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COMMISSION ON HUMAN RIGHTS

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SUMMARY RECORD OF THE 51st MEETING

Held at the Palais des Nations, Geneva,
on Friday, 16 April 2004, at 10 a.m.

Chairperson: Mr. SMITH (Australia)

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The meeting was called to order at 10 a.m.

PROMOTION AND PROTECTION OF HUMAN RIGHTS:

- (a) STATUS OF THE INTERNATIONAL COVENANTS ON HUMAN RIGHTS
- (b) HUMAN RIGHTS DEFENDERS
- (c) INFORMATION AND EDUCATION
- (d) SCIENCE AND ENVIRONMENT

(agenda item 17) (continued) (E/CN.4/2004/84-88, 90-93 and 94 and Add.1-3, 114 and 121; E/CN.4/2004/NGO/5, 15, 66, 77, 98, 112, 123, 126, 149, 198, 207, 210, 229, 243, 259; A/58/380)

1. Mr. NOONAN (Ireland), speaking on behalf of the European Union (EU), said that the seriousness of the problems and human rights violations faced by human rights defenders worldwide underlined the importance of a specific mandate concentrating on human rights defenders.
2. He asked whether the increasing discriminatory treatment and harassment experienced by human rights defenders working with women, minorities and indigenous peoples was a global trend. He wondered if the Special Representative could elaborate on her proposal to recognize women human rights defenders as such.
3. He also wished to know her views on what measures States should take to ensure that national legislation was not in conflict with their obligations under international human rights law.
4. Mr. VIGNY (Observer for Switzerland) asked what the Special Representative considered as suitable measures to ensure better implementation of the Declaration on Human Rights Defenders. He also wished to know how she viewed developments regarding the situation of human rights defenders in Thailand.
5. Ms. JILANI (Special Representative of the Secretary-General on Human Rights Defenders) said that the particularly discriminatory treatment and harassment suffered by severely marginalized and disadvantaged communities, and those who defended their rights, was indeed a global trend, and that women human rights defenders were especially affected.
6. While it was true that women rights defenders first and foremost needed to be seen in the context of the work they did, and not as a separate category, their special needs had to be accounted for when devising protection strategies. It was thus necessary to look at the Declaration, and its implementation with regard to practices and institutional responses to human rights defenders, in that light.
7. On the question of national legislation, it was important to remind Governments that conformity of national legislation with international obligations was vital. The principles of international human rights law and humanitarian law were equally applicable to individual

States, and in a number of countries national legislation needed to be reviewed with those considerations in mind. Freedom of association and freedom of assembly warranted particular attention in that regard.

8. With a view to successful implementation of the Declaration on Human Rights Defenders, active participation of national institutions, particularly at the parliamentary level, could facilitate better understanding of the Declaration and ensure that appropriate provision was made in national legislation. Particularly in the area of freedom of information, legislative provisions needed to be complemented by the creation of institutions to guarantee access to information and enable human rights defenders to perform their monitoring functions.

9. The situation of human rights defenders in Thailand was generally favourable. Existing mechanisms that facilitated their work were complemented by a strong and vibrant civil society. Improvements were still needed in some areas, but civil society was well placed to promote the rights of human rights defenders and expand their capacity to act. There was a political will on the part of the Government to work with the human rights community in areas of persistent weaknesses.

10. Ms. ABREU DE POLANCO (Dominican Republic) said that, pursuant to the relevant international instruments and resolutions, her Government was committed to making human rights education a priority in educational curricula.

11. She recalled that the Action Plan launched in connection with the Decade for Human Rights Education called for assessment of needs and elaboration of programmes in the area of human rights education, development of teaching materials and the role of the mass media, and global dissemination of the Universal Declaration of Human Rights. The partnership between Governments, international institutions, non-governmental organizations (NGOs), professional associations and civil society was central to achieving those goals.

12. Her country, as an active participant in international human rights-related standard-setting activities, considered human rights education a key prerequisite for the elimination of gender-based discrimination and the promotion of equal opportunities. Human rights education should not be limited to the dissemination of information, but should instead be viewed as an integrated, life-long process instilling respect for human dignity.

13. Practical measures taken at the national level included the recent creation of a national commission for human rights education by presidential decree. The commission was entrusted with the implementation of the national plan on human rights education.

14. In accordance with United Nations guidelines on national action plans on human rights education, human rights education was to be included in curricula for primary, secondary and higher education; teacher-training; training for public officials such as members of the judiciary, the civil service, the armed forces and the national police; and educational or training programmes developed for members of civil society.

15. The Government, NGOs and international institutions, with the support of the United Nations Educational, Scientific and Cultural Organization (UNESCO), had drafted an official document entitled “Hacia un plan nacional de educación en derechos humanos”. It contained an analysis of human rights education in the Dominican Republic, as well as the strategic outlines of the plan.
16. She called on all States to fulfil their obligations under the Vienna Declaration and Programme of Action and include human rights, humanitarian law, democracy and the rule of law as subjects in the curricula of all institutions of formal and non-formal education.
17. Mr. TINAJERO (Mexico) said that, in the context of the tragic events of 11 September 2001 and the ensuing firm commitment of the international community to combat international terrorism, increased efforts were needed to protect and promote human rights for all. The fight against terrorism did not legitimize suspension or abrogation of human rights. Rather than being an obstacle, respect for human rights was an effective tool in combating terrorism.
18. Human rights violations were counterproductive to the fight against terrorism and endangered the primary objective of providing security. Any anti-terrorist measures thus needed to be based on respect for human rights, and Mexico had sponsored a number of resolutions to that end. At the national level, Mexican security personnel had been provided with guidelines to ensure observance of human rights in the context of anti-terrorist action.
19. The problem of impunity needed to be addressed at the national and international levels. His Government advocated the elaboration of international standards with a view to eradicating impunity. At the national level, continuing efforts were made to investigate grave violations of human rights that had occurred in the past and bring the perpetrators to justice. A Special Prosecutor’s Office had been created to prosecute past human rights violations, particularly the disappearances of the 1970s.
20. Consistent with its commitment to combat impunity, his Government was pursuing the ratification of the Rome Statute of the International Criminal Court. The matter was currently pending action by the Chamber of Deputies and the legislative bodies of the States.
21. Mexico was firmly opposed to the death penalty, which it had not applied for the past 30 years or more. The President had submitted a proposal to Congress aimed at formally prohibiting that practice under the Constitution. He called on the international community to follow suit.
22. Mr. MAXWELL HEYWARD (Australia) said that good governance was crucial to the full enjoyment of human rights. Implementation of provisions made at the international level required effective, independent national institutions. In countries with a culture of violence, fear and impunity that did not respect the basic principles of democracy, international human rights treaties were meaningless.
23. Australia sought to achieve and maintain good governance through a network of Constitution-based rules and regulations while strengthening some key elements of democracy, such as the right to vote and freedom of expression, a robust multiparty system, free media and a

vibrant civil society. At the institutional level, an independent judiciary and the national human rights institution, the Australian Human Rights and Equal Opportunity Commission, played a fundamental role in the promotion and protection of human rights.

24. The Australian aid programme aimed at promoting good governance at the international level, particularly in the Asia-Pacific region. Development and human rights were closely related, and his Government's development policy focused on cooperation in the areas of law and order, economic governance and service delivery. The Australian-led assistance programme in the Solomon Islands exemplified that policy. The Regional Assistance Mission to the Solomon Islands, a project involving collaboration with a number of countries in the Pacific region, had been successful in re-establishing law and order; stabilizing the budget; devising long-term strategies for good governance; and bringing about targeted economic reform. Emphasis was placed on institution-building and accountability, on restoring services to the community and on strengthening civil society and NGOs.

25. Australia had also granted support for electoral processes and legal reforms, with a view to strengthening legal institutions, in several countries in the region. The Pacific Regional Policing Initiative aimed at improving training capabilities and professional standards of regional police forces and encouraging awareness of human rights.

26. His Government believed that constructive, cooperative dialogue, complemented by technical assistance, was the most effective way to bring about real changes in people's lives. At present, Australia was engaging in formal human rights dialogue with China, Viet Nam and the Islamic Republic of Iran. It also supported the seminar on good governance and human rights mandated by the Commission that was scheduled to take place in the Republic of Korea later in 2004. It had also invited representatives from four Pacific island countries to come to Geneva to share their experiences in implementing and advocating good governance practices at the national level.

27. There was growing awareness that good governance was crucial to the enjoyment of human rights and that, conversely, grave violations of those rights often occurred in situations of bad governance, as in the case of Rwanda.

28. Mr. NOONAN (Ireland), speaking on behalf of the EU, said that the acceding States Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia; the candidate countries Bulgaria, Romania and Turkey; the countries of the stabilization and association process and potential candidates Albania, Bosnia and Herzegovina, Croatia, The former Yugoslav Republic of Macedonia, Serbia and Montenegro; and the European Free Trade Area (EFTA) countries Iceland, Liechtenstein and Norway, members of the European Economic Area, aligned themselves with the statement.

29. Safeguarding the right to promote human rights was essential and evidence of widespread persecution of human rights defenders made it necessary to act on their behalf. Human rights defenders' role in documenting violations and providing support to the victims, as well as in combating impunity, was vital. The Declaration granted human rights defenders the legitimate right to criticize Governments as an essential element of the protection of human rights. They also supported Governments in devising national strategies on human rights.

30. In an increasingly internationalized world, the work of human rights defenders had also assumed a global dimension. They were instrumental in bringing human rights violations that occurred at the national level to the attention of the international community - often at considerable personal risk - and thus helped international human rights mechanisms to discharge their mandate.

31. In spite of the international community's commitment to protecting human rights defenders, their situation in some countries gave cause for concern. However, owing to the growing centrality of rights, laws and norms in State affairs at the national and international level, the international community increasingly, and formally, recognized individuals' engagement on behalf of human rights.

32. Regrettably, the Special Representative's report documented persistent practices of harassment and intimidation towards human rights defenders ranging from defamation and arbitrary arrest to extrajudicial execution. The international community had a solemn responsibility to honour its commitment to protect and actively assist those suffering persecution. Continued vigilance on behalf of human rights defenders was called for.

33. The Special Representative's commitment and successful cooperation with other mechanisms and institutions in the attempt to highlight the plight of human rights defenders was commendable.

34. It was a matter of grave concern that women human rights defenders in particular continued to suffer persecution. In addition, security laws that were in violation of international human rights law obligations were an increasing problem. In that light, better implementation of the Declaration was essential and cooperation was needed to that end.

35. It was important to note the positive role that human rights defenders played in society. Their legitimate criticism of, inter alia, legislation or Governments was motivated by the desire to promote universally agreed principles. Peaceful social protest was consistent with meeting the just requirements of a democratic society and suppressing such activities was a potential source of unrest and disharmony.

36. The EU and its Member States took concrete action to protect human rights defenders under threat and thus honoured its commitments under the Declaration.

37. Human rights defenders were instrumental in achieving the core United Nations goals. Their persecution by Governments was often indicative of more widespread, systematic and flagrant disregard of human rights. In times of conflict, respect for human rights was an even greater necessity and the international community had not only the right, but the duty to assist those who were persecuted for defending human rights.

38. Mr. JOHANNESSON (Observer for Iceland), speaking also on behalf of Denmark, Finland, Norway and Sweden, said that it was a well-known fact that the most serious human rights violations occurred in the context of conflict, and protection of human rights under such circumstances was particularly difficult. States should be induced to review legislation that

governed conflict situations, public emergency and internal strife, with a view to enhancing protection in that context. In addition, mechanisms for the implementation of international human rights standards at the national level were crucial.

39. The Secretary-General's report (E/CN.4/2004/90) contained useful information on recent developments in that regard, such as an analysis of jurisprudence from the International Tribunals for the former Yugoslavia and Rwanda. The strong focus on practical measures was particularly welcome.

40. The entry into force of the Rome Statute of the International Criminal Court, and the adoption by the Human Rights Committee of general comment No. 29 on article 4 of the International Covenant on Civil and Political Rights, were important tools for the clarification of international standards.

41. Ensuring compliance of all actors with fundamental standards and safeguards was a significant challenge. Such standards covered the various forms of individual responsibility under international criminal law and included genocide, war crimes, other violations of international humanitarian law and crimes against humanity. While important headway had been made in the definition of standards, the forthcoming study on international humanitarian law by the International Committee of the Red Cross (ICRC) would provide further essential guidance in that regard.

42. Mr. ROUSHDY (Egypt) said that Egypt was committed to guaranteeing the enjoyment of human rights at the national and international levels and was open to constructive dialogue on human rights issues. However, a single set of values could not be imposed on all countries, each of which had its own system of social values and its own culture. The Egyptian Constitution had been amended to reflect the provisions of the international human rights instruments to which Egypt was a party. The sole aim of the Emergency Law that was being applied in Egypt was to fight terrorism and to protect the lives of Egyptian citizens and foreigners. It was not intended to disrupt the rule of law. The reasons for the declaration of the state of emergency remained valid and in no way undermined the provisions of article 4 of the International Covenant on Civil and Political Rights in respect of the rights of detainees. The President had decided not to enact any new military laws during the state of emergency unless absolutely necessary for the purposes of maintaining law and order. Furthermore, he had recently decided to repeal certain military decrees and other legislation prejudicial to human rights.

43. Egypt had a number of mechanisms in place to monitor human rights and to hold the perpetrators of violations accountable. All citizens were legally entitled to lodge a complaint with such a mechanism. In 2003, a number of individuals had been convicted for carrying out unlawful arrests and for torturing detainees. In 2003, the independent National Human Rights Council had been established, comprising experts in the field of social work as well as members of civil society and the judiciary. Its aim was to devise a national work plan for the implementation of human rights and for following up complaints of human rights violations. The Egyptian Government had been making efforts to raise human rights awareness and had incorporated the international human rights instruments into police training and other educational programmes. Furthermore, since 1999, it had been working with the United Nations Development Programme (UNDP) to implement a pilot project for capacity-building in human rights aimed at raising awareness of human rights norms and practices among key officials in the

justice system and the media. The Government recognized the important role played in that regard by the 17,000 national NGOs. In 2002, the Egyptian First Lady had hosted an international meeting aimed at enhancing the role of women in international peace-making efforts, which had led to the establishment in Geneva of a new international women's peace movement with an office in Egypt. Although its human rights situation was not perfect, Egypt had taken a wide range of measures to enhance the enjoyment of human rights at all levels, within the framework of its values, culture and religion, and recognized that it would be impossible to create a conducive environment for human rights without a just system that ensured stability and security for all people. The Government was therefore endeavouring to secure peace in the region.

44. Mr. GUNARATNA (Sri Lanka) said that Sri Lanka's traditional policy of cooperation with the human rights mechanisms of the United Nations, even during difficult situations of internal turmoil, had helped to strengthen its national human rights protection system. Sri Lanka was a signatory to the International Covenants on Human Rights and to the core Conventions of the International Labour Organization (ILO). Its democratic traditions formed the bedrock on which its whole human rights architecture was built. Activists in political parties, trade unions, journalists' associations, the Bar Council and welfare and civil society organizations at the grass-roots level had traditionally acted as human rights defenders in Sri Lanka and played a fundamental role in the national and international human rights architecture. More recent institutional creations such as the National Human Rights Commission and the Inter-Ministerial Working Group on Human Rights Issues represented an additional layer of human rights defence. Sri Lanka was home to hundreds of NGOs and was naturally interested in all actions relevant to human rights defenders at all levels. Sri Lanka had taken note of the conclusions and recommendations contained in the report of the Special Representative of the Secretary-General on human rights defenders (E/CN.4/2004/94) and urged all those concerned to take into account the recommendation regarding implementation. The Commission should ensure that the Special Representative received the resources necessary to carry out her mandate. Sri Lanka remained committed to the protection of human rights defenders and appreciated the efforts made by the delegation of Norway to draft a resolution on human rights defenders.

45. Mr. WILLIAMSON (United States of America) recalled a statement made by President Roosevelt in 1941, when he had declared that freedom meant the supremacy of human rights everywhere, and that his country's strength was its unity of purpose. Those words were as true now as they had ever been. The Commission's strength was its unity of purpose. Unless delegations talked about difficult issues openly and freely, the Commission would not achieve its goal of promoting and protecting human rights. In that same statement, President Roosevelt had said that he looked forward to a world founded on four essential human freedoms: freedom of speech and expression, freedom of worship, freedom from want and freedom from fear.

46. President Bush had recently declared support for human rights to be the cornerstone of American foreign policy. In free countries, the Government served the people, not the other way round. The hallmark of a free society was the ability of individuals to associate with like-minded individuals, express their views publicly, openly debate public policy and petition their Government. Civil society played an important role in all of that. NGOs fostered and met the needs of communities in a way that Governments often could not. Human rights defenders

around the world spoke out against human rights abuses and injustices. They exposed abuses, gave voices to victims and often risked their own freedom and even their lives. His Government commended those brave individuals and continued to look for ways to support their work in their home countries.

47. Americans had long cherished their own religious freedom, which held an integral place in their history and identity. President Bush had affirmed his commitment to religious tolerance by stating that America rejected bigotry and all acts of hatred against people of Arab background or Muslim faith. Unfortunately, however, religious persecution was all too common. In some countries, Christian denominations were targeted as sects and denied full rights and in others, Governments tried to control large churches and prohibited others from operating. Religious persecution was unacceptable and could not be allowed to go uncensured. The Commission should condemn religious persecution in all its forms.

48. In the twenty-first century, the keys to prosperity were education, individual creativity and an environment of opportunity created by economic and political freedom. The terrorist attacks on 11 September 2001 had turned a new page in an unconventional war designed to destroy a way of life and to create fear. Shortly after the attacks, President Bush had told Congress that there were struggles ahead and dangers to face. He had also said that, as long as the United States was determined and strong, the twenty-first century would not be an age of terror but one of liberty. Since then, the world had come together to combat terrorism. A world in which human rights and fundamental freedoms were respected and defended was a world of peace in which tyrants and terrorists could not thrive. The United States stood ready to assist and to work with other nations to build a prosperous and secure future for all in which human rights were respected and protected. Its strength was indeed its unity of purpose.

RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND ALL FORMS OF DISCRIMINATION:

- (a) COMPREHENSIVE IMPLEMENTATION OF AND FOLLOW-UP TO THE DURBAN DECLARATION AND PROGRAMME OF ACTION

(agenda item 6) (continued)

Draft resolution concerning the inadmissibility of certain practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance (E/CN.4/2004/L.16/Rev.2)

49. Mr. SKOTNIKOV (Russian Federation), introducing draft resolution E/CN.4/2004/L.16/Rev.2 also on behalf of Belarus, expressed deep concern about the spread of extremist groups including neo-Nazis and skinheads. The glorification of those involved in Nazism and former members of the SS organization had been declared criminal under the Judgement of the Nürnberg Tribunal and was inadmissible. However, the Commission was not being asked to look to the past. The contemporary and very dangerous manifestations of racism which were taking place throughout the world should be counteracted at both the national and international levels. The list of countries mentioned by the Special Rapporteur on racism in his report (E/CN.4/2004/61) was probably not exhaustive. The aim of the draft resolution was not to take any particular country to task, but to encourage cooperation and dialogue. The

Russian Federation and Belarus had held broad consultations on the draft text and had taken into account the various suggestions made by interested delegations. For instance, it had included references to the provisions of the Durban Declaration and Programme of Action. He hoped that the draft would receive general support.

50. The CHAIRPERSON said that there were no additional sponsors and that the adoption of the draft resolution would have no budgetary implications.

51. Mr. WANG Min (China), speaking in explanation of the vote before the vote, said that his delegation supported the draft resolution and would vote in favour of it. The draft text was highly relevant given the recent resurgence in neo-Nazism and other forms of racism. His delegation was particularly concerned about the rise in militarism in certain Asian countries. A number of right-wing politicians in Japan, for example, vigorously advocated the supremacy of the Japanese nation, distorted historical facts by ordering textbooks to be rewritten and visited the Yasukuni shrine in an official capacity in an attempt to glorify wars of aggression.

52. Ms. WHELAN (Ireland), speaking on behalf of the countries of the EU that were members of the Commission and the acceding country of Hungary, said that the explanation of vote had been agreed to by the EU as a whole and by the acceding countries of Cyprus, the Czech Republic, Estonia, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia and the candidate countries of Bulgaria and Romania. The EU considered that the fight against racism, racial discrimination, xenophobia and all forms of discrimination had to be addressed at the international, regional and national levels. It strongly condemned all such forms of intolerance, including neo-Nazism, neo-Fascism and violent national ideologies based on racial or national prejudice, which existed not only in Europe but also in other regions of the world. Such phenomena could never be justified and should be combated wherever they occurred. The EU had strong legislative provisions to prevent such violations and to punish the perpetrators of such crimes.

53. Regrettably, the draft resolution submitted by the Russian Federation failed to address the issue of neo-Nazism in a global and balanced way and did not contribute positively to the consideration of the issue. The issue would be better addressed by the Commission in other resolutions such as the one on democracy and racism, which the EU supported. Furthermore, the timing and motivations of the main sponsor of the draft text were questionable. She therefore requested a recorded vote on the draft resolution and would vote against its adoption.

54. Mr. PURI (India) said that the draft resolution raised some important issues of contemporary relevance. Racism in all its forms was abhorrent and needed to be rejected by all nations. The rise in neo-Nazism, skinheads and right-wing ideologies had been acknowledged by Governments and had been documented by various Special Rapporteurs and other credible sources. Such practices and trends posed a threat to all that had been achieved by the international community in its fight against racism. Although the issue was being considered in other forums, the draft resolution before the Commission was not directed against any particular country or group of countries. His delegation would therefore vote in favour of its adoption.

55. Ms. GABR (Egypt) said that the draft resolution addressed some of the issues that had been set out in the Durban Declaration and Plan of Action and was therefore relevant and necessary. It was not directed against any particular country or group of countries. Her delegation would therefore vote in favour of its adoption.

56. Mr. UMER (Pakistan) said that the sponsors had made an earnest effort to take into account the concerns expressed by his delegation about the substance of the original draft. The revised version before the Commission was a considerable improvement. As it addressed an issue that caused concern to a large number of countries whose nationals were living as minorities in other parts of the world, and as the text did not target any one country or group of countries, his delegation would vote in favour of it.

57. Mr. MNATSAKIANIAN (Armenia) said that his delegation had given careful consideration to the revised version of the draft resolution, which was holistic in nature and did not single out any country or group of countries. Given that violent acts of nationalist prejudice were occurring at many different levels, his delegation would vote in favour of the draft resolution.

58. Mr. MENGA (Congo), speaking on behalf of the African Group, whose nationals were often victims of the racist practices referred to in the draft resolution, said that, as the text addressed some very important issues and considering the spread in many countries of extremist groups such as neo-Nazis and skinheads, the African Group supported its adoption.

59. Mr. MARTABIT (Chile) said that his delegation condemned all forms of racism. Given the resurgence in neo-Nazi groups around the world, it was in favour of the adoption of the draft resolution. However, the issue could have been incorporated into other resolutions against racism.

60. Mr. FERNÁNDEZ PALACIOS (Cuba) said that his delegation unequivocally supported the draft resolution, which was wholly appropriate under agenda item 6. It had been surprised by the insinuations that double standards were being used. Any delegation that was truly committed to the fight against racism would not vote against a draft resolution that denounced the resurgence in neo-Nazism and the glorification of former SS members.

61. Ms. NDLOVU (South Africa) said that modern forms of racism were emerging all over the world and that all States had a duty to be vigilant and to fight against them. South Africa, which had suffered from the most vicious form of contemporary racism, would vote in favour of the resolution.

62. Mr. ATTAR (Saudi Arabia) endorsed the statements made by the representatives of Pakistan and Egypt and agreed that the contents of the draft resolution were not directed against any one country. His delegation would therefore vote in favour of the draft text.

63. Mr. ZAPATA (Honduras) said that, although the draft resolution addressed some very important issues, it was necessary to clarify certain elements and to question the motivation behind its submission. His delegation would therefore abstain from voting.

64. Mr. AL-FAIHANI (Bahrain) said that the draft text was objective and did not single out any particular country. His delegation would therefore vote in favour of it.
65. Mr. Khalid Bin Jassim AL-THANI (Qatar) said he agreed with previous speakers that the draft resolution did not target any particular country. As his delegation condemned all forms of discrimination, it would vote in favour of the draft resolution.
66. Mr. OWOSENI (Nigeria) said that Nigeria had a good record in fighting racism in all its manifestations. The issue had been on its foreign policy agenda since independence in 1960. The draft resolution would help the international community to address the problems associated with racism, racial discrimination, xenophobia and related intolerance. His delegation would therefore vote in favour of the draft resolution and urged all States which were concerned about the rise in racism to vote in the same way.
67. Mr. OSHIMA (Japan) said that his delegation had some reservations about the contents of the draft resolution and would therefore vote against its adoption. Referring to the statement made by the representative of China, he said that the visits of Japan's political leaders to the Yasukuni shrine were unconnected to the question of racial discrimination and irrelevant to the draft resolution.
68. At the request of the representative of Ireland, a recorded vote was taken on the draft resolution.

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

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

Abstaining: Dominican Republic, Guatemala, Honduras, Republic of Korea.

69. The draft resolution was adopted by 36 votes to 13, with 4 abstentions.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS (agenda item 10) (continued)

Draft resolution concerning the adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights
(E/CN.4/2004/L.18)

70. Mr. MENGA (Congo), introducing draft resolution E/CN.4/2004/L.18 on behalf of the African Group, said that it was based on the resolution of the same title adopted at the Commission's previous session. The changes to the previous resolution mainly reflected recent developments in international law, such as the entry into force of the Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade. The issues highlighted were of particular importance for African and other developing

countries, in view of their impact on basic human rights, such as the rights to life, health, water, food and housing. Regrettably, some countries continued to express the view that those issues did not constitute human rights concerns. He urged those States to adopt a more constructive and cooperative approach, so that the draft resolution could be adopted by consensus.

71. The CHAIRPERSON informed the Commission that there were four additional sponsors, whose names would be reflected in the report, and that the draft resolution had no financial implications.

72. Mr. OSHIMA (Japan), speaking in explanation of vote before the vote, also on behalf of Australia and the United States of America, said that the illicit movement and dumping of toxic and dangerous products and wastes was an issue of serious concern. He expressed his deepest sympathy with countries that were adversely affected by such illicit dumping, and condemned all those responsible for it. However, he doubted that the Commission was a suitable forum for addressing such matters, in view of its lack of expertise in that area. There were other more appropriate bodies, with both the necessary expertise and mandate, for dealing with such issues. He requested a recorded vote on the draft resolution, and said he would vote against it.

73. Ms. WHELAN (Ireland), speaking in explanation of vote before the vote, on behalf of the EU countries members of the Commission and Hungary, and with the endorsement of the EU as a whole and of Bulgaria, Cyprus, the Czech Republic, Estonia, Latvia, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Turkey, said that she understood the serious and genuine concerns of many delegations over the illicit transportation and dumping of toxic wastes. However, the main focus of the draft resolution was not human rights, but the environment. Although the EU supported concerted international action on safeguarding the environment through existing international regulatory frameworks, it was unrealistic to place such action in a human rights context. Other United Nations agencies were in a better position to address environmental concerns. Nor did the EU share the view implied by the draft resolution that the status of multinational corporations was similar to that of States under international law. Moreover, international human rights law did not provide for the right to a sound environment, and it was unclear what such a right might entail. For those reasons, the EU would vote against the draft resolution.

74. At the request of the representative of Japan, a recorded vote was taken on the draft resolution.

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

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

Abstaining: Armenia, Ukraine.

75. The draft resolution was adopted by 38 votes to 13, with 2 abstentions.

Draft resolution concerning the effects of structural adjustment policies and foreign debt on the full enjoyment of all human rights, particularly economic, social and cultural rights (E/CN.4/2004/L.23)

76. Mr. FERRER RODRÍGUEZ (Cuba), introducing draft resolution E/CN.4/2004/L.23 on behalf of the sponsors, said that, contrary to claims that the Commission was not the appropriate forum for discussing such issues, the right to a social and international order in which human rights and freedoms could be fully realized had been set forth in the Universal Declaration and, in the Vienna Declaration and Programme of Action, the World Conference on Human Rights had called upon the international community to make all efforts to help alleviate the external debt burden of developing countries. The draft resolution had been amended to take into account the reports of the Independent expert on the effects of structural adjustment policies and foreign debt on the full enjoyment of human rights, as well as the report of the World Commission on the Social Dimension of Globalization, of the ILO.

77. The CHAIRPERSON informed the Commission that there were 13 additional sponsors, whose names would be reflected in the report, and that the draft resolution had financial implications, details of which had been circulated to members.

78. Ms. WHELAN (Ireland), speaking in explanation of vote before the vote, on behalf of the EU countries members of the Commission and Hungary, and with the endorsement of the EU as a whole and of Bulgaria, Cyprus, the Czech Republic, Estonia, Latvia, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Turkey, said that the issues of structural adjustment policies and foreign debt went beyond the competence and expertise of the Commission and should be dealt with in other forums. The requests made to the Independent expert in paragraphs 17 and 18 of the draft resolution, particularly those concerning guidelines to be followed by States and international financial institutions, went beyond the scope of the Commission, and risked duplicating the work of other international bodies. She requested a recorded vote on the draft resolution and would vote against it.

79. Mr. ZAPATA (Honduras), speaking in explanation of vote before the vote, said that, as a heavily indebted poor country with direct experience of the negative effects of structural adjustment policies and foreign debt on the enjoyment of human rights, Honduras would vote in favour of the draft resolution.

80. At the request of the representative of Ireland, a recorded vote was taken on the draft resolution.

In favour: Argentina, Bhutan, Brazil, Burkina Faso, China, Congo, Cuba, Dominican Republic, Egypt, Eritrea, Ethiopia, Gabon, Guatemala, Honduras, India, Indonesia, Mauritania, Nepal, Nigeria, Pakistan, Russian Federation, Sierra Leone, South Africa, Sri Lanka, Sudan, Swaziland, Togo, Uganda, Zimbabwe.

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

Abstaining: Armenia, Bahrain, Chile, Costa Rica, Mexico, Paraguay, Peru, Qatar, Saudi Arabia, Ukraine.

81. The draft resolution was adopted by 29 votes to 14, with 10 abstentions.

Draft resolution concerning the right to food (E/CN.4/2004/L.24)

82. Mr. FERNÁNDEZ PALACIOS (Cuba), introducing draft resolution E/CN.4/2004/L.24 on behalf of the sponsors, said that the text was similar to that adopted virtually by consensus at the previous session. It had been amended slightly to take into account the valuable work undertaken by the Special Rapporteur on the right to food. In paragraph 9, the words after “the World Food Summit: five years later” should be replaced by the following: “and encourages all States to actively engage in the ongoing negotiations of the intergovernmental working group on the elaboration of a set of voluntary guidelines on the progressive realization of the right to adequate food”.

83. The CHAIRPERSON informed the Commission that there were 22 additional sponsors, whose names would be reflected in the report, and that the draft resolution had financial implications, details of which had been circulated to members.

84. Mr. WILLIAMSON (United States of America), speaking in explanation of vote before the vote, said that his country was the largest donor of food aid in the world. It supported progressive realization of the right to food, as a component of the right to an adequate standard of living. However, that did not give rise to international obligations or domestic legal entitlements, nor did it diminish the responsibilities of national governments towards their citizens. The right to food should be understood as the opportunity to secure food, rather than a guaranteed entitlement. His Government could not in any way recognize, support or commend the work of the Special Rapporteur on the right to food. Instead, he should be reprimanded for his irresponsible and unfounded statements, which had gone beyond his mandate and expertise. For those reasons, his delegation called for a recorded vote on the draft resolution and would vote against it.

85. At the request of the representative of the United States of America, a recorded vote was taken on the draft resolution.

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

Against: United States of America.

Abstaining: Australia.

86. The draft resolution was adopted by 51 votes to 1, with 1 abstention.

Draft resolution concerning the promotion of the enjoyment of the cultural rights of everyone and respect for different cultural identities (E/CN.4/2004/L.25)

87. Mr. REYES RODRÍGUEZ (Cuba), introducing draft resolution E/CN.4/2004/L.25 on behalf of the sponsors, said that a resolution on the same subject had been adopted without a vote at the previous session. He drew attention to key elements of the draft resolution in paragraphs 6 and 19, and said that paragraph 11 had been revised to read: “*Recognizes* that broad dissemination of ideas and knowledge, based on free exchange and discussion, is essential to creative activity, the pursuit of truth and the development of the personality of everyone and the identity of all peoples”.

88. The CHAIRPERSON informed the Commission that the draft resolution had no financial implications.

89. Ms. GOROVE (United States of America) said that her delegation fully supported the enjoyment of cultural rights throughout the world. The United States was one of the world’s most culturally diverse countries and United States agencies spent millions of dollars annually to protect and showcase cultural diversity. However, she did not support the proposal, contained in paragraphs 17, 18 and 19 of the draft resolution, to establish a thematic procedure on the enjoyment of cultural rights and respect for different cultural identities. Various United Nations agencies already carried out work to create a dialogue based on respect for common values and the dignity of all cultures. Therefore the proposed thematic procedure would place an unnecessary burden on the already stretched resources of the Office of the United Nations High Commissioner for Human Rights (OHCHR). She proposed deletion of paragraphs 17, 18 and 19 of the draft resolution.

90. Cultural diversity embodied the freedom of cultural expression within and across a State’s borders. Market forces led to the promotion of cultural diversity. Any process designed to enable countries to establish viable cultural industries must not impede the international circulation of cultural goods and services.

91. Mr. REYES RODRÍGUEZ (Cuba) said that, as the Chairperson had just announced, the draft resolution had no financial implications. The amendment proposed by the representative of the United States was merely designed to restrict the broad consultative process called for in the draft resolution.

92. At the request of the representative of the United States of America, a recorded vote was taken on the amendment proposed by the United States delegation.

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

Against: Argentina, Bhutan, Brazil, Burkina Faso, Chile, China, Congo, Cuba, Dominican Republic, Eritrea, Ethiopia, Gabon, Guatemala, India, Indonesia, Mexico, Nepal, Nigeria, Pakistan, Paraguay, Peru, Russian Federation, South Africa, Sri Lanka, Sudan, Swaziland, Togo, Uganda, Zimbabwe.

Abstaining: Armenia, Bahrain, Costa Rica, Egypt, Honduras, Mauritania, Qatar, Saudi Arabia.

93. The proposed amendment was rejected by 29 votes to 15, with 8 abstentions.

94. Mr. MAXWELL HEYWARD (Australia), speaking in explanation of vote before the vote, said that UNESCO, the appropriate forum for addressing cultural issues, was currently considering development of an international instrument that would cover various aspects of cultural diversity. The draft resolution, in particular the call for a new thematic procedure, duplicated action by the appropriate body. Consequently, his delegation would abstain from voting.

95. Ms. WHELAN (Ireland), speaking in explanation of vote before the vote, on behalf of the EU countries members of the Commission and Hungary, and with the endorsement of the EU as a whole and of Bulgaria, Cyprus, the Czech Republic, Estonia, Latvia, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Turkey, said that the EU did not oppose the draft resolution as a whole. All human rights were universal, indivisible and interdependent, and should be treated globally in a fair and equal manner. Regardless of their political, economic and cultural systems, States had a duty to promote and protect all human rights and fundamental freedoms. However, the EU opposed inclusion of paragraphs 17, 18 and 19 of the draft resolution, and would therefore abstain during the voting.

96. At the request of the representative of the United States of America, a recorded vote was taken on the draft resolution.

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

Against: United States of America.

Abstaining: Australia, Austria, Croatia, France, Germany, Honduras, Hungary, Ireland, Italy, Japan, Netherlands, Republic of Korea, Sweden, United Kingdom of Great Britain and Northern Ireland.

97. The draft resolution was adopted by 38 votes to 1, with 14 abstentions.

Draft resolution concerning adequate housing as a component of the right to an adequate standard of living (E/CN.4/2004/L.27/Rev.1)

98. Mr. HIMANEN (Observer for Finland), introducing draft resolution E/CN.4/2004/L.27/Rev.1 on behalf of the sponsors, said that at least 100 million people, most of them women and children, lived without any shelter, while many more lived under inadequate housing conditions. Non-discriminatory access to adequate housing, as well as security of tenure for people suffering from discrimination, were issues that required urgent attention. The draft resolution underlined the gender dimension, including the need to enable women to obtain affordable housing, and the need to offer special assistance to women living in poverty and female heads of household.

99. The draft resolution reflected the fact that housing was a cross-sectoral human rights issue, which had appeared not only in five of the main human rights conventions, but also in the final documents of most United Nations conferences of recent years. It was of the utmost importance for the Commission to continue to place adequate housing firmly on its agenda.

100. The CHAIRPERSON informed the Commission that there were six additional sponsors, whose names would be reflected in the report, and that the draft resolution had no financial implications.

101. The draft resolution was adopted without a vote.

Draft resolution concerning human rights and unilateral coercive measures (E/CN.4/2004/L.30)

102. Ms. HUSSAIN (Observer for Malaysia), introducing draft resolution E/CN.4/2004/L.30 on behalf of the Non-Aligned Movement and China, said that certain States continued to resort to unilateral coercive measures, despite numerous decisions by major United Nations conferences and the General Assembly urging them not to do so. Unilateral coercive actions had negative consequences for developing countries and created additional obstacles to the full enjoyment of human rights by the peoples of affected States, as well as barriers to the development of multilateral trade and investment. The draft resolution called upon States to refrain from unilateral coercive measures with the aim of enforcing compliance, especially where such measures were in clear breach of the Charter of the United Nations and international law. Support for previous resolutions on the issue had grown progressively in recent years, reflecting a growing understanding of the issue by the international community.

103. The CHAIRPERSON informed the Commission that there were three additional sponsors, whose names would be reflected in the report, and that the draft resolution had no financial implications.

104. Mr. DELAURENTIS (United States of America), speaking in explanation of vote before the vote, said that, according to the Charter, it was the prerogative of sovereign States to determine with whom they wished to trade and maintain commercial relations. The nature and terms of such relations should be determined by each State, consistent with its obligations under applicable international law. Consequently, his delegation called for a recorded vote on the draft resolution and said it would vote against it.

105. At the request of the representative of the United States of America, a recorded vote was taken on the draft resolution.

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

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

Abstaining: Costa Rica, Honduras, Republic of Korea.

106. The draft resolution was adopted by 36 votes to 14, with 3 abstentions.

Draft resolution concerning human rights and extreme poverty (E/CN.4/2004/L.32)

107. Mr. KESSEDJIAN (France), introducing draft resolution E/CN.4/2004/L.32 on behalf of its sponsors, said that it had attracted support from all regional groups.

108. He drew attention to a minor revision in paragraph 10 (e): “the internationally agreed Millennium Development Goals” should be amended to read “the internationally agreed development goals in the Millennium Declaration”.

109. The draft resolution focused on the work of the Independent expert on extreme poverty, especially her study of the relationship between extreme poverty and human rights. She was invited to assist the Commission in keeping track of major developments in the global fight against poverty, including the findings of assessments of global anti-poverty programmes. She was also urged to continue giving special attention to the situation of women, who represented the vast majority of persons living in extreme poverty. He hoped that the draft resolution would be adopted by consensus as in previous years.

110. The CHAIRPERSON announced that there were 42 additional sponsors, who would be listed in the Commission’s report, and drew attention to a note concerning the financial implications of the draft resolution which had been circulated to the members of the Commission.

111. Mr. KAFONDO (Burkina Faso) said that his country strongly supported the draft resolution. In view of the importance it attached to the fight against poverty, Burkina Faso, in association with the African Union, was hosting a special summit on the matter in Ouagadougou in September 2004. He was convinced that due respect for the rights of the poorest and their involvement in decision-making would promote a better understanding of human rights and promote democracy and good governance.

112. Mr. ALMAGLY (Sudan), expressing support for the draft resolution, said that he commended the Independent expert, who had written an objective and constructive report on her visit to the Sudan the previous year. The Sudanese authorities had carefully studied her recommendations.

113. The draft resolution was adopted without a vote.

Draft resolution concerning globalization and its impact on the full enjoyment of all human rights (E/CN.4/2004/L.35)

114. Mr. LA Yifan (China), introducing draft resolution E/CN.4/2004/L.35 on behalf of its sponsors, said that globalization had been vaunted as a source of great benefits for humanity, but according to a recent report by the ILO's Commission on the Social Dimension of Globalization, the risks of globalization were all too real. In practice, the globalization project was bereft of political vision and standards of justice. The benefits were unevenly shared and the costs unevenly distributed. The draft resolution stressed the role that international institutions could play in meeting the challenges of globalization and the importance of a successful and development-oriented completion of the Doha round of the World Trade Organization (WTO).

115. Human rights norms, especially the right to development, must be the guiding principles for the establishment of a just international and social order. The draft resolution therefore welcomed the establishment of a high-level task force to assist the Working Group on the Right to Development in discharging its mandate. It reaffirmed that States were jointly and severally liable for establishing an ethical basis for globalization and creating an enabling environment based, inter alia, on complementarity between international trade law and human rights law. Welcoming the analytical study by the High Commissioner on Human Rights on the fundamental principle of non-discrimination in the context of globalization (E/CN.4/2004/40), it requested the High Commissioner to submit an analytical study to the next session of the Commission on the fundamental principle of participation in terms of its application in the context of globalization. He hoped that the draft resolution would attract the widest possible support.

116. The CHAIRPERSON announced that there were four additional sponsors, who would be listed in the Commission's report.

117. Mr. OSHIMA (Japan), speaking in explanation of vote before the vote, said that people everywhere enjoyed the benefits of globalization such as the revitalization of trade, greater availability of commodities, better access to the means of development, and enhanced cultural exchanges and mutual understanding between civilizations. Such benefits created an environment in which human rights could flourish and outweighed the negative aspects of globalization.

118. The draft resolution did not appropriately address the multifaceted dimensions of globalization but focused in an unbalanced way on negative financial and economic aspects. Moreover, the Commission was not the appropriate forum for an in-depth discussion of trade, financial and development issues. His delegation therefore called for a recorded vote on the draft resolution and would vote against it.

119. Ms. WHELAN (Ireland), speaking in explanation of vote before the vote on behalf of the EU countries members of the Commission and Hungary, and with the endorsement of the EU as a whole, Cyprus, the Czech Republic, Estonia, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia as States acceding to the European Union, and Bulgaria, Romania and Turkey as candidate States, said that the issue of globalization in the context of human rights had been addressed by several independent experts and special rapporteurs and by the Working Group on the Right to Development. While conceding that globalization could have positive and potentially negative implications for the enjoyment of human rights, the EU believed that it was not constructive to deal with globalization as a specific issue in the Commission, which lacked the competence and expertise to address its complex and interrelated political, economic, financial, social and cultural elements. The EU would therefore vote against the draft resolution.

120. At the request of the representative of Japan, a recorded vote was taken on the draft resolution.

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

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

121. The draft resolution was adopted by 38 votes to 15.

Draft resolution on the 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 (E/CN.4/2004/L.38; E/CN.4/2004/L.67)

122. Mr. da COSTA PEREIRA (Portugal), introducing draft resolution E/CN.4/2004/L.38 on behalf of its sponsors, said that the text reflected recent international developments in the protection of economic, social and cultural rights, especially through the work of the treaty monitoring bodies, OHCHR, the Commission's Special Rapporteurs on economic, social and cultural rights and UNESCO. States were urged to give full effect to such rights and ensure that they were exercised without discrimination. The draft resolution also renewed the mandate of the open-ended Working Group on an optional protocol to the International Covenant on

Economic, Social and Cultural Rights, as recommended by the Chairperson-Rapporteur of the Working Group at its first session. The text sought to strike a delicate balance between the positions adopted during that session.

123. He hoped that a spirit of compromise would prevail and that the draft resolution would be adopted with strong support. It was the firm view of the sponsors that the amendment proposed in document E/CN.4/2004/L.67 undermined the thrust of the draft resolution and upset its delicate balance. He therefore urged all members to vote against it.

124. Mr. UMER (Pakistan), introducing the draft amendment in document E/CN.4/2004/L.67 on behalf of its sponsor, Saudi Arabia, said it was felt that the text of paragraph 14 of the draft resolution was too prescriptive and undermined the autonomy of the Working Group. It was for the Group itself to decide whom to invite to its sessions and what procedures and methods of work to apply.

125. However, it had been decided on reconsideration to shorten the proposed amendment. Paragraph 14, subparagraphs (a) and (b) remained unchanged. In subparagraph (c) the words “to the Covenant” had been added after “elaboration of an optional protocol” and the phrase at the end of the subparagraph reading “to the Covenant, and in doing so to focus, inter alia, on” had been replaced by “while emphasizing the importance of international cooperation as stipulated in the Covenant”. The remainder of the text had been deleted.

126. The CHAIRPERSON announced that there were 28 additional sponsors of the draft resolution, who would be listed in the Commission’s report, and drew attention to two notes concerning the financial implications of the draft resolution and the proposed amendment, which had been circulated to the members of the Commission.

127. Mr. DUPONT (Argentina), speaking on behalf of the Latin American and Caribbean Group, said that the Group attached great importance to economic, social and cultural rights. The right to food, health, education and adequate housing, the right not to live in extreme poverty and the right to preserve one’s cultural identity were legitimate aspirations that guaranteed human dignity. The outcome of the first session of the Working Group on an optional protocol to the International Covenant had been very encouraging, and he strongly supported the renewal of its mandate.

128. The Latin American and Caribbean Group wished to honour the commitment it had made at the World Conference on Human Rights to encourage the Commission to press forward with the optional protocol project so as to remedy the existing asymmetry in human rights instruments. In that context, it reaffirmed that all human rights were universal, indivisible, interdependent and interrelated. The Group urged the Commission to adopt the draft resolution by consensus and called for the withdrawal of the proposed amendment.

129. Mr. REYES RODRÍGUEZ (Cuba) expressed strong support for the draft resolution and commended Portugal for its valuable contribution to the proceedings of the Working Group on an optional protocol. He also supported the proposed amendment as revised, since it reflected the key demands of developing countries and highlighted the need for international cooperation to enable them to guarantee economic, social and cultural rights for all their citizens.

130. Mr. MAXWELL HEYWARD (Australia) said that, while Australia fully supported economic, social and cultural rights and was a party to the International Covenant, it had serious concerns about the elaboration of an optional protocol. The rights in question were not readily justiciable. They were couched in broad terms which offered little detail of the precise standards to which States might be held accountable. It was difficult to see how complaints of violations could be investigated. An optional protocol might also divert scant United Nations resources from existing mechanisms and duplicate their work.

131. He proposed replacing the word “Welcomes” at the beginning of paragraph 13 by “Takes note of”. If that proposed amendment was not accepted, Australia would call for a vote on the draft resolution.

132. Ms. ROTH (Germany) expressed wholehearted support for the draft resolution as introduced by the representative of Portugal and called for a vote on the amendment proposed in document E/CN.4/2004/L.67, as revised by the representative of Pakistan.

133. Ms. GOROVE (United States of America) said that to create economic success, Governments must take responsibility for creating conditions favourable to the realization of all human rights and fundamental freedoms. It was not the role of the Commission or the Working Group on an optional protocol to express opinions on some of the issues contained in the proposed amendment as orally revised, which her delegation opposed.

134. The United States was concerned that the instrument drafted by the Working Group would lead to absolute legal entitlements in the area of economic, social and cultural rights, when there was no single formula that would ensure adequate housing, health care, education and the whole array of rights that fell under that heading. It was inappropriate for the Commission to attempt to impose an intergovernmental solution that did not include private-sector initiatives or recognize the fundamental workings of free-market economies or federal systems. The United States opposed the Working Group and called for the deletion of paragraph 14. It supported the amendment proposed by the representative of Australia to paragraph 13.

135. Mr. MONTWEDI (South Africa) expressed full support for the draft resolution introduced by the representative of Portugal. While his delegation supported some aspects of the proposed amendment as revised orally by the representative of Pakistan, it did not believe that they belonged in paragraph 14 of the draft resolution and intended to abstain when the amendment was put to the vote.

136. Mr. SAHA (India) expressed the view that the amendment proposed by Saudi Arabia, as orally revised, significantly improved the draft resolution by drawing attention to important aspects of economic, social and cultural rights. The discussion at the first session of the Working Group had unfortunately neglected the international dimension of economic, social and cultural rights. He therefore urged all States to support the proposed amendment.

137. Mr. SHALABY (Egypt) expressed support for the amendment proposed by Saudi Arabia as orally revised, since it would ensure greater balance in the provisions of paragraph 14 of the draft resolution. Subparagraph 14 (d) (i) of the draft resolution, as originally worded, invited representatives of treaty bodies with individual complaints procedures to participate in the proceedings of the Working Group. The amended version only stipulated that all relevant provisions of the International Covenant on Economic, Social and Cultural Rights should be taken into consideration by the Working Group.

138. The CHAIRPERSON, citing rule 64 of the rules of procedure of the functional commissions of the Economic and Social Council, announced that, on resuming, the Commission would vote first on the amendment proposed by the representative of the United States since it was furthest removed in substance from the original draft resolution.

The meeting rose at 1 p.m.