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Held at the Palais des Nations, Geneva,
on Wednesday, 16 March 2005, at 3 p.m.

Chairperson: Mr. WIBISONO (Indonesia)
later: Mr. OULD MOHAMED LEMINE (Mauritania)
later: Mr. WIBISONO (Indonesia)

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

STATEMENT BY THE MINISTER FOR HUMAN RIGHTS OF THE DEMOCRATIC
REPUBLIC OF THE CONGO

1. Ms. KALALA (Democratic Republic of the Congo) said that, generally speaking, the human rights situation in her country was improving, despite some instances of human rights violations in one or two provinces. The most recent serious incident had been the killing of nine Blue Helmets from Bangladesh, for which she wished to convey the sympathy of the Congolese people to the people of Bangladesh and to the United Nations. The suspected murderers had been placed under house arrest pending trial by a national court. Notwithstanding the scandal surrounding the sexual exploitation of women and children by United Nations troops, she paid tribute to the other peacekeepers who were striving selflessly to restore peace to her country.
2. Her Government, in its determination to stamp out human rights abuses, was making ceaseless efforts to pacify and unite the country and to assure the rule of law. To that end, it was setting up an army and a police force composed of members drawn from the various armies which had formerly existed in the country and it was firmly supporting democratic institutions so that they could operate throughout the country. In addition, measures to raise law enforcement officers' awareness of human rights were being stepped up at several levels. The Government's will to improve the human rights situation was also evidenced by its collaboration with the Commission on Human Rights and its attempts to clear the backlog of reports due for submission to various treaty-monitoring bodies. Furthermore, it was pursuing its programme to disarm child soldiers and reintegrate them in society. A high-level study group was examining legal texts punishing sexual violence with a view to framing a law dealing with such crimes and providing for victim support. The draft constitution provided for parity in the number of men and women holding political office.
3. In order to give peace every possible chance of success, free, democratic and transparent elections were to be held at all levels in order to usher in a new political order, establish good governance and restore the rule of law. To that end, the Government was doing its best to create propitious conditions for such elections; a census of electors was about to be conducted.
4. Her Government was also committed to solving the regional conflicts which had led to many human rights abuses in her country. It had therefore taken part in the International Conference on Peace, Security, Democracy and Development in the Great Lakes Region and subscribed to the various resolutions and recommendations of the United Nations and African Union concerning restoration of peace in that region. It hoped that all the other parties to the process would honour their commitments. Moreover, it was taking steps to end impunity for the human rights violations committed in its territory and again called for the establishment of an international criminal tribunal for the Congo to try crimes perpetrated in the country before the entry into force of the Rome Statute, because international justice would lay the foundation for lasting peace in the region. Similarly, it would be desirable to conduct independent international inquiries to clearly identify those responsible for the killings in Bukavu in June 2004 and for the murder of Congolese refugees in the Gatumba camp in Burundi. Reparation should be made for those deaths and for the sexual abuse committed by personnel of the United Nations Mission in the Democratic Republic of Congo (MONUC). The States which

had initiated judicial proceedings against those of their nationals who were guilty of such abuses should be congratulated for doing so. It was to be hoped that other countries would follow suit, because such conduct called into question the credibility of peacekeeping missions. The ending of immunity for such crimes would likewise have a powerful deterrent effect.

5. The appointment of an Independent Expert on the situation of human rights in her country under agenda item 19 had reflected the Commission's acknowledgment of her Government's endeavours to improve that situation. She urged the Independent Expert to continue his work, for she was certain that with his help and that of the Commission her Government would be able to rise to the challenge of effecting such an improvement.

6. Mr. Ould Mohamed Lemine (Mauritania) took the Chair.

STATEMENT BY THE UNDER-SECRETARY FOR FOREIGN AFFAIRS OF LITHUANIA

7. Mr. ADOMAVIČIUS (Lithuania) endorsed the statement made by the Minister for Foreign Affairs of Luxemburg on behalf of the European Union and said that the activities of States and the international community must become people-centred, if the enjoyment of human rights were to become a reality for everyone. Some of the standards designed to improve people's lives were being flouted. Although the international community could help to promote human rights, the primary responsibility for creating conditions guaranteeing their observance lay with States. Ombudsmen were one of the most effective institutions for furthering human rights, since they could not only defend the rights of persons, but also advise States on policies and laws and review the compatibility of national practices with international human rights norms. His country was prepared to share its experience in that field.

8. Since States must continuously strive to meet their human rights obligations, treaty-monitoring mechanisms were a valuable means of identifying problems and suggesting improvements. Such assistance could, however, be provided only if monitoring bodies received adequate information on time. That meant that both sides of the reporting process had to help each other if real results were to be achieved on the ground.

9. NGOs could contribute greatly to the effectiveness of State institutions by maintaining a continuous dialogue that fostered openness and transparency and facilitated policies in tune with people's aspirations. For that reason, the involvement of civil society in the human rights situation and the democratic process as a whole should be encouraged. The position with regard to non-State actors in some parts of the world was, however, a matter of concern, because human rights defenders were subject to threats, arbitrary detention, torture and execution. It was up to States to make sure that individuals and associations were able to freely disseminate, promote and protect human rights.

10. Human rights could be furthered through States' cooperation with the Commission's special procedures mechanisms. Given the impediments put in the way of democratic elections in Belarus in 2004, he called on the Government of that country to cooperate fully with those mechanisms and in particular with the Special Rapporteur on the situation of human rights in Belarus. Moreover, several special rapporteurs were still waiting for replies to their requests to visit Chechnya. It was to be hoped that the Russian Federation's affirmed determination to resolve human rights issues in Chechnya would be translated into appropriate action.

11. The recommendations of the High-level Panel on Threats, Challenges and Change should be evaluated in the light of the central importance of human rights and the impact of the latter on all aspects of the Organization's work.

STATEMENT BY THE DEPUTY MINISTER FOR FOREIGN AFFAIRS OF THE
CZECH REPUBLIC

12. Mr. SVOBODA (Czech Republic) said that, on the whole, the current human rights situation offered few grounds for optimism, because new forms of human rights violations called into question basic principles such as the prohibition of torture. Minimum human rights standards had been set; the focus should therefore be on their enforcement through suitable instruments. His Government supported the efforts of the Office of the United Nations High Commissioner for Human Rights (OHCHR) to ensure that human rights standards and principles had greater immediacy for the groups and individuals who needed the protection they afforded. One possible way of achieving that goal would be to place human rights observers in United Nations country teams and to incorporate human rights expertise in national technical cooperation programmes. Adequate funds and personnel should be allocated for such action.

13. Cooperation with regional mechanisms and NGOs was a precondition for the effective universal reach of human rights mechanisms. Reconstruction activities in Iraq and Afghanistan provided a good example of the potential advantages of such synergy. The protection of human rights was especially important in periods of transition to democracy and it was therefore precisely at that stage that the international community should offer the benefit of its experience. The Community of Democracies was a forum which could provide useful guidance in that respect.

14. The tools at the Commission's disposal needed to be assessed and reinforced so that it could fulfil its mission as the central body for human rights protection within the United Nations system. It would be better to strengthen cooperation among existing mechanisms rather than experiment with their modification or the creation of new bodies. A plurality of views was a positive feature of the Commission, even if it might entail politicization of its debates. Universal membership of the Commission would be of questionable value without a discussion of the role of the Economic and Social Council and the Third Committee and, paradoxically, it might also lead to greater use being made of procedural devices. The advisory panel proposed by the High-level Panel on Threats, Challenges and Change could be viewed as an alternative to the Sub-Commission on the Promotion and Protection of Human Rights. The elaboration of a global report on the human rights situation was a good idea, but since the monitoring of human rights worldwide with a view to the adoption of country-specific measures formed part of the Commission's core mandate, the proposed report should not be regarded as a substitute for that mandate. "No action" motions made it hard to defend the victims of human rights violations.

15. Further attention should be devoted to the proposal to establish a human rights council. Until such time as it was set up, its purpose could, however, be accomplished by introducing human rights aspects into the deliberations of the Security Council. The latter should duly reflect on the information supplied by the special procedures mechanisms whenever it considered the situation in a particular country or thematic area and it should make sure that cooperation with those mechanisms formed part of the mandate of any new body relevant to their field of work. The proposals regarding collective international responsibility for protection and

the more frequent application of Article 99 of the Charter of the United Nations in the human rights context deserved support. Moreover, it was suggested that the High Commissioner for Human Rights should report to the Security Council every year.

16. The Commission's special procedures were an invaluable means of obtaining information, but the cooperation between countries and the special procedures mechanisms envisaged in Commission resolution 2004/76 was inadequate in many respects. Countries should exchange information with mandate-holders under the procedures concerned, allow them to make visits on the basis of a standing invitation and implement their recommendations. Any refining of the special procedures system must improve stakeholders' input while preserving its achievements.

17. His Government was closely watching the human rights situation in Belarus, Cuba, Myanmar and the Sudan, since its recent history had convinced it of the advantages of a frank dialogue with a democratic opposition. It was equally convinced that human rights must be respected even when fighting terrorism and during armed conflicts. Its other priorities included securing equal enjoyment of economic, social, cultural, civil and political rights, protecting minorities, fighting discrimination, promoting the rights of women and children, and implementing the European Union's guidelines on children and armed conflict. Disabled persons would undoubtedly benefit from the draft international convention on the protection and promotion of the rights and dignity of persons with disabilities. Moreover, as every victim of human rights violations was entitled to a remedy and reparations, his Government supported the adoption of draft principles and guidelines on that subject at the current session.

STATEMENT BY THE MINISTER FOR JUSTICE AND CONSTITUTIONAL AFFAIRS OF KENYA

18. Mr. MURUNGI (Kenya) said that since the Commission on Human Rights had been established, many conferences had been held, many treaties had been ratified, and many declarations and resolutions had been adopted. The time had come to evaluate the impact of the Commission's work on the daily lives of the public at large. The majority of people in Kenya did not know about the Universal Declaration of Human Rights, since their main concern was the daily struggle for survival. To the people of Kenya, the concept of human rights was abstract. The country was located in a region that over the previous 20 years had experienced negative economic growth, massive unemployment, limited access to world markets, unbearable levels of debt burden and increased poverty. The concept of human rights could be meaningful to the people of Kenya only if insecurity, unemployment, drought, famine, crop failure, poverty and disease were addressed. In Kenya, human dignity was inseparable from the struggle against hunger, disease and ignorance, and the right to development was as fundamental as civil and political rights.

19. His delegation welcomed the Secretary-General's efforts to institute the reform of United Nations bodies, including the Commission on Human Rights. The report of the High-level Panel on Threats, Challenges and Change accurately identified some of the challenges facing the Commission. Member States must discuss the Panel's proposals for reform, some of which would require urgent action, while others would require more detailed study. The proposal to strengthen the capacities of OHCHR through adequate and unearmarked resources should be implemented as a matter of priority. Mandate-holders must be granted

adequate financial resources to fulfil their task. Although Kenya supported the proposal on the compilation of annual reports on all countries, such a procedure would require increased financial and human resources at the Secretariat level to ensure that the reports were objective and accurate.

20. For Kenya, the concept of human rights represented the firm recognition that all human beings, irrespective of their economic or social status, were equal and invested with intrinsic worth and dignity, and should be treated in a humane and respectful manner. For many years Kenyans had lived under an oppressive single party regime with a history of gross violations of human rights, encouraged and supported by coercive laws and institutions inherited from the colonial administration. Many Kenyans had been routinely killed, tortured, detained without trial, exiled or economically destroyed as they had struggled to claim their fundamental freedoms. The majority of Kenyans had lived in a state of abject poverty, political apathy and lawlessness, where organized crime, official theft, extortion, bribery and rampant corruption had been the norm.

21. The new Government of Kenya had a vision of a hard-working, free, democratic, prosperous and corruption-free country. It was committed to attaining high economic growth rates, creating wealth and employment, and eradicating poverty and corruption in order to improve the welfare of the whole population. The Government was determined to make a radical break with Kenya's unfortunate past, and had vowed to protect Kenyans against tyranny and oppression, and to ensure peace, stability, freedom and justice. Steps had been taken to remove the traditional barriers to freedom of expression and allow unlimited political participation. The culture of fear and silence had been destroyed and progress had been made in the mental and psychological liberation of the Kenyan people. The Ministry of Justice and Constitutional Affairs had been created, which had an express mandate on human rights policy and democratic governance. The Government had established an independent national Human Rights Commission, with a broad legal mandate to protect and promote human rights, investigate complaints, provide redress and ensure compliance with international human rights obligations. An inter-ministerial committee had been established, which worked with civil society organizations to deal with cross-cutting human rights issues, and the implementation of international instruments. The Government, the national Human Rights Commission and civil society organizations were currently collaborating on the drafting of a national action plan on human rights.

22. Kenya had volunteered itself for review under the New Partnership for Africa's Development (NEPAD) Peer Review Mechanism, and the Government had begun to prepare reports for submission under several United Nations human rights treaties. A report had recently been submitted to the Committee on the Rights of the Child, and the Human Rights Committee was currently considering the country's second periodic report. The notorious Nyayo House torture chambers had been closed, in which hundreds of political prisoners had been systematically tortured by agents of the State. The Government had dealt firmly with the perpetrators of ethnic clashes in various parts of the country. The clashes had been stopped and the issues behind them were being addressed, and the Government had established a committee for the resettlement of the victims. Kenya was committed to abolishing the death penalty, and was currently commuting all death sentences to sentences of life imprisonment.

23. A National Commission on Gender had been established and a special unit had been set up to deal with all gender-related crimes and violence. A programme had been formulated for the reform of the justice, law and order sector and promotion of good governance, administration of justice and protection of human rights. The Government had developed an Economic Recovery Strategy for Wealth and Employment Creation, which sought to eradicate poverty and secure the economic and social rights of the poor and marginalized. Corruption had been identified as the main impediment to economic and social development and the greatest obstacle to poverty eradication and the enjoyment of human rights. Kenya had been the first State to ratify the United Nations Convention against Corruption in 2003, and the Government had established a sound legal and institutional framework for anti-corruption reform, investigation, prosecution and punishment. The Sub-Commission's Special Rapporteur on corruption had visited Kenya in 2004. Lastly, the Kenyan Government was in the process of completing a comprehensive review of the Constitution. The new Constitution would dismantle the oppressive legal and institutional structures of the single party dictatorship, and contained a modern bill of rights. The Government requested greater assistance and support from the international community in order that Kenya's human rights agenda could be successfully implemented.

24. Kenya's efforts to promote and enhance human rights had not been restricted to the domestic level. The Government had spearheaded conflict-resolution initiatives for the Sudan and Somalia, where civil war and social conflict had disrupted security for several decades and had led to a human rights catastrophe. The recent peace agreements between the warring parties in the two countries would provide the necessary framework for reconstruction and rehabilitation. Kenya was working in the context of the African Union on the situation in Darfur, and was ready and willing to provide additional support when required. The Kenyan Government had ratified the Rome Statute on the establishment of the International Criminal Court, to facilitate the punishment of crimes against humanity. Kenya believed that, united, the international community could successfully address situations of serious violations of human rights. The global human rights approach must be based on an appreciation of the objective social realities in different regions and should aim to support and encourage, rather than condemn and vilify. Kenya would therefore not support any resolutions under agenda item 9 which targeted countries for condemnation. The Kenyan Government strongly believed that the promotion, protection and full realization of human rights in any part of the world must be based on the principles of non-selectivity, impartiality and objectivity. A strengthened and more representative High Commissioner's Office would serve the Commission well and be able to address some of the challenges currently dealt with under agenda item 9.

25. The Commission should avoid the temptation to politicize human rights issues, since the promotion and protection of human rights was a fundamental obligation of Governments, international organizations and civil society, which required genuine multilateral cooperation to be effective. The Commission must not be allowed to become a forum for partisan political confrontations.

STATEMENT BY THE DEPUTY MINISTER FOR FOREIGN AFFAIRS OF AZERBAIJAN

26. Mr. MAMMADQULIYEV (Azerbaijan) said that as the United Nations approached its sixtieth anniversary, it faced serious challenges to its credibility and effectiveness. The Organization was in serious need of reform in order to be able to effectively address the

problems that were becoming increasingly acute and dangerous, and to reaffirm its place in the contemporary international system. The goals enshrined in the Charter, in particular those relating to international peace and security and the promotion of respect for fundamental human rights, had never been more pertinent than in the contemporary context. The international community needed a credible and successful United Nations, able to deal with international problems such as terrorism, threats to sovereignty, gross violations of human rights, protracted conflicts and forgotten crises, and inadequate responses to natural disasters. The United Nations must assist the international community in fostering economic development, reducing poverty and improving global health.

27. The Millennium Summit +5 would be an opportunity to take stock of the progress made towards achieving the goals set in 2000. Azerbaijan looked forward to the follow-up to the report of the High-level Panel on Threats, Challenges and Change, including, inter alia, the reform of the Commission, of which Azerbaijan wished to become a member. His Government believed that the experience that had been gained by the country's membership of the United Nations Economic and Social Council and the Council of Europe would provide a firm basis for it to contribute effectively to the Commission's work. The Government was aware that the changes anticipated within the United Nations system should be matched by action on the part of individual Member States. Azerbaijan had itself recently been engaged in a transformation process, with the protection and promotion of human rights and fundamental freedoms as its primary goal, along with the construction of a democratic society, and considerable progress had been made towards reaching the democratic standards of the Council of Europe. Azerbaijan's membership of the Council of Europe had been crucial in enabling the country to strengthen secular democracy and be governed by the rule of law. The Government was committed to establishing an independent judiciary and holding free and fair elections. New legislation in many spheres had been adopted, and the Government hoped to establish a fully participatory, transparent legislative process.

28. Since regaining its independence, Azerbaijan had ratified almost all of the main international human rights treaties, and their implementation remained a Government priority. A number of State programmes and laws had been enacted, which aimed to enhance social security, foster economic growth, reduce poverty, and combat corruption. An Ombudsperson's Office had been established, which considered individual complaints, facilitated solutions and raised public awareness about its mandate and authorities. A National Plan of Action to combat trafficking in human beings had been established in cooperation with the International Organization of Migration and the Organization for Security and Cooperation in Europe (OSCE), which aimed to set up a system to improve related national legislation and bring it into line with international standards.

29. As a multi-ethnic and multid denominational State, Azerbaijan was committed to the principle of unity in diversity. Numerous ethnic and religious minorities enjoyed all rights under the law and were protected by the authorities. There were 1 million internally displaced persons and refugees in Azerbaijan, and the Government had adopted a variety of humanitarian and developmental programmes in order to alleviate the suffering and hardship endured by that sector of the population and to ensure the protection of their human rights and improve their living standards.

30. Despite the progress made, the Government was aware that problems still existed, and that much remained to be done. The effects of new legislation and State programmes would begin to be felt when they were supported by full and diligent implementation. The Government would continue to strive towards its human rights goals with increased commitment until the identified targets had been reached.

31. The major factor that was negatively affecting Azerbaijan's ability to complete its democratic transformation and fulfil its human rights obligations was the unresolved conflict with Armenia, which continued to control one fifth of the internationally recognized territory of Azerbaijan, and had recently settled an ethnic Armenian population in the territories occupied. Armenia's policy was being carried out in gross violation of international humanitarian law, and was accompanied by the bewildering silence of the international community. It also undermined the already fragile peace process in which both Azerbaijan and Armenia were involved with the mediation of OSCE, thus rendering a peaceful settlement of the conflict even harder to achieve. Armenia, obsessed by the illusions of its so-called military victory, and confused by its own flimsy myths, erroneously assumed that time was on its side to turn Nagorny Karabakh's de facto annexation into de jure acceptance. The situation was exacerbated by the stance of appeasement and double standards that had been taken by the international community, which, by ignoring Azerbaijan's pleas, had emboldened Armenia to proceed with impunity. Armenia tried to use myths to win the international community's understanding and sympathy by depicting itself as a perpetual victim at all times and under all circumstances. The Government did not expect Armenian history to be forgotten but considered that dwelling on memories, which were becoming increasingly exaggerated, was dangerous and could push a nation over the brink of sanity and realism. Hundreds of thousands of Azerbaijanis who had historically inhabited present-day Armenia had been subject to ethnic cleansing in the 1980s. Nagorny Karabakh and other surrounding regions of Azerbaijan had also been cleansed of Azerbaijanis. Armenia had no moral right to portray itself as an advocate of the human rights of the population of Nagorny Karabakh when the country itself had brutally eliminated its Azerbaijani minorities.

32. The protection and promotion of human rights, security and stability in the southern Caucasus depended on concerted efforts by the international community to achieve the peaceful settlement of outstanding conflicts, in order to guarantee future generations the right to live in peace, security and prosperity.

STATEMENT BY THE DIRECTOR-GENERAL FOR THE ORGANIZATION FOR SECURITY AND COOPERATION IN EUROPE, THE COUNCIL OF EUROPE AND HUMAN RIGHTS, MINISTRY OF FOREIGN AFFAIRS OF ROMANIA

33. Ms. BURLACU (Romania) said that Romania endorsed the statement made by Luxembourg on behalf of the European Union, and that her delegation would support any initiatives that were presented on behalf of the European Union. The year 2005 marked not only the sixtieth anniversary of the creation of the United Nations, but also the fiftieth anniversary of Romania's accession to membership of the Organization, and was an occasion for reflection on the results of that relationship. Romania, while preparing itself for accession to the European Union, reaffirmed its commitment to the values and principles of the United Nations and its resolve to strengthen its contribution to the work of the Organization and the institutional reforms that would take place. The Romanian Government hoped that the dual anniversary

would see significant progress in adapting the United Nations system to new challenges, inter alia by integrating democratic values, particularly human rights and fundamental freedoms, into all spheres of the Organization's activity. Romania welcomed the Secretary-General's reform initiative, which constituted a relevant platform for strengthening the contribution of United Nations mechanisms and structures to the consolidation of national human rights protection systems.

34. The Romanian Government welcomed the priority inclusion of democratic values and human rights in the political decisions and action plans of other regional and subregional organizations, for the promotion and consolidation of democracy. It also welcomed the efforts made by countries that had acceded to the Bamako Declaration, which had made support for the establishment and development of democracy and for the rule of law and human rights into national priorities.

35. Over the previous 15 years, Romania had been striving to achieve international human rights standards. The Government had sought to ensure a dignified life for all Romanian citizens, while creating the necessary conditions for Romania's accession to the European Union. The Government was proud of its achievements, particularly in sensitive areas such as the promotion of minority rights, reform of the legislative and institutional child-care system, and creation of a comprehensive framework for preventing and combating trafficking in human beings. Although progress had been made, much remained to be done, and the Romanian authorities would not cease their efforts to reach the highest possible standards in human rights protection. In the immediate future, the Government would concentrate on implementing the existing legislative framework, completing the reform of the judicial system, fighting corruption, eradicating poverty and promoting the social integration of vulnerable groups, particularly the Roma.

36. Her Government reaffirmed its willingness to strengthen cooperation and dialogue with all human rights mechanisms and procedures. Romania had extended a standing invitation to the Commission's thematic procedures, and was always ready to cooperate with other Commission envoys. It had appreciated the visits made by the Special Rapporteur on the right to health and the Special Rapporteur on the sale of children, and was committed to implementing their recommendations. Romania welcomed the appointment of the Special Rapporteur on the situation of human rights in Belarus, and hoped that his experience in the international arena would contribute to a better perspective on Belarus in the United Nations system.

37. Romania was aware of the critical importance of human rights for ensuring regional stability and prosperity. The focus of Romanian diplomacy was therefore to share the experience acquired and lessons learned in the democratic transition and stabilization of neighbouring regions, and their functional role in a united Europe. Eastern Europe had for too long been affected by wars and tension. Romania supported democratic consolidation, economic development and durable stabilization in the countries of that region. The Government was prepared to contribute to the stability and development of all countries in the enlarged Black Sea region, in order to turn it into an area of security and cooperation. Romania had recently coordinated an initiative to establish an International Mission of Experts to Georgia, under the auspices of the Community of Democracies, which had provided democratic assistance to Georgian government agencies and civil society organizations. The members of that mission had acknowledged the Georgian Government's positive and open attitude, its commitment to the

values and principles of democracy and good governance, and its determination to construct and manage an effective Government based on respect for the rule of law, human and minority rights, and to establish a functioning market economy. Romania was willing to support similar initiatives in future. Good governance and respect for human rights and fundamental freedoms would constitute the main theme of the country's Chairmanship of the Committee of Ministers of the Council of Europe in November 2005.

38. Human rights and fundamental freedoms represented basic values for democracies all over the world. Promoting democracy and democratic standards should therefore remain one of the Commission's core functions. Romania, together with several other countries, would be introducing a draft resolution on "Democracy and the rule of law" during the current session, and counted on delegations' support for the initiative, since democracy and the rule of law were fundamental to the creation of an environment in which human rights could be fully realized. States had the primary responsibility for making democracy, human rights and the rule of law a reality.

39. Mr. Wibisono (Indonesia) resumed the Chair.

STATEMENT BY THE ADVISER (STATE MINISTER) FOR FOREIGN AFFAIRS OF BANGLADESH

40. Mr. RAHMAN (Bangladesh) said that he represented a country in which respect for individual liberty was vigorously defended. Bangladesh believed in the indivisibility, universality, non-selectivity and interdependence of human rights and was party to more than 18 major human rights instruments. It favoured a holistic approach with particular emphasis on the right to development. As democracy, development and the full enjoyment of human rights were interdependent, the prevalence of extreme poverty constituted the greatest denial of human rights.

41. Bangladesh believed in constructive engagement with the Commission's special procedures and mechanisms and with human rights NGOs. Although it was fully committed to the implementation of human rights despite many development challenges, it believed that no country could claim to have a perfect human rights record and that unqualified and sweeping criticism could be counterproductive.

42. An enabling environment for human rights required a network of governance institutions and economic policies that underpinned those institutions. Bangladesh was proud of its multiparty system. The three elections held since the restoration of democracy in 1991 had been conducted under the aegis of a non-partisan, interim, caretaker Government whose exclusive mandate was to ensure free, fair and impartial elections. It was a unique system that had proved eminently successful.

43. Institutions required to backstop democracy and human rights were evolving slowly but surely. Awareness of individual rights was growing and a project to establish a national Human Rights Commission would strengthen the capacity to protect and promote human rights. A Cabinet Committee had finalized a corresponding bill, which would eventually be submitted to Parliament for enactment.

44. An interlinked institutional framework was taking shape. It would enhance the efficiency of the judiciary and make legal protection available to all citizens. A Law Reform Commission had been mandated to review existing instruments and institutions and to make recommendations for the establishment of the national Human Rights Commission. A Judicial Training Institute had been set up to train judges, magistrates and court staff.

45. A retired High Court judge had been appointed in November 2004 to chair the new Anti-Corruption Commission. The Chairman and commissioners would serve a four-year term and had the status of Supreme Court judges. That Commission could investigate and prosecute any person on charges of corruption, using its own investigation unit. Part of its mandate was to generate public awareness of corruption through seminars, symposiums and workshops, to identify causes of corruption and to suggest remedies to the President. The national Commission enjoyed financial autonomy within set budget limits.

46. The higher judiciary in Bangladesh was free and independent. Measures were under way to separate the lower judiciary from the executive, including the appointment of a Chairman and member of the Judicial Service Commission to recruit judges for the lower courts.

47. Steps were being taken to establish the Office of the Ombudsman. Innovative measures were being considered for the resolution of village-level disputes in rural courts, and legal aid committees had been formed to assist the poor.

48. The Fourteenth Amendment Act of 17 May 2004 reserved 45 seats for women in Parliament. Women members would be elected by lawmakers from 300 constituencies on the basis of proportional representation.

49. In the area of economic emancipation, significant progress had been made in recent years in terms of sustained economic growth, improvement of per capita income, increasing food security, enhanced disaster management capacity, and improvements in the social sector and health care. A medium-term macroeconomic framework underpinned poverty eradication strategies. The Government intended to raise expenditure on poverty reduction by at least 1 per cent of gross domestic product each year, and the public debt management system was being strengthened to ensure that debt was not a burden for future generations.

50. A regulatory framework allowed private banks greater freedom in managing their activities. A Money Laundering Prevention Act had been promulgated in 2002. Bangladesh was regarded as the home of micro-credit, which reached millions in rural areas, particularly women, with the active support of non-governmental actors and government programmes.

51. Bangladesh had one of the best records in its region for school enrolment and gender parity. It had dramatically lowered population growth rates. Moreover, health outcomes in terms of infant and maternal mortality rates, immunization, nutrition and access to reproductive health care were among the best in the region.

52. Priority was given to education, training and empowerment programmes for women and to their integration into the economic mainstream and involvement in decision-making. The elimination of repression and violence against women was another key goal.

53. To strengthen the rule of law, a Speedy Trial Act had been in operation since 2002 and courts had been established in all districts. Two cells had been formed in the Ministry of Home Affairs to monitor sensational and severe criminal cases, and a Rapid Action Battalion dealt with violence and economic crime. Steps had been taken to ensure that the bodies concerned were legally accountable.

54. Bangladesh remained deeply concerned at the denial of basic human rights in the illegally occupied Palestinian lands. It was also concerned at the general rise in racial crimes and the prevalence of religious profiling. The need for tolerance and the benefits of diversity should be emphasized in all countries.

55. Referring to the recommendations of the High-level Panel on reform of the United Nations for fundamental changes in the Commission, he said that the Panel's terms of reference had fallen short of what was required and it had not delved deeply enough into human rights issues. Such an important subject called for a more thorough analysis before any reform proposal was implemented.

STATEMENT BY THE HEAD OF THE HUMAN RIGHTS DEPARTMENT, MINISTRY OF FOREIGN AFFAIRS OF IRAQ

56. Mr. BERZINJI (Iraq) said that the new Iraq aspired to be a united pluralist and federal democracy and it hoped to involve Iraqis from all communities in the drafting of a constitution. The Iraqi people, having finally cast off the yoke of dictatorship, longed to build together a sovereign country that was secure and stable.

57. On that very day the National Assembly was holding its inaugural meeting in Baghdad following the first elections to take place since the fall of the criminal regime, a regime that had used chemical weapons against its own people in Halabja, Kurdistan, in 1988, indiscriminately killing 5,000 men, women and children in their homes and on the streets and polluting the environment. In the so-called Anfal campaign, 182,000 people had been killed and it was generally held that many had been buried alive by the ruthless regime. Countless people had been massacred throughout the country, including 8,000 Barzani men at a single stroke. The regime had turned Iraq into a monster cage, executing and torturing its citizens. Laws provided for penalties such as cutting off the ears of offenders or tattooing their faces. If a person attempted to shirk compulsory military service, which could often last for 20 years, or to leave the army, his family would be punished. A father who had killed his son for fleeing from extended military service had been paraded on television as a hero. That was why the Iraqi army had disintegrated on 9 April 2003. The Iraqi people had not been surprised when soldiers had deserted their military units to return to their families. They had been willing to defend Iraq but not Saddam Hussein's regime, with its record of mass murder, arbitrary detention and enforced disappearances. The Kurds and Shi'ah were the prime victims of such practices, but nobody was immune. Anyone whose views or beliefs were in conflict with those of the regime was liable to be tortured and executed in the most brutal manner imaginable.

58. On the economic front, the Iraqi people had suffered for years from a dramatic decline in their standard of living. The average monthly salary of an Iraqi official had sunk to US\$ 3. Many had been forced to sell their furniture and send their underage children out to work. Iraq, with its rich and ancient cultural heritage, had been brought to its knees by successive wars

and 13 years of economic sanctions, all on account of the misguided policies of the former regime, which had deprived the Iraqi people of their economic, social and cultural rights. After the fall of the regime, the first task of the new Government had been to raise the standard of living. The minimum monthly remuneration of public-sector employees was now US\$ 150.

59. Any resistance to the former regime was punishable by the execution not only of those involved but also of their relatives up to the fourth degree, a practice of collective punishment that accounted for the mass graves discovered in Iraq.

60. The establishment of the 25-member Governing Council in July 2003 had been an important step. The Council had succeeded in preventing civil war, although the previous regime had sown the seeds of discord between the different religious and minority communities. It had taken major steps to restore sovereignty to Iraq and had formed an Interim Government for a transitional period, setting a deadline for elections, which had been successfully held on 30 January 2005. The turnout had been high and would have been far higher had it not been for the terrorist threats and the positions adopted by some groups.

61. A major challenge facing not only Iraq but the world as a whole was the fight against terrorism, which claimed the lives of innocent civilians in a manner reminiscent of the actions of the former Iraqi regime. No day went by without reports of murder, abduction, rape and car bombings in crowded public places. Unfortunately there was evidence of collaboration by foreign States with the terrorists.

62. Iraq was currently reviewing all its legislation and reactivating national bodies responsible for, inter alia, improving the status of women, for instance the national High Commission on a Strategy for the Advancement of Iraqi Women chaired by the Minister of State for Women's Affairs. It was also restructuring all Iraqi institutions to bring them into line with the Beijing Platform for Action and General Assembly resolutions on implementation of the conclusions of the Fourth World Conference on Women and of the twenty-third special session of the Assembly (Beijing +5) held in 2000. Another important body was the Higher Institution for Children headed by the Minister of Labour and Social Affairs.

63. Women were actively participating in the structures of power. Three members of the Governing Council had been women and the first woman Minister had been appointed in 2003. When the Interim Government was established in 2004, women held six ministerial posts, seven offices of deputy minister and other leading posts in all ministries. Furthermore, women would occupy 25 per cent of the seats in the new National Assembly.

64. The security situation in the country constituted a major obstacle to reconstruction and economic development. The Iraqis did not bear sole responsibility for the situation. The international community as a whole also bore a share of responsibility, as did Iraq's neighbours, who had a duty to curb infiltrators by tightening border security.

65. The Government intended to pursue new policies aimed at promoting participation in public life by members of all Iraqi communities, without any distinction based on religion or on national or ethnic origin. Human rights and fundamental freedoms would be guaranteed for all, including the rights of minorities. Everyone would be given the opportunity to participate actively in the reconstruction of the country and in building State institutions.

66. Notwithstanding the best efforts of the Iraqi Government and people to end violations of human rights, abuses nonetheless occurred. Wherever such abuses were detected, they were addressed in a transparent way by the Ministry of Human Rights, which took steps to ensure that the perpetrators were punished. Nothing resembling the criminal practices of the previous regime would be allowed to recur.

67. Iraq hoped for the assistance of the international community in the reconstruction process and in laying a solid basis for human rights and democracy. The Government believed that racism and racial discrimination were a crime against humanity and that their eradication in all parts of the world was a prerequisite for lasting security and world peace based on justice.

68. Lastly, he called for the speedy return of the United Nations and all its specialized agencies to help the people of Iraq to enjoy security in a society that respected human rights.

STATEMENT BY THE MINISTER FOR FOREIGN AFFAIRS OF SERBIA AND MONTENEGRO

69. Mr. DRAŠKOVIĆ (Serbia and Montenegro) said that the United Nations system, and the Commission in particular, were facing challenges of reform associated with new international circumstances. Those circumstances included the dilemma of how to balance the struggle against global terrorism with the preservation of human rights principles, and how to address increasing religious and racial intolerance, xenophobia and other similar phenomena.

70. During the past year, Serbia and Montenegro had built up institutions that should assist in harmonizing its system with European Union legislation and best practices in the field of human rights. Progress had also been made recently in cooperation with the International Criminal Tribunal for the former Yugoslavia. His country would honour its obligations to the Tribunal completely and unconditionally, primarily on national grounds, because all those who had committed war crimes had disgraced the country's history, culture and traditions. There was no excuse for such conduct.

71. The United Nations Human Rights Committee had concluded that the United Nations Interim Administration Mission (UNMIK) in the province of Kosovo and Metohija should report on the human rights situation there. He trusted that the Mission would act soon on that finding, since the United Nations, and UNMIK in particular, had enormous responsibilities in respect of the tragic human rights situation in the province. If a person deprived of basic human rights was a slave, there were some 300,000 slaves in Europe today. They were the non-Albanians, mainly Serbs, who were suffering discrimination in Kosovo and Metohija, the Serbian territory administered by the United Nations and its military and police forces since 10 June 1999.

72. According to Amnesty International, about 230,000 Serbs and other non-Albanians had been driven out of Kosovo and Metohija. More than 40,000 of their homes had been destroyed and thousands had been forcibly occupied. A hundred and fifty centuries-old churches and monasteries had been destroyed. Many Christian cemeteries had been vandalized. More than 70,000 Serbs and other non-Albanians living in so-called enclaves, surrounded by the majority Albanian population, were deprived not only of freedom of movement and employment but of life. The civilian casualties included many children. Serbs in the province were escorted to their fields, schools and churches by Kosovo Force (KFOR) soldiers in armoured vehicles.

73. The United Nations had an obligation to protect the fundamental rights of those people and thus to ensure safe living conditions, safe return, freedom of movement, freedom to enjoy ethnic and cultural rights, the rebuilding of what had been destroyed and the restitution of their property. Such action was a sine qua non for the abolition of a system of ethnic masters and ethnic slaves in present-day Europe. The frequently mentioned future status of Kosovo must, above all and unconditionally, be a human status.

STATEMENT BY THE MINISTER FOR FOREIGN AFFAIRS OF BOSNIA AND HERZEGOVINA

74. Mr. IVANIĆ (Bosnia and Herzegovina) said that the human rights situation in his country had improved considerably over the past year. Important reforms had been undertaken, including the adoption of new legislation on human rights-related issues. The 2004 Law on Freedom of Religion and the Legal Position of Churches and Religious Communities had been adopted in conformity with European standards. Other new legislation concerned missing persons, the movement and stay of aliens, and asylum. Amendments had been made to legislation governing refugees and internally displaced persons. Reforms to education legislation aimed at ensuring equal access to primary and secondary education for all without discrimination. Recently adopted legislation on the protection of minority rights in Republika Srpska was in compliance with the provisions of the Council of Europe's Framework Convention for the Protection of National Minorities. In Bosnia and Herzegovina, minority legislation was currently awaiting parliamentary approval.

75. Further measures envisaged by the Government included the establishment of country representation in the European Court of Human Rights. The planned accession to the European Charter for Regional or Minority Languages and the revised European Social Charter were hoped to provide a basis for establishing a protocol on cooperation in the search, exhumation and identification of missing persons between Bosnia and Herzegovina and other countries.

76. The Government was committed to the progressive harmonization of domestic legislation with the European acquis. The Court and the Prosecutor's Office of Bosnia and Herzegovina had been established in 2002 and 2003 respectively. Concurrently, an institutional framework had been set up to ensure the implementation of justice system reforms. The Court of Bosnia and Herzegovina had a special chamber to handle cases involving organized crime, and the establishment of a special war crimes unit was near completion. The High Judicial and Prosecutorial Council had been instituted to guarantee the independence of the judiciary. Reforms in the criminal justice system included the adoption of a new Criminal Code, a new Code of Criminal Procedure, and legislation on the protection of endangered witnesses. The Government also envisaged the establishment of a legal framework for the prosecution of new forms of organized crime to facilitate the implementation of the United Nations Convention against Transnational Organized Crime and its Protocol against the Smuggling of Migrants by Land, Air and Sea.

77. A series of measures had been taken to strengthen institutional capacity in the field of human rights. The Bosnia and Herzegovina Return Fund had become operational. The Government had also set up a gender equality agency at State level and a national Commission for Property Claims of Refugees and Displaced Persons. The Competition Council and the Concessions Commission had been created to ensure greater transparency of government agencies.

78. In compliance with its international reporting duties, in the past year his Government had submitted reports on the implementation of, inter alia, the International Convention on the Elimination of All Forms of Racial Discrimination, the International Covenant on Economic, Social and Cultural Rights, the Framework Convention for the Protection of National Minorities, and the Convention against Torture. The reports had been prepared in cooperation with domestic NGOs.

79. In spite of progress made in terms of legislation and institutional capacity-building, a series of obstacles hampered the implementation of legally guaranteed human rights. In 2004, considerable effort had been expended to protect the rights of refugees and displaced persons. The Ministry of Human Rights and Refugees had established four regional centres and created a database on refugees and displaced persons. Although over 1 million refugees and displaced persons had returned to their homes thus far, their security remained of concern. Financial constraints, exacerbated by a decline in foreign aid, currently hampered the return of refugees. In spite of efforts made by the national authorities, the return process was not self-sustainable. There was a lack of adequate employment programmes for returnees and problems relating to pension payments.

80. Other areas of concern included slow bureaucratic processes, high unemployment, unsatisfactory services for persons with disabilities, a lack of gender sensitivity, inadequate birth registration systems, difficulties in guaranteeing universal access to primary education, and the issue of missing persons. The Government cooperated with the relevant United Nations bodies to resolve the question of uncertified police forces operating in the territory.

81. Some of the difficulties in the implementation of international norms resulted from a lack of awareness of human rights issues. Human rights education and awareness-raising activities were therefore essential. On behalf of his Government, he thanked the United Nations, the Council of Europe, the European Commission, the Office of the United Nations High Commissioner for Refugees, the United Nations Development Programme, OSCE, the United Nations Children's Fund and the International Organization for Migration for their support. However, the domestic authorities were willing and able to assume their responsibilities in improving the human rights situation in the country.

STATEMENT BY THE DEPUTY MINISTER FOR FOREIGN AFFAIRS OF BULGARIA

82. Mr. DRAGANOV (Bulgaria) said that Bulgaria aligned itself with the statement made by the representative of Luxembourg on behalf of the European Union.

83. The recommendations contained in the report of the High-level Panel on Threats, Challenges and Change provided a useful foundation for the international community's efforts to rationalize the human rights protection system. However, his Government was concerned that

universal membership of the Commission on Human Rights might lower the Commission's standards and thought it preferable to set higher objective criteria for membership. The proposal to prepare an annual report on the situation of human rights worldwide was commendable, as it would contribute to improving human rights monitoring and strengthen the basis for country-specific resolutions. He appealed to all members to reaffirm their support for the work of the Commission and thus guard against any limitations that might be imposed on its mandate during the reform process. The rapid response mechanisms for human rights crisis situations were in urgent need of reform; prevention should take precedence over rehabilitation. Also, reducing the number of thematic resolutions and streamlining their contents could help to enhance the Commission's effectiveness.

84. The protection of human rights and fundamental freedoms and full compliance with international human rights standards both at the national and international levels were priorities for the Bulgarian Government. Particular emphasis was placed on the protection of children's rights. In 2004, a national action plan had been adopted to eradicate the sexual exploitation of children. Monitoring of the implementation of the plan fell to the State Agency for Child Protection. Sustained efforts had been made to ensure equal opportunities for disabled persons, and his Government supported initiatives to prepare an international convention on the rights and dignity of disabled persons. Domestic draft legislation on persons with disabilities was currently awaiting parliamentary approval.

85. A national commission had been established to coordinate the fight against trafficking in human beings. The commission had launched a national programme of action and worked closely with other countries concerned in the implementation of that plan. Cooperation between countries of origin, transit and destination was crucial to the success of such efforts.

86. The 2004 Bulgarian Chairmanship of the OSCE had placed human rights education high on the agenda; it constituted a powerful tool for promoting human rights and security and for combating all forms of discrimination.

87. The close relationship between human rights and development was self-evident. The far-reaching changes resulting from Bulgaria's economic transition had had an impact on all sectors of society; certain population groups, such as the Roma, had been particularly affected and made more vulnerable. In response, measures had been taken to strengthen anti-discrimination legislation and additional resources had been allocated for the development of policies and programmes aimed at improving the situation of the Roma people. Bulgaria had also joined the "Decade for Roma Inclusion" initiative launched by the World Bank, thus making a collective commitment to work towards the integration of the Roma community into society.

88. The phenomenon of international labour migration in the context of a globalizing world had transformed the implementation of international human rights instruments into a transnational issue. It was therefore essential for all countries to adhere to internationally agreed standards when instituting legal proceedings against foreign nationals. The Commission played a crucial role in forging a consensus on the universal character of human rights and the need for their full realization throughout the world.

STATEMENT BY THE MINISTER FOR LAW, JUSTICE AND HUMAN RIGHTS OF PAKISTAN

89. Mr. WASI ZAFAR (Pakistan) said that a fair and balanced human rights system was vital for the promotion and protection of human rights worldwide. The Commission on Human Rights was a central organ of that system, and States and civil society should cooperate to free the Commission of politicization.

90. Islam stipulated the promotion of the rights of the people in a society based on the principles of fairness, equality, justice, brotherhood, peace and opportunities for all. Cultural diversity, dialogue and understanding were crucial to the realization of human rights, and his Government had therefore adopted a policy of promoting harmony and cooperation between Islam and other religions and cultures. Commitment, effort and capacity-building were needed to create an enabling environment for human rights. To achieve that goal, Governments relied on administrative and financial support from civil society and the international community.

91. Poverty, illiteracy and unemployment provided a fertile ground for human rights violations, and the realization of economic, social and cultural rights therefore warranted particular attention. Political disputes and conflicts also went hand in hand with human rights violations and it was therefore essential to address the root causes of such conflicts and work towards their resolution. Governments' obligation to protect their citizens from crime should not be seen as a licence for impunity.

92. His Government was committed to realizing the vision of a modern, moderate and tolerant Pakistan. Measures taken to achieve that goal included the establishment of an independent Human Rights Commission, the signature of the International Covenant on Economic, Social and Cultural Rights, and the establishment of a financially and administratively autonomous system of local government, which represented a major step towards empowerment of the people.

93. The promotion of women's participation in all spheres of life was crucial to achieving sustainable development. In Pakistan, women occupied 33 per cent of seats in local government bodies and nearly 20 per cent of seats in the national Parliament. The national Commission on the Status of Women had been set up to combat all forms of discrimination against women. The body also fostered the creation of employment and entrepreneurial opportunities for women; both the Government and NGOs had launched microcredit programmes. A recently adopted law prescribed capital punishment for so-called "honour killings".

94. The system of separate electorates for religious minorities had been replaced by a single electorate, thus enabling minorities to vote alongside Muslims. In addition, 10 seats in the national Parliament and 23 seats in provincial parliaments had been reserved for minorities. The national Commission on Child Welfare and Development was mandated to ensure the implementation of the provisions of the Convention on the Rights of the Child.

95. Capacity-building projects were being undertaken to enable the judiciary to play a key role in the implementation of international human rights standards; those guilty of human rights violations were duly prosecuted. Further reform projects were currently under consideration, including improvements to domestic legislation and streamlining of the administrative machinery.

96. The death and disappearance of thousands of people in Jammu and Kashmir since 1989 and the restrictions imposed on Kashmiri leaders' political activities and freedom of opinion and expression continued to be cause for grave concern. The protection of the rights of the people of Indian-held Kashmir, including their right to self-determination, required urgent attention.

97. In the context of the current dialogue between Pakistan and India, his Government had proposed, inter alia, the establishment of mutually acceptable modalities for associating the true representatives of the Kashmiri people with the negotiation process and the appointment of high representatives of Jammu and Kashmir with a clear mandate to promote a peaceful settlement of the conflict in cooperation with the people of Jammu and Kashmir. He reminded the Commission that in the process of finding a satisfactory solution to the dispute, the rights of the Kashmiri people must not be neglected.

The meeting rose at 5.30 p.m.