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

**Draft report of the Commission**

**Rapporteur: Mr. Mike OMOTOSHO (Nigeria)**

**CONTENTS\***

| <i>Chapter:</i>                                      | <i>Page</i> |
|--|-------------|
| <b>X. Economic, social and cultural rights .....</b> |             |

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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.

## **X. Economic, social and cultural rights**

1. The Commission considered agenda item 10 at its 25th and 26th meetings, on 29 March 2004, at its 27th and 28th meetings, on 30 March 2004, at its 29th meeting, on 31 March 2004 and at its 51st and 52nd meetings, on 16 April, and at its 54th meeting, on 19 April 2004.
2. For the documents issued under agenda item 10, 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 25th meeting, on 29 March 2004, Ms. Anne-Marie Lizin, independent expert on human rights and extreme poverty, introduced her report (E/CN.4/2004/43). During the ensuing interactive dialogue the representatives of China, the Dominican Republic and Ireland (on behalf of the European Union) addressed questions to the Special Rapporteur, to which she responded at the 26th meeting.
4. At the 26th meeting, on 29 March 2004, Mr. Bernards Andrew Nyamwaya Mudho, independent expert on structural adjustment policies and foreign debt, introduced his report (E/CN.4/2004/47 and Add.1 and 2). During the ensuing interactive dialogue the representatives of Cuba and Burkina Faso, as well as the observer for Kenya addressed questions to the independent expert, to which he responded.
5. At the same meeting, Mr. Jean Ziegler, Special Rapporteur on the right to food, introduced his report (E/CN.4/2004/10 and Add.1 and 2). During the ensuing interactive dialogue the representatives of Australia, Brazil, Cuba, Egypt, Ireland (on behalf of the European Union), Mauritania, Pakistan as well as the observers for Canada and Switzerland addressed questions to the Special Rapporteur, to which he responded.
6. At the 27th meeting, on 30 March 2004, Ms. Catarina de Albuquerque, Chairperson-Rapporteur of the open-ended working group to consider options regarding the elaboration of an optional protocol to the International Covenant on Economic, Social and Cultural Rights, introduced the report of the Working Group (E/CN.4/2004/48 and Add.1-3).

7. At the same meeting, Mr. Miloon Kothari, Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, introduced his report (E/CN.4/2004/48 and Add.1-3). During the ensuing interactive dialogue, the representative of Ireland addressed questions to the Special Rapporteur, to which he responded.
8. Also at the same meeting, Ms. Fatma-Zohra Ouhachi-Vesely, Special Rapporteur on the adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights, introduced her report (E/CN.4/2004/46 and Add.1-3 and Add.1/Corr.1). During the ensuing interactive dialogue, the representative of Cuba as well as the observer for Kenya addressed questions to the Special Rapporteur, to which she responded.
9. Also at the same meeting, the United Nations Acting High Commissioner for Human Rights, Mr. Bertrand Ramcharan, made a statement.
10. At the 28th meeting, on 30 March 2004, Mr. Paul Hunt, Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, introduced his report (E/CN.4/2004/41 and Add.1 and 2). During the ensuing interactive dialogue, the representatives of China, Cuba, Egypt, Ireland (on behalf of the European Union), Pakistan, the United States of America and Saudi Arabia as well as the observers for Canada and Switzerland addressed questions to the Special Rapporteur, to which he responded.
11. At the same meeting, Ms. Katarina Tomasevski, Special Rapporteur on the right to education, introduced her report (E/CN.4/2004/9 and Add.1 and 2). During the ensuing interactive dialogue, the representatives of Cuba, Ireland (on behalf of the European Union) and Pakistan as well as the observers for Switzerland and Turkey addressed questions to the Special Rapporteur, to which she responded.
12. Also at the same meeting, the United Nations Acting High Commissioner for Human Rights, Mr. Bertrand Ramcharan, made a statement.
13. In the general debate on agenda item 10, 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.

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

14. At the 51st meeting, on 16 April 2004, the representative of the Congo introduced draft resolution E/CN.4/2004/L.18, sponsored by the Congo (on behalf of the States members of the African Group). Cuba, Ecuador, Nicaragua and Panama subsequently joined the sponsors.

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

16. Statement in connection with the draft resolution was made by the representative of Japan (also on behalf of Lithuania and the United States of America).

17. 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, France, Germany, Italy, the Netherlands, Sweden and the United Kingdom of Great Britain and Northern Ireland; the acceding country that is a member of the Commission - Hungary - aligned itself with the statement).

18. At the request of the representative of Japan, a recorded vote was taken on the draft resolution, which was adopted by 38 votes to 13, with 2 abstentions. The voting was as follows:

*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.

19. For the text, see chapter II, section A, resolution 2004/17.

**Effects of structural adjustment policies and foreign debt on the full enjoyment of all human rights, particularly economic, social and cultural rights**

20. At the same meeting, the representative of Cuba introduced draft resolution E/CN.4/2004/L.23, sponsored by Algeria, Bangladesh, Burundi, Cameroon, China, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Ecuador, Ethiopia, Indonesia, Kenya, Madagascar, Mauritania, Mozambique, Myanmar, Nigeria, Senegal, Sierra Leone, the Sudan, Swaziland, the Syrian Arab Republic, Togo, Tunisia, Uganda, United Republic of Tanzania, Viet Nam, Yemen, Zambia, Zimbabwe. Angola, Bolivia, Botswana, the Congo, Equatorial Guinea, Gabon, the Lao People's Democratic Republic, Malaysia, Nicaragua, Pakistan, Rwanda and Uruguay subsequently joined the sponsors.

21. 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.

22. The representatives of Honduras and Ireland (on behalf of the States members of the European Union that are members of the Commission - Austria, France, Germany, Italy, the Netherlands, Sweden and the United Kingdom of Great Britain and Northern Ireland; the acceding country that is a member of the Commission - Hungary - aligned itself with the statement), made statements in explanation of vote before the vote.

23. At the request of the representative of Ireland (on behalf of the European Union), a recorded vote was taken on the draft resolution, which was adopted by 29 votes to 14, with 10 abstentions. The voting was as follows:

*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.

24. For the text, see chapter II, section A, resolution 2004/18.

### **The right to food**

25. At the same meeting, the representative of Cuba introduced draft resolution E/CN.4/2004/L.24, sponsored by Algeria, Andorra, Bangladesh, Belarus, Bhutan, Brazil, Burundi, Cameroon, China, the Congo, Côte d'Ivoire, Croatia, Cuba, the Democratic Republic of the Congo, the Dominican Republic, Ecuador, El Salvador, Equatorial Guinea, Eritrea, Ethiopia, India, Indonesia, the Islamic Republic of Iran, Kazakhstan, Kenya, the Libyan Arab Jamahiriya, Madagascar, Malaysia, Mauritania, Mexico, Mongolia, Mozambique, Nepal, Nigeria, Pakistan, Senegal, Sierra Leone, South Africa, Sri Lanka, the Sudan, Swaziland, Switzerland, the Syrian Arab Republic, Togo, the United Republic of Tanzania, Venezuela, Viet Nam, Yemen and Zimbabwe. Austria, Belgium, Burkina Faso, Egypt, Finland, France, Greece, Guatemala, Italy, Liechtenstein, Monaco, Nicaragua, Norway, Peru, Portugal, Qatar, Romania, Slovenia, South Africa, Thailand, Turkey and Zambia subsequently joined the sponsors.

26. The representative of Cuba orally revised operative paragraph 9 of the draft resolution.

27. 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.

28. The representative of the United States of America made a statement in explanation of vote before the vote.

29. At the request of the representative of the United States of America, a recorded vote was taken on the draft resolution, as orally revised, which was adopted by 51 votes to 1, with 1 abstention. The voting was as follows:

*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.

30. For the text, see chapter II, section A, resolution 2004/19.

**Promotion of the enjoyment of the cultural rights of everyone and respect for different cultural identities**

31. At the same meeting, the representative of Cuba introduced draft resolution E/CN.4/2004/L.25, sponsored by Bangladesh, Burundi, Cameroon, China, Congo, Cuba, Democratic People's Republic of Korea, Dominican Republic, the Islamic Republic of Iran, Kenya, the Libyan Arab Jamahiriya, Mozambique, Nicaragua, Panama, the Sudan, the Syrian Arab Republic, Thailand, Togo, Viet Nam and Zimbabwe.

32. The representative of Cuba orally revised the draft resolution by introducing a new operative paragraph after the existing paragraph 11.

33. The representative of the United States of America further amended the draft resolution by proposing the deletion of operative paragraphs 17, 18 and 19.

34. At the request of the representative of the United States of America, a recorded vote was taken on the proposal to delete three paragraphs, which was rejected by 29 votes to 15, with 8 abstentions. The voting was as follows:

*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.

35. The representatives of Australia and Ireland (on behalf of the States members of the European Union that are members of the Commission - Austria, France, Germany, Italy, the Netherlands, Sweden and the United Kingdom of Great Britain and Northern Ireland; the acceding country that is a member of the Commission - Hungary - aligned itself with the statement) made statements in explanation of vote before the vote.

36. At the request of the representative of Australia, a recorded vote was taken on the draft resolution, as revised, which was adopted by 38 votes to 1, with 14 abstentions. The voting was as follows:

*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.

37. For the text, see chapter II, section A, resolution 2004/20.

#### **Adequate housing as a component of the right to an adequate standard of living**

38. At the same meeting, the representatives of Finland introduced draft resolution E/CN.4/2004/L.27/Rev.1, sponsored by Albania, Austria, Belgium, Bolivia, Brazil, Bulgaria, Cameroon, Chile, Croatia, Cyprus, Denmark, Finland, France, Georgia, Germany, Greece, Iceland, Italy, Luxembourg, Mexico, Nicaragua, Poland, Portugal, Republic of Moldova, Romania, Serbia and Montenegro, Slovenia, South Africa, Spain, Switzerland, Thailand, The former Yugoslav Republic of Macedonia, Timor-Leste, Tunisia. Bosnia and Herzegovina, Costa Rica, Guatemala, Liechtenstein, the Netherlands and Uruguay subsequently joined the sponsors.

39. The draft resolution was adopted without a vote. For the text, see chapter II, section A, resolution 2004/21.

#### **Human rights and unilateral coercive measures**

40. At the same meeting the representative of Malaysia introduced draft resolution E/CN.4/2004/L.30, sponsored by Malaysia (on behalf of States members of the Non-Aligned Movement and China). Armenia, Guatemala and Uruguay subsequently joined the sponsors.

41. At the request of the representative of the United States of America, a recorded vote was taken on the draft resolution, which was adopted by 36 votes to 14, with 3 abstentions. The voting was as follows:

*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.

42. For the text, see chapter II, section A, resolution 2004/22.

#### **Human rights and extreme poverty**

43. At the same meeting, the representative of France introduced draft resolution E/CN.4/2004/L.32 sponsored by Andorra, Belgium, Bulgaria, Canada, Chile, China, Croatia, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, France, Greece, Iceland, Japan, Luxemburg, Mexico, Monaco, Peru, Romania, San Marino, Slovakia, Slovenia, Switzerland, Thailand and Venezuela. Algeria, Bolivia, Brazil, Colombia, Costa Rica, Guatemala, Honduras, India, Kazakhstan, Madagascar, Malta, Morocco, Nicaragua, Paraguay, the Republic of Korea, Serbia and Montenegro, South Africa, Spain, The former Yugoslav Republic of Macedonia and Ukraine subsequently joined the sponsors.

44. The representative of France orally revised operative paragraph 11 (*e*) of the draft resolution.

45. Statements in connection with the draft resolution were made by the representatives of Burkina Faso, the Sudan and Togo.

46. 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.

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

### **Globalization and its impact on the full enjoyment of all human rights**

48. At the same meeting, the representative of China (on behalf of the Like-Minded Group of States) introduced draft resolution E/CN.4/2004/L.35, sponsored by China (on behalf of the States members of the Like-Minded Group), Ecuador, Kenya, Saudi Arabia, South Africa and Thailand. Azerbaijan, Bolivia, Ethiopia, Madagascar, Nicaragua and Senegal subsequently joined the sponsors.

49. A statement in relation to the draft resolution was made by the representative of Japan.

50. The representative of Ireland (on behalf of the States members of the European Union that are members of the Commission - Austria, France, Germany, Italy, the Netherlands, Sweden and the United Kingdom of Great Britain and Northern Ireland; the acceding country that is a member of the Commission - Hungary - aligned itself with the statement) made a statement in explanation of vote before the vote.

51. At the request of the representative of Japan, a recorded vote was taken on the draft resolution, which was adopted by 38 votes to 15. The voting was as follows:

*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.

*Abstaining:* None.

52. For the text, see chapter II, section A, resolution 2004/24.

**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**

53. At the same meeting, the observer for Portugal introduced draft resolution E/CN.4/2004/L.38, sponsored by Algeria, Andorra, Angola, Austria, Belgium, Brazil, Bulgaria, Chile, Croatia, the Czech Republic, Denmark, Ecuador, Finland, Germany, Guatemala, Iceland, Italy, Liechtenstein, Lithuania, Luxembourg, Mexico, Norway, Panama, Paraguay, Portugal, Romania, Slovakia, Slovenia, Spain, Switzerland, Timor-Leste and Tunisia. Armenia, Bosnia and Herzegovina, Burkina Faso, Cameroon, Costa Rica, Cyprus, France, Georgia, Greece, Latvia, Malta, Monaco, Morocco, Mozambique, Nicaragua, Peru, Poland, Senegal, Serbia and Montenegro, South Africa, The former Yugoslav Republic of Macedonia and Ukraine subsequently joined the sponsors.

54. The representative of Saudi Arabia introduced an amendment contained in document E/CN.4/2004/L.67.

55. The representative of Pakistan orally amended the amendment by proposing modifications to operative paragraph 14 (c).

56. The representative of Australia orally amended the draft resolution by modifying operative paragraph 13.

57. The representative of the United States of America amended the draft resolution by proposing the deletion of operative paragraph 14.

58. Statements in connection with the draft resolution and the amendments were made by the representatives of Australia, Cuba, Germany, Egypt, India and the United States of America.

59. At the 52nd meeting, on the same day, statements in connection with the draft resolution and the amendments were made by the representatives of Egypt, Pakistan and Saudi Arabia.

60. At the request of the representative of Pakistan and in connection with the proposal to delete operative paragraph 14, a separate recorded vote was taken on paragraph 14 (a), which was rejected by 49 votes to 2, with 2 abstentions. The voting was as follows:

*In favour:* Australia, United States of America.

*Against:* 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, Ireland, Italy, Japan, Mauritania, Mexico, Nepal, Netherlands, Nigeria, Pakistan, Paraguay, Peru, Qatar, Republic of Korea, Saudi Arabia, Sierra Leone, South Africa, Sri Lanka, Sudan, Swaziland, Sweden, Togo, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, Zimbabwe.

*Abstaining:* Indonesia, Russian Federation.

61. At the request of the representative of Pakistan and in connection with the proposal to delete operative paragraph 14, a separate recorded vote was taken on paragraph 14 (b), which was rejected by 51 votes to 2. The voting was as follows:

*In favour:* Australia, United States of America.

*Against:* 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.

*Abstaining:* None.

62. At the request of the representative of Pakistan and in connection with the proposal to delete operative paragraph 14, a separate recorded vote was taken on paragraph 14 (c), which was rejected by 44 votes to 9. The voting was as follows:

*In favour:* Australia, Bhutan, India, Nepal, Pakistan, Saudi Arabia, Sierra Leon, Sri Lanka, United States of America.

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

*Abstaining:* None.

63. At the request of the representative of Pakistan and in connection with the proposal to delete operative paragraph 14, a separate recorded vote was taken on paragraph 14 (d), which was rejected by 27 votes to 23, with 3 abstentions. The voting was as follows:

*In favour:* Australia, Bahrain, Bhutan, China, Congo, Cuba, Egypt, Eritrea, Ethiopia, India, Mauritania, Nepal, Nigeria, Pakistan, Qatar, Saudi Arabia, Sierra Leone, Sri Lanka, Sudan, Togo, Uganda, United States of America, Zimbabwe.

*Against:* Argentina, Armenia, Austria, Brazil, Burkina Faso, Chile, Costa Rica, Croatia, Dominican Republic, France, Germany, Guatemala, Honduras, Hungary, Ireland, Italy, Japan, Mexico, Netherlands, Paraguay, Peru, Republic of Korea, Russian Federation, Swaziland, Sweden, Ukraine, United Kingdom of Great Britain and Northern Ireland.

*Abstaining:* Gabon, Indonesia, South Africa.

64. At the request of the representative of Pakistan and in connection with the proposal to delete operative paragraph 14, a separate recorded vote was taken on paragraph 14 (e), which was rejected by 40 votes to 8, with 5 abstentions. The voting was as follows:

*In favour:* Australia, Bahrain, Bhutan, Egypt, India, Saudi Arabia, Sri Lanka, United States of America.

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

*Abstaining:* Indonesia, Nepal, Pakistan, Sierra Leone, Togo.

65. At the same meeting, the Chairperson moved, under rule 49 of the rules of procedure of the functional commissions of the Economic and Social Council, that the debate on the proposals be adjourned for 24 hours.

66. At the 54th meeting, on 19 April 2004, the Commission had before it a revised version of the amendment, contained in document E/CN.4/2004/L.67/Rev.1.

67. At the request of the representative of Ireland (on behalf of the European Union), a recorded vote was taken on the amendment, which was rejected by 26 votes to 25, with 2 abstentions. The voting was as follows:

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

*Against:* Argentina, Armenia, Australia, Austria, Brazil, Chile, 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:* Burkina Faso, Indonesia.

68. At the request of the representative of Ireland (on behalf of the European Union), a recorded vote was taken on the oral amendment proposed to operative paragraph 13, which was rejected by 36 votes to 10, with 7 abstentions. The voting was as follows:

*In favour:* Australia, Bahrain, Bhutan, Ethiopia, India, Indonesia, Pakistan, Saudi Arabia, Sudan, United States of America.

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

*Abstaining:* China, Egypt, Eritrea, Mauritania, Nepal, Qatar, Togo.

69. At the request of the representative of Australia, a recorded vote was taken on the draft resolution, which was adopted by 48 votes to none, with 5 abstentions. The voting was as follows:

*In favour:* Argentina, Armenia, Austria, 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, Republic of Korea, Russian Federation, Sierra Leone, South Africa, Sri Lanka, Sudan, Swaziland, Sweden, Togo, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, Zimbabwe.

*Against:* None.

*Abstaining:* Australia, Bahrain, Qatar, Saudi Arabia, United States of America.

70. 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.

71. A statement in explanation of vote after the vote was made by the representatives of the Russian Federation, Pakistan and India.

72. For the text, see chapter II, section A, resolution 2004/29.

### **The right to education**

73. At the 52nd meeting, on the same day, the observer for Portugal introduced draft resolution E/CN.4/2004/L.39, sponsored by Andorra, Angola, Argentina, Austria, Belgium, Brazil, Bulgaria, Canada, Croatia, Czech Republic, Denmark, Ecuador, Finland, Germany, Guatemala, Hungary, Iceland, Ireland, Italy, Liechtenstein, Lithuania, Luxembourg, Mexico, Netherlands, Norway, Panama, Paraguay, Poland, Portugal, San Marino, Slovakia, Spain, Sweden, Switzerland, Thailand, Timor-Leste, Tunisia, United Kingdom of Great Britain and

Northern Ireland and Venezuela. Armenia, Albania, Bangladesh, Bolivia, Bosnia and Herzegovina, Burkina Faso, Cameroon, Chile, Costa Rica, Cyprus, Dominican Republic, Estonia, Equatorial Guinea, France, Georgia, Greece, Honduras, India, Japan, Kazakhstan, Latvia, Madagascar, Malta, Monaco, Morocco, Mozambique, Nigeria, Peru, Senegal, Serbia and Montenegro, Slovenia, South Africa, The former Yugoslav Republic of Macedonia, the United Republic of Tanzania, Viet Nam and Zambia subsequently joined the sponsors.

74. The observer for Portugal revised the draft resolution by introducing a new subparagraph after the existing operative paragraph 7 (*q*).

75. A statement in relation to the draft resolution was made by the representative of India.

76. 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.

77. The draft resolution, as revised, was adopted without a vote. For the text, see chapter II, section A, resolution 2004/25.

#### **Access to medication in the context of pandemics such as HIV/AIDS, tuberculosis and malaria**

78. At the same meeting, the representative of Brazil introduced draft resolution E/CN.4/2004/L.40, sponsored by Argentina, Brazil, Bulgaria, Cuba, the Dominican Republic, Ecuador, El Salvador, Honduras, Luxemburg, Paraguay, Portugal, South Africa and Venezuela. Albania, Algeria, Andorra, Angola, Armenia, Australia, Austria, Bangladesh, Belgium, Bhutan, Bolivia, Bosnia and Herzegovina, Burkina Faso, Canada, Chile, China, Colombia, Costa Rica, Croatia, Ethiopia, Finland, France, Gabon, Germany, Greece, Guatemala, Italy, Ireland, Kazakhstan, Kenya, Liechtenstein, Madagascar, Malta, Mexico, Monaco, the Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Panama, Paraguay, Serbia and Montenegro, Sierra Leone, Slovenia, Switzerland, Thailand, The former Yugoslav Republic of Macedonia, the United Republic of Tanzania, Turkey, Uruguay and Zambia subsequently joined the sponsors.

79. The representative of Brazil orally revised the nineteenth preambular paragraph by deleting the second part of the paragraph which read as follows:

“to enable countries with insufficient or no manufacturing capacities in the pharmaceutical sector, in particular those afflicted by public health problems resulting especially from HIV/AIDS, tuberculosis, malaria and other epidemics, to make effective use of compulsory licensing under the TRIPS Agreement”.

80. The representative of the United States of America orally amended the first and second preambular paragraphs.

81. At the request of the representative of the United States of America, a recorded vote was taken on the amendment to the first preambular paragraph, which was rejected by 45 votes to 5, with 3 abstentions. The voting was as follows:

*In favour:* Bahrain, Egypt, Mauritania, Qatar, United States of America.

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

*Abstaining:* Japan, Pakistan, Saudi Arabia.

82. At the request of the representative of the United States of America, a recorded vote was taken on the amendment to the second preambular paragraph, which was rejected by 46 votes to 2, with 5 abstentions. The voting was as follows:

*In favour:* Egypt, United States of America.

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

*Abstaining:* Bahrain, Japan, Pakistan, Qatar, Saudi Arabia.

83. The draft resolution, as revised, was adopted without a vote. For the text, see chapter II, section A, resolution 2004/26.

**The right of everyone to the enjoyment of the highest attainable standard of physical and mental health**

84. At the same meeting, the representative of Brazil introduced draft resolution E/CN.4/2004/L.41, sponsored by Brazil, Cuba, the Dominican Republic, Ecuador, El Salvador, Honduras, Paraguay and Switzerland. Albania, Algeria, Angola, Armenia, Australia, Austria, Bangladesh, Belgium, Bolivia, Canada, China, Costa Rica, Croatia, Denmark, Equatorial Guinea, Finland, France, Germany, Greece, Guatemala, Kazakhstan, Ireland, Italy, Liechtenstein, Luxembourg, Madagascar, Mexico, Morocco, the Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Panama, Paraguay, Portugal, Slovenia, Spain, Sweden, Thailand, The former Yugoslav Republic of Macedonia, Turkey, the United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela and Zambia subsequently joined the sponsors.

85. The representative of Brazil orally revised operative paragraph 16 of the draft resolution.

86. The representative of the United States of America orally amended the draft resolution by proposing the deletion of the first and second preambular paragraphs and operative paragraphs 12 and 14.

87. At the request of the representative of the United States of America, a recorded vote was taken on the proposal to delete the first and second preambular paragraphs and operative paragraph 12, which was rejected by 49 votes to 1, with 3 abstentions. The voting was as follows:

*In favour:* United States of America.

*Against:* Argentina, Armenia, Australia, Austria, 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, Mauritania, Mexico, Nepal, Netherlands, Nigeria, Pakistan, Paraguay, Peru, Qatar, Republic of Korea, Russian Federation, Sierra Leone, South Africa, Sri Lanka, Sudan, Swaziland, Sweden, Togo, Ukraine, Uganda, United Kingdom of Great Britain and Northern Ireland, Zimbabwe.

*Abstaining:* Bahrain, Japan, Saudi Arabia.

88. A statement of explanation of vote before the vote was made by the representative of Egypt.

89. At the request of the representative of the United States of America, a recorded vote was taken on the proposal to delete operative paragraph 14, which was rejected by 36 votes to 13, with 4 abstentions. The voting was as follows:

*In favour:* Bahrain, Egypt, Eritrea, Indonesia, Mauritania, Nepal, Qatar, Saudi Arabia, Sudan, Swaziland, Togo, Uganda, United States of America.

*Against:* Argentina, Armenia, Australia, Austria, Bhutan, Brazil, Chile, China, Congo, Costa Rica, Croatia, Cuba, Dominican Republic, Ethiopia, France, Germany, Guatemala, Honduras, Hungary, India, Ireland, Italy, Mexico, Netherlands, Nigeria, Paraguay, Peru, Republic of Korea, Russian Federation, Sierra Leone, South Africa, Sri Lanka, Sweden, Ukraine, United Kingdom of Great Britain and Northern Ireland, Zimbabwe.

*Abstaining:* Burkina Faso, Gabon, Japan, Pakistan.

90. At the request of the representative of the United States of America, a recorded vote was taken on the draft resolution as revised, which was adopted by 52 votes to 1. The voting was as follows:

*In favour:* Argentina, Armenia, Australia, 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:* None.

91. 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.

92. For the text, see chapter II, section A, resolution 2004/27.

## **Forced evictions**

93. Also at the 52nd meeting, on 16 April 2004, the representative of the United Kingdom of Great Britain and Northern Ireland introduced document (E/CN.4/2004/L.26), sponsored by Germany, Ireland, Malta, the Netherlands and the United Kingdom of Great Britain and Northern Ireland, containing a proposed amendment to the draft resolution that the Sub-Commission on the Promotion and Protection of Human Rights recommended to the Commission for adoption (see E/CN.4/2004/2-E/CN.4/Sub.2/2003/43, chap. I, sect. A). Italy and Finland subsequently joined the sponsors. The amendment consisted of replacing operative paragraph 1 of the draft resolution, which read:

*“Reaffirms that the practice of forced evictions constitutes a gross violation of a broad range of human rights, in particular the right to adequate housing, the right to remain, the right to freedom of movement, the right to privacy, the right to property, the right to an adequate standard of living, the right to security of the home, the right to security of the person, the right to security of tenure and the right to equality of treatment,”.*

94. The representative of India proposed to amend the draft resolution by amending operative paragraph 9 and deleting operative paragraph 8.

95. The representative of Australia further proposed to amend the draft resolution by deleting operative paragraphs 4 and 7.

96. The amendments proposed by the United Kingdom of Great Britain and Northern Ireland and India were adopted without a vote.

97. At the request of the representative of Cuba, a recorded vote was taken on the proposal to delete operative paragraphs 4 and 7, which was rejected by 36 votes to 5, with 12 abstentions.

The voting was as follows:

*In favour:* Australia, Costa Rica, Guatemala, Saudi Arabia, United States of America.

*Against:* Armenia, Austria, Burkina Faso, Chile, China, Congo, Croatia, Cuba, Egypt, Eritrea, Ethiopia, France, Gabon, Germany, Honduras, Hungary, Ireland, Italy, Japan, Mauritania, Mexico, Netherlands, Nigeria, Pakistan, Republic of Korea, Russian Federation, Sierra Leone, Sri Lanka, Sudan, Swaziland, Sweden, Togo, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, Zimbabwe.

*Abstaining:* Argentina, Bahrain, Bhutan, Brazil, Dominican Republic, India, Indonesia, Nepal, Paraguay, Peru, Qatar, South Africa.

98. At the request of the representative of Australia, a recorded vote was taken on the draft resolution, as amended, which was adopted by 45 votes to 1, with 7 abstentions. The voting was as follows:

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

*Against:* United States of America.

*Abstaining:* Argentina, Australia, Costa Rica, Dominican Republic, Guatemala, Saudi Arabia, South Africa.

99. For the text, see chapter II, section A, resolution 2004/28.

### **Corruption and its impact on the full enjoyment of human rights, in particular economic, social and cultural rights**

100. At the same meeting, the Commission had before it draft decision 1 which the Sub-Commission on the Promotion and Protection of Human Rights recommended to the Commission for adoption (see E/CN.4/2004/2-E/CN.4/Sub.2/2003/43, chap. I, sect. B).

101. The draft decision was adopted without a vote. For the text as adopted, see chapter II, section B, decision 2004/106.

**Globalization and its impact on the full enjoyment of human rights**

102. At the same meeting, the Commission had before it draft decision 14 which the Sub-Commission on the Promotion and Protection of Human Rights recommended to the Commission for adoption (see E/CN.4/2004/2-E/CN.4/Sub.2/2003/43, chap. I, sect. B).

103. A statement in explanation of vote before the vote was made by the representative of Cuba.

104. At the request of the representative of the United States of America, a recorded vote was taken on the draft decision, which was adopted by 51 votes to none, with 2 abstentions. The voting was as follows:

*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:* None.

*Abstaining:* Australia, United States of America.

105. For the text, see chapter II, section B, decision 2004/107.

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