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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.

XIX. Advisory services and technical cooperation in the field of human rights

1. The Commission considered agenda item 19 at its 52nd meeting, on 15 April 2004, at its 54th meeting, on 19 April 2004, and at its 58th meeting, on 21 April 2004.
2. For the documents issued under agenda item 19, 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.
3. At the 52nd meeting, on 15 April 2004, Mr. Thomas Hammarberg, member of the Board of Trustees of the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights, made a statement.
4. At the 54th meeting, on 19 April 2004, Ms. Charlotte Abaka, independent expert on technical cooperation and advisory services in Liberia, introduced her report (E/CN.4/2004/113). During the ensuing interactive dialogue, the representative of Guatemala addressed questions to the independent expert, to which she responded.
5. At the same meeting, Mr. Ghanim Alnajjar, independent expert appointed by the Secretary-General on the situation of human rights in Somalia, introduced his report (E/CN.4/2004/103). During the ensuing interactive dialogue, the representative of Ireland (on behalf of the European Union) addressed questions to the independent expert, to which he responded.
6. Also at the same meeting, Mr. Peter Leuprecht, Special Representative of the Secretary-General for human rights in Cambodia, introduced his report (E/CN.4/2004/105). During the ensuing interactive dialogue, the representative of Ireland (on behalf of the European Union) addressed questions to the independent expert, to which he responded.
7. Also at the same meeting, Mr. Louis Joinet, independent expert appointed by the Secretary-General on the situation of human rights in Haiti, introduced his report (E/CN.4/2004/108). During the ensuing interactive dialogue, the representative of France and the observers for Canada and Switzerland addressed questions to the independent expert, to which he responded.

8. In the general debate on agenda item 19, statements were made by members of the Commission, observers and representatives of non-governmental organizations. For a detailed list of speakers, see annex III to the present report.

Situation of human rights in Cambodia

9. At the 58th meeting, on 21 April 2004, the representative of Japan introduced draft resolution E/CN.4/2004/L.89, sponsored by Japan. Andorra, Austria, Australia, Belgium, Canada, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Lithuania, Luxembourg, Monaco, the Netherlands, New Zealand, Norway, Poland, Portugal, Romania, Slovenia, Spain, Sweden, Switzerland, the United Kingdom of Great Britain and Northern Ireland and the United States of America subsequently joined the sponsor.

10. The representative of Japan orally revised the draft resolution by deleting the final clause of operative paragraph 5 (c), which read: “in particular regarding the timely renewal of its memorandum of understanding with the Office, noting that the Office would strengthen its dialogue with the Government”.

11. A statement in connection with the draft resolution was made by the observer for Cambodia.

12. The draft resolution was adopted without a vote. For the text as adopted, see chapter II, section A, resolution 2004/79.

Assistance to Somalia in the field of human rights

13. At the same meeting, the representative of Italy introduced draft resolution E/CN.4/2004/L.92, sponsored by Australia, Austria, Belgium, Canada, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Kenya, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Nicaragua, Poland, Portugal, Slovakia, Slovenia, Spain, Switzerland, Uganda and the United Kingdom of Great Britain and Northern Ireland. Bulgaria, Cyprus, the Czech Republic, Iceland, Liechtenstein, New Zealand, Norway, Romania, Serbia and Montenegro and Sweden subsequently joined the sponsors.

14. 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.

15. The draft resolution was adopted without a vote. For the text, see chapter II, section A, resolution 2004/80.

Advisory services and technical cooperation in the field of human rights

16. At the same meeting, the representative of Germany introduced draft resolution E/CN.4/2004/L.95, sponsored by Albania, Argentina, Australia, Canada, Colombia, Croatia, Cyprus, China, Denmark, Ecuador, Finland, France, Georgia, Germany, Greece, India, Indonesia, Ireland, Italy, Japan, Liechtenstein, Luxembourg, New Zealand, Norway, Pakistan, Poland, Serbia and Montenegro, Sierra Leone, Slovenia, South Africa, Switzerland, Thailand, Timor-Leste and the United States of America. Afghanistan, Angola, Armenia, Austria, Azerbaijan, Bangladesh, Belgium, Bhutan, Bulgaria, Chile, the Congo, Cuba, the Democratic Republic of the Congo, the Dominican Republic, Egypt, El Salvador, Ethiopia, Gabon, Ghana, Guatemala, Hungary, Iceland, Mexico, Nepal, the Netherlands, Nicaragua, Nigeria, Paraguay, Peru, the Philippines, Portugal, the Republic of Korea, the Russian Federation, Romania, Senegal, Spain, Sri Lanka, Sweden, The former Yugoslav Republic of Macedonia, Turkey, Ukraine, the United Kingdom of Great Britain and Northern Ireland, Venezuela and Yemen subsequently joined the sponsors.

17. The draft resolution was adopted without a vote. For the text, see chapter II, section A, resolution 2004/81.

Advisory services and technical cooperation

18. At the same meeting, the representative of the Congo (on behalf of the States members of the African Group) introduced draft resolution E/CN.4/2004/L.96/Rev.1, sponsored by the Congo (on behalf of the States members of the African Group). Belgium, the Czech Republic, Denmark, France, Germany, Greece, Iceland, Ireland, Italy, Luxembourg, Nicaragua, Norway, Portugal, Switzerland and the United Kingdom of Great Britain and Northern Ireland subsequently joined the sponsors.

19. The representative of the United States of America orally amended the draft resolution by modifying operative paragraph 9.

20. Statements in connection with the draft resolution were made by the representative of Japan and the observer for Burundi.

21. At the request of the representative of Germany, a recorded vote was taken on the amendment, which was rejected by 41 votes to 2, with 10 abstentions. The voting was as follows:

In favour: India, United States of America.

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

Abstaining: Bahrain, Bhutan, Eritrea, Mauritania, Nepal, Pakistan, Qatar, Saudi Arabia, Sri Lanka, Swaziland.

22. 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.

23. The draft resolution was adopted without a vote. For the text, see chapter II, section A, resolution 2004/82.

Technical cooperation and advisory services in Liberia

24. At the same meeting, the representative of the Congo (on behalf of the States members of the African Group) introduced draft resolution E/CN.4/2004/L.98/Rev.1, sponsored by the Congo (on behalf of the States members of the African Group). Nicaragua and the United States of America subsequently joined the sponsors.

25. The representative of the Congo orally revised the draft resolution by modifying operative paragraph 5 (*a*) and by inserting a new subparagraph (*b*).

26. 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.

27. The draft resolution, as orally revised, was adopted without a vote. For the text, see chapter II, section A, resolution 2004/83.

Technical cooperation and advisory services in the Democratic Republic of the Congo

28. At the same meeting, the representative of the Congo (on behalf of the States members of the African Group) introduced draft resolution E/CN.4/2004/L.99, sponsored by the Congo (on behalf of the States members of the African Group). Andorra, Austria, Australia, Belgium, Canada, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Nicaragua, Norway, Poland, Portugal, Serbia and Montenegro, Slovenia, Sweden, Switzerland, Turkey and the United Kingdom of Great Britain and Northern Ireland subsequently joined the sponsors.

29. Statements in connection with the draft resolution were made by the representative of Ireland (on behalf of the European Union, Hungary and Turkey) and by the observer for the Democratic Republic of the Congo.

30. The representative of the United States of America orally amended the draft resolution by modifying operative paragraph 5 (*e*).

31. At the request of the representative of Ireland, a recorded vote was taken on the amendment, which was rejected by 41 votes to 1, with 11 abstentions. The voting was as follows:

In favour: United States of America

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

Abstaining: Bahrain, Bhutan, China, Eritrea, India, Nepal, Pakistan, Qatar, Saudi Arabia, Sri Lanka, Swaziland.

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

33. The draft resolution was adopted without a vote. For the text, see chapter II, section A, resolution 2004/84.

Technical cooperation and advisory services in Chad

33. At the same meeting, the representative of the Congo (on behalf of the States members of the African Group) introduced draft resolution E/CN.4/2004/L.100/Rev.1, sponsored by the Congo (on behalf of the States members of the African Group). Nicaragua and the United States of America subsequently joined the sponsors.

34. A statement in connection with the draft resolution was made by the representative of Japan.

35. 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.

36. The draft resolution was adopted without a vote. For the text, see chapter II, section A, resolution 2004/85.

Assistance to Sierra Leone in the field of human rights

37. At the same meeting, the representatives of the Congo (on behalf of the States members of the African Group) and Canada introduced draft resolution E/CN.4/2003/L.97, sponsored by Albania, Canada, the Congo (on behalf of the States members of the African Group), Liechtenstein, Lithuania, Romania and Switzerland. Andorra, Australia, Austria, Belgium, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Iceland, Ireland, Italy, Japan, Luxembourg, the Netherlands, New Zealand, Nicaragua, Norway, Portugal, Slovenia, Spain, Sweden, the United Kingdom of Great Britain and Northern Ireland and the United States of America subsequently joined the sponsors.

38. Statements in connection with the draft resolution were made by the representatives of Bahrain, China, the United Kingdom of Great Britain and Northern Ireland and Cuba, and by the observer for Sierra Leone.

39. 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.

40. The draft resolution was adopted without a vote. For the text, see chapter II, section A, resolution 2004/86.

Technical cooperation in the field of human rights in Afghanistan

41. At the 58th meeting, the Chairperson, on behalf of the Commission, made a statement concerning technical cooperation and the situation of human rights in Afghanistan, the text of which is reproduced below.

42. 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 Chairperson's statement.

“Chairperson’s statement

“Technical cooperation in the field of human rights in Afghanistan

“1. The Commission recalls its resolution 2003/77 of 25 April 2003, proposed by the Chairperson of its fifty-ninth session, on the situation of human rights in Afghanistan and takes note of the report of the Secretary-General (A/58/742-S/2004/230) of 19 March 2004, his reports on children and armed conflict (A/58/46-S/2003/1053 and Corr.1) and on women, peace and security (S/2002/1154); the resolutions and presidential statements of the Security Council, including resolution 1325 (2000) of 31 October 2000 on women, peace and security; the most recent resolution adopted by the Commission on the Status of Women (E/CN.6/2004/L.1/Rev.1); the report by the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living on his mission to Afghanistan (E/CN.4/2004/48/Add.2) and other United Nations resolutions and decisions on the situation in Afghanistan. The Commission also recalls the Agreement on Provisional Arrangements in Afghanistan pending the Re-establishment of Permanent Government Institutions signed in Bonn on 5 December 2001 (the Bonn Agreement).

“2. The Commission welcomes the adoption of the new Afghan Constitution by the Constitutional Loya Jirga on 5 January 2004. This commits the Afghan people to the creation of a society free of oppression, discrimination and violence and based on the rule of law, social justice, the protection of human rights and dignity, and ensuring the fundamental rights and freedoms of the people. The Constitution also has strong central provisions committing Afghanistan to equality regardless of gender or ethnicity, freedom of religion, and to upholding the Universal Declaration of Human Rights and other international treaties and conventions to which Afghanistan is a signatory. In this regard, the Commission reiterates the primary responsibility of the Transitional Authority, and the subsequently democratically elected Government of Afghanistan, for the implementation of the Constitution.

“3. The Commission welcomes the commitment of the Government of Afghanistan to continue and complete the transformation process as well as the continuous support by the international community, and in this regard particularly welcomes the International Conference held on 31 March and 1 April in Berlin.

“4. The Commission also welcomes the provisions of the new Constitution which state that the citizens of Afghanistan, whether men or women, are equal before the law and that at least two women are to be elected to the Wolesi Jirga from each province, as a national average, and which provide for half of the President’s nominees to the Meshrano Jirga to be women.

“5. Although there have been improvements in the institutional capacity of the Transitional Authority to deal with human rights, the Commission encourages the Transitional Authority to maintain focus on the promotion and protection of human rights and fundamental freedoms as described in the Universal Declaration of Human Rights and to implement those international human rights instruments to which Afghanistan is a party, in particular the Convention on the Elimination of All Forms of Discrimination against Women.

“6. The Commission welcomes the preparations for forthcoming elections being undertaken by the Transitional Authority and the United Nations, and calls upon the international community to support these preparations fully. It calls upon all relevant actors to bear in mind, in their activities of support for the elections, the equal right of women to vote. It also calls upon the Transitional Authority to continue to take the necessary steps to provide security to allow, in the context of a credible, free and fair electoral process, all eligible voters to register and participate in the elections regardless of ethnicity or gender. It further calls upon the Transitional Authority to continue with the preparations through the proclamation of an electoral law, the registration of political parties and the establishment of an independent electoral commission. The Commission notes with concern the fact that so far the level of registered women remains very low.

Increased participation of women will be necessary in order to ensure the successful process towards free and fair elections. In this regard, the Commission encourages the Transitional Authority to provide civic education for all people, in particular women. The Transitional Authority is also encouraged to guarantee the representation of women in local, regional and national government positions.

“7. The Commission strongly emphasizes that an environment free from violence, discrimination and abuse, for all Afghans, is essential for a viable and sustainable recovery and reconstruction process and the concomitant protection and promotion of human rights. In this regard, the Commission reiterates the importance of the voluntary and orderly return and durable reintegration, in safety and dignity, of Afghan refugees and internally displaced persons and also the need for safety, security and free movement of all United Nations personnel and associated personnel involved in humanitarian and reconstruction work. The Commission also encourages the international community to continue to ensure support for peace and security.

“8. The Commission welcomes the efforts of the Transitional Authority, supported by the United Nations and other donors, to establish democracy, the rule of law, good governance and respect for human rights and fundamental freedoms and calls for the creation of democratic institutions within the constitutional framework that are broad-based, gender-sensitive, multi-ethnic and fully representative of the Afghan people. It recognizes that exposing violations of human rights, holding the perpetrators, including their accomplices, accountable, obtaining justice for their victims, as well as preserving historical records of such violations and restoring the dignity of victims through the acknowledgement and commemoration of their suffering, will guide future societies and are indispensable for the promotion and implementation of all human rights and the prevention of future violations.

“9. The Commission emphasizes the fundamental role of an independent judiciary in combating impunity and thus in ensuring the protection of the human rights of those under its jurisdiction, particularly women and children, while welcoming the fact that the

rights of the accused are guaranteed in the Constitution. It recognizes the progress made by the Afghan Judicial Commission in the reform of the judicial sector and encourages all relevant actors to continue to work on the reform and strengthening of the justice system, including by providing adequate resources and ensuring equal access and particularly by ensuring that more women have access to high-level positions within the judiciary.

“10. The Commission welcomes the fact that the status of the Afghan Independent Human Rights Commission is recognized by the Constitution and that the Afghan Independent Human Rights Commission has opened regional offices. The Commission recognizes as further positive steps, *inter alia*, the establishment of a Human Rights Unit within the Ministry of the Interior (April 2003), the establishment of the Office of Women’s International Affairs and Human Rights within the Ministry of Foreign Affairs (December 2003) and the recent commitment assumed by the Ministry of Foreign Affairs (February 2004) to treaty body monitoring, and the significant roles played by the Judicial Commission and the Independent Human Rights Commission, the latter of which continues, with the assistance of the Office of the United Nations High Commissioner for Human Rights, the United Nations Assistance Mission in Afghanistan and the United Nations Development Programme, to enhance respect for human rights, particularly those of women, children, persons belonging to minorities and vulnerable groups, and calls on the Transitional Authority to investigate allegations of violations of their human rights. The Commission encourages the Transitional Authority and the international community to provide appropriate assistance, including political support, to the Independent Human Rights Commission to enable it to fulfil its mandate in a manner consistent with the Paris Principles and Afghanistan’s international human rights obligations and strengthened by the mandate under the Afghan Constitution.

“11. The Commission recalls that continued attention to the protection and promotion of women’s and children’s rights is of paramount importance. In this regard, the Commission stresses the importance of appropriate assistance, including political support, to the Ministry for Women’s Affairs and calls upon the Transitional Authority to

continue to build on its human rights achievements, bearing in mind in particular its ratification of the Convention on the Elimination of All Forms of Discrimination against Women, by, inter alia, promoting equal access to education and health care and ensuring women's full participation in all spheres of Afghan life. Moreover, while welcoming the successful return to school of millions of boys and girls and acknowledging the efforts undertaken so far by the Transitional Authority in responding, inter alia, to cases of violence against women and children, the Commission expresses concern for the continuing and serious incidence of violence against women and girls, as well as the increasing reports of trafficking in women and children in many parts of the country, in particular in rural areas, and calls for the implementation of the recommendations contained in the last report of the Special Rapporteur on violence against women and girls, its causes and consequences, to the General Assembly (A/58/421).

“12. The Commission welcomes the recent appointment by the Secretary-General of the independent expert on human rights in Afghanistan, notes progress in certain areas of resolution 2003/77, calls for the full implementation of its outstanding provisions and requests in particular:

(a) The Transitional Authority to continue cooperating fully with all special rapporteurs and human rights mechanisms of the United Nations and to implement their recommendations;

(b) The independent expert to report on the situation of human rights in Afghanistan and on the achievements of the technical assistance in the field of human rights to the General Assembly at its fifty-ninth session and the Commission on Human Rights at its sixty-first session;

(c) The Office of the High Commissioner for Human Rights to continue and to expand, in collaboration with the Transitional Authority and to the greatest extent possible, its programme of advisory services and technical cooperation in the field of human rights and the rule of law;

(d) The Secretary-General:

- (i) To extend the mandate of the independent expert for a further year, as well as to ensure that a Senior Gender Adviser in the United Nations Assistance Mission in Afghanistan is appointed immediately and with due regard to the need for continuity in this task;
- (ii) To provide the independent expert with all necessary assistance in carrying out his mandate and to provide adequate resources, from within existing overall United Nations resources, to fund the activities of the independent expert and the High Commissioner in providing advisory services and technical cooperation;
- (iii) To remain seized of the matter and to report on it at the next session of the Commission.”

43. A statement in explanation of her delegation’s position after the adoption of the Chairperson’s statement was made by the representative of the United States of America.

Situation of human rights in Haiti

44. At the 58th meeting, the Chairperson, on behalf of the Commission, made a statement concerning technical cooperation and the situation of human rights in Haiti, the text of which is reproduced below.

“Chairperson’s statement

“Situation of human rights in Haiti

“1. The Commission on Human Rights condemns the human rights violations that have occurred in Haiti and calls on all actors and sectors of national life to protect and promote human dignity. The Commission reiterates its deep concern at the human rights situation in Haiti.

“2. The Commission reaffirms the importance of pursuing and intensifying the efforts to combat impunity and to strengthen the rule of law, in particular in cooperation with the international community. It emphasizes that perpetrators of violations should be held individually accountable for their acts and should have no impunity.

“3. The Commission commends the Organization of American States and the Caribbean Community for their lead efforts to promote a peaceful solution.

“4. The Commission likewise welcomes the deployment of a multinational interim force with a mandate that includes the promotion and protection of human rights. The Commission calls for the swift restoration of security in Haiti in order in particular to improve the situation of the country’s citizens.

“5. The Commission takes note of the interim government’s willingness to promote and protect human rights. It encourages the interim government to implement Haiti’s international human rights undertakings. It reiterates the importance of acceding to the existing international human rights instruments.

“6. The Commission emphasizes the urgency of the Office of the United Nations High Commissioner for Human Rights having an office in Haiti and undertaking its activities as soon as possible, in line with the Commission’s statement at its fifty-ninth session.

“7. The Commission requests the Office of the High Commissioner to contribute towards United Nations human rights activities and, in particular, to put its expertise at the disposal of the United Nations Special Adviser for Haiti and to play a part in the development of national institutions for the protection of human rights and the promotion of the rule of law.

“8. The Commission thanks the independent expert for his report (E/CN.4/2004/108) and requests him to continue his work within the framework of his current mandate. The Commission invites the independent expert to include in his report to the Commission at its sixty-first session information on the progress of the efforts to combat impunity and on the administration of justice and proposals in those respects.”

Human rights assistance to Nepal

45. At the 58th meeting, the Chairperson, on behalf of the Commission, made a statement concerning technical cooperation and the situation of human rights in Nepal, the text of which is reproduced below.

“Chairperson’s statement

“Human rights assistance to Nepal

“The Commission on Human Rights,

1. Expresses its concern at the human rights situation in Nepal since the breakdown of the ceasefire on 27 August 2003, and at the growing number of civilian victims as a result of ongoing violence. The Commission appeals to His Majesty’s Government of Nepal to strengthen its efforts to ensure the enjoyment of fundamental rights by all people in Nepal;
2. Condemns the indiscriminate violence perpetrated by the Communist Party of Nepal (CPN-Maoists), including the use of children in armed conflict, and strongly appeals to the CPN-Maoists to renounce violence and calls upon them to respect the human rights of all people;
3. Recognizes the efforts of His Majesty’s Government of Nepal to address the human rights situation in Nepal. It encourages the Government in its efforts to investigate and prosecute all violations. In this context, the Commission welcomes the Government’s “Commitment on the implementation of human rights and international humanitarian law” of 26 March 2004, in particular its commitment to promote and protect human rights and fundamental freedoms and to fulfil its international human rights and humanitarian law obligations;
4. Welcomes the commitment of His Majesty’s Government of Nepal and supports its efforts and those of the Office of the United Nations High Commissioner for Human Rights (OHCHR) aimed at developing technical assistance and advisory services

and to facilitate the necessary external assistance, especially to the National Human Rights Commission, including through the signing of a memorandum of understanding to develop its institutional capacity and human resources so that it can carry out its mandate, including nationwide monitoring and investigations, in an independent, impartial and credible fashion;

5. Welcomes the submission of the periodic reports by His Majesty's Government of Nepal to the various human rights treaty bodies and encourages the Government of Nepal to seek assistance, if necessary, from OHCHR for the preparation of national reports, and to adequately follow up the recommendations of the treaty bodies. It also welcomes the fact that the Government of Nepal has extended invitations to the special rapporteurs of the Commission to visit Nepal;

6. Welcomes the signature by His Majesty's Government of Nepal of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict and appeals to the Government to ratify this instrument;

7. Encourages the international community to assist His Majesty's Government of Nepal in its efforts to strengthen its national capacity to improve the present human rights situation;

8. Requests OHCHR to submit a report on its activities in Nepal, including technical cooperation, to the Commission at its sixty-first session."

Technical cooperation and advisory services in Timor-Leste

46. At the 58th meeting, the Chairperson, on behalf of the Commission, made a statement concerning technical cooperation and the situation of human rights in Haiti, the text of which is reproduced below.

“Chairperson’s statement

“Technical cooperation and advisory services in Timor-Leste

“1. The Commission recalls the Chairperson’s statements on the situation of human rights in Timor-Leste made at previous sessions, in particular the statement made at its fifty-ninth session (E/2003/23-E/CN.4/2003/135, para. 229), and takes note of the report of the United Nations High Commissioner for Human Rights on the situation of human rights in Timor-Leste submitted to the Commission at its sixtieth session (E/CN.4/2004/107), the report of the Secretary-General to the General Assembly (A/58/280), the reports of the Secretary-General to the Security Council and the statement by the President of the Security Council.

“2. The Commission acknowledges relevant Security Council and other United Nations resolutions on the situation in Timor-Leste.

“3. The Commission congratulates the Government of Timor-Leste for the accession to the main international human rights instruments. It welcomes the steps taken to establish the national institution of human rights - the Provedor de Direitos Humanos e Justiça. It also acknowledges the work undertaken so far by the Commission for Reception, Truth and Reconciliation (CAVR) and looks forward to the Commission’s final report covering human rights violations committed in Timor-Leste during the period between 1974 and 1999, which will be presented before the end of 2004.

“4. The Commission notes with satisfaction the development of a programme of technical cooperation between the Office of the United Nations High Commissioner for Human Rights and the Human Rights Unit of the United Nations Mission of Support in East Timor (UNMISSET) in consultation with the Government of Timor-Leste, and also notes the technical cooperation plans for 2004 included in the report of the High Commissioner for Human Rights, notably technical assistance to the process of human rights treaty ratification, implementation of, and reporting on, providing technical

assistance to CAVR, strengthening the human rights capacity of the justice system, strengthening the human rights capacity of law enforcement officials, providing support for the Provedor de Direitos Humanos e Justiça, and strengthening civil society human rights expertise.

“5. The Commission underlines the importance of a continuing United Nations human rights presence in Timor-Leste after the end of the mandate of UNMISSET in order to ensure an effective transition to the post-UNMISSET phase and of the Government of Timor-Leste being able to strengthen its capacity to promote and protect human rights.

“6. The Commission emphasizes the need for continuing international assistance for strengthening the justice system in Timor-Leste and encourages the international community to maintain its engagement with the Government of Timor-Leste in its efforts to promote and protect human rights. The Commission asks the international community to continue to lend its support to the fight against impunity.

“7. The Commission requests the High Commissioner for Human Rights to report to the Commission on its sixty-first session on technical cooperation in the field of human rights in Timor-Leste, under the same agenda item.”
