Rights and Human Trafficking. He called upon all States fully to respect ILO Conventions Nos. 29, 105 and 182 and to cooperate with the ILO Special Action Programme to Combat Forced Labour, particularly by adopting specific action plans on that subject. The Working Group on Contemporary Forms of Slavery should examine the question, taking into account the most recently adopted legal instruments, and one of its experts should, together with interested NGOs, conduct a study to update the juridical framework with regard to slavery and slavery-like practices and provide indicators on socio-economic, political, administrative and legal obstacles impeding the full enjoyment of the rights enshrined in the existing provisions.

105. Mr. MAHMUD (Interfaith International) said he would like the Commission to consider the plight of two oppressed minorities, the Dalits in India and the Garo people in Bangladesh. In India, the Dalits, who made up one sixth of the population, continued to be subjected to extreme forms of discrimination which were increasingly characterized by violence. Most anti-caste laws were not enforced and the atrocities committed almost daily against the Dalits went unpunished because of a lack of political will on the part of the authorities. Interfaith International called on the Government of India to ensure the effective protection of the rights of Dalits as enshrined in the Constitution.

106. In Bangladesh, the indigenous Garo population continued to protest against the ongoing encroachment by Bengali settlers on their ancestral lands. In particular, they opposed the plan to build a giant wall which was supposedly to protect the forest but in fact would separate their villages from their farmland and hunting grounds. Their way of life, which had remained

virtually unchanged for centuries, was also under threat, especially their tradition of inheritance through the female line. Interfaith International called on the Government of Bangladesh to stop construction of the wall and to ensure protection of the way of life and customs of the Garo people. He warned the Commission that some pseudo-NGO individuals or groups claimed to represent minorities without having been authorized to do so by them. Such abuses helped to marginalize the minorities concerned still further.

The meeting rose at 6 p.m.