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REPORT TO THE ECONOMIC AND SOCIAL COUNCIL ON THE
FIFTY-SECOND SESSION OF THE COMMISSION

DRAFT REPORT OF THE COMMISSION

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	(b) The effects of the existing unjust international economic order on the economies of the developing countries, and the obstacle that this represents for the implementation of human rights and fundamental freedoms.	

* Documents E/CN.4/1996/L.10 and addenda will contain the chapters of the report relating to the organization of the session and the various items on the agenda. Resolutions and decisions adopted by the Commission, as well as draft resolutions and decisions for action by, and other matters of concern to, the Economic and Social Council, will be contained in documents E/CN.4/1996/L.11 and addenda.

V. QUESTION OF THE REALIZATION IN ALL COUNTRIES OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND STUDY OF SPECIAL PROBLEMS WHICH THE DEVELOPING COUNTRIES FACE IN THEIR EFFORTS TO ACHIEVE THESE HUMAN RIGHTS, INCLUDING:

- (a) PROBLEMS RELATED TO THE RIGHT TO ENJOY AN ADEQUATE STANDARD OF LIVING; FOREIGN DEBT, ECONOMIC ADJUSTMENT POLICIES AND THEIR EFFECTS ON THE FULL ENJOYMENT OF HUMAN RIGHTS AND, IN PARTICULAR, ON THE IMPLEMENTATION OF THE DECLARATION ON THE RIGHT TO DEVELOPMENT;
- (b) THE EFFECTS OF THE EXISTING UNJUST INTERNATIONAL ECONOMIC ORDER ON THE ECONOMIES OF THE DEVELOPING COUNTRIES, AND THE OBSTACLE THAT THIS REPRESENTS FOR THE IMPLEMENTATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

1. The Commission considered agenda item 5 concurrently with items 6, 13 and 14 (see chaps. VI, XIII and XIV) at its 11th to 18th meetings, from 25 to 29 March 1996, at its 34th and 35th meetings on 11 April 1996, at its 51st meeting, on 19 April 1996, and at its ... meeting, on .. April 1996. 1/

2. For the documents issued for the fifty-second session of the Commission under item 5, see annex IV to the present report.

3. In the general debate on agenda item 5, statements 3/ were made by the following members of the Commission: Australia (17th), Benin (11th), Bhutan (16th), Brazil (16th), Chile (14th), China (12th), Côte d'Ivoire (12th), Cuba (11th and 16th), Gabon (11th), India (16th), Italy (on behalf of the European Union) (16th), Malaysia (16th), Mexico (14th), Nepal (17th), Netherlands (16th), Nicaragua (17th), Peru (14th), Republic of Korea (17th), Russian Federation (16th), Sri Lanka (13th), Ukraine (17th).

4. The Commission heard statements by the observers for: Costa Rica (16th), Iran (Islamic Republic of) (14th), Kenya (18th), Nigeria (18th), Poland (12th), Portugal (16th), Senegal (16th), Sudan (12th), United Republic of Tanzania (16th). A statement was also made by the observer for the United Nations Environment Programme (14th).

5. The Commission heard statements by the following non-governmental organizations: African Association of Education for Development (12th), American Association of Jurists (11th), American Association of Retired Persons (18th), Asian Buddhists Conference for Peace (14th), African Commission of Health and Human Rights Promoters (17th), Centre Europe-Tiers Monde (11th), Commission for the Defense of Human Rights in Central America (11th), Four Directions Council (14th), Indigenous World Association (14th),

International Association against Torture (13th), International Association of Educators for World Peace (18th), International Commission of Jurists (11th), International Confederation of Free Trade Unions (17th), International Federation of Social Workers (13th), International Federation Terre des Hommes (11th), International Humanist and Ethical Union (11th), International Indian Treaty Council (14th), International Institute for Non-Aligned Studies (13th), International League for the Rights and Liberation of Peoples (12th), International Movement ATD Fourth World (12th), International Organization for the Development of Freedom of Education (12th), Liberation (14th), Movement against Racism and for Friendship Among Peoples (12th), Sierra Club Legal Defense Fund, Inc. (13th), United Towns Agency for North-South Cooperation (12th), Women's International League for Peace and Freedom (17th), World Federation of Democratic Youth (13th), World Conference on Religion and Peace (17th), World Organization against Torture (17th), World Peace Council (13th), Zonta International (12th).

6. Statements in exercise of the right of reply were made by the representative of Cuba (11th) and the observer for Bolivia (17th).

Human rights and unilateral coercive measures

7. At the 34th meeting, on 11 April 1996, the representative of Colombia introduced draft resolution E/CN.4/1996/L.5, sponsored by China and Colombia (on behalf of the States Members of the United Nations that are members of the Movement of Non-Aligned Countries).

8. Sponsors orally revised the resolution by inserting in the list of sponsors, after "Non-Aligned Countries", an additional footnote reading "with the exception of Côte d'Ivoire, Cyprus and South Africa". Statements in this regard were made by Canada, Colombia, Côte d'Ivoire, Cuba and France.

9. The representative of the United States of America requested a vote. At the request of the representative of Cuba, a roll-call vote was taken on the draft resolution which was adopted, as orally revised, by 32 votes to 14, with 7 abstentions, as follows:

In favour: Algeria, Angola, Bangladesh, Benin, Bhutan, Brazil, Cameroon, Chile, China, Colombia, Cuba, Ecuador, Egypt, Ethiopia, Gabon, Guinea, India, Indonesia, Madagascar, Malaysia, Mali, Mauritania, Mexico, Nepal, Nicaragua, Pakistan, Peru, Philippines, Sri Lanka, Uganda, Venezuela, Zimbabwe.

Against: Australia, Austria, Bulgaria, Canada, Denmark, France, Germany, Hungary, Italy, Japan, Netherlands, Republic of Korea, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Belarus, Côte d'Ivoire, Dominican Republic, El Salvador, Madagascar, Russian Federation, Ukraine.

10. For the text of the resolution as adopted, see chapter II, section A, resolution 1996/9.

Question of fundamental workers' rights

11. At its 34th meeting, on 11 April 1996, the Commission decided to postpone consideration of draft resolution E/CN.4/1996/L.16 at the request of the representative of the United States of America.

12. At its 51st meeting, on 19 April 1996, at the request of the representative of Cuba, the consideration of draft resolution E/CN.4/1996/L.16/Rev.2 was postponed.

Human rights and extreme poverty

13. At the 34th meeting, on 11 April 1996, the representative of France introduced draft resolution E/CN.4/1996/L.18, sponsored by Afghanistan, Algeria, Argentina, Austria, Belgium, Benin, Canada, Chile, Colombia, Costa Rica, Cuba, Cyprus, Denmark, El Salvador, Ethiopia, France, Germany, Greece, Guatemala, Honduras, Ireland, Israel, Italy, Madagascar, Malawi, Mauritius, Mexico, Mongolia, Nicaragua, Nigeria, Paraguay, Peru, Philippines, Poland, Portugal, Romania, Russian Federation, Senegal, Slovakia, South Africa, Switzerland, Ukraine and Venezuela. Angola, Australia, Bangladesh, Cameroon, Côte d'Ivoire, Czech Republic, Ecuador, Egypt, Equatorial Guinea, Finland, Mali, Morocco, Nepal, Pakistan, Republic of Korea, Switzerland, Uganda, Uruguay and Zimbabwe subsequently joined the sponsors.

14. The resolution was orally revised by the representative of France as follows:

(a) Replace, in the seventh preambular paragraph, the words "General Assembly resolutions 48/719" by "General Assembly resolutions 48/183".

(b) Insert, in the eleventh preamble paragraph, after the words "and eradicating absolute poverty", the words "by a target date to be specified by each country".

15. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the administrative and programme budget implications 2/ of the draft resolution.

16. The draft resolution, as revised, was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1996/10.

Adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights

17. At the 35th meeting, on 11 April 1996, the representative of Kenya introduced draft resolution E/CN.4/1996/L.17/Rev.1, sponsored by Algeria, Angola, Benin, Cameroon, Côte d'Ivoire, Cuba, Equatorial Guinea, Egypt, Ethiopia, Gabon, Ghana, Guinea, Honduras, Iraq, Kenya, Madagascar, Libyan Arab Jamahiriya, Malawi, Mali, Mauritania, Morocco, Nigeria, Rwanda, Senegal, Sudan, Togo, Tunisia, Uganda, United Republic of Tanzania, Zaire, Zambia and Zimbabwe. Bangladesh, Cameroon, Lebanon, Madagascar and South Africa subsequently joined the sponsors.

18. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the administrative and programme budget implications 2/ of the draft resolution.

19. Statements in explanation of vote before the vote were made by: Italy (on behalf of the European Union), Mexico, Ukraine, United States of America.

20. At the request of the representative of Italy, a roll-call vote was taken on the draft resolution which was adopted by 32 votes to 16, with 3 abstentions, as follows:

In favour: Algeria, Angola, Bangladesh, Benin, Bhutan, Brazil, Cameroon, Chile, China, Colombia, Cote d'Ivoire, Cuba, Ecuador, Egypt, El Salvador, Ethiopia, Gabon, Guinea, India, Indonesia, Madagascar, Mali, Mauritania, Mexico, Nepal, Nicaragua, Pakistan, Peru, Sri Lanka, Uganda, Venezuela, Zimbabwe.

Against: Australia, Austria, Belarus, Bulgaria, Canada, Denmark, France, Germany, Hungary, Italy, Japan, Netherlands, Russian Federation, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Malaysia, Philippines, Republic of Korea.

21. At the 58th meeting, on 23 April 1996, the representative of Japan made a statement in explanation of vote after the vote.

22. For the text of the resolution as adopted, see chapter II, section A, resolution 1996/14.

Economic, social and cultural rights

23. At the 35th meeting, on 11 April 1996, the representative of Portugal introduced draft resolution E/CN.4/1996/L.19, sponsored by Austria, Belgium, Bulgaria, Chile, Costa Rica, Czech Republic, Denmark, Ecuador, El Salvador, Finland, France, Greece, Hungary, Ireland, Italy, Latvia, Luxembourg, Madagascar, Netherlands, Norway, Peru, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Senegal, Slovakia, Spain, Sweden, Switzerland, Tunisia and Ukraine. Belarus, Canada, Cameroon, Colombia, Equatorial Guinea, Germany, Honduras, Latvia, Mexico, Nepal, Philippines, United Kingdom of Great Britain and Northern Ireland and Zimbabwe subsequently joined the sponsors.

24. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the administrative and programme budget implications 2/ of the draft resolution.

25. The draft resolution was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1996/11.

Effects on the full enjoyment of human rights of the economic adjustment policies arising from foreign debt

26. At the 35th meeting, on 11 April 1996, the representative of Cuba introduced draft resolution E/CN.4/1996/L.20, sponsored by Angola, Benin, China, Cuba, Democratic People's Republic of Korea, Egypt, Equatorial Guinea, Ghana, Haiti, Iran (Islamic Republic of), Iraq, Libyan Arab Jamahiriya, Nigeria, Philippines, Sudan, Syrian Arab Republic, United Republic of Tanzania and Venezuela. Cameroon, Côte d'Ivoire, Equatorial Guinea, Honduras, Madagascar, Uganda and Viet Nam subsequently joined the sponsors.

27. The representative of Cuba orally revised the draft resolution, as follows:

(a) Insert, in operative paragraph 3, after the words "o de su servicio", the phrase "así como proyectando otras posibles formas y medios específicos para dar solución a la deuda externa de los países en desarrollo, entre otros, acuerdos de reescalonamiento";

(b) Replace operative paragraph 8, which read as follows: "Pide al Grupo de Trabajo sobre el Derecho al Desarrollo que en sus deliberaciones siga prestando especial atención a las repercusiones sociales que las políticas adoptadas para hacer frente a situaciones de deuda externa tienen sobre el disfrute efectivo de los derechos económicos, sociales y culturales y haga recomendaciones a este respecto;", with a new paragraph.

28. The representative of the United Kingdom of Great Britain and Northern Ireland requested a vote. At the request of the representative of Cuba, a roll-call vote was taken on the draft resolution, as revised, which was adopted by 34 votes to 16, with 1 abstention, as follows:

In favour: Algeria, Angola, Bangladesh, Benin, Bhutan, Brazil, Cameroon, Chile, China, Colombia, Côte d'Ivoire, Cuba, Ecuador, Egypt, El Salvador, Ethiopia, Gabon, Guinea, India, Indonesia, Madagascar, Malaysia, Mali, Mauritania, Mexico, Nepal, Nicaragua, Pakistan, Peru, Philippines, Sri Lanka, Uganda, Venezuela and Zimbabwe.

Against: Australia, Austria, Belarus, Bulgaria, Canada, Denmark, France, Germany, Hungary, Italy, Japan, Netherlands, Russian Federation, Ukraine, United Kingdom of Great Britain and Northern Ireland and United States of America.

Abstaining: Republic of Korea.

29. At the 58th meeting, on 23 April 1996, the representative of Japan made a statement in explanation of vote after the vote.

30. For the text of the resolution, as adopted, see chapter II, section A, resolution 1996/12.

Effects on the full enjoyment of human rights of structural adjustment programmes

31. At its 35th meeting, on 11 April 1996, the Commission considered draft decision 5, recommended by the Subcommission for adoption by the Commission (see E/CN.4/1996/2-E/CN.4/Sub.2/1995/51, chap. I, sect. B).

32. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the administrative and programme budget implications 2/ of the draft decision.

33. The representative of the United Kingdom of Great Britain and Northern Ireland requested a vote. At the request of the representative of Cuba, a vote by show of hands was taken on the draft decision which was adopted by 34 votes to 16, with 1 abstention.

34. For the text of the decision, as adopted, see chapter II, section B, decision 1996/103.

Forced evictions

35. At the 35th meeting, on 11 April 1996, the representative of Germany introduced draft decision E/CN.4/1996/L.21, sponsored by Canada, Germany, Netherlands, United Kingdom of Great Britain and Northern Ireland and the United States of America. Japan subsequently joined the sponsors.

36. The representative of Cuba orally amended the draft decision by replacing the text of the decision, after the words "abril de 1996", which read as follows: "pedir a la Subcomisión que, teniendo presentes las conclusiones de la Conferencia de las Naciones Unidas sobre los Asentamientos Humanos (Habitat II) que va a celebrarse en Estambul en junio de 1996, reconsidere su recomendación de convocar un seminario de expertos sobre la practica de los desalojamientos forzosos con miras a elaborar directrices completas para los derechos humanos en relación con los desplazamientos basados en el desarrollo", by a new text.

37. A statement in connection with the proposed amendment was made by the representative of the Netherlands.

38. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to an estimate of the administrative and programme budget implications 2/ of the draft decision.

39. The cosponsors of the draft decision requested a vote by show of hands on the proposed amendment, which was adopted by a vote of show of hands by 20 votes to 18, with 11 abstentions.

40. Cuba joined the sponsors. Canada, Germany, Japan, Netherlands, United Kingdom of Great Britain and Northern Ireland and the United States of America withdrew as sponsors.

41. Statements in connection with the draft decision, as amended, were made by the representatives of Cuba and the Netherlands.

42. At the request of the representatives of Germany and the Netherlands, a vote by show of hands was taken on the draft decision, as amended, which was adopted by 22 to 18, with 9 abstentions.

43. For the text of the decision, as adopted, see chapter II, section B, decision 1996/104.

44. In view of the adoption of decision 1996/104, the Commission took no action on draft decision 4, recommended by the Subcommission for adoption by the Commission (see E/CN.4/1996/2-E/CN.4/Sub.2/1995/51, chap. I, sect. B).

Human rights and the environment

45. At the 35th meeting, on 11 April 1996, the representative of Gabon introduced draft resolution E/CN.4/1996/L.32, sponsored by Gabon (on behalf of the Group of African States). Venezuela subsequently joined the sponsors.

46. The draft resolution was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1996/13.

Question of fundamental trade union and workers rights

47. At its 34th meeting, on 11 April 1996, the Commission decided to postpone consideration of draft resolution E/CN.4/1996/L.16 at the request of the representative of the United States of America.

48. At its 51st meeting, on 19 April 1996, at the request of the representative of Cuba, the consideration of draft resolution E/CN.4/1996/L.16/Rev.2 was postponed.

49. At the 58th meeting, on 23 April 1996, the representative of the United States of America introduced draft resolution E/CN.4/1996/L.16/Rev.2, sponsored by Italy, Poland and the United States of America. Argentina, Australia, Canada, Denmark, Germany, Hungary, Japan, the Russian Federation, Slovakia, Sweden, Ukraine and Uruguay subsequently joined the sponsors.

50. The draft decision was revised by the representative of the United States of America as follows:

(a) A new operative paragraph 2 was added;

(b) A new operative paragraph 3 replaced the old one, which read as follows:

"3. Calls upon States that have not yet done so to take the legislative and administrative steps to promote and protect the rights of workers, eliminate forced child labour, eradicate exploitation of child labour and address the issue of child labour through education, social support and alternative income generating activities;"

(c) In operative paragraph 4, the words "relevant international institutions" were inserted;

(d) In operative paragraph 6, after the words "to involve", the word "representative" was deleted.

51. Statements in connection with the draft resolution and revisions were made by China, Cuba, India and the Philippines (on behalf of the Association of South East Asian Nations).

52. The draft resolution, as orally revised, was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1996/60.

53. At the same meeting, the representative of Cuba withdrew draft resolution E/CN.4/1996/L.85, a draft amendment to E/CN.4/1996/L.16 which read as follows:

"1. The last preambular paragraph should read as follows:

Regretting that serious violations of basic workers' rights have continued since then in many countries, in several of which such rights have to this day not been legally recognized,

"2. After operative paragraph 1, add a new operative paragraph 2 reading as follows:

2. Calls upon all States to take the necessary steps to include in their national or federal legislation, as required, legal recognition of the right to work as a basic human right and to ensure, in practice, the full realization of that right.

"3. Renumber existing operative paragraph 2 to 4 accordingly.

"4. Add a new operative paragraph 6 reading as follows:

6. Requests all States to examine periodically the possibility of ratifying the international labour conventions of the International Labour Organization concerning the right to organize and join trade unions, the length of the working day, protection of the safety and health of workers and social security."
