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SUMMARY RECORD OF THE 50th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 15 April 2004, at 3 p.m.

Chairperson: Mr. SMITH (Australia)

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

CONSIDERATION OF DRAFT RESOLUTIONS RELATING TO AGENDA ITEM 9
(continued)

Draft resolution E/CN.4/2004/L.9 (Human rights situation of the Lebanese detainees in Israel)

1. The CHAIRPERSON informed the Commission that he had received a letter from the Permanent Representative of Lebanon to the United Nations Office in Geneva advising that, pursuant to an understanding with the Permanent Representative of Germany in Geneva, the Government of Lebanon had decided to defer the introduction of its draft resolution entitled "Human rights situation of the Lebanese detainees in Israel" until the sixty-first session of the Commission on Human Rights to give due time to Germany's mediation effort. Taking into consideration Germany's ongoing efforts to obtain the release of the remaining detainees and the concerns and goals of the Government of Lebanon regarding the remaining detainees in Israel, the return of mortal remains and the provision of all maps indicating the location of landmines in South Lebanon, he welcomed the continuation of Germany's mediation and the Lebanese Government's decision.

Draft resolution E/CN.4/2004/L.13 (Situation of human rights in Cuba)

2. Mr. ZAPATA (Honduras), introducing the draft resolution on behalf of its 35 sponsors, said that it was his country's first initiative as a member of the Commission and was in keeping with the aims and principles of the Charter of the United Nations. None of the sponsors called into question Cuba's integrity; the draft resolution should be perceived as a constructive initiative and an appeal to the Cuban Government to install freedom of speech, democracy and pluralism in Cuba and to give the Cuban people the chance to enjoy civil and political rights without fear of reprisals and without suffering the fate of the 75 citizens imprisoned in 2003. The draft resolution urged Cuba to respect human rights, because the members of the Commission must set an example, and to cooperate with the Personal Representative of the High Commissioner for Human Rights so that she could discharge in full the mandate defined in Commission resolution 2002/18.

3. Ms. WHELAN (Ireland), speaking on behalf of the European Union members States that were members of the Commission and the Acceding State Hungary, said that the European Union expressed its deep concern at the human rights situation in Cuba and supported the draft resolution under consideration. She reiterated that the objective of the European Union in its relations with Cuba was to encourage a process of transition to a pluralist democracy and improvement in the living standards of the Cuban people. The European Union recognized Cuba's efforts to give effect to the social rights of the population despite the negative consequences of economic isolation.

4. However, the European Union continued to have serious concerns regarding many issues which had not been addressed in the draft resolution. It regretted the continued detention of dissidents arrested one year earlier, in particular the circumstances surrounding their arrest and trial, the arbitrary and excessive sentences and their conditions of detention. It called on the Cuban Government to release all prisoners of conscience and political prisoners without delay. It strongly condemned the execution of Cuban citizens carried out in 2003 following summary trials and urged the Cuban Government to restore the moratorium on the death penalty. In its relations with Cuba, the European Union could not disregard the deterioration in the situation of human rights in that country.

5. The European Union recognized, however, a number of positive developments in Cuba in the area of civil and political rights, in particular with regard to the exercise of religious freedom by Catholics and Orthodox Christians. It was also pleased to note the positive changes in policy on economic, social and cultural rights and the funding allocated to education and health care despite the negative consequences of economic isolation. It acknowledged the cooperation of the Cuban Government with the Commission's thematic special rapporteurs and urged it to extend that cooperation to the Personal Representative of the High Commissioner and to provide her all facilities needed to fulfil her mandate.

6. In closing, she said that her comment had been agreed to by the European Union, the Acceding States of the European Union – Cyprus, the Czech Republic, Estonia, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia – and the Candidate Countries Bulgaria and Romania.

7. Mr. SHA Zukang (China) pointed out that the draft resolution on the situation of human rights in Cuba brought before the Commission like every year had been submitted by Honduras but that in reality it had been conceived by the United States of America. Such an approach was typical of that country's hegemonic policy, to which China was firmly opposed. Despite economic sanctions and military threats, the Cuban population, under the firm leadership of its Government and relying on its own forces, had made continuous efforts to ensure its economic and social development, with perceptible success. Moreover, the Cuban Government had a policy of active cooperation in the area of human rights with many countries, despite the difficulties which it must face. In particular, it should be thanked for the medical assistance which it had provided to developing countries. China paid tribute to the heroism of the Cuban people, which had not allowed itself to be intimidated by force or violence. The Chinese delegation would vote against the draft resolution under consideration because it was politically motivated, and it urged all countries that believed in justice to do likewise.

8. Mr. WILLIAMSON (United States of America) said that, coinciding with the fifty-ninth session of the Commission, the Cuban Government had carried out a brutal crackdown on independent journalists, economists, trade unionists, and human rights activists. During the searches of their homes and at the show trials that had followed, the Cuban Government had found no evidence linking those 75 men and women to any acts of violence or plots to overthrow the Government. Despite the Cuban Government's accusations of "subversion," it was clear that the only "crime" those innocent people had committed had been to speak the truth about the Castro regime. As a result of those actions, they had been unjustly sentenced to an average of 20 years in prison and were imprisoned under terrible conditions. Among the 75 was Christian Liberation Movement member Luis Enrique Ferrer Garcia, who had been tried for his role in promoting the Varela Project, a grassroots movement that had collected thousands of signatures for a national referendum calling for democratic change. Organizing support for a referendum was a right protected by the Cuban Constitution, a fact that the Cuban Government had disregarded when it had sentenced Mr. Ferrer to 28 years in prison. The poet and journalist Raul Rivero, who earlier in the year had been awarded the UNESCO/Guillermo Cano World Press Freedom Award, would not be able to receive his prize because he too was serving a 20-year sentence. But flagrant abuse of human rights had not been limited to the group of 75. Dr. Oscar Elias Biscet, a partisan of Martin Luther King's philosophy of non-violence, had been arrested in December 2002 for teaching people about international human rights practices. Others had been arrested merely for distributing copies of the Universal Declaration of Human Rights. His delegation expressed its admiration to Cuban political prisoners and their families for their courage in standing up to tyranny.

9. The United States delegation applauded the Honduran Government for its courageous decision to table the draft resolution in the face of Cuban intimidation. It was a time of decision. The members of the Commission should rise above regional loyalty and narrow political considerations and think only of the oppressed Cuban people, which needed the Commission's support. The United States delegation thus urged the members of the Commission to vote in favour of the draft resolution.

10. Mr. BOICHENKO (Russian Federation) said that no country had a perfect human rights record, and the situation in Cuba did not warrant the adoption of a resolution by the Commission. In general, the best way of promoting human rights in any country was to start a constructive dialogue with the Government concerned without seeking to apply pressure.

11. Mr. CHIPAZIWA (Zimbabwe) said that his delegation was opposed on principle to the adoption of resolutions on any country under agenda item 9 and was thus opposed to the draft resolution on the situation of human rights in Cuba. The Cuban authorities had achieved impressive results in the country's development. In any case, Cuba had the right to choose the path it wished to follow, and any foreign interference in its internal affairs was unacceptable. It was inadmissible that certain States assumed the right to dictate to others what they should do.

12. Mr. MENGA (Congo) recognized like other delegations that no one was perfect in the area of the promotion and protection of human rights. Cuba had made considerable progress in the implementation of human rights, in particular in respect of medicine, education and culture, and the adoption of the draft resolution would have the opposite effect of that desired. Accordingly, his delegation would vote against the draft resolution.

13. Mr. FERNANDEZ PALACIOS (Cuba) said that with draft resolution E/CN.4/2004/L.13, the Commission was witnessing a new episode in the comedy which the Government of the United States had been staging for more than a decade. Intoxicated by the hegemony exercised by the Fascist group which had fraudulently usurped power in that country, the United States Government was trying to attain its objectives by every possible means. But no one was so gullible: it was easy to see that the draft resolution on the situation of human rights in Cuba had been introduced by the United States and that the Honduran Government was playing a disgraceful and ridiculous role in the matter.

14. After failing in its attempt to have Cuba condemned in 2003, the Government of the United States, together with its Czech Republic lackeys, had put pressure on many leaders of Latin American countries in its search for accomplices. It was for that reason that it had sent an emissary to the region, Mr. Otto Reich, who had not had an easy time of it. The genesis of the draft resolution under consideration was well known. The text had been conceived and drafted in Washington and, through the intermediary of Spain's Prime Minister Aznar, the President of Honduras, Ricardo Maduro, had been asked to introduce it. Mr. Aznar, who earlier had recruited young people in Central America to wage war in Iraq, had forwarded the message on the occasion of the Summit of Central American Presidents held in Madrid on 5 March 2004. The United States Secretary of State had then made it known that he was considering including Honduras in the Millennium Challenges initiative, in the context of which the United States would distribute US\$ 3.5 billion to more than 60 countries. The betrayal had then been consummated: money had vanquished principles. On 24 March 2004, the text of the draft resolution, prepared in English and accompanied by a Spanish version to save face, had been given to a group of ambassadors at the State Department. It was that text, presented as an

initiative of Honduras, which had been circulated without apparent author until its submission on 2 April. Thus, Honduras could not appeal to either reason or ethics to justify a supposed concern about human rights in Cuba. His criticism was not directed against the noble and generous people of Honduras, with which Cuba maintained relations of friendship and affection. Cuban physicians and nurses would remain in that country to save lives and combat illness, and hundreds of Honduran scholarship-holders currently studying in Cuba at the Latin American School of Medicine and other universities would continue to share Cuba's successes and difficulties.

15. The Cuban people continued its unrelenting struggle for self-determination and independence in the face of the permanent threat of a super-Power whose current rulers – a Fascist clique that had assumed the right to intervene and wage “preventive war” in 60 countries or more and to resort to the murder of foreign leaders – was still trying to crush the Cuban revolution. That had been the pathological obsession of successive United States Governments and extremist and terrorist groups of Cuban origin in Miami. For American imperialism, no holds were barred in combating the Cuban revolution: a criminal, genocidal embargo which had gone on for 45 years, invasions by mercenaries, biological and radio-electronic warfare, acts of sabotage and terrorism, attempted assassinations of Cuba's leaders and permanent hostility, the goal being to break Cuba's resistance and impede its development.

16. A central element of that policy was the attempt by the United States to create in Cuba a fifth column of mercenaries in their service. Those who had raised the practice of deceit to the level of State policy called those mercenaries political dissidents, human rights defenders and independent reporters. They lied shamelessly so as to deflect attention from the atrocities they were committing throughout the world. A destabilization and subversion plan targeting Cuba was under way. Threatening statements were proliferating, and the supposed “democracy” that Bush wanted for Cuba as part of the hypocritical doctrine of “regime change” was being fabricated from start to finish by the so-called “Committee for Aid to a Free Cuba”. But the Cuban people would not be subjugated or deceived, and it would continue to fight for its right to self-defence with the growing support of the peoples of the world.

17. Those States which sought to condemn Cuba had not said a word about the concentration camp installed in Guantánamo, Cuban territory usurped by the United States, nor the situation of five young Cuban political prisoners in the United States, nor about the brutality and violence of the occupation forces in Iraq. Hypocritically, they preferred to attack Cuba, because it symbolized resistance and the voice of dissent in the face of ideological conformity and domination, because it refused to kowtow to the super-Power, and because it had fought to be free. The Cuban people would continue to fight and to make itself heard everywhere, and it would never give up its sacred right to offer solidarity to those who needed it most.

Explanations of vote before the vote

18. Mr. KROTSRA (Togo) said that the draft resolution under consideration was not related to human rights and was not likely to improve the situation in Cuba. Cooperation with Cuba was essential, but the draft resolution was not directed at that objective. Moreover, it did not hold out any prospects for lifting the embargo on Cuba, which had to be done to help the Cuban people ensure its full development. For all those reasons, the Togolese delegation would vote against the text.

19. Ms. SHANTER (Sudan) regretted that once again the Commission's criticism targeted a developing country. The Commission had not been objective, because it refused to recognize the efforts that Cuba was making despite its limited resources. Cuba had always helped developing countries, particularly in Africa. The economic sanctions which the developed countries had imposed on Cuba constituted a violation of human rights. Consequently, the Sudanese delegation would vote against the draft resolution under consideration.

20. Mr. MARTABIT (Chile) noted that the Cuban Government had not recognized the mandate of the Personal Representative of the High Commissioner, Ms. Chanet, although she had prepared a report (E/CN.4/2004/32) in which she had criticized the failure to respect the right to due process, the existence of arbitrary detentions and sentences, and the difficult detention conditions of persons imprisoned for political reasons in Cuba, as well as the execution of three persons sentenced at the end of a summary trial for an incident that had ended without bloodshed; she had also made ten recommendations. The report acknowledged the positive aspects of Cuban reality, in particular with regard to education and health care, and stressed the restrictions and hardship caused by the embargo.

21. It was true that the embargo was not justified and that the people were its primary victims. His Government had repeatedly condemned the embargo, although it should not be brandished as an excuse for the lack of political rights and freedoms. Given its recent history, Chile knew the value of respect for human rights. Equality and social justice could not be achieved independently of freedom, democracy and the rule of law. His delegation would thus vote in favour of the draft resolution under consideration.

22. His delegation also expressed concern about the situation on part of the island of Cuba, at the Guantánamo base, where persons were detained without accusation or trial and without the possibility of defending themselves; that situation must be rectified. It reaffirmed the position adopted by the Twenty-Third Meeting of Consultation of Ministers of Foreign Affairs of the Member States of the Organization of American States that the fight against terrorism must take place within the framework of respect for the law, human rights and democratic institutions.

23. *At the request of the representative of Cuba, a recorded vote was taken on the draft resolution.*

In favour: Armenia, Australia, Austria, Chile, Costa Rica, Croatia, Dominican Republic, France, Germany, Guatemala, Honduras, Hungary, Ireland, Italy, Japan, Mexico, Netherlands, Peru, Republic of Korea, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America.

Against: Bahrain, Burkina Faso, China, Congo, Cuba, Egypt, Ethiopia, India, Indonesia, Nigeria, Pakistan, Qatar, Russian Federation, Saudi Arabia, Sierra Leone, South Africa, Sudan, Swaziland, Togo, Ukraine, Zimbabwe.

Abstaining: Argentina, Bhutan, Brazil, Eritrea, Gabon, Mauritania, Nepal, Paraguay, Sri Lanka, Uganda.

24. *The draft resolution was adopted by 22 votes to 21, with 10 abstentions.*

Draft resolution E/CN.4/2004/L.20 (Situation of human rights in Turkmenistan)

25. Ms. WHELAN (Ireland), introducing the draft resolution on behalf of the European Union and all the other sponsors, regretted the continuing human rights violations in Turkmenistan and the failure on the part of the Government to address the resolutions on the question adopted at the fifty-ninth session of the Commission and at the fifty-eighth session of the General Assembly. The draft resolution under consideration took account of positive developments in Turkmenistan since the previous session of the Commission, in particular the visit by the Personal Envoy of the Chairman of OSCE and the OSCE High Commissioner for National Minorities to that country, the first working session in Turkmenistan of the Office of the High Commissioner for Human Rights and the decrees on freedom of movement and religious freedom of March 2004. However, the Government persisted with its policy of repression of all political opposition, new restrictions had been introduced on the exercise of freedom of thought, conscience, religion and belief, and discrimination against ethnic and other minorities continued. Concern was expressed in the draft resolution with regard to the investigation, trial and detention procedures following the assassination attempt against President Niyazov in November 2002, and the Government was called upon to put an end to forced displacement and guarantee freedom of movement inside and outside the country.

26. It was the hope of the European Union that the draft resolution would be adopted with the widest possible support.

27. The CHAIRPERSON informed the Commission that there were three additional sponsors of the draft resolution, whose names would be reflected in the report of the Commission on its sixtieth session.

28. Mr. LI Baodong (China) said that as China was itself a developing country, his delegation understood well the difficulties of the Turkmen Government, which must develop the economy to improve the standard of living of the population while trying to preserve and promote civil and political rights. Considerable progress had in fact been made in the area of human rights, because Turkmenistan had ratified the International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights, the Convention against Torture and the International Convention on the Elimination of All Forms of Racial Discrimination. On 11 March 2004, the President had signed a decree ensuring freedom of religion and had promised to begin a dialogue and cooperate with other countries. Given the Government's sincerity and its determination to protect human rights, the international community should be more patient and tolerant in its regard and provide it with assistance rather than condemn it. The draft resolution's sponsors even went so far as to evoke relations between Turkmenistan and the OSCE, which had nothing to do with the mandate of the Commission on Human Rights, and they called upon Turkmenistan to engage in a constructive dialogue with human rights mechanisms in a manner that was hardly constructive. Consequently, his delegation would vote against the draft resolution.

29. *At the request of the representative of Pakistan, a registered vote was taken on the draft resolution.*

In favour: Argentina, Australia, Austria, Brazil, Chile, Costa Rica, Croatia, Dominican Republic, France, Germany, Guatemala, Honduras, Hungary, Ireland, Italy, Japan, Mexico, Netherlands, Paraguay, Peru, Republic of Korea, Sri Lanka, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America.

Against: Bahrain, China, Cuba, Egypt, Indonesia, Pakistan, Qatar, Saudi Arabia, Sudan, Ukraine, Zimbabwe.

Abstaining: Armenia, Bhutan, Burkina Faso, Congo, Eritrea, Ethiopia, Gabon, India, Mauritania, Nepal, Nigeria, Russian Federation, South Africa, Sierra Leone, Swaziland, Togo, Uganda.

30. *The draft resolution was adopted by 25 votes to 11, with 17 abstentions.*

Draft resolution E/CN.4/2004/L.21 (Situation of human rights in the Democratic People's Republic of Korea)

31. Ms. WHELAN (Ireland), introducing the draft resolution on behalf of the European Union, the Acceding States and all the sponsors, said that the European Union and the sponsors were deeply concerned about continuing reports of systematic, widespread and grave violations of human rights in the Democratic People's Republic of Korea, in particular civil and political rights, and the precarious humanitarian situation in the country, notably the prevalence of infant malnutrition. For that reason, the draft resolution requested the appointment of a Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea to establish direct contacts with the Government and the people of that country and investigate how the Government was complying with its obligations under international human rights instruments. All relevant special rapporteurs and special representatives were requested to examine alleged human rights violations in the country and to report to the Commission at its sixty-first session. The Government of the Democratic People's Republic of Korea was called upon to provide all pertinent information relating to the issues addressed in the draft resolution, to ensure full and unimpeded access for international humanitarian organizations to all parts of the country, to respect its obligations under international human rights instruments, to cooperate with the Office of the High Commissioner and the Special Rapporteur and to assist the latter in the discharge of his mandate.

32. The European Union and the sponsors hoped that the draft resolution would be adopted with broad support and that its adoption would lead to an improvement in the human rights situation in the Democratic People's Republic of Korea.

33. The CHAIRPERSON informed the Commission that there were four additional sponsors of the draft resolution, whose names would be reflected in the report of the Commission on its sixtieth session.

34. Mr. REYES RODRIGUEZ (Cuba) said that for his delegation, the draft resolution was completely at odds with the goal of promoting human rights and instead heightened antagonism within the Commission. For that reason, the Cuban delegation requested a vote on the draft and would vote against it.

35. Mr. LI Baodong (China) noted that, despite serious economic problems, the Government of the Democratic People's Republic of Korea had cooperated with the Office of the High Commissioner for Human Rights, had ratified four major international human rights instruments and had invited the Special Rapporteur on violence against women to visit the country. It would therefore be preferable to encourage further cooperation on promoting human rights. As the draft resolution did not aim in that direction, it would only be counterproductive.

36. Mr. WILLIAMSON (United States of America) said that the draft resolution should make it possible to raise international awareness of the terrible plight of the North Korean people and highlight the brutality of the regime, which was among the most repressive in the world. The draft resolution expressed the international community's deep concern over the egregious human rights violations in North Korea, which included torture, public executions, forced labour, infanticide, forced abortions in prison camps and lack of freedom of expression or access to information. The North Korean Government had failed to cooperate with the human rights protection mechanisms established by the United Nations, as the Commission had called upon it to do at its fifty-ninth session, and thus was urged to cooperate with the Special Rapporteur which the draft resolution requested the Commission to appoint. The United States delegation hoped that the Government of the Democratic People's Republic of Korea would take advantage of that opportunity and that some day the people of North Korea would enjoy the basic rights and freedoms that were the true foundation of prosperity and strength in the world community.

37. Mr. OSHIMA (Japan) said that the Democratic People's Republic of Korea had done nothing to begin a constructive dialogue with the international community on improving the situation of human rights or responding to its concerns, including on the issue of the abduction of foreign nationals. Consequently, Japan had joined the sponsors of the draft resolution under consideration. His delegation called upon all member States to support the draft resolution and urged the Democratic People's Republic of Korea to cooperate with the international community, including the United Nations, and to make serious efforts to resolve the human rights concerns.

38. Mr. JONG Song Il (Observer for the Democratic People's Republic of Korea) said that his delegation categorically rejected the draft resolution introduced by the European Union, which had once again revealed the insincerity of its calls for dialogue and bilateral cooperation. The draft resolution had nothing to do with human rights and was motivated by purely political considerations. Its sole purpose was to alter the social system in the Democratic People's Republic of Korea on the basis of false allegations fabricated with the support of the hostile policy of the United States of America, which was using the question of human rights to interfere in his country's internal affairs and was evoking the nuclear issue as a pretext for disarming it. It had done the same thing the year before to justify its invasion of Iraq.

39. It was astonishing that the European Union should dare to speak of the protection of human rights in the Democratic People's Republic of Korea, at the same time that it carefully avoided any reference to the abuses committed by the United States of America in Iraq following its illegal invasion and occupation of that country, which really constituted violations of human rights and crimes against humanity punishable by law. He was astounded by the hypocrisy of the European Union, which had remained silent about the misdeeds of the powerful and was in no position to criticize other countries when xenophobia and discrimination against immigrants were widespread in many of its member States.

40. The Government of the Democratic People's Republic of Korea had always endeavoured to ensure the full enjoyment of human rights and fundamental freedoms. All citizens were proud of the country's socialist system and would never tolerate any attempt to change it. The European Union was mistaken if it believed that a draft resolution like the one it had introduced could shake the will of the people. Politicization, selectivity and double standards were taking priority in the Commission over genuine human rights protection. By introducing the draft resolution, the European Union was jeopardizing the Commission's very credibility.

41. Mr. CHOI Hyuck (Republic of Korea), speaking in explanation of vote before the vote, said that the Republic of Korea, with its firm belief in the universal values of human rights, had been actively participating in the efforts of the international community to protect and promote those rights. His Government had made every effort to enhance the process of reconciliation and cooperation begun with the Democratic People's Republic of Korea in June 2000, because it was convinced that improvements in inter-Korean relations would be conducive to improving the situation of human rights in the Democratic People's Republic of Korea. It welcomed the recent agreement between the South and the North on regularizing reunions of separated families from both sides, a primary concern of the Korean people. His Government had continued to provide humanitarian assistance to the Democratic People's Republic of Korea in the hope of mitigating the life-threatening situation caused by food shortages and economic difficulties. It sincerely hoped that the Government of the Democratic People's Republic of Korea would do its utmost to raise the level of human rights protection in that country and strengthen its dialogue and cooperation with the international community. The Republic of Korea would spare no effort towards that end. In view of all those considerations, his delegation would abstain in the vote on the draft resolution.

42. *At the request of the representative of Cuba, a registered vote was taken on the draft resolution.*

In favour: Argentina, Armenia, Australia, Austria, Bhutan, Brazil, Chile, Costa Rica, Croatia, Dominican Republic, France, Gabon, Germany, Guatemala, Honduras, Hungary, Ireland, Italy, Japan, Mexico, Netherlands, Paraguay, Peru, Saudi Arabia, Sri Lanka, Sweden, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

Against: China, Cuba, Egypt, Indonesia, Nigeria, Russian Federation, Sudan, Zimbabwe.

Abstaining: Bahrain, Burkina Faso, Congo, Eritrea, Ethiopia, India, Mauritania, Nepal, Pakistan, Qatar, Republic of Korea, Sierra Leone, South Africa, Swaziland, Togo, Uganda.

43. *The draft resolution was adopted by 29 votes to 8, with 16 abstentions.*

Draft resolution E/CN.4/2004/L.22 (Situation of human rights in Belarus)

44. Mr. KOZAK (United States of America), introducing the draft resolution on behalf of its sponsors, regretted that in a united Europe, one country, Belarus, remained walled off by its human rights practices. The situation in the country had changed dramatically in 1994, when the Belarusian executive had used unconstitutional procedures to abolish the elected Parliament. Subsequent elections had been fundamentally flawed. Since then, there had been repeated violations of human rights, including the disappearance of three prominent political opponents of the regime and a journalist. As stated in the draft resolution, the Council of Europe had recently confirmed that senior government officials might have been involved in the disappearances. The draft resolution noted the failure of the Belarusian Government to heed the Commission's call of the past year to investigate those disappearances. It also noted that the Belarusian Government had failed to cooperate with the relevant special procedures of the Commission or adopt the reforms in election procedures recommended by the OSCE and that it had intensified its assaults against independent journalists, members of NGOs and peaceful political opponents. The draft resolution called upon the Belarusian Government to take, at long last, the steps which the Commission had urged to address the disappearances and to cooperate with all the mechanisms of

the Commission. Lastly, it decided to appoint a Special Rapporteur to establish direct contacts with the Government and with the people of Belarus.

45. The sponsors of the draft resolution sincerely desired improved relations with Belarus and between Belarus and its neighbours. They urged the other members of the Commission to join them in adopting the draft resolution, which sent the message that the Belarusian people had allies in their struggle to achieve respect for human rights.

46. The CHAIRPERSON informed the Commission that there were four additional sponsors of the draft resolution, whose names would be reflected in the report, and that the draft resolution had financial implications, details of which had been circulated to members.

47. Mr. BOICHENKO (Russian Federation) said that the sponsors of the draft resolution had not been prompted by a desire to promote and protect human rights but by purely political considerations, especially since the text had been introduced at a time in which the Belarusian Government had taken concrete steps to have a dialogue with the Commission's special procedures mechanisms, such as the Working Group on arbitrary detention, which was to go to Belarus at the end of 2004. The tenor of the draft was so absurd that the Commission should not even have to consider it. Accordingly, his delegation formally proposed that the Commission take no action on the subject.

48. Mr. LI Baodong (China) said that his delegation was firmly opposed to the draft resolution, because it was in complete contradiction with the actual facts. Progress had been made towards installing a democratic system in Belarus. The goal of the sponsors was not to improve the human rights situation in Belarus, but to put pressure on it for having adopted a policy that was independent of that of the United States. That initiative was bound to fail. Consequently, his delegation supported the no-action motion introduced by the Russian delegation.

49. Mr. REYES RODRIGUEZ (Cuba) said that the United States had no authority whatsoever to introduce draft resolutions on the situation of human rights in any part of the world, given its own human rights record, to look no further than the persons detained in Guantánamo and the acts committed in connection with the occupation of Iraq. The draft was proof once again of the extent to which the United States was prepared to go to exercise its power. It was targeting Belarus not because of the human rights situation in that country, but because Belarus had not been willing to let the United States have its natural resources or to give up its independent course. There was no reason for the draft resolution, and the delegation would therefore support the no-action motion.

50. Mr. SINGH PURI (India) said that his delegation was amazed by the strident and inappropriate language of the draft resolution. For example, it was proposed in paragraph 5 that the Special Rapporteur establish direct contacts with the people of Belarus, which flew in the face of accepted practices, since United Nations officials must deal primarily with Governments. Likewise, paragraph 2 (a) urged the Government of Belarus to impose specific punishments on law enforcement officers implicated in forced disappearances, even before due process of law and a trial had been completed. Paragraph 2 (b), (c), (d) and (h) showed complete disregard for the domestic constitutional and legal provisions of Belarus and the principle of State sovereignty. Paragraph 4 began with the word "Insists...", which had a threatening tone and appeared to preclude any immediate possibility of a constructive dialogue with Belarus.

51. His delegation believed that such questions of inter-State relations and relations between the United Nations and member States went well beyond the issues which the draft resolution sought to address. Accordingly, it would vote in favour of the no-action motion introduced by the Russian delegation.

52. Ms. WHELAN (Ireland), speaking on behalf of the member States of the European Union that were members of the Commission and the Acceding State Hungary, said that a no-action motion on a draft resolution was a way of denying members of the Commission the right to express their views on the text; that was an obstacle to the right to freedom of expression and undermined the principles of transparency and non-selectivity, which were essential to the work of the Commission. The clear aim of such motions was to prevent the Commission from dealing with specific country situations. No country – large or small – was beyond consideration by an international human rights body, because that would run counter to the principles of the universality and interdependence of all human rights, as reaffirmed by the Vienna Declaration. Consequently, the European Union strongly urged the members of the Commission to vote against the motion for reasons of principle, regardless of whether they intended to vote in favour of the actual draft resolution.

53. Mr. ALEINIK (Observer for Belarus) said that it was no surprise that the United States had formulated totally groundless accusations against a new sovereign State in a draft resolution designed to punish it for its independent foreign policy. It was not the first time that the United States had acted in that fashion: it was enough to recall the deceitful allegations about weapons of mass destruction in Iraq which could be deployed within 45 minutes. On the other hand, it was surprising that the member States of the European Union were sponsors of the draft. Perhaps it was just an attempt to divert attention from the human rights situation in those countries, which according to information from Amnesty International was far from ideal. The European Union had apparently rejected all the constructive proposals of Belarus and was trying to use the Commission on Human Rights to create a new division in Europe; that ran counter to policies of good neighbourliness and partnership with new neighbours.

54. Unlike the United States, Belarus was a party to all the main international human rights instruments and cooperated fully with the relevant treaty bodies and with all the special procedures of the Commission. It had invited the Working Group on arbitrary detention to visit Belarus by the end of the year, whereas the United States still refused to cooperate with the relevant thematic special rapporteurs on the question of detainees.

55. With regard to the draft resolution itself, he said that Belarusian electoral legislation, which was criticized, was fully consistent with international norms in that area and that its electoral practices were democratic and transparent. The draft's sponsors should instead be concerned about the forthcoming presidential elections in the United States so as to prevent a recurrence of the irregularities observed four years previously. OSCE observers should be sent to the United States to monitor the electoral process. Belarus was a new independent State that was undergoing the transition to a mature democracy and had attained a high level of human rights protection. As recognized by the World Bank in its latest report of January 2004, Belarus was a model for the countries of the region with regard to the fight against poverty. It had 18 political parties, which expressed their views in complete freedom.

56. The draft resolution was yet another blatant attempt to use the Commission as a tool for promoting the political interests of certain member States. It was up to the other States to reject

such a politization of the Commission and to see to it that politically motivated decisions which led to confrontation and mistrust were no longer adopted. He therefore urged member States not to support the draft resolution.

57. *At the request of the representative of the Russian Federation, a recorded vote was taken on the motion to take no action on the draft resolution.*

In favour: Armenia, Bahrain, Bhutan, Burkina Faso, China, Cuba, Egypt, India, Indonesia, Mauritania, Nigeria, Pakistan, Qatar, Russian Federation, Saudi Arabia, Sierra Leone, South Africa, Sudan, Swaziland, Togo, Ukraine, Zimbabwe.

Against: Argentina, Australia, Austria, Chile, Costa Rica, Croatia, Dominican Republic, France, Germany, Guatemala, Honduras, Hungary, Ireland, Italy, Japan, Netherlands, Paraguay, Peru, Republic of Korea, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Brazil, Congo, Eritrea, Ethiopia, Gabon, Mexico, Nepal, Sri Lanka, Uganda.

58. *The motion to take no action on the draft resolution was rejected by 22 votes to 22, with 9 abstentions.*

59. *At the request of the representative of the Russian Federation, a recorded vote was taken on the draft resolution.*

In favour: Australia, Austria, Brazil, Chile, Costa Rica, Croatia, Dominican Republic, France, Germany, Guatemala, Hungary, Ireland, Italy, Japan, Mexico, Netherlands, Paraguay, Peru, Republic of Korea, Sri Lanka, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America.

Against: Armenia, China, Cuba, Egypt, India, Indonesia, Nigeria, Russian Federation, Sierra Leone, South Africa, Sudan, Ukraine, Zimbabwe.

Abstaining: Argentina, Bahrain, Bhutan, Burkina Faso, Congo, Eritrea, Ethiopia, Gabon, Honduras, Mauritania, Nepal, Pakistan, Qatar, Saudi Arabia, Swaziland, Togo, Uganda.

60. *The draft resolution was adopted by 23 votes to 13, with 17 abstentions.*

Draft resolution E/CN.4/2004/L.28 (Cooperation with representatives of United Nations human rights bodies)

61. Ms. BLAZSEK (Hungary) introduced the draft resolution on behalf of its 47 sponsors. In its preamble, the Commission reiterated its concern at the continued reports of intimidation and reprisals against private individuals and groups who sought to cooperate with the United Nations. In the operative part, as in previous years it urged Governments to refrain from all acts of intimidation against those who sought to cooperate or had cooperated with representatives of United Nations human rights bodies, or who had provided testimony or information to them, as well as those who availed or had availed themselves of procedures established under United Nations auspices for the protection of human rights and all those who had provided legal assistance to them for that purpose. It again requested all representatives of United Nations human rights bodies, as well as treaty bodies, to continue to take urgent steps to help prevent such

acts, and it invited the Secretary-General to submit to the Commission a report containing a compilation and analysis of any available information on alleged reprisals against the persons referred to in the draft resolution.

62. Proposing a minor change in the fourth preambular paragraph, she said that the word “appreciation” should be replaced by “interest”. Hungary greatly hoped that the draft resolution would be adopted without a vote.

63. The CHAIRPERSON informed the Commission that there were 12 additional sponsors of the draft resolution, whose names would be reflected in the report of the Commission on its sixtieth session, and that the draft resolution did not have any financial implications.

64. *The draft resolution, as amended orally, was adopted without a vote.*

Draft resolution E/CN.4/2004/L.29 (Situation of human rights in the Republic of Chechnya of the Russian Federation)

65. Ms. WHELAN (Ireland), introducing the draft resolution on behalf of the European Union and its sponsors, said that the European Union had always considered the Commission to be the primary body within the United Nations system responsible for ensuring that human rights were guaranteed and respected and that it should address human rights around the world on their merits. The adoption of resolutions on specific countries was one of the means at its disposal. That should not be seen as a tool for confrontation, but as an instrument of dialogue between the international community and States. The human rights, humanitarian and security situation in the Republic of Chechnya remained a serious cause for concern for the European region, and that was why the European Union had submitted the draft resolution. The European Union had endeavoured to ensure that the draft resolution was both balanced and objective, one which strongly condemned the terrorist attacks both in the Chechen Republic and elsewhere in the Russian Federation as well as the ongoing serious violations of international human rights law and international humanitarian law in Chechnya by federal and local security forces. The European Union deeply regretted that the Russian Federation had not wished to engage with it in a discussion on the subject. In view of the seriousness of the situation, it hoped that the Commission would adopt the draft resolution.

66. The CHAIRPERSON informed the Commission that there were five additional sponsors of the draft resolution, whose names would be reflected in the report of the Commission on its sixtieth session, and that the draft resolution did not have any financial implications.

67. Mr. SHA Zukang (China) said that his delegation was firmly opposed to the draft resolution. If its sponsors had taken account of the wishes of most of the members of the Commission, who had already rejected such a draft on two occasions, as well as the enormous efforts by the Russian Federation to improve the situation in Chechnya, they would have refrained from introducing a text which, on the pretext of defending human rights, constituted an interference in the internal affairs of a sovereign country.

68. Mr. REYES RODRIGUEZ (Cuba) said that his delegation would vote against the draft resolution, which was a new attempt to manipulate the Commission for internal political purposes. It failed to serve the promotion of human rights in any way and was inconsistent with the real situation in the region. Cuba, which had close ties with the Russian Federation, knew very well the efforts it was making to find a settlement to the conflict.

69. Mr. SINGH PURI (India) pointed out that the draft resolution acknowledged Russia's right to defend its territorial integrity, to fight against terrorism and to protect its population against terrorist attacks and that it referred to the need for a political solution based on a peaceful settlement of the conflict in Chechnya. Those elements should guide any consideration of what continued to be a very complex situation. His delegation would vote against the draft resolution, because it was not convinced that it would contribute to a settlement of the problem.

70. Mr. SKOTNIKOV (Russian Federation) said that if, by again introducing a draft resolution on Chechnya, the European Union wanted to prompt the Russian Federation to cooperate with the international community, it was preaching to the converted. The Russian Federation was fully in favour of all cooperation in the area of human rights that was in a position to produce results. It had invited the former High Commissioner for Human Rights, Sergio Vieira de Mello, to visit Russia, in September 2003 it had received the Special Representative of the Secretary-General on internally displaced persons, and in June 2004 it would receive the Special Rapporteur on violence against women. It replied to all requests for information sent to it under the special procedures on the situation in Chechnya.

71. As to Chechnya itself, the normalization process was irreversible. The President had been elected in conformity with the Constitution of the Republic, and legislative and municipal elections were planned for the autumn. The amnesty law was applied to all those who voluntarily laid down their weapons. The socio-economic infrastructure had been put back on its feet. No one more than Russia wanted prosperity in Chechnya. Any obstacle to that goal, such as the draft resolution under consideration, was unacceptable. The draft was an unfriendly act which played into the hands of the terrorists. It was contrary to the vital interests of Russia and weakened the international coalition against terrorism. The European Union ought to be aware of the links which Chechen extremists had with the international terrorist movement. Why was it acting against both Russian interests and its own? It was time for the European Union to show solidarity with Russia and the Chechen population instead of multiplying politically motivated texts. His delegation would vote against the draft resolution and urged the other members of the Commission to do likewise.

Explanations of vote before the vote

72. Mr. MARTABIT (Chile) said that his delegation would abstain, because although problems in the area of human rights persisted, major progress had been noted at constitutional level, and the Russian Government had made efforts to ensure the living conditions of the civilian population and to put on trial and sentence members of the armed forces who had committed crimes against the Chechen population. Chile urged the Russian Federation to cooperate with the Commission's monitoring mechanisms, start a constructive dialogue with the Office of the High Commissioner and restore the rule of law in Chechnya by protecting dignity and life in all their dimensions.

73. Mr. WILLIAMSON (United States of America) said that his delegation would vote in favour of the draft resolution, because it was deeply concerned about continuing human rights violations in Chechnya. If there was to be a political solution of that long and tragic conflict, the Russian Government would have to take measures to improve respect for human rights and international humanitarian law, and the Chechen rebel leaders must prevent their forces from committing human rights violations.

74. The draft resolution also highlighted another important aspect. It strongly condemned all terrorist acts in Chechnya and elsewhere in the Russian Federation. Most of those acts had been carried out to achieve separation from the Russian Federation, a goal which the United States had always opposed, and it reiterated its condemnation of such terrorist acts and threats of such acts in the strongest possible terms; some of the Chechen groups responsible for them had demonstrable connections with international terrorism. Chechen separatists should credibly dissociate themselves from all terrorist acts committed in their name and from the terrorists themselves and should take all necessary measures to ensure that the terrorists were expelled from Chechnya or were brought to justice; that should include working with the Russian Government to that end.

75. *At the request of the representative of the Russian Federation, a recorded vote was taken on the draft resolution.*

In favour: Australia, Austria, Croatia, France, Germany, Hungary, Ireland, Italy, Netherlands, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America.

Against: Armenia, Brazil, China, Congo, Cuba, Egypt, Eritrea, Ethiopia, Gabon, India, Indonesia, Nepal, Nigeria, Russian Federation, Sierra Leone, South Africa, Sri Lanka, Sudan, Swaziland, Togo, Uganda, Ukraine, Zimbabwe.

Abstaining: Argentina, Bahrain, Bhutan, Burkina Faso, Chile, Costa Rica, Dominican Republic, Guatemala, Honduras, Japan, Mauritania, Mexico, Pakistan, Paraguay, Peru, Qatar, Republic of Korea, Saudi Arabia.

76. *The draft resolution was rejected by 23 votes to 12, with 18 abstentions.*

Draft resolution E/CN.4/L.33 (Situation of human rights in Zimbabwe)

77. Ms. WHELAN (Ireland), introducing the draft resolution on behalf of the European Union, the acceding countries of the European Union and all the other sponsors, regretted that Zimbabwe had not taken up the European Union's proposal to engage on the draft resolution. The text was much shorter than the previous year's. Recognizing the racially skewed and inequitable distribution of land ownership which existed in Zimbabwe at independence, the draft reaffirmed that the orderly implementation of land reform should only be carried out with due regard for human rights, the rule of law, transparency and democratic principles. It also recognized the challenges to development facing the Government of Zimbabwe. It expressed deep concern at the continuing violations of human rights in Zimbabwe and at the failure to allow independent civil society in Zimbabwe to operate without fear of harassment or intimidation. It urged the Government of Zimbabwe to implement its international human rights obligations, and it requested all relevant special rapporteurs and special representatives to examine alleged human rights violations in Zimbabwe and to report thereon to the Commission at its sixty-first session. In view of the seriousness of the situation, the European Union anticipated that all the members of the Commission would support the draft resolution.

78. The CHAIRPERSON informed the Commission that there were four additional sponsors of the draft resolution, whose names would be reflected in the report of the Commission on its sixtieth session.

79. Mr. MENGA (Congo), speaking on behalf of the African Group, proposed that the Commission take no decision on the draft resolution under consideration, which had nothing to do with the question of human rights. The Government of Zimbabwe was under accusation because it had had the courage to address the scandalous problem of the inequitable distribution of farmlands solely in the interest of social justice. The colonial Power, going back on its promise to finance land reform in Zimbabwe, had succeeded in internationalizing an exclusively bilateral question. Zimbabwe's problems must be settled in a national or even African context. The African Union and SADEC were the appropriate forums for discussing the issue. The African Group regretted that, despite its urging, the sponsors had not agreed to open real negotiations with the Zimbabwean side and that the position of the Zimbabwean authorities had not been taken into account.

80. Mr. FERNANDEZ PALACIOS (Cuba) said that his delegation would vote for the no-action motion introduced by the African Group, because the problem of Zimbabwe was related to land which was to be taken away from the people. If the sponsors of the draft resolution were really concerned about human rights, they would have long since lifted their sanctions against Zimbabwe, and the former colonial Power would have implemented the Lancaster House Agreement.

81. Mr. WILLIAMSON (United States of America) said that the members of the Commission must consider the substance of the draft resolutions introduced and not play with procedural motions. A vote in favour of a no-action motion was tantamount to approving the violations of human rights being perpetrated by countries which disregarded the Commission's fundamental principles. Responsible States must act in the interest of all those who suffered at the hands of leaders who cared little about their rights.

82. The Government of Zimbabwe continued to conduct a concerted campaign of violence, repression and intimidation against its citizens. The judiciary was manipulated, the media were harassed, political opponents were threatened and labour activists were brutalized. Economic conditions had worsened considerably. The last presidential elections had been a farce. Although Zimbabwe had signed a number of international human rights instruments, it had demonstrated that it had no intention of upholding those rights. The Government of Zimbabwe must protect the basic rights of all its citizens, regardless of their ethnicity, region of origin or political affiliation. The world community must resolutely condemn the repressive policies of the Mugabe regime and publicly express its solidarity with the Zimbabwean people.

83. Mr. BALARABE SAMAILA (Nigeria) said that, if it wanted to enjoy the confidence of all, the Commission must encourage consultation and dialogue to achieve justice and reconciliation in Zimbabwe and avoid any action that might further estrange the contending parties or isolate the country. Nigeria knew how difficult nation-building was, and it was actively engaged, through the President himself, in the efforts to find a constructive, balanced and peaceful solution to Zimbabwe's problems. Those efforts would soon come to fruition, for the good of all Zimbabweans. Accordingly, and without prejudice to its unswerving commitment to human rights, Nigeria endorsed the position of the African Group on the no-action motion.

84. Ms. WHELAN (Ireland), speaking on behalf of the member States of the European Union that were members of the Commission and the Acceding State Hungary, reiterated that the European Union was opposed as a matter of principle to all no-action motions, and it urged all those who upheld the principles of transparency and freedom of expression as well as the spirit of

dialogue to join it, regardless of their voting intentions on the draft resolution itself. The members of the Commission could not evade their responsibility to consider all drafts brought before it on their merits. No country – large or small – could be regarded by the Commission as being beyond consideration by international human rights bodies.

85. In closing, she said that her comment had been agreed to by the European Union, the Acceding States of the European Union – Cyprus, the Czech Republic, Estonia, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia – and the Candidate Countries Bulgaria, Romania and Turkey.

86. Mr. DA ROCHA PARANHOS (Brazil) referred to his Government's growing concern about the increasing politicization of debate in the Commission on country-specific resolutions. It was regrettable that issues unrelated to the promotion of human rights were interfering with negotiations on draft resolutions. The case-by-case approach, which was very selective, should be replaced by a global report on human rights; that would help recapture the original spirit of the Commission.

87. Mr. LI Baodong (China) said that Zimbabwe had been making ongoing efforts to raise the standard of living of the population, notably in the areas of education and health care, and to strengthen the rights of citizens, in particular freedom of association and the right to vote. Unfortunately, those efforts had been hindered by the after-effects of colonialism and by unfair economic sanctions. The unfounded accusations which the sponsors of the draft resolution had levelled against Zimbabwe had nothing to do with the protection of human rights and testified to the regrettable politicization of the Commission, which was attributable to countries such as the United States. In that connection, his delegation would like item 9 to be removed from the agenda.

88. Mr. CHIPAZIWA (Observer for Zimbabwe) said that it was not the first time that the Commission had considered a draft resolution on human rights in his country. He had no doubt that the Commission would reject the draft resolution under consideration, as it had done with earlier ones, because it was aware of the designs of its sponsors.

89. A dispute persisted between Zimbabwe and the United Kingdom, which had reneged on its commitment regarding land reform. The dispute should be settled in a bilateral context, and not in the Commission. Any human rights problems that might arise in Zimbabwe were not out of the ordinary, and the country's legal system was ready and able to address any cases brought before it.

90. *At the request of the representative of the Congo, a recorded vote was taken on the motion to take no action on the draft resolution.*

In favour: Bahrain, Bhutan, Burkina Faso, China, Congo, Cuba, Egypt, Eritrea, Ethiopia, Gabon, India, Indonesia, Mauritania, Nepal, Nigeria, Pakistan, Qatar, Russian Federation, Saudi Arabia, Sierra Leone, South Africa, Sri Lanka, Sudan, Swaziland, Togo, Uganda, Zimbabwe.

Against: Argentina, Armenia, Australia, Austria, Chile, Costa Rica, Croatia, Dominican Republic, France, Germany, Guatemala, Honduras, Hungary, Ireland, Italy, Japan, Netherlands, Paraguay, Peru, Republic of Korea, Sweden, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Brazil, Mexico.

91. *The motion to take no action on the draft resolution was adopted by 27 votes to 24, with 2 abstentions.*

Draft resolution E/CN.4/2004/L.37 (Situation of human rights in China)

92. Mr. WILLIAMSON (United States of America), introducing the draft resolution, said that its goal was to encourage China to take positive, concrete steps to meet its international obligations to protect human rights and fundamental freedoms. The sponsors of the draft resolution proposed that the Commission should express concern about reports of serious restrictions on human rights and fundamental freedoms and the severe sentences imposed on those seeking to exercise their rights, and it should encourage the Chinese Government to cooperate with the international community, in particular the Commission's special procedures mechanisms.

93. The United States valued its relationship with China and believed that sustaining it required continued progress on human rights. It was therefore disappointed by China's failure to meet the commitments made at the United States – China Human Rights Dialogue in December 2002 or to make good on its stated intention to expand cooperation on human rights in 2003. A number of incidents in 2003 had called into question China's willingness to improve its protection of the right of its citizens to peacefully express their views, organize, or practice their faith. That included arrests or detentions of democracy activists, Internet dissidents, protesting workers, members of the clergy, HIV/AIDS activists, notably Hu Jia, and defence lawyers, as well as the continued repression of Tibetan Buddhists, Uighur Muslims and Falun Gong practitioners.

94. The United States welcomed the new provisions concerning respect for private property and protection of human rights which the Chinese Government had introduced in the Constitution and hoped that they would be implemented.

95. His delegation called on all members of the Commission to support the draft resolution and to vote against a no-action motion, which sought to prevent debate on the resolution and was inconsistent with the principles upon which the Commission had been founded, including freedom of speech.

96. Mr. UMER (Pakistan) said that once again the Commission had before it a draft resolution on the situation of human rights in China, although that country was cooperating with the international community in promoting and protecting human rights, was party to almost all human rights instruments and had recently taken a number of measures to strengthen the civil, economic, social and cultural rights of its citizens. China, which had been subjected to the humiliation of colonialism and had been exploited materially and intellectually, had become the world leader in economic growth. In the course of the past 20 years, 400 million Chinese had been lifted out of extreme poverty. Infant mortality, which had stood at 200 per thousand in 1949, had fallen to below 30 per thousand, and grain production in the same period had gone from 110 million tons to nearly 550 million tons.

97. The Vienna Declaration and Programme of Action proclaimed that all human rights were interdependent, mutually reinforcing and deserving of equal attention. By that measure, China's record for the promotion of human rights had been phenomenal, and there was thus no reason for the draft resolution.

98. Mr. SHA Zukang (China) said that China categorically rejected the anti-Chinese draft resolution submitted by the United States. In accordance with rule 65 (2) of the rules of procedure of the functional commissions of the Economic and Social Council, it introduced a no-action motion on the draft. It was the eleventh time that the United States had introduced such a draft, each time claiming that the situation of human rights in China had worsened considerably. If that were true, China would have already regressed to the stone age.

99. He provided some data to enable the Commission to have an objective idea of the actual human rights situation in China. Under the current Government, annual GDP growth had been 9.1 per cent. Of China's 1.3 billion inhabitants, 900 million lived in rural areas, and priority had thus been given to resolving agricultural problems. In particular, it was planned to abolish all agricultural taxes in the next five years, to provide health care to migrant workers and to enable their children to attend school. The number of persons living in poverty had fallen from 250 million in 1978 to 29 million in 2003. Life expectancy, which had been 35 years before the creation of the new China, now stood at 71.4 years. In a recent report, the United Nations Development Programme (UNDP) had welcomed the considerable progress made in China with regard to the objectives of the Millennium and considered that China could reach most of its objectives by 2015. It was difficult to see any violation of human rights in all those figures. Perhaps the United States, the self-proclaimed "human rights defender", might explain how the notorious brutality of its police, its practices of racial discrimination or the massacre of innocent Iraqi civilians constituted acts which protected human rights.

100. It was an outright lie to assert that there were no fundamental freedoms in China. The truth of the matter was that the Chinese enjoyed freedom of speech, freedom of assembly, freedom of association, freedom of religion and freedom of belief, which were guaranteed by law. Every year a very large number of books, magazines and newspapers were published in China. The country had 80 million Internet users and 320 television stations. There were 100 million believers among the countries five main religions, namely Buddhism, Taoism, Islam, Catholicism and Christianity. More than 30 million copies of the Bible had been printed and distributed.

101. China was also working tirelessly to improve its judicial system. In March 2003, the notion that "the State shall respect and protect human rights" had been introduced into the Chinese Constitution. The United States was doing everything it could to undermine the Chinese judiciary. One day it demanded that China reduce a sentence imposed on a criminal, and the next that it release another criminal on bail.

102. The United States accused China of not cooperating with the international human rights protection mechanisms. Yet in September 2003 the Special Rapporteur on the right to education had visited China, and in 2004 invitations had been extended to the Working Group on arbitrary detention, the Special Rapporteur on torture, the Special Rapporteur on freedom of religion and the new High Commissioner for Human Rights to visit the country, whereas the United States had repeatedly refused to receive the Special Rapporteur on torture or other special mechanisms of the Commission on Human Rights.

103. The United States claimed that its new draft resolution was worded very moderately, imagining that it would thereby obtain greater support, but it underestimated the judgement capacity of the members of the Commission. Everyone knew that the real objective of such a text, regardless of how sugar-coated, was to serve the interests of its sponsor. China was one of those countries which did not allow others to dictate its conduct. Just as it could not and did not want to

make the United States into another China, no country could transform China into another United States. The United States must stop dreaming and wake up. China was neither heaven nor hell. It was merely trying to build a society in which the population had a decent standard of living. His Government was confident that it would succeed in gradually resolving the country's development problems. It was doing everything in its power to meet the needs of the Chinese population. As long as the Chinese population was happy and content, his Government would tirelessly continue its efforts. It was not particularly concerned whether that pleased the United States or not. The United States Government would be better advised to turn its attention to its own human rights record.

104. China was not introducing a no-action motion because it refused to discuss its human rights situation. On the contrary, it welcomed well-meaning criticism and suggestions from other countries. But the anti-Chinese draft resolution introduced by the United States was designed to serve electoral interests in the future presidential elections and did not reflect a genuine concern for human rights. Anxious to maintain the dignity, objectivity and impartiality of the Commission, his delegation urged its members to vote in favour of the no-action motion.

105. Mr. MENGA (Congo) said that China had witnessed admirable development in many areas and had taken constructive measures in favour of human rights for the benefit of its population. As part of cooperation assistance, it had also helped many developing countries to build their infrastructures, including hospitals, schools and stadiums. His delegation would therefore show solidarity with China by voting in favour of the no-action motion.

106. Mr. CHIPAZIWA (Zimbabwe) said that China had shown solidarity with Africa for decades. It had seen tremendous progress on all fronts. No country could honestly assert that it was beyond reproach in the area of human rights. Practical measures on the ground were the only way of having a meaningful impact on the human rights of the population. In that respect, China's record was excellent. Accordingly, his delegation would vote in favour of the no-action motion.

107. Mr. MORA GODOY (Cuba) said that year after year, the United States never tired of playing the same bad film, but in vain. It should abandon its infantile and provocative attitude and finally understand that China was a great country whose people was motivated by the will to resist and the desire to prosper. His delegation would thus vote in favour of the no-action motion.

108. Mr. SKOTNIKOV (Russian Federation) said that China had achieved remarkable progress in all areas, including human rights, and was an example for the entire world. The draft resolution was a political manoeuvre which had nothing to do with the Commission's mandate. The Russian Federation would vote in favour of the no-action motion.

109. Ms. SHANTER (Sudan) said that in the course of the past year, China had taken very constructive measures in favour of human rights. That great country, in which one quarter of the world's population lived, had always shown solidarity towards developing countries, and African countries in particular. The draft resolution would only further politicize discussion in the Commission. For all those reasons, his delegation would vote in favour of the no-action motion.

110. Ms. FERNANDO (Sri Lanka) said that the Chinese Government had made enormous strides towards improving human rights standards and had cooperated with the international human rights mechanisms, including the special procedures of the Commission, and her delegation would therefore vote in favour of the no-action motion. She pointed out that the

United Nations bodies, including the General Assembly and its committees, regularly resorted to the no-action procedure. The time had come to build on the positive steps taken by China in the area of human rights instead of putting forward a resolution incapable of winning the cooperation of the Chinese Government.

111. Mr. OULD MOHAMED LEMINE (Mauritania) said that China's political, economic and social system had always ensured that great country considerable influence. The profound economic and social reforms carried out in recent years by the Chinese Government had raised the standard of living of the population. The Chinese people was very attached to its institutions and its socio-economic system. It was necessary to respect the choices of that great people, which had contributed so much to humanity, and to encourage the Chinese Government, which had made impressive progress in economic, social and cultural areas. As the draft resolution was not aimed in that direction, his delegation would vote in favour of the no-action motion.

112. Ms. WHELAN (Ireland), speaking on behalf of the member States of the European Union that were members of the Commission and the Acceding State Hungary, said that the European Union was opposed to no-action motions as a matter of principle, because they undermined the principles of transparency and non-selectivity, which were essential to the work of the Commission and were contrary to the spirit of dialogue to which the European Union was committed. Consequently, the European Union strongly urged the members of the Commission to vote against the motion, regardless of whether they were planning to vote in favour of the draft resolution itself.

113. In closing, she said that her comment had been agreed to by the European Union, the Acceding States of the European Union – Cyprus, the Czech Republic, Estonia, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia – and the Candidate Countries Bulgaria, Romania and Turkey.

114. Mr. SOBASHIMA (Japan) said that the non-action procedure was contrary to the spirit of the Commission. Therefore, his delegation would vote against the no-action motion as a matter of principle.

115. Mr. HARIYADHI (Indonesia) said that efforts to promote respect for human rights must be based on a spirit of cooperation, mutual respect and dialogue. The remarkable progress achieved by China in the economic, social, cultural and political spheres testified to the Chinese Government's commitment to the promotion of human rights. China had also demonstrated a spirit of cooperation and dialogue with the United Nations mechanisms and the Governments concerned. His delegation supported a constructive approach to human rights and would therefore vote in favour of the no-action motion.

116. *At the request of the representative of China, a recorded vote was taken on the motion to take no action on the draft resolution.*

In favour: Bahrain, Bhutan, Brazil, Burkina Faso, China, Congo, Cuba, Egypt, Eritrea, Ethiopia, Gabon, India, Indonesia, Mauritania, Nepal, Nigeria, Pakistan, Qatar, Russian Federation, Saudi Arabia, Sierra Leone, South Africa, Sri Lanka, Sudan, Swaziland, Togo, Ukraine, Zimbabwe.

Against: Australia, Austria, Costa Rica, Croatia, France, Germany, Guatemala, Honduras, Hungary, Ireland, Italy, Japan, Netherlands, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Argentina, Armenia, Chile, Dominican Republic, Mexico, Paraguay, Peru, Republic of Korea, Uganda.

117. *The motion to take no action on the draft resolution was adopted by 28 votes to 16, with 9 abstentions.*

The meeting rose at 6.05 p.m.