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**REPORT TO THE ECONOMIC AND SOCIAL COUNCIL
ON THE SIXTIETH SESSION OF THE COMMISSION**

Draft report of the Commission

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* Documents E/CN.4/2004/L.10 and addenda will contain the chapters of the report relating to the organization of the session and the various items on the agenda. Resolutions and decisions adopted by the Commission, as well as draft resolutions and decisions for action by, and other matters of concern to, the Economic and Social Council will be contained in documents E/CN.4/2004/L.11 and addenda.

XVIII. Effective functioning of human rights mechanisms:

(a) Treaty bodies;

(b) National institutions and regional arrangements;

(c) Adaptation and strengthening of the United Nations machinery for human rights

1. The Commission considered agenda item 18, at its 47th and 48th meetings, on 14 April, and at its 58th meeting, on 21 April 2004.
2. At the 47th meeting, on 14 April 2004, Mr. Abdelfattah Amor, Chairperson of the Human Rights Committee, made a statement; Mr. Jaap E. Doek, Chairperson of the Committee on the Rights of the Child, made a statement.
3. At the 48th meeting, on the same day, a statement was made by Inspector Mr. Ion Gorita of the United Nations Joint Inspection Unit.
4. At the same meeting, the Acting United Nations High Commissioner for Human Rights, Mr. Bertrand G. Ramcharan, made a statement.
5. For the documents issued under agenda item 18, see annex VI to the present report. For a list of all resolutions and decisions adopted by the Commission and Chairperson's statements, by agenda item, see annex V.
6. In the general debate on agenda item 18, statements were made by members of the Commission, observers and representatives of national institutions and of non-governmental organizations. For a detailed list of speakers, see annex III to the present report.

Composition of the staff of the Office of the United Nations High Commissioner for Human Rights

7. At the 57th meeting, on 21 April 2004, the representative of Cuba introduced draft resolution E/CN.4/2004/L.83, sponsored by Algeria, Angola, Bangladesh, Belarus, Bhutan, Botswana, Burkina Faso, Burundi, Cameroon, China, Colombia, the Congo, Côte d'Ivoire, Cuba, the Democratic People's Republic of Korea, the Democratic Republic of the Congo, the Dominican Republic, Ecuador, El Salvador, Equatorial Guinea, Eritrea, Ethiopia, Gabon,

India, Indonesia, the Islamic Republic of Iran, Kazakhstan, Kenya, the Lao People's Democratic Republic, the Libyan Arab Jamahiriya, Madagascar, Malaysia, Mauritania, Morocco, Mozambique, Myanmar, Nepal, Nicaragua, Nigeria, Oman, Pakistan, Panama, Rwanda, Saudi Arabia, Senegal, Sierra Leone, South Africa, Sri Lanka, the Sudan, Swaziland, Togo, Tunisia, Uganda, the United Republic of Tanzania, Venezuela, Viet Nam, Yemen, Zambia and Zimbabwe. Armenia, Cambodia, Egypt, South Africa and the United Arab Emirates subsequently joined the sponsors.

8. A statement in connection with the draft resolution was made by the representative of Australia.

9. Statements in explanation of vote before the vote were made by the representatives of Ireland (on behalf of the States members of the European Union that are members of the Commission - Austria, Belgium, France, Germany, Sweden and the United Kingdom of Great Britain and Northern Ireland - and the acceding country that is a member of the Commission - Hungary).

10. At the request of the representative of Australia, a recorded vote was taken on the draft resolution, which was adopted by 35 votes to 14, with 4 abstentions. The voting was as follows:

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

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

Abstaining: Brazil, Costa Rica, Guatemala, Peru.

11. For the text of the resolution as adopted, see chapter II, section A, resolution 2004/73.

Regional cooperation for the promotion and protection of human rights in the Asian and Pacific region

12. At the 58th meeting, on 21 April 2004, the representative of Qatar introduced draft resolution E/CN.4/2004/L.84, sponsored by Bahrain, Bangladesh, Bhutan, China, Pakistan, Qatar, the Republic of Korea and Saudi Arabia. Australia, Cyprus, the Democratic People's Republic of Korea, the Islamic Republic of Iran, Japan, Jordan, Kuwait, Malaysia, New Zealand, Nicaragua, Oman and Thailand subsequently joined the sponsors.

13. A statement in connection with the draft resolution was made by the representative of the Dominican Republic.

14. The draft resolution was adopted without a vote. For the text as adopted, see chapter II, section A, resolution 2004/74.

National institutions for the promotion and protection of human rights

15. At the same meeting, the representative of Australia introduced draft resolution E/CN.4/2004/L.87, sponsored by Afghanistan, Albania, Argentina, Armenia, Australia, Bangladesh, Cameroon, Canada, Chile, Costa Rica, Croatia, Cyprus, Denmark, the Dominican Republic, Ecuador, Egypt, Estonia, Finland, France, Germany, Ghana, Greece, Guatemala, Honduras, Hungary, Iceland, India, Indonesia, Ireland, Italy, Japan, Kazakhstan, Latvia, Lithuania, Madagascar, Mexico, Morocco, Nepal, New Zealand, Norway, Paraguay, Poland, the Republic of Korea, Romania, Sierra Leone, Slovakia, Slovenia, Spain, Sri Lanka, Sweden, Switzerland, Thailand, Tunisia, Turkey, the United Kingdom of Great Britain and Northern Ireland and the United States of America. Algeria, Austria, Azerbaijan, Bulgaria, Bosnia and Herzegovina, the Democratic Republic of the Congo, Denmark, Gabon, Israel, Kenya, Malta, Nicaragua, Nigeria, Peru, Serbia and Montenegro, South Africa, The former Yugoslav Republic of Macedonia, Togo and Ukraine subsequently joined the sponsors.

16. The draft resolution was adopted without a vote. For the text as adopted, see chapter II, section A, resolution 2004/75.

Human rights and special procedures

17. At the same meeting, the observer for the Czech Republic introduced draft resolution E/CN.4/2004/L.91, sponsored by Argentina, Austria, Belgium, Bulgaria, Canada, Costa Rica, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mexico, the Netherlands, New Zealand, Norway, Paraguay, Poland, Portugal, Romania, Serbia and Montenegro, Slovakia, Slovenia, Spain, Sweden, Switzerland, The former Yugoslav Republic of Macedonia, the United Kingdom of Great Britain and Northern Ireland and the United States of America. Armenia, Australia, Brazil, Chile, Japan, Peru, the Republic of Korea and San Marino subsequently joined the sponsors.

18. The observer for the Czech Republic orally revised the draft resolution by modifying the seventh, tenth, sixteenth preambular paragraphs, and operative paragraphs 2 (b), 5, 6 (d), 9, 10 (b) and (c), and 11.

19. The representative of Cuba introduced E/CN.4/2004/L.112 containing amendments to the draft resolution, but subsequently withdrew paragraphs 2 to 19 of the same document. The document read as follows:

1. Title

Replace the word “special” in the phrase “special procedures” in the title and in all the preambular and operative paragraphs by the word “thematic”.

2. Third preambular paragraph, line 1

After independence, *insert* non-selectivity

3. Fifth preambular paragraph

Add to the end of the paragraph the following phrase:

as well as that it is necessary to put an end to the politicization in the creation and operation of the thematic procedures,

4. Sixth preambular paragraph

Add to the end of the paragraph the following phrase:

and also that a growing number of Governments are objecting to some of the conclusions and recommendations of the reports of the thematic procedures,

5. Seventh preambular paragraph

Line 2: *after* provided *insert* accurate

Line 3: *for* as a result of *read* owing to

6. Eighth preambular paragraph, subparagraph (a), line 2

After preserving *insert* , rationalizing, streamlining

7. Tenth preambular paragraph

Line 1: *after* “Noting” delete “with satisfaction”

Line 6: *after* need to *insert* avoid duplication and overlapping,

8. Eleventh preambular paragraph, line 2

After procedures *insert* , in particular those on economic, social and cultural rights,

9. Sixteenth preambular paragraph

Add to the end of the paragraph the following phrase:

as well as other United Nations rules and regulations applicable to the conduct of experts on missions,

10. Operative paragraph 2 (b)

At the beginning of the subparagraph *insert* Considering the possibility of

11. Operative paragraph 4, line 2

After provide insert accurate

12. Operative paragraph 5, lines 3 and 4

Delete situation assessments and follow-up to recommendations and

13. Operative paragraph 6 (d), line 1

After other insert on issues relevant to their mandates, while keeping their independence,

14. Operative paragraph 6 (j)

Replace the subparagraph with the following text:

To establish a fruitful and transparent dialogue and cooperation with Governments;

15. New operative paragraph 6 (k)

Add a new subparagraph 6 (k) reading as follows:

(k) To reflect in their reports the observations of the Governments concerned on their conclusions and recommendations;

16. Operative paragraph 9, lines 2 and 3

Delete , including through media presentations,

17. Operative paragraph 10 (b)

Line 1: *after recommendations insert , as appropriate,*

Line 3: *for agrees read requests*

18. Operative paragraph 11

Line 2: *delete* and agencies

Line 3: *after* bodies *insert* in accordance with the biennial human rights programme and the resolutions and decisions of intergovernmental bodies,

19. Operative paragraph 12 (*d*)

Delete the subparagraph

20. Statements in connection with the amendments proposed were made by the representatives of China, Pakistan (on behalf of the States members of the Organization of the Islamic Conference), and the United Kingdom of Great Britain and Northern Ireland.

21. A statement in explanation of vote before the vote was made by the representative of France.

22. At the request of the representative of the United Kingdom of Great Britain and Northern Ireland, a recorded vote was taken on paragraph 1 of document E/CN.4/2004/L.112, which was rejected by 27 votes to 24, with 2 abstentions. The voting was as follows:

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

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

Abstaining: Russian Federation, South Africa.

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

24. Statements in explanation of vote before the vote on the draft resolution were made by the representatives of Cuba and the Russian Federation.

25. At the request of the representative of Cuba, a recorded vote was taken on the draft resolution, as orally revised, which was adopted by 35 votes to none, with 18 abstentions. The voting was as follows:

In favour: Argentina, Armenia, Australia, Austria, Bhutan, Brazil, Chile, Congo, Costa Rica, Croatia, Dominican Republic, France, Gabon, Germany, Guatemala, Honduras, Hungary, India, Ireland, Italy, Japan, Mexico, Nepal, Netherlands, Paraguay, Peru, Republic of Korea, Russian Federation, South Africa, Sri Lanka, Sweden, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

Against: None.

Abstaining: Bahrain, Burkina Faso, China, Cuba, Egypt, Eritrea, Ethiopia, Indonesia, Mauritania, Nigeria, Pakistan, Qatar, Saudi Arabia, Sierra Leone, Sudan, Swaziland, Togo, Zimbabwe.

26. For the text of the resolution as adopted, see chapter II, section A, resolution 2004/76.

Protection of United Nations personnel

27. At the same meeting, the observer for Portugal introduced draft resolution E/CN.4/2004/L.101, sponsored by Andorra, Angola, Argentina, Australia, Austria, Belgium, Canada, Croatia, Cyprus, Denmark, Equatorial Guinea, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Liechtenstein, Lithuania, Luxembourg, Monaco, Netherlands, New Zealand, Norway, Poland, Portugal, Romania, San Marino, Slovakia, Slovenia, Spain, Sweden, Switzerland, Timor-Leste and the United Kingdom of Great Britain

and Northern Ireland. Albania, Armenia, Brazil, Chile, Colombia, Costa Rica, Denmark, Ecuador, Japan, Kazakhstan, Malta, Mozambique, Nicaragua, Peru, The former Yugoslav Republic of Macedonia, Ukraine and Venezuela subsequently joined the sponsors.

28. The representative of the United States of America orally amended the draft resolution by modifying the tenth preambular paragraph and by proposing deletion of paragraph 2 (b).

29. A statement in explanation of vote before the vote on the oral amendments was made by the representative of Ireland (on behalf of the States members of the European Union that are members of the Commission - Austria, Belgium, France, Germany, Sweden and the United Kingdom of Great Britain and Northern Ireland - and the acceding country that is a member of the Commission - Hungary).

30. At the request of the representative of Ireland, a recorded vote was taken on the oral amendments, which were rejected by 40 votes to 4, with 9 abstentions. The voting was as follows:

In favour: India, Qatar, Saudi Arabia, United States of America.

Against: Argentina, Armenia, Australia, Austria, Bahrain, Brazil, Burkina Faso, Chile, Congo, Costa Rica, Croatia, Cuba, Dominican Republic, Ethiopia, France, Gabon, Germany, Guatemala, Honduras, Hungary, Indonesia, Ireland, Italy, Japan, Mexico, Netherlands, Nigeria, Pakistan, Paraguay, Peru, Republic of Korea, Russian Federation, Sierra Leone, South Africa, Sudan, Sweden, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, Zimbabwe.

Abstaining: Bhutan, China, Egypt, Eritrea, Mauritania, Nepal, Sri Lanka, Swaziland, Togo.

31. The draft resolution was adopted without a vote. For the text as adopted, see chapter II, section A, resolution 2004/77.

Effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights

32. At the same meeting, the observer for Canada introduced draft resolution E/CN.4/2004/L.102, sponsored by Australia, Austria, Belgium, Canada, Chile, Costa Rica, Croatia, Cyprus, the Czech Republic, Denmark, Finland, France, Georgia, Germany, Greece, Guatemala, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Mexico, the Netherlands, New Zealand, Norway, Poland, Portugal, the Republic of Korea, Romania, Slovenia, South Africa, Sweden, Switzerland, Turkey, the United Kingdom of Great Britain and Northern Ireland and the United States of America. Brazil, the Dominican Republic, Japan, Monaco, Paraguay, Peru, Serbia and Montenegro, The former Yugoslav Republic of Macedonia, Ukraine and Zambia subsequently joined the sponsors.

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

34. The draft resolution was adopted without a vote. For the text as adopted, see chapter II, section A, resolution 2004/78.
