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Sixty-first session

SUMMARY RECORD OF THE 45th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 12 April 2005, at 3 p.m.

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

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The meeting was called to order at 3.05 p.m.

SPECIFIC GROUPS AND INDIVIDUALS:

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- (d) OTHER VULNERABLE GROUPS AND INDIVIDUALS

(agenda item 14) (continued) (E/CN.4/2005/8, 63, 79, 80 and Add.1, 81-83, 84 and Add.1, 85 and Corr.1 and Add.1 and Add.2-4, 86 and Corr.1 and Add.1, 124, 128 and 133; E/CN.4/2005/G/7, 19, 31 and 33; E/CN.4/2005/NGO/13, 25, 52, 65, 74, 82, 106, 120, 129-130, 143, 180, 186, 195, 199, 232, 234, 270, 289, 302, 320 and 321; E/CN.4/Sub.2/2004/29 and 36 and Corr.1; E/CN.5/2005/5 and Corr.1; A/59/360)

1. Mr. EKANAYAKE (Sri Lanka) said that much could be done through enhanced international, regional and bilateral cooperation to maximize the positive contribution of migrant populations to the economic, social and cultural advancement of source and host countries alike. Migrant work should be valued, welcomed and assisted, in order for the potential benefits to be felt by all parties. Although the economic advantages for source countries were highly valued, the social consequences of migration, such as the break-up of family structures, needed to be addressed carefully. Support systems for the families of migrant workers must be strengthened. Sri Lanka was party to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and urged States which had not yet done so to sign and ratify that treaty.

2. His Government appreciated the significant contribution that Sri Lankan women migrant workers made to the country's economic and social development. However, as the feminization of migration increased, Governments must increase their efforts to ensure the full protection of the rights of female migrant workers. To that end, the Sri Lankan Human Rights Commission had recently established a committee to review government procedures and practices with a view to strengthening domestic migration legislation. As a co-sponsor of the resolution on the human rights of migrants, Sri Lanka welcomed the new paragraphs that had been proposed for insertion into that resolution, recognizing the importance of the increasing participation of women in international migration movements. His delegation hoped that the High-Level-Dialogue on International Migration during the 2006 United Nations General Assembly would make a significant contribution to discussions on migration issues. Sri Lanka looked forward to the official publication of the final report of the Global Commission on International Migration.

3. Turning to the issue of internally displaced persons (IDPs), he said that over the past three years, the Government of Sri Lanka had resettled 115,000 families who had been displaced by the conflict in the country. However, the tsunami disaster had created a new category of IDPs. Soon after the disaster, the Government had established the Centre for National

Operations, for the coordination of emergency relief work, which had divisions for search and rescue, IDPs and shelter, in order to ensure immediate protection for all IDPs displaced by the tsunami, without discrimination. A children's division and a psycho-social division had also been established under the direct supervision of the National Child Protection Authority, the Department of Probation and Childcare, and the United Nations Children's Fund (UNICEF). In the first month following the disaster a policy framework and guidelines had been finalized, based on initial and updated surveys, which had clearly set out the immediate care needs of children affected by the tsunami. The Government appreciated the support that had been provided by UNICEF during the crisis. Close attention had been paid to the needs of women and children in IDP camps. Training programmes had been provided for IDP camp staff, humanitarian workers and security officers on the prevention of sexual abuse and exploitation of IDPs. The Government appreciated the recognition by the Representative of the Secretary-General on the human rights of IDPs of national efforts at the time of the disaster. The Sri Lankan authorities had made efforts to ensure the provision of relief and protection to all IDPs, without discrimination. It was hoped that progress in the peace process and the reconstruction of the country following the tsunami devastation would lead to permanent solutions for all IDPs.

4. Ms. ZEWDIE (Ethiopia) said that, despite efforts by international organizations, the human rights situation for migrant workers was an issue of concern to the whole international community. The entry into force of several relevant international instruments was a positive step. Despite the development of consultation processes on migration management, the problem of migrant workers, particularly women, was yet to be resolved. There had been a particularly significant deterioration in the human rights situation of those with irregular administrative status. Migrant workers, especially those in domestic service, suffered inhumane and degrading abuse and many forms of exploitation that were in violation of international human rights standards. Migrant workers often faced discrimination, xenophobia and racist practices, while those who were undocumented were often placed in detention. They were subjected to sexual and economic exploitation and trafficking, and in some cases employers confiscated their workers' documents. Summary expulsions, mass deportations and gender violence were also common, and the perpetrators of such crimes often benefited from impunity. The full implementation of international human rights instruments was imperative for the protection of migrant workers. Source countries must also assume responsibility and address the causes of migration.

5. Ethiopian migrant workers left the country in search of a better life. However, in most cases, their dreams were shattered by the appalling conditions that awaited them in receiving countries. The Ethiopian Government had therefore taken measures to alleviate the problem. Consular offices had been opened in some receiving countries, and had been making efforts to protect Ethiopian migrant workers by negotiating on their behalf for unpaid wages, and following cases of migrants in detention. Private employment agencies had been opened to facilitate the legal and proper employment processes for migrant workers in the Middle East. The media were playing a significant role in raising public awareness of illegal trafficking in migrant workers, particularly women and children. Poverty and economic disparities were major driving forces behind migration. The Ethiopian Government had launched a poverty reduction

strategy, which was currently in its third year of implementation. With the necessary international support, that strategy would play a significant role in addressing the root causes of migration.

6. Mr. APITONIAN (Armenia) said that the international community had made considerable progress in responding to the global challenges of displacement, and the decrease in the number of refugees across the world was a welcome achievement. His delegation shared the view of the Office of the United Nations High Commissioner for Human Rights (OHCHR) that decisive measures must be taken to develop early warning and urgent action mechanisms and to combat impunity in order to prevent new cases of mass exodus and displacement. Measures must be taken to eliminate the root causes of those problems and to deal with their consequences, including by ensuring the observance of the human rights and fundamental freedoms of refugees and asylum seekers. Local integration must be encouraged.

7. On gaining independence, Armenia had faced the challenge of accommodating a large number of IDPs and refugees. The Government's commitment to addressing the problems of such vulnerable groups had been based on policies of local integration and naturalization. The development of the protection of the human rights of national, ethnic, religious and linguistic minorities should remain a priority for United Nations mechanisms. The protection minority was a priority for the Armenian Government, and in 2004 the Department for National Minorities and Religious Affairs had been reformed. The Department planned government activities aimed at preserving the traditions, language and cultural development rights of national, religious and linguistic minorities. Discussions had begun on a draft law on national minorities and on amendments to the Law on Freedom of Conscience and Religious Organizations. The Government had also launched several State-sponsored programmes, including one for the establishment of a cultural centre for national minorities. Minority languages and cultural studies had also been included in primary and secondary school curricula. Efforts to improve the enjoyment of minority rights would continue, particularly with regard to the involvement of minorities' representatives in decision-making processes at the national level.

8. His delegation was discouraged by the allegations that had been made against Armenia by Azerbaijan on the issue of missing persons. Those allegations demonstrated a continued attempt to score political points. The Armenian Government would maintain its commitment to cooperate fully with the International Committee of the Red Cross (ICRC) to work for a solution to the problem.

9. Mr. ZAPATA (Honduras) said that his Government had recently established the Office of the Presidential Commission for the Honduran Community Abroad to keep in permanent contact with migrants and to implement support strategies and programmes. With the help of international bodies and NGOs, it had implemented initiatives such as a temporary accommodation project for migrants and victims of human trafficking, focusing on vulnerable groups such as women and minors; a project to assist Honduran returnees through the Welfare Centre for Returned Migrants which had offices in the country's main airports; and a project aimed at repatriating deceased and disabled migrants.

10. At the international level, the Government engaged in an ongoing bilateral and multilateral dialogue with a view to concluding agreements to protect migrants, inter alia in the areas of employment, trade and security.
11. Honduras had enacted a special law on HIV/AIDS designed to control the epidemic. Priority was given to social and multisectoral mobilization, with assistance from NGOs and civil society. For instance, a project to enhance national health protection and promotion capacity in relation to HIV/AIDS was being implemented with ample financial support from the international community and the Global Fund to Fight AIDS, Tuberculosis and Malaria. In the first stage of the project, special attention had been given to the promotion and protection of human rights, including action to combat social discrimination and to ensure respect for the dignity of persons living with HIV/AIDS, as well as effective prevention and care. Honduras now had an internationally recognized retroviral therapy programme and had set up new treatment centres.
12. A number of private organizations collaborated with government agencies in initiatives and programmes on behalf of people with disabilities. They were coordinated by Honduran rehabilitation bodies. The Government had organized events on behalf of people with disabilities and had made provision in the budget for assistance to relevant organizations as part of its poverty reduction strategy. Employment legislation for people with disabilities had been enacted to enhance public awareness and to provide job opportunities in various government institutions.
13. Mr. KOTTUT (Kenya) said that special groups and individuals suffered great disadvantages in the enjoyment of their human rights. All States, intergovernmental organizations and civil society must therefore cooperate in order to address the problems faced by those special groups, particularly in developing countries. The Kenyan Government welcomed the establishment of mechanisms within the United Nations system which could help to promote the rights of special groups. The Special Rapporteur on the human rights of migrants had made a number of pertinent recommendations, which must be implemented as a matter of urgency by receiving States. All States must sign and ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families as soon as possible, and those that had already done so must ensure the effective implementation of that treaty.
14. Over the past year, Kenya had ratified the United Nations Convention against Transnational Organized Crime and its two Optional Protocols, and was taking the necessary steps to implement them. Small-scale irrigation systems had been established to provide minority communities with means to produce food, as part of the Economic Recovery Strategy for Wealth and Employment Creation supported by the United Nations Development Programme (UNDP) and the World Bank. The Government had appointed a judicial commission of inquiry into ethnic clashes to address the root causes of conflicts and internal displacement. The National AIDS Control Council had been established to address the needs of people living with HIV/AIDS. A bill on HIV/AIDS prevention and control was currently before Parliament, which, if adopted, would establish a comprehensive legal framework to ensure that the human rights of people living with HIV/AIDS were promoted and protected. Kenya was host to a large

population of refugees, and had prepared a refugees bill in line with international standards, which was currently before Parliament. New legislation had recently been adopted to protect persons with disabilities and to address women's issues in all aspects of public life. The Kenyan Constitution was currently being revised, and the new draft constitution contained a bill of rights which guaranteed the fundamental rights and freedoms of all special groups and individuals.

15. Mr. COSTEA (Romania) said that every year thousands of people, most of whom were women and children, fell victim to trafficking in persons for the purposes of sexual, labour and other exploitation. His Government was committed to preventing and combating trafficking in human beings, and paid particular attention to the protection of victims. The Romanian National Plan of Action focused primarily on law enforcement and legal reform, and included all relevant governmental and non-governmental institutions in all spheres of activity. In 2004, the Romanian Ministerial Working Group for Coordination and Evaluation of Activities for Preventing and Combating Trafficking had approved the National Plan of Action on child trafficking, coordinated the establishment of the National Transit Centre for returned child victims of trafficking, established a network of centres for receiving child victims of trafficking, monitored the establishment of nine assistance centres for adult victims of trafficking and of a national integrated action system for intervention in cases of returning victims of trafficking, and trained trainers for participation by the Ministry of Administration and the Interior and Ministry of Defence in peacekeeping operations, in accordance with North Atlantic Treaty Organization (NATO) recommendations.

16. The Romanian Government considered it necessary to raise awareness through education, and had therefore included several issues related to trafficking in the primary and secondary school national curricula. Anti-trafficking awareness campaigns had been run in the media in order to underline the risks of becoming a trafficking victim, which had led to a decrease in trafficking in Romania's major cities. Efforts were being made to improve the procedures for identifying victims and offering them complete assistance and protection, with particular attention being paid to the specific requirements of children. The Romanian authorities had also begun to review the national statistical data collection system. The Government, in cooperation with UNICEF and Columbia University, had recently developed a programme for planning advocacy, media and outreach initiatives for the prevention of child trafficking. Combating trafficking in persons was both a national responsibility and a regional and international obligation, and the flexibility of criminal networks required a coordinated international response.

17. Romania's national Task Force on Combating Trafficking in Human Beings coordinated annual regional operations, known as "Mirage", which aimed to dismantle human trafficking networks. In 2004, 601 victims had been identified, 98 of whom had received assistance from NGOs and 138 of whom had been repatriated by the International Organization for Migration (IOM). Romania was also involved in the International Labour Organization (ILO) subregional project for providing technical assistance to combat labour and sexual exploitation of children, including trafficking. The Government was committed to cooperating on a regional and international level to combat trafficking in persons.

18. Mr. Wibisono (Indonesia) took the Chair.

19. Mr. BOROS (Hungary) said that there was considerable scope for improving minority protection in the existing United Nations system, since it had proved to be incapable of preventing conflicts involving minorities. Better coordination within the whole United Nations system was imperative. His delegation welcomed OHCHR efforts to increase the involvement of United Nations specialized agencies in matters related to minorities, and appreciated the efforts of special procedures and treaty bodies to take minority issues into account in their work. The working methods of the Sub-Commission's Working Group on Minorities must be improved. All actors, including the Working Group, Members States and NGOs should reflect on how the Working Group could be enabled to fulfil its mission. All efforts to enhance dialogue within the Working Group were welcome, as were all recommendations by minorities' representatives. His delegation considered that the Working Group on Minorities should be complemented by a special procedure at a higher level, such as a Special Representative of the Secretary-General, who could engage in dialogue with Governments, and assist the Working Group, which at present could not act on the numerous communications it received.

20. Mr. LANCHIKOV (Russian Federation) said that, although there were a number of universal mechanisms and procedures for the protection and promotion of the rights of vulnerable groups and individuals, they did not always provide adequate protection for national minorities. The situation of the Russian-speaking population in the Baltic States was of particular concern. There were large numbers of Russian-speaking non-citizens resident in Latvia and Estonia, whose civil and political rights were being infringed. In certain similar situations elsewhere the treatment of national minorities had been considered a definite violation of their human rights and had been condemned by the international community. The Russian Government wondered why there had not been a similar reaction to the situation of the Russian-speaking Baltic population. The protection of minority rights should not fall victim to political aspirations.

21. New threats and challenges were being faced across the world, and the fact that minorities were particularly vulnerable must be borne in mind in the development of minority integration policies. The Russian Federation welcomed the work of the Sub-Commission's Working Group on Minorities, which provided a sound basis for dialogue between national minorities and Governments. States' lack of recognition of minorities could cause conflicts between nationality groups. Policies that gave preference to certain groups of the population were unacceptable. Legislative and practical measures must be taken to ensure that information and education were provided to national minorities in their native languages. Maximum integration and development of minorities was a fundamental criterion for the establishment of democracy.

22. Mr. MacAODHA (Ireland) said that although 84 years had passed since the adoption of the International Convention for the Suppression of the Traffic in Women and Children, trafficking in persons was currently a more widespread problem than it had ever been, and was considered one of the most lucrative international crimes. Rich and poor countries alike served as countries of origin, transit and destination. Trafficking constituted a contemporary form of slavery, the principal victims of which were women and children. Emphasis tended to be placed on the pursuit of criminal syndicates that perpetuated the phenomenon, and victims, many of whom suffered sexual and/or economic exploitation, were often overlooked.

23. International instruments treated trafficking as a transnational crime. Although it was undoubtedly a crime of international proportions, which required a coordinated response from national authorities, it must also be approached from the point of view of human rights. The Council of Europe was working towards the development of a convention on trafficking, which would identify the problem as a human rights violation. The convention was expected to include comprehensive measures for the treatment of victims, aimed at protecting their private life and identity, and assisting in their physical, psychological and social rehabilitation. His delegation welcomed the recent appointment of the Special Rapporteur on trafficking in persons.

24. All States must be vigilant to ensure that they did not become affected by trafficking in persons. Ireland was conscious that there was no room for complacency, and steps were being taken at the national level to ascertain risk factors and take appropriate action if necessary. The current discussion would enable the Commission to highlight particular individuals and groups that were vulnerable to trafficking. His Government was particularly concerned about the situation of Bhutanese refugees in Nepal. A prompt and effective solution to the problems of that group, involving voluntary repatriation, local integration or resettlement, was long overdue.

25. Mr. THAPA (Nepal) said that the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families was significant for the protection of the overall interest and welfare of those persons, and for the fulfilment of their economic aspirations. Migration had become a necessary and beneficial phenomenon of economic and social life, with benefits for sending and receiving States alike. Migrant workers made significant contributions through remittances, including transfer of skills and knowledge, to the socio-economic development efforts of their countries of origin and to the social, economic and cultural spheres of the host countries. Remittance was currently one of the largest sources of external finance for developing countries.

26. Since Nepal was a source country of migrant workers, the Government was conscious of the need to ensure the safety and security of workers when sending them abroad. Efforts were therefore being made to strengthen domestic protection systems to ensure the safety, security and integrity of workers. The Government had taken strong legal action against fraudulent practices by labour agencies, and steps were being taken to provide workers with necessary information, to ensure contracts were legal and to organize relevant pre-departure training and orientation programmes. Further consolidation of the legal and institutional framework was necessary at the international level. The work of the ILO and the IOM to promote the cause of migrant workers was commendable. The Bern initiative launched by the Swiss Government was another significant effort to promote greater international understanding and cooperation between sending and receiving countries, to promote regular, managed and mutually beneficial migration.

27. Despite international efforts, his Government was particularly concerned about the continuous neglect of the human rights of migrant workers and their families, which had adversely affected their safety, security and dignity. The link between migration and trafficking was also cause for concern, and all efforts to break that connection should focus on the safety and security of the migrant. Although women migrant workers contributed significantly to socio-economic and cultural development in host countries, they continued to suffer

discrimination and violence, including rape and sexual exploitation in the workplace. The efforts made at the national level by the Nepalese authorities must be continuously strengthened and supported by the international community and host Governments.

28. Ms. HELLE AJAMAY (Norway), speaking also on behalf of Denmark, Finland, Iceland and Sweden, said that the report of the Representative of the Secretary-General on the human rights of IDPs (E/CN.4/2005/84 and Add.1) was both informative and reflective. The primary responsibility for the protection and assistance of IDPs lay with States, but many still failed to fulfil their obligations. While the Nordic countries welcomed the progress made in conceptualizing protection for IDPs and obtaining acceptance of the Guiding Principles on Internal Displacement by a growing number of States, they remained concerned that the implementation of the Guiding Principles left a great deal to be desired.

29. The attempt by the Representative of the Secretary-General to further clarify the meaning of protection and the challenges it entailed was interesting both academically and in terms of its practical implications. She hoped that his analytical approach would be helpful to Governments in designing laws and policies to address actual or potential situations of internal displacement.

30. The Nordic countries would continue to support efforts to improve the plight of IDPs and the work of the Representative, the Internal Displacement Division of the Office for the Coordination of Humanitarian Affairs (OCHA) and NGOs as well as the pioneering role played by the Norwegian Refugee Council and its Global IDP Project. As coordination among all actors was essential, they welcomed the Memorandum of Understanding signed in November 2004, providing for a division of labour between the Representative, OCHA and the Norwegian Refugee Council.

31. The Nordic countries encouraged the United Nations Secretary-General to strengthen the inter-agency response to the needs of IDPs and welcomed the leadership role being played in that regard by the Emergency Relief Coordinator. As there was still considerable room for improvement of the collaborative approach, they were open to discussion of a stronger role for humanitarian coordinators.

32. In focusing on the human rights aspects of internal displacement, it was important for the Commission to bear in mind the untapped human potential of IDPs.

33. Mr. FERRER RODRÍGUEZ (Cuba) said that for 46 years the approach of successive United States Governments to Cuban emigration had been one of aggression and political manipulation. Irregular migrants of other nationalities suffered discrimination and were deprived by federal and state laws of their rights to education, health and employment. Large numbers were detained and deported by border police or persecuted by racist anti-immigrant gangs. By contrast, Cubans arriving in the country, even by illegal, violent or terrorist means, were immediately given residence rights and access to social welfare under the Cuban Adjustment Act. The United States Government refused to repatriate illegal migrants from Cuba, notwithstanding bilateral agreements.

34. Since July 2004 Cuban migrants and their families had been victimized by the United States Government's demented policy of asphyxiating the Cuban economy. The draconian measures included restrictions on categories of travellers and recipients of remittances and parcels of food and medicines. Visits to Cuba had been reduced from one trip a year to one every three years, with no exceptions on humanitarian grounds. Such restrictions were contrary to the United States Constitution and to a law enacted in 2000.

35. The self-styled champion of human rights continued to undermine rights enshrined in the basic human rights instruments. Most of the Cuban community in the United States was against the genocidal blockade and in favour of normalization of relations, but had been silenced for years by the Miami clique. For the first time, however, honest representatives from Miami, who were not in the pay of their imperial masters, had claimed their rights in the Commission on Human Rights. The hawks in the United States Government, on the other hand, with the complicity of the Miami terrorist mafia, persisted in artificially creating a migration crisis that could be used as a pretext for a military attack on Cuba, an option that the Administration had never ruled out. But they had failed to learn the lessons of history. Nothing and nobody would prevent the recovery of the Cuban economy and the gradual and irreversible normalization of relations between Cuba and its emigrants.

36. Mr. GANG Wang (China) said that all ethnic groups were equal and should receive the same respect. Religious and cultural traditions were the carriers of ethnic identity and the common heritage of humankind. Special care should be taken to preserve the traditions of vulnerable ethnic groups in the face of globalization. To that end, Governments should pursue preferential economic policies on behalf of ethnic minorities. Experience in protecting minority rights should be shared through dialogue and cooperation on the basis of equality and mutual respect. United Nations bodies and the Commission in particular had an important role to play in that regard.

37. China was a unified, multi-ethnic country. The 56 ethnic minorities recognized by the Government enjoyed special rights under the Constitution and relevant laws. Regional ethnic autonomy was granted in areas densely populated by ethnic minorities. The Government had taken their special situation into account in its economic and social development plans. The annual growth rate of gross domestic product in those regions was almost 1 per cent higher than the national average. The Strategy of Western Development launched in 2000 covered five autonomous regions and 27 autonomous prefectures.

38. Freedom of religion and belief was guaranteed. As of late 2003, the Tibet Autonomous Region had more than 1,700 religious sites for Buddhists with some 46,000 resident monks and nuns. Xinjian Uighur Autonomous Region had 23,788 mosques with over 26,000 clergy.

39. China was a party to the International Convention on the Elimination of All Forms of Racial Discrimination and had submitted five reports to the relevant monitoring body, which had recognized the Government's achievements in promoting the development of ethnic groups.

40. Although the western regions still lagged behind the well-developed east, the Government was adopting a scientific people-centred approach to sustainable development and would continue to improve the material basis of the system of regional ethnic autonomy.

41. Mr. VASSYLENKO (Ukraine) said that the interplay of human rights and security risks in the case of vulnerable groups such as migrant workers, minorities and displaced persons presented a challenge to States and international organizations. The High Commissioner's report on the rights of persons belonging to national or ethnic, religious and linguistic minorities (E/CN.4/2005/81) was timely and to the point. As significant gaps existed in the protection of minority groups, he urged the United Nations to strengthen its capacity to address the issues involved.

42. Ukraine, as a party to the International Convention on the Elimination of All Forms of Racial Discrimination, the European Framework Convention for the Protection of National Minorities and other relevant international instruments, attached the utmost importance to the protection of minorities, who constituted 22.2 per cent of the country's population. It was necessary, in particular, to improve the legislative basis for promoting harmonious relations between people of diverse ethnic origin, ensuring equality of rights and freedoms for all citizens irrespective of race, religion or ethnic origin.

43. The Ukrainian authorities were doing their utmost to secure the return of people, such as Crimean Tatars, Germans and Greeks, deported from Ukraine by the totalitarian communist regime and their legal, political, social and cultural rehabilitation. The Government's strategy was aimed at accommodating the returnees and supporting their integration into social, economic and public life.

44. The authorities were creating flexible legal mechanisms to protect Ukrainian citizens living or working abroad, and had established an assistance centre. Ukraine had concluded bilateral treaties on labour matters with Latvia, Poland, Portugal, the Russian Federation and other countries.

45. The phenomenon of human trafficking had become an important part of transnational organized crime. Ukraine was endeavouring to promote concerted international action against trafficking and supported the establishment of direct contacts among relevant law enforcement agencies.

46. Ms. LACKENBAUER (International Federation of Red Cross and Red Crescent Societies) said that the appointment of the Representative of the Secretary-General on the human rights of IDPs had been an important milestone in the evolution of international understanding of the issues involved. She was particularly pleased by the emphasis that the Representative had placed in his report (E/CN.4/2005/84) on protection and the need to focus on the vulnerability of IDPs. In the past the debate about the special needs of IDPs had tended to focus on conflict-related situations. Her organization had argued for some time that more attention should be given to the displacement impact of natural disasters. It therefore welcomed the Representative's visit to the tsunami-affected region and his recommendations on the protection of IDPs in natural disaster situations. It looked forward to promoting joint action in that area by national human rights institutions and national Red Cross and Red Crescent Societies. Important protection issues were access to assistance, discrimination, enforced relocation, sexual and gender-based violence, and safe and voluntary return or resettlement.

47. Migrants were another group of special concern, and her organization therefore strongly supported the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and solutions that recognized the part migrants played in globalization and their positive impact on the world economy. Governments should enact legislation aimed at guaranteeing mainstream human rights for non-citizens and ensure that they enjoyed such rights in practice.

48. Mr. BADRULDIN (Observer for Iraq) said that millions of Iraqis lived abroad, primarily on account of the situation in their country. However, they aspired to become actively involved in the reconstruction of Iraq, and large numbers of emigrants had therefore taken advantage of the opportunity to vote in the recent elections to the National Assembly of 14 polling stations abroad.

49. The Government of Iraq was endeavouring to create the conditions in which all groups - Arabs, Kurds, Turkomans, Assyrians and others - enjoyed human rights and fundamental freedoms without discrimination on grounds of ethnicity or religion.

50. The Government was also seeking, with the assistance of international bodies, to promote the return of displaced persons to their homes, to provide them with a livelihood and to find ways of restoring their rights and property. It had established an independent body to look into the issues involved and find appropriate solutions.

51. The difficult humanitarian circumstances of vulnerable groups in Iraqi society such as persons with disabilities, orphans, widows and older persons, had been exacerbated by the security situation. Efforts were being made to provide the requisite care for such groups by setting up social welfare and health-care centres. To date 110 clinics had been set up, 2,500 medical assistants had been trained, 600 medical centres had been supplied with equipment and more than 5 million children under 5 years of age had been vaccinated against children's diseases.

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

53. Mr. COUTAU (International Committee of the Red Cross - ICRC) said that the issue of missing persons was a serious consequence of natural disasters. Following the tsunami disaster in Asia, the ICRC, with the support of national Red Cross and Red Crescent Societies, had launched a major action to restore contacts between family members, to clarify the fate of the missing and to support remaining family members.

54. The ICRC sought to promote its recently adopted Agenda for Humanitarian Action and related best practices. Its plan of action to that end aimed at promoting existing international law, developing legal guidelines for non-international armed conflicts, and supporting the development of a new international instrument to protect persons from enforced disappearances. It attached great importance to the Commission's Working Group on the drafting of such an instrument and would share its views with the Group based on its experience in the field.

55. Under the plan of action, the ICRC would cooperate with armed forces and regional military organizations, facilitating contacts between them to ensure, for instance, that military personnel wore means of identification, that they had regular contacts with their families and that information on the dead and human remains on the battlefield was properly handled.

56. He urged all States, in coordination with their national Red Cross or Red Crescent Society, to implement the Agenda for Humanitarian Action.

57. Mr. BEGG (Observer for New Zealand) said that the world's 600 million disabled people continued to suffer from neglect and exploitation and were often denied basic rights. The root of discriminatory treatment was often prejudice based on ignorance and fear. He therefore welcomed the focus by the Special Rapporteur on the right to health in his report (E/CN.4/2005/51) on the rights of persons with mental disabilities, in particular psychiatric and psychosocial disorders and intellectual disabilities.

58. The continuing failure to apply the provisions of the International Bill of Human Rights to persons with disabilities highlighted the need for the early conclusion of an international convention guaranteeing their rights. They did not ask for new or different rights but merely that the international community take into account the barriers that often made it impossible for them to enjoy the rights to which they were already entitled. At the same time, a convention on the subject should not undermine the existing rights of people with disabilities. To that end, the expertise of OHCHR should be fully utilized.

59. Mr. MARTABIT (Observer for Chile) said that Chile had supported from the outset the idea of adopting a convention to promote and protect the rights of people with disabilities. It had incorporated the Inter-American Convention on the Elimination of All Forms of Discrimination against Persons with Disabilities, on which the draft international convention was based, into its domestic legislation. The Ad Hoc Committee on a Comprehensive and Integral International Convention on Protection and Promotion of the Rights and Dignity of Persons with Disabilities had adopted an approach based on the principle of the universality, indivisibility and interdependence of all human rights. Chile was actively involved in the negotiations.

60. In 1994 Chile had promulgated a law on the social integration of people with disabilities and had set up a national fund to contribute to such integration and to promote equality of opportunity. The country's policy reflected the principles set forth in the international treaties ratified by Chile since 1980 and was based on the World Health Organization (WHO) definitions of disability, disorder and impairment and on universality, normalization, democratization and sustainability. The enrolment of children with disabilities in regular educational establishments had increased more than sixfold in recent years as a result of policies pursued by the Ministry of Education.

61. Chile was sponsoring a draft resolution at the current session of the Commission on the human rights of people with disabilities.

62. Mr. DROUSHITIS (Observer for Cyprus) drew attention to the ongoing systematic violations of the rights and fundamental freedoms of Greek Cypriots and Maronites living in the occupied part of the Republic of Cyprus. The European Court of Human Rights had found

Turkey guilty of violating the rights to freedom of thought, conscience and religion; freedom of expression; peaceful enjoyment of one's property; respect for one's private and family life; and education enshrined in the European Convention for the Protection of Human Rights and Fundamental Freedoms. Despite that ruling, the violations were continuing.

63. His delegation called for the restoration of fundamental freedoms and basic human rights to the people living in the occupied part of the Republic of Cyprus.

64. Mr. BARICAKO (African Union) said that the African Union Convention Governing the Specific Aspects of Refugee Problems in Africa and the African Union Commission on Refugees, responsible for monitoring the situation of refugees and displaced persons, were key elements of regional efforts to provide protection and assistance to IDPs. In 2004, the African Commission had undertaken visits to Sudanese refugee camps in Chad, IDP camps in Darfur and refugee camps in the Democratic Republic of the Congo and Burundi. The Memorandum of Understanding with the Office of the United Nations High Commissioner for Refugees (UNHCR), signed in 2003 with a view to facilitating cooperation in the protection of African refugees, was currently being implemented. The African Commission had also appointed a Special Rapporteur on refugees and IDPs in Africa.

65. The coordination of regional and international efforts for the protection of refugees and displaced persons was important, and the African Union encouraged all States to cooperate in addressing the root causes of mass exodus and providing assistance to refugees, asylum seekers and displaced persons.

66. Mr. TARAN (International Labour Office) welcomed the progress made in the ratification of key international instruments governing the protection of migrant workers and international cooperation in migration regulation and management. The ILO Migration for Employment Convention, No. 97 (1949) and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families represented an international charter on migration, establishing complementary provisions for a rights-based approach to migration-related issues.

67. In recognition of the global challenges posed by migration to governance, international cooperation and the protection of the rights and dignity of the persons involved, ILO member States had adopted a tripartite plan of action on migrant workers based on the principles contained in ILO Conventions No. 97 and No. 143.

68. The recognition and protection of the human rights of migrant workers made them less vulnerable to exploitation, abuse and forced labour, and enforcement had financial implications for Governments. In a competitive global economy, any costs incurred by a growing but unprotected portion of the global labour force threatened to undermine the benefits reaped from cheap, docile and flexible labour. In that context, the protection of migrants' rights and dignity could only be ensured through a rights-based approach to regulating international migration. However, powerful economic interests sought to restrict migration and limit human and labour rights of migrants. Broad ratification of international instruments for the protection of migrant workers that reaffirmed their relevance and viability would provide an adequate response to those challenges.

69. Ms. TIMBERLAKE (Joint United Nations Programme on HIV/AIDS UNAIDS), thanking all sponsors of the resolution on the protection of human rights in the context of HIV/AIDS, said that the HIV/AIDS pandemic posed an exceptional threat to humanity. The rapid spread of the pandemic; the limited availability of antiviral drugs in developing countries; the debilitating effect of HIV/AIDS on agriculture, education, health, the economy and development; and the growing number of AIDS orphans illustrated the need for urgent action. The issue of HIV/AIDS was closely related to issues such as sexual violence, discrimination and harmful traditions practised against women, drug use, extramarital sexual relations and homosexual relations, all of which continued to cause discomfort, stigma and discrimination.

70. Her organization called on the Commission for support in ensuring that persons engaging in illegal or stigmatized activities did not forfeit their rights to health, non-discrimination and freedom from violence. Measures must also be taken to protect the rights of minors to HIV-related information, testing and health services; to guard against routine and involuntary testing; and to safeguard the rights of prisoners to comprehensive HIV prevention and treatment. The implementation of HIV/AIDS-related rights was crucial to countering the threat posed by the pandemic.

71. Mr. SADOS (Observer for Poland) said that the extent of the HIV/AIDS pandemic and its rapid spread, in particular in East Asia, Eastern Europe and Central Asia, required urgent attention. Women and girls were affected disproportionately, accounting for 57 per cent of those infected in sub-Saharan Africa. The situation of children affected by AIDS was also cause for grave concern, given that an estimated 2.2 million children were infected with the disease and 12 million children had been orphaned as a result of HIV/AIDS.

72. His delegation had been the main sponsor of the resolution on the protection of human rights in the context of HIV/AIDS for 13 successive years; the resolution tabled during the current session placed particular emphasis on the regional dimension of the pandemic and on the situation of women and children. He called on the Commission to adopt the resolution by consensus.

73. Mr. PETRITSCH (Observer for Austria) said that, with an estimated 15 to 20 per cent of the world population belonging to national, ethnic, religious or linguistic minorities, the promotion and protection of their rights was a key element of stability and social development. To that end, States must foster tolerance, mutual understanding and pluralism through human rights education, confidence-building measures and dialogue and promote the equal participation of members of minority groups in all areas of life.

74. The Working Group on Minorities was an excellent forum for dialogue with NGOs and civil society. However, none of the existing United Nations mechanisms was mandated specifically to address minority issues and, consequently, important areas of minority rights were sidelined or only partially addressed. The activities of existing mechanisms and special procedures in the area of minority rights were further limited by time and budgetary constraints. His delegation therefore supported the recommendation by the Working Group on Minorities to create the mandate of Special Representative of the Secretary-General on minority issues and

had incorporated that proposal into its 2005 draft resolution on persons belonging to national or ethnic, religious and linguistic minorities. Key concerns of that mandate should be the implementation of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, as well as best practices and technical cooperation. Duplication with existing relevant United Nations bodies must be duly avoided.

75. Ms. ABDUL MAJID (Observer for Singapore) said that immigration was at the root of Singapore's cultural diversity, social dynamism and economic growth. Her country remained open to legal migrants from around the world and was committed to safeguarding their basic rights. However, illegal migration was a crime which posed a serious threat to the safety and security of any country and should be punished accordingly. Combating the global phenomenon of trafficking in persons required a comprehensive approach to address issues related to supply and demand. Countering the activities of trafficking networks was as important as rectifying the causes of illegal migration. Increased cooperation between countries of origin and of destination was crucial for successfully tracking illegal migration, instituting legal proceedings against traffickers, and facilitating the return of illegal migrants.

76. Her delegation objected to the Special Rapporteur's recommendation to recognize the human rights of illegal immigrants and apply the principle of non-discrimination as a means to improve their situation. Such a remedial approach failed to address the root causes of illegal migration such as human rights violations, discrimination and lack of economic opportunities in source countries. Requests for revision of domestic immigration policies were uncalled for. Such policies should be tailored to the country's specific circumstances, and the regularization of illegal migrants must be balanced against the sovereign rights of host States.

77. Mr. VIGNY (Observer for Switzerland) said that the protection of minority rights was indispensable for social and political stability and conflict prevention. The protection of those rights was also a fundamental element of sustainable poverty reduction and achievement of the Millennium Development Goals.

78. His delegation supported the creation of a special procedure on minority rights, which should seek to promote the implementation of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities; engage in dialogue with Governments and other actors concerned on the implementation of those rights; and identify best practices and possibilities for technical development. Close cooperation between such a special procedure and OHCHR, the Working Group on Minorities and the Special Adviser on the Prevention of Genocide would be useful.

79. The Guiding Principles on Internal Displacement must be at the heart of all efforts to address the situation of the approximately 25 million internally displaced persons worldwide. His Government encouraged States with situations of internal displacement to implement the recommendations contained in the Secretary-General's report entitled "In larger freedom: towards development, security and human rights for all" (A/59/2005) and to incorporate the provisions of the Guiding Principles into domestic legislation. The cooperative approach to addressing the issue of internal displacement must be strengthened. In that connection, his delegation welcomed the report by the Representative of the Secretary-General on the human rights of IDPs (E/CN.4/2005/84 and Add.1).

80. Mr. MARCOTIC (Observer for Croatia) said that his country had ratified a number of key international instruments relating to protection of minorities, including the Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages. The rights and freedoms of persons belonging to minority groups were also enshrined in the Croatian Constitution. Measures had been adopted to promote the participation of minority representatives in local and regional government bodies. The Government had signed agreements with representatives of the largest national minorities on a number of key issues and made provision for the allocation of financial resources. The national programme for the Roma population was based on the provisions contained in relevant international instruments and recommendations made by international organs working in the field of minorities.

81. A national strategy had been adopted to implement comprehensive measures to improve the situation of persons with disabilities. Emphasis had been placed on stimulating their integration in the labour market and family life through a range of services, including financial support, transportation-related privileges and tax reductions. Efforts had also been made to strengthen the capacity for special needs education.

82. His delegation supported the drafting of an international convention to promote and protect the rights and dignity of persons with disabilities.

83. Ms. HOUMMANE (Observer for Morocco) said that migration must be brought to the top of the international agenda. The issue comprised political, economic, social, cultural and development aspects and required a comprehensive approach based on openness, cooperation and shared responsibility. Respect for human dignity and consideration for the interests of countries of origin and countries of destination were vital elements.

84. In an increasingly globalized world, migrants had become an integral part of the global economy and an important vehicle for intercultural dialogue and understanding. Unfortunately, migrants were faced with increasingly restrictive policies and difficulties at all stages of the migratory process. The International Convention on the Rights of All Migrant Workers and Members of Their Families provided a useful legal framework for the protection of migrants' rights; its widespread ratification, especially among destination countries, was of vital importance.

85. With the increasing involvement of human trafficking networks, illegal migration had become an issue of global concern. Morocco was particularly affected and had adopted a comprehensive strategy comprising legal, institutional, security, social and economic elements to combat that scourge. Legislative measures had been adopted to criminalize activities related to trafficking in persons and to safeguard the rights of foreigners. The recently established Directorate of Migration and Border Surveillance was entrusted with border control and investigation aimed at countering the increasingly sophisticated strategies used by trafficking networks. The Migration Observatory was a forum for discussion and analysis composed of all parties concerned with migration issues. As a result of those measures, the number of illegal migrants had decreased and a significant number of trafficking networks had been successfully dismantled. Ongoing training for magistrates and law enforcement officers in migrant rights was

also part of the global strategy. The phenomenon of illegal migration transcended national borders, and a lasting solution required concerted action to eradicate its root causes: poverty, underdevelopment and conflict.

86. Mr. SHALEV-SCHLOSSER (Observer for Israel) said that his Government had taken a series of measures to improve the situation of disabled persons in Israel. The 1998 Law for Equal Rights for the Disabled aimed at protecting the dignity and freedom of persons with disabilities; ensuring their equal participation in all areas of life; and providing a proper response to their special needs in a way that enabled them to live with maximum independence, privacy and respect while utilizing their abilities to the full. Israel had also established the Office of the Equal Rights Commissioner for People with Disabilities and its Advisory Committee. Substantial financial resources had been allocated to the realization of the human rights of persons with disabilities.

87. Mr. MARDALIYEV (Observer for Azerbaijan) said that, while his Government welcomed the international community's efforts for the protection of IDPs, the response remained largely ad hoc and shortcomings were apparent in both coordination and protection. For the United Nations to play a leading advocacy role in IDP protection, streamlining procedures and coordinating activities was essential.

88. His Government spared no effort to provide protection and assistance for some 700,000 displaced persons in Azerbaijan, but the extent of the problem exceeded domestic capacities. It was important for the international community to afford protection to all displaced persons in need, irrespective of the conditions of their displacement. IDPs returning to their places of origin often found that their land was used by others. He urged the Representative on the human rights of IDPs to grant particular attention to that issue and to examine situations where States illegally settled populations in areas that belonged to displaced persons.

89. His delegation welcomed the Secretary-General's report on missing persons (E/CN.4/2005/83). His country was firmly committed to continuing its efforts to clarify the fate and whereabouts of missing persons. The information contained in the report reflected a harsh reality and was not, as claimed by the delegation of Armenia, an "allegation". If Armenia took a constructive position on the issue, Azerbaijan would not be faced with the problem of some 5,000 missing persons, and he called on Armenia to honour its obligations under international humanitarian law.

90. Mr. RECINOS TREJO (Observer for El Salvador) said that his Government attached high priority to the human rights of migrants. An office for assistance to migrants had been established to protect the rights of Salvadoran citizens abroad and enable them to maintain links with their home country. In the context of the programme entitled "Welcome home", assistance was offered to returnees in the areas of health, education and reinsertion into the labour market. Thus far, 25,647 persons had benefited from the scheme.

91. His Government had undertaken awareness-raising activities on the risks involved in illegal migration and had signed the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and ratified the Protocol to Prevent,

Suppress and Punish Trafficking in Persons, Especially Women and Children, the Protocol against the Smuggling of Migrants by Land, Air and Sea and the Inter-American Convention on International Traffic in Minors. Universal ratification of the International Convention, in particular, would greatly enhance the protection of migrant workers. His delegation co-sponsored all resolutions relating to the human rights of migrants.

92. Ms. MAHILUM-WEST (Observer for the Philippines) said that strengthening international cooperation was crucial to enhancing the protection of the rights of migrant workers. The international community must make migration issues a priority and establish international mechanisms for dialogue on questions concerning migrant labour. The vulnerability of migrant workers to transnational crime such as trafficking in persons for the purpose of exploitation also required sustained international attention, in particular in the light of the increasing use of the Internet in connection with trafficking activities. States must adopt and implement legislation to criminalize the abuse of migrants, trafficking in persons and acts of violence committed against migrant women workers. She called on all States to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. She encouraged the members of the Commission to co-sponsor the resolution on the human rights of migrants. Her delegation supported a three-year extension of the mandate of the Special Rapporteur on the human rights of migrants.

93. Mr. DE ORY (Observer for Spain) said that his country had gone from being a country of origin of migratory flows to one of transit and destination, and it was seriously affected by migration. It was, however, endeavouring to formulate an immigration policy which emphasized social aspects rather than security, but without neglecting its obligation to control immigration and combat organized crime. Coordination between all the bodies concerned would eliminate discrepancies between policies on controlling immigration and those on integrating immigrants. At the same time, as an exceptional measure, his Government was regularizing the situation of illegal immigrants who met certain conditions. The new migration policy was designed to ensure that all aliens in Spain could fully exercise their rights, and it provided means of punishing any violation of those rights. The Spanish legal system offered a framework ensuring that foreigners did not suffer discrimination in access to employment, housing, education or welfare.

94. Ms. IVANOVIC (Observer for Serbia and Montenegro) said that minorities made up almost 30 per cent of the population of her country. For that reason, 12 national minority councils had been set up to look after their interests. National minorities' parties no longer needed to obtain 5 per cent of the votes cast in an election in order to be represented in parliament. Additional affirmative action measures existed for the Albanian minority, and action plans on the integration of the Roma had been prepared.

95. Protection and assistance were still being provided for over 200,000 IDPs from Kosovo and Metohija, whose return was being impeded by the lack of security in those regions. IDPs enjoyed the same civil, political, economic, social and cultural rights as all other citizens, and her country's authorities were doing their utmost to include them in their poverty reduction strategies. It was to be hoped that a durable solution to the problems faced by refugees would soon be found on the basis of the declaration adopted by Serbia and Montenegro, Bosnia and Herzegovina and Croatia at the regional ministerial conference held earlier that year.

96. Ms. REDPATH (International Organization for Migration - IOM) said that, all over the world, countless migrants were faced with sub-standard living and working conditions, discrimination and deprivation of their human rights. The events of 11 September 2001 had often compounded negative attitudes to migrants within host societies, while illegal migration entailed the greatest risk of violations of migrants' rights. Yet orderly migration benefited both States and migrants. One of the key ways in which IOM could contribute to respect for the rights and dignity of migrants was through the promotion of managed migration systems in accordance with international law.

97. In order to help States to develop their own laws on migration that were consistent with international norms and to protect the fundamental human rights of non-nationals within their territory, IOM had established a Department of International Migration Law which was setting up a database comprising international, regional and national instruments and which offered training and capacity-building to Governments. Her organization likewise worked directly with migrants to promote their physical, social and economic well-being. It had also organized out-of-country registration and voting in the elections in Iraq and Afghanistan.

98. Irrespective of national origin, race, creed, colour or legal status, migrants shared with the nationals of their host country both a common humanity and the right to expect decent and humane treatment.

99. Mr. KAHAYA (Observer for the Democratic Republic of the Congo) said that one sixth of the 16 million IDPs in Africa were from his country. They had been forced to leave their homes because of war and armed hostilities. His Government had launched a huge national return and reintegration programme and was examining ways of facilitating IDPs' socio-economic reintegration, but the cost of the programme exceeded his shattered country's financial resources. For that reason, his Government would greatly appreciate support from the international community so that IDPs and refugees could fully enjoy their human rights. Lastly, he urged the Representative of the Secretary-General on the human rights of IDPs to visit his country at the earliest opportunity.

100. Mr. HANDS (Observer for Venezuela) endorsed the statement made by the representative of Mexico on behalf of the Latin American and Caribbean Group and said that it was necessary to counter the exclusion of the swelling tide of migrants through a world strategy aimed at international cohesion and inclusion. It should be based on the idea that national legislation must be fully compatible with international human rights and humanitarian law standards and it should highlight the contribution that migrants could make to host countries. That would entail a shift in attitudes on the part of all concerned.

101. His Government valued the international assistance it was receiving and it was itself introducing four schemes to end the exclusion of millions of Venezuelans, including migrants, by improving their access to various levels of education and by regularizing the situation of illegal migrants who had been in the country for many years. He invited the international community to support all those efforts to achieve greater socio-economic equality, tolerance and the redistribution of the world's riches.

102. Mr. CHARNBHUMIDOL (Observer for Thailand) said that, because of its unwavering commitment to human rights, his Government also protected the rights of non-Thai citizens. Minority rights rested on the principle of non-discrimination, and a scheme had been introduced to ensure that registered migrant workers had the same access to basic health care and remuneration as Thai workers.

103. Since it was very important to suppress trafficking in persons, his Government had allocated US\$ 12.5 million to a fund for that purpose and had set up an office to deal with the problem. It was also actively involved in the Bali Process and was conducting policies to narrow the development gap between countries in the region in the hope that greater prosperity would lead to a reduction in trafficking.

104. The budget of the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery was too small, and potential donors should therefore consider increasing their contributions to enable it to fulfil its mandate more efficiently.

105. His Government had earnestly endeavoured to implement policies promoting the human rights not only of the general public, but of specific groups and individuals, including non-Thai citizens, and it was ready to strengthen cooperation in that area with all the parties concerned.

106. Mr. ERTAS (Observer for Turkey) said that the scourge of terrorism had caused the displacement of citizens who had formerly lived in the south-east of his country. The steps taken by his Government to tackle that issue were outlined in document E/CN.4/2005/G/33. The Representative of the Secretary-General on the human rights of IDPs would be visiting his country in May 2005. The authorities of his country were determined to handle the IDP issue with goodwill.

107. Ms. AULA (Franciscans International), also speaking on behalf of Dominicans for Justice and Peace, the Dominican Leadership Conference and Initiative d'Entraide aux Libertés, welcomed the progress made in addressing the question of the human rights of migrants and said that the mandate of the Special Rapporteur on the human rights of migrants should be extended for a further three years so that comprehensive, updated information could be gathered on countries which had not acceded to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

108. Trafficking in persons, forced labour and early or forced marriages were among the gravest manifestations of contemporary forms of slavery. Governments should ensure not only that trafficked persons were protected from further exploitation and harm and had access to adequate physical and psychological care, but also that the protection of trafficked persons was built into anti-trafficking policy, including protection from return, when the latter would entail a significant risk to the safety of the person in question or of their family.

109. States should also ratify the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, incorporate the Recommended Principles and Guidelines on Human Rights and Human Trafficking in their domestic legislation, provide the

appropriate United Nations human rights mechanisms with detailed information about the measures they had undertaken to combat trafficking, and cooperate fully with the Special Rapporteur on trafficking in persons.

110. Ms. ROBERT (Médecins du Monde - International) said that in South Darfur, where her organization was treating 300 patients a day from the IDP camp at Kalma, an alarming humanitarian crisis was unfolding. The camp held 150,000 people who had fled the fighting in the nearby villages. Hygiene was poor and serious disease rife. The inmates of the camp were no longer safe from shooting and rape. Humanitarian assistance was being deliberately hampered in many different ways, and patients were being put under pressure to go to government hospitals where the quality of care was dubious. The long list of violations of fundamental rights within the camp was growing by the day.

111. Her organization therefore demanded that the Sudanese Government do its utmost to effectively protect the civilian population and IDPs in camps and to end violations of their human rights, as well as to facilitate humanitarian aid. It demanded that the international community see to it that Security Council resolutions on Darfur were backed by measures ensuring the protection of civilians. It invited all members of the Commission on Human Rights to support its demands so as to put an end to the violence that was still raging in Darfur.

112. Ms. BRETT (Friends World Committee for Consultation (Quakers)), also speaking on behalf of Amnesty International, welcomed the report of the High Commissioner for Human Rights on human rights and mass exoduses (E/CN.4/2005/80 and Add.1). States must demonstrate a real commitment to ending the human rights violations which triggered such mass exoduses and they must fill in the gaps in refugees' protection. They must combat the impunity for human rights violations which was a key factor in creating and perpetuating the mass exodus of people. They must ensure that human rights guarantees were fully incorporated in border management and control measures. In particular, they must end fast-track asylum procedures which denied asylum-seekers the right to a fair and satisfactory determination of their applications.

113. In addition, measures should be taken to safeguard the right to liberty and freedom from arbitrary detention. All refugees and displaced persons ought to be recognized as persons with the right to physical security and integrity and with civil, political, economic, social and cultural rights, including the right to work, to have access to courts and to enjoy freedom from discrimination.

114. States, the special procedures mechanisms and OHCHR must follow up the report and ensure that all fundamental human rights could be exercised without discrimination. States must investigate and, where there was sufficient admissible evidence, prosecute their own nationals involved in peacekeeping operations when they were suspected of committing crimes under international law, including crimes of sexual violence.

115. Mr. BALUCH (Interfaith International) said that, since Pakistan had been created, Punjabi domination had been extended over other nationalities. Baloch existence was under threat as a result of the forced annexation of Balochistan in 1948 and the ensuing violation of

human rights there. The Punjabi establishment could hardly object to the rightful aspiration of the Baloch people to independence as it advocated a similar solution for Palestine, Kashmir and Chechnya. Nevertheless it had resorted to military crackdowns, violent subjugation tactics and State terror, including the use of torture. Pakistan had fooled the world with its hypocrisy and duplicity; on the one hand it was one of the essential allies in the United States' "war on terrorism", while on the other it was an incubator of terrorism against the West.

Statements in exercise of the right of reply

116. Mr. LAKADAMYALI (Observer for Turkey), responding to the statement made by the observer for Cyprus, said that the only occupation in Cyprus was the 42-year-long unlawful occupation by the Greek Cypriots of the seat of Government of the once binational Republic of Cyprus. Turkey's intervention in Cyprus in 1974 had been undertaken in accordance with its rights and obligations under the 1960 Treaty of Guarantee. The term "enclave" had first been used by the Secretary-General to describe the plight of the Turkish Cypriots between 1963 and 1974, who had been squeezed by the Greek Cypriots into small, scattered pockets around the island in the wake of the Greek Cypriot side's armed onslaught on its Turkish Cypriot partner. The total area of the Turkish Cypriot enclaves had been a mere 3 per cent of the territory of the island. In his report to the Security Council of 10 September 1964, the then Secretary-General had described the inhuman restrictions imposed on the Turkish Cypriots by the Greek Cypriot authorities as being so severe that they amounted to a veritable siege (S/5950).

117. Since 1974, the Greek Cypriot side had hijacked the term for purely propaganda purposes to misrepresent the living conditions of the Greek Cypriots and Maronites residing in North Cyprus, whereas Greek Cypriots and Maronites enjoyed the same, if not a better standard of living than Turkish Cypriots in the same area, as had been confirmed by the Secretary-General's report to the Security Council dated 10 June 1998 (S/1998/488).

118. Mr. DROUSHITIS (Observer for Cyprus), responding to the statement made by the observer for Turkey, said that the latter had attempted to dispute the true facts. The presence of 35,000 Turkish occupying troops in Cyprus could not be doubted, since it had been substantiated in Security Council resolutions 353 (1974), 541 (1983) and 550 (1984). The European Court of Human Rights, in its judgement Cyprus v. Turkey of 10 May 2001 (Application No. 25781/94), had held Turkey responsible for 14 violations of the European Convention on Human Rights, including 7 violations related to the living conditions of Greek Cypriots resident in the occupied area of Cyprus. It had further found as to a violation of their freedom of expression inasmuch as school books destined for use in their primary school had been subjected to excessive censorship. Moreover, the secondary school in the area was only a lower secondary school covering the first three years of secondary education and it was operating under difficulties owing to the restrictions imposed by the occupying authorities.

119. As for the living conditions of the enclave, the facts spoke for themselves. The population had dropped from nearly 20,000 to barely 500.

120. Mr. LAKADAMYALI (Observer for Turkey), responding to the reply given by the observer for Cyprus, said that the latter had once again politicized the Commission meeting by making unfounded allegations and paying lip service to a judgement of the European Court of Human Rights when, in fact, it was the Greek Cypriot side which had overwhelmingly rejected the Secretary-General's comprehensive plan for Cyprus, in the knowledge that the human rights situation in Cyprus would greatly benefit from the achievement of a comprehensive settlement. It was rather cynical that, on the one hand, the Greek Cypriot side rejected the United Nations peace plan and that, on the other, the Greek Cypriot representative shed crocodile tears over the human rights situation in Cyprus.

121. Mr. DROUSHITIS (Observer for Cyprus), responding to the reply given by the observer for Turkey, said that he personally had referred to undisputed facts and once again reminded the observer for Turkey of Security Council resolutions 541 (1983) and 550 (1984), which recognized only one State of Cyprus, that of the Republic of Cyprus.

The meeting rose at 6.05 p.m.