



**Economic and Social  
Council**

Distr.  
LIMITED

E/CN.4/2004/L.10/Add.11  
20 April 2004

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS  
Sixtieth session  
Agenda item 21 (b)

**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\***

*Chapter*

*Page*

**XI. Civil and political rights, including the questions of:**

- (a) Torture and detention;
- (b) Disappearances and summary executions;
- (c) Freedom of expression;
- (d) Independence of the judiciary, administration of justice, impunity;
- (e) Religious intolerance;
- (f) States of emergency;
- (g) Conscientious objection to military service .....

\* 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.

**XI. Civil and political rights, including the questions of:**

- (a) Torture and detention;**
- (b) Disappearances and summary executions;**
- (c) Freedom of expression;**
- (d) Independence of the judiciary, administration of justice, impunity;**
- (e) Religious intolerance;**
- (f) States of emergency;**
- (g) Conscientious objection to military service**

1. The Commission considered agenda item 11 at its 27th meeting, on 30 May 2004, at its 30th meeting, on 31 March 2004, at its 32nd and 33rd meetings, on 1 April, at its 34th and 35th meetings on 2 April, and at its 54th meeting, on 19 April 2004.

2. For the documents issued under agenda item 11, 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 27th meeting, on 30 May 2004, Mr. Diego García-Sayán, Chairperson of the Working Group on Enforced or Involuntary Disappearances, introduced the report of the Working Group (E/CN.4/2004/58).

4. At the same meeting, the Acting United Nations High Commissioner for Human Rights, Mr. Bertrand Ramcharan, made a statement.

5. At the 30th meeting, on 31 March 2004, Ms. Asma Jahangir, Special Rapporteur on extrajudicial, summary or arbitrary executions, introduced her report (E/CN.4/2004/7 and Add.1-3). During the subsequent interactive dialogue, the representatives of Ireland (on behalf of the European Union) and Pakistan, and the observers for Canada, Jamaica and Switzerland addressed questions to the Special Rapporteur, to which he responded.

6. At the same meeting, Ms. Leila Zerrougui, Chairperson of the Working Group on Arbitrary Detention, introduced the report of the Working Group (E/CN.4/2004/3 and Add.1-3 and Add.2/Corr.1). During the subsequent interactive dialogue, the representatives of China, Cuba, Ireland (on behalf of the European Union) as well as the observer for Canada addressed questions to the Chairperson of the Working Group, to which she responded.
7. Also at the same meeting, Mr. Theo van Boven, Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, introduced his report (E/CN.4/2004/56 and Add.1-3). During the interactive dialogue, the representatives of Cuba and the observers for Canada and Switzerland addressed questions to the Special Rapporteur, to which he responded.
8. Also at the same meeting, Mr. Ivan Tosevski, Chairperson of the Board of Trustees of the United Nations Voluntary Fund for Victims of Torture, introduced the report of the Secretary-General on the operations of the Fund (E/CN.4/2004/53 and Add.1).
9. Also at the same meeting, the Acting United Nations High Commissioner for Human Rights, Mr. Bertrand Ramcharan, made a statement.
10. At the 32nd meeting, on 1 April 2004, Mr. Leandro Despouy, Special Rapporteur on the independence of judges and lawyers, introduced his report (E/CN.4/2004/60 and Add.1). During the subsequent interactive dialogue, the representatives of Argentina, Ireland (on behalf of the European Union) and Pakistan addressed questions to the Special Rapporteur, to which he responded.
11. At the same meeting, Mr. Bernard Kessedjian, Chairperson-Rapporteur of the Intersessional open-ended working group on a draft legally binding normative instrument for the protection of all persons from enforced disappearance, introduced the report of the Working Group (E/CN.4/2004/59).
12. Also at the same meeting, Mr. Ambeyi Ligabo, Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, introduced his report (E/CN.4/2004/62 and Add.1-3). During the subsequent interactive dialogue, the representatives of Cuba, Ireland (on behalf of the European Union) and Pakistan as well as the observer for Canada addressed questions to the Special Rapporteur, to which he responded.

13. At the 34th meeting, on the 2 April 2004, Mr. Abdelfattah Amor, the Special Rapporteur on freedom of religion or belief, introduced his report (E/CN.4/2004/63 and Add.1 and 2).

14. In the general debate on agenda item 11, 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.

**Enhancing the role of regional, subregional and other organizations and arrangements in promoting and consolidating democracy**

15. At the 54th meeting, on 19 April 2004, the observer for Romania introduced draft resolution E/CN.4/2004/L.42 sponsored by Albania, Argentina, Australia, Bulgaria, Canada, Chile, Costa Rica, Cyprus, El Salvador, Germany, Iceland, India, Lithuania, Mexico, Mongolia, Nepal, New Zealand, Norway, Paraguay, Peru, the Republic of Korea, the Republic of Moldova, Romania, San Marino, Serbia and Montenegro, Slovenia, Switzerland, Thailand, Timor-Leste, Tunisia, Turkey, the United Kingdom of Great Britain and Northern Ireland and the United States of America. Armenia, Austria, Belgium, Brazil, Chad, Croatia, Denmark, Ecuador, Estonia, Equatorial Guinea, Finland, France, Georgia, Greece, Guatemala, Honduras, Hungary, Indonesia, Ireland, Israel, Italy, Japan, Kenya, Liechtenstein, Luxembourg, Malta, the Netherlands, Nicaragua, Paraguay, the Philippines, Poland, Portugal, Qatar, Rwanda, Senegal, Slovakia, Spain, Sweden, The former Yugoslav Republic of Macedonia, Uruguay and Venezuela subsequently joined the sponsors.

16. Statements in connection with the draft resolution were made by the representatives of China, Chile, Cuba, India, Peru and the United States of America.

17. At the request of the representative of Cuba, a recorded vote was taken on the draft resolution, as revised, which was adopted by 45 votes to none, with 8 abstentions. The voting was as follows:

*In favour:* Argentina, Armenia, Australia, Austria, Bahrain, Brazil, Burkina Faso, Chile, Congo, Costa Rica, Croatia, 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, Sierra Leone, South Africa, Sri Lanka, Sweden,  
Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland,  
United States of America.

*Against:* None.

*Abstaining:* Bhutan, China, Cuba, Saudi Arabia, Sudan, Swaziland, Togo,  
Zimbabwe.

18. For the text of the resolution as adopted, see chapter II, section A, resolution 2004/30.

**Strengthening of popular participation, equity, social justice and non-discrimination as essential foundations of democracy**

19. At the same meeting, the representative of Cuba introduced draft resolution E/CN.4/2004/L.44, sponsored by Algeria, Angola, Botswana, Burundi, Cameroon, China, Congo, Cuba, the Democratic People's Republic of Korea, the Democratic Republic of the Congo, Equatorial Guinea, Eritrea, Ethiopia, Kenya, the Lao People's Democratic Republic, Nigeria, Panama, Rwanda, Sierra Leone, South Africa, Sudan, Swaziland, the Syrian Arab Republic, Togo, Uganda, Viet Nam and Zimbabwe. Madagascar, Mauritania, Nicaragua and Venezuela subsequently joined the sponsors.

20. At the same meeting the Chairperson informed the Commission that the amendment to the draft resolution contained in document E/CN.4/2004/L.64 had been withdrawn.

21. A statement in explanation of vote before the vote was made by the representatives of Brazil, Guatemala 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).

22. 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 28 votes to 14, with 11 abstentions. The voting was as follows:

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

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

*Abstaining:* Argentina, Armenia, Chile, Costa Rica, Guatemala, Honduras, Japan, Mexico, Paraguay, Peru, Saudi Arabia.

23. For the text of the resolution as adopted, see chapter II, section A, resolution 2004/31.

### **Integrity of the judicial system**

24. At the same meeting, the representative of the Russian Federation introduced draft resolution E/CN.4/2004/L.45, sponsored by the Russian Federation. Belarus and Nicaragua joined the sponsors.

25. The representative of the Russian Federation orally revised the draft resolution by modifying operative paragraph 7.

26. Statements in connection with the draft resolution were made by the representative of India and the United States of America.

27. The draft resolution, as revised, was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 2004/32.

**Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers**

28. At the same meeting, the representative of Hungary introduced draft resolution E/CN.4/2004/L.52, sponsored by Argentina, Armenia, Australia, Austria, Belgium, Bulgaria, Canada, Croatia, Cyprus, the Czech Republic, Estonia, Finland, France, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Mexico, the Netherlands, Paraguay, Poland, the Republic of Korea, Romania, Serbia and Montenegro, Slovakia, Slovenia, Spain, Sweden, Switzerland, Turkey, the United Kingdom of Great Britain and Northern Ireland and Uruguay. Andorra, Brazil, Chile, Denmark, Ecuador, India, Japan, Liechtenstein, Madagascar, Nicaragua, Nigeria, Norway, Poland, Sri Lanka, The former Yugoslav Republic of Macedonia and the United States of America subsequently joined the sponsors.

29. 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.

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

**Right to restitution, compensation and rehabilitation for victims of grave violations of human rights and fundamental freedoms**

31. At the same meeting, the representative of Chile introduced draft resolution E/CN.4/2004/L.53, sponsored by Argentina, Armenia, Austria, Belgium, Brazil, Burkina Faso, Canada, Cyprus, Chile, Denmark, the Dominican Republic, Ecuador, Finland, Germany, Greece, Guatemala, Iceland, Italy, Japan, Luxembourg, Mexico, the Netherlands, Nigeria, Norway, Panama, Paraguay, Peru, Poland, the Republic of Korea, Sierra Leone, Slovenia, Spain, Switzerland, the United Kingdom of Great Britain and Northern Ireland and Venezuela. Brazil, Costa Rica, Cyprus, the Czech Republic, France, Nicaragua, Peru, Portugal, Sierra Leone, Sweden, Uruguay and the United States of America subsequently joined the sponsors.

32. A statement in connection with the draft resolution was made by the representative of the United States of America.

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

### **Conscientious objection to military service**

34. At the same meeting, the representative of Croatia introduced draft resolution E/CN.4/2004/L.54, sponsored by Albania, Armenia, Australia, Austria, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Costa Rica, Croatia, the Czech Republic, Denmark, Finland, France, Georgia, Germany, Hungary, Ireland, Italy, the Netherlands, Norway, Poland, Portugal, the Republic of Moldova, Romania, the Russian Federation, San Marino, Serbia and Montenegro, Slovakia, Slovenia, Spain, Switzerland, The former Yugoslav Republic of Macedonia, the United Kingdom of Great Britain and Northern Ireland. The Dominican Republic, Latvia, Nicaragua and Sweden subsequently joined the sponsors.

35. A statement in connection with the draft resolution was made by the representative of the United States of America.

36. The draft resolution was adopted without a vote. For the text as adopted, see chapter II, section A, resolution 2004/35.

### **Elimination of all forms of religious intolerance**

37. At the same meeting, the representative of the Netherlands introduced draft resolution E/CN.4/2004/L.55, sponsored by Andorra, Argentina, Armenia, Australia, Austria, Belgium, Brazil, Bulgaria, Burkina Faso, Cameroon, Canada, Chile, Costa Rica, Croatia, Cyprus, the Czech Republic, Denmark, Eritrea, Estonia, Ethiopia, Finland, France, Germany, Greece, Guatemala, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Monaco, Mozambique, the Netherlands, New Zealand, Norway, Paraguay, Peru, Poland,



Portugal, the Republic of Korea, Romania, San Marino, Slovakia, Slovenia, Spain, Sweden, Switzerland, Thailand, Uganda, the United Kingdom of Great Britain and Northern Ireland, the United Republic of Tanzania, the United States of America, Uruguay and Venezuela. Albania, the Dominican Republic, Ecuador, El Salvador, Georgia, Honduras, India, Israel, Kazakhstan, Malta, Mauritius, Nicaragua, Nigeria, the Republic of Moldova, Serbia and Montenegro, Sierra Leone, South Africa, The former Yugoslav Republic of Macedonia, Timor-Leste and Ukraine subsequently joined the sponsors. Argentina, Brazil, Chile, Costa Rica, Ecuador, El Salvador, Guatemala, India, Nicaragua, Paraguay, Peru, Uruguay and Venezuela subsequently withdrew as sponsors.

38. The representative of Argentina (on behalf of the Group of Latin American and Caribbean Countries) introduced the amendment contained in document E/CN.4/2003/L.111.

39. Statements in connection with the proposals were made by the representatives of India and Pakistan (on behalf of the Organization of the Islamic Conference).

40. At the same meeting, the amendment was adopted without a vote.

41. 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.

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

#### **Extrajudicial, summary or arbitrary executions**

43. At the same meeting, the representative of Sweden introduced draft resolution E/CN.4/2004/L.56/Rev.1, sponsored by Albania, Andorra, Armenia, Austria, Belgium, Bulgaria, Canada, Chile, Costa Rica, Croatia, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Guatemala, Hungary, Iceland, Ireland, Italy, Lithuania, Luxembourg, Malta, Mexico, the Netherlands, New Zealand, Norway, Poland, Romania, San Marino, Slovakia, Slovenia, Spain, Sweden, Switzerland, the United Kingdom of

Great Britain and Northern Ireland and Uruguay. Australia, Argentina, Brazil, Cyprus, Ecuador, Latvia, Liechtenstein, Madagascar, Nicaragua, Peru, Portugal, Serbia and Montenegro, South Africa, Swaziland, The former Yugoslav Republic of Macedonia, Ukraine and Venezuela subsequently joined the sponsors.

44. Statements in connection with the draft resolution 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) and Pakistan.

45. 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.

46. At the same meeting, statements in explanation of vote before the vote was made by the representatives of Sweden.

47. At the request of the representative of Pakistan, a separate and recorded vote was taken on paragraph 6 of the draft resolution. The paragraph was retained by 30 votes to 7, with 14 abstentions. The voting was as follows:

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

*Against:* Bahrain, Egypt, Indonesia, Pakistan, Qatar, Saudi Arabia, Sudan.

*Abstaining:* Burkina Faso, China, Congo, Eritrea, Gabon, Nigeria, Paraguay, Russian Federation, Sierra Leone, South Africa, Swaziland, Togo, Uganda, Zimbabwe.

48. Also at the same meeting, the representative of the United States of America made a statement in explanation of vote before the vote.

49. At the request of the representative of Pakistan, a recorded vote was taken on the draft resolution, which was adopted by 39 votes to none, with 12 abstentions. The voting was as follows:

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

*Against:* None.

*Abstaining:* Bahrain, Burkina Faso, China, Egypt, Indonesia, Pakistan, Qatar, Saudi Arabia, Sierra Leone, Sudan, Togo, Zimbabwe.

50. For the text of the resolution as adopted, see chapter II, section A, resolution 2004/37.

### **The incompatibility between democracy and racism**

51. At the same meeting, the representative of Brazil introduced draft resolution E/CN.4/2004/L.57, sponsored by Argentina, Brazil, Chile, China, Colombia, Costa Rica, Cuba, El Salvador, Guatemala, India, Romania, Turkey and Uruguay. Andorra, Albania, Armenia, Belarus, Bosnia and Herzegovina, Canada, Croatia, Cyprus, Ecuador, Egypt, France, Germany, Ireland, Israel, Italy, Mexico, Monaco, Morocco, Paraguay, Peru, Poland, Portugal, the Republic of Korea, the Russian Federation, Spain, Sri Lanka, Thailand, the United States of America and Venezuela subsequently joined the sponsors.

52. A statement in connection with the draft resolution was made by the representative of Chile.

53. The draft resolution was adopted without a vote. For the text as adopted, see chapter II, section A, resolution 2004/38.

### **Arbitrary detention**

54. At the same meeting, the representative of France introduced draft resolution E/CN.4/2004/L.58, sponsored by Andorra, Austria, Belgium, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Italy, Lithuania, Luxembourg, Malta, Monaco, the Netherlands, the Republic of Korea, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, the United Kingdom of Great Britain and Northern Ireland and Uruguay. Albania, Argentina, Armenia, Brazil, Bulgaria, Chile, Costa Rica, Croatia, Cyprus, Ecuador, Georgia, Guatemala, Ireland, Japan, Latvia, Liechtenstein, Madagascar, Mexico, Morocco, Nicaragua, Nigeria, Norway, Paraguay, Peru, Poland, Portugal, Serbia and Montenegro, South Africa, The former Yugoslav Republic of Macedonia, Ukraine and the United States of America subsequently joined the sponsors.

55. 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.

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

### **Question of enforced or involuntary disappearances**

57. At the same meeting, the representative of France introduced draft resolution E/CN.4/2004/L.59, sponsored by Andorra, Argentina, Austria, Belgium, Bolivia, Canada, the Czech Republic, Denmark, Ecuador, Estonia, Finland, France, Greece, Hungary, Iceland, Italy, Lithuania, Luxembourg, Malta, Mexico, Monaco, Peru, the Republic of Korea, Romania, San Marino, Slovakia, Slovenia, Spain, Switzerland, the United Kingdom of

Great Britain and Northern Ireland and Uruguay. Albania, Armenia, Brazil, Bulgaria, Chile, Costa Rica, Croatia, Cyprus, Georgia, Germany, Ireland, Japan, Latvia, Liechtenstein, Madagascar, Morocco, the Netherlands, Nicaragua, Nigeria, Norway, Paraguay, Poland, Portugal, Serbia and Montenegro, South Africa, Sweden, the former Yugoslav Republic of Macedonia and Ukraine subsequently joined the sponsors.

58. The representative of France orally revised paragraph 3 of the draft resolution.

59. A statement in connection with the draft resolution was made by the representative of the United States of America.

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

#### **Torture and other cruel, inhuman or degrading treatment or punishment**

61. At the same meeting, the observer for Denmark introduced draft resolution E/CN.4/2004/L.61, sponsored by Andorra, Armenia, Austria, Brazil, Bulgaria, Cameroon, Costa Rica, Croatia, Cyprus, the Czech Republic, Denmark, Ecuador, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Hungary, Ireland, Italy, Japan, Latvia, Lithuania, Luxembourg, Malta, Mexico, Monaco, the Netherlands, Panama, Poland, Portugal, the Republic of Korea, the Republic of Moldova, Romania, San Marino, Slovakia, Slovenia, Spain, Sweden, Turkey, Ukraine, the United Kingdom of Great Britain and Northern Ireland and Uruguay. Albania, Australia, Belgium, Chile, Mauritius, Morocco, Nicaragua, Paraguay, Peru, Serbia and Montenegro, The former Yugoslav Republic of Macedonia, the United States of America and Venezuela subsequently joined the sponsors.

62. The observer for Denmark orally revised paragraph 27 of the draft resolution.

63. 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.

64. The draft resolution, as orally revised, was adopted without a vote. For the text as adopted, see chapter II, section A, resolution 2004/41.

### **The right to freedom of opinion and expression**

65. At the same meeting, the observer for Canada introduced draft resolution E/CN.4/2004/L.65, sponsored by Albania, Andorra, Armenia, Australia, Austria, Belgium, Bulgaria, Canada, Croatia, Cyprus, Denmark, El Salvador, Estonia, Finland, France, Georgia, Greece, Guatemala, Iceland, India, Ireland, Italy, Japan, Liechtenstein, Lithuania, Luxembourg, Mexico, the Netherlands, New Zealand, Norway, Poland, the Republic of Korea, Romania, San Marino, Sierra Leone, Slovakia, Slovenia, Spain, Sweden, Switzerland, Turkey, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Uruguay. Argentina, Azerbaijan, Bosnia and Herzegovina, Brazil, Chile, Costa Rica, Côte d'Ivoire, the Czech Republic, Ecuador, Gabon, Germany, Hungary, Latvia, Madagascar, Malta, Morocco, Nigeria, Paraguay, Peru, Portugal, Serbia and Montenegro, South Africa, The former Yugoslav Republic of Macedonia, Ukraine and Venezuela subsequently joined the sponsors.

66. 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.

67. The draft resolution was adopted without a vote. For the text as adopted, see chapter II, section A, resolution 2004/42.

### **Human rights in the administration of justice, in particular juvenile justice**

68. At the same meeting, the representative of Austria introduced draft resolution E/CN.4/2004/L.66, sponsored by Albania, Andorra, Austria, Belgium, Brazil, Bulgaria, Cameroon, Canada, Costa Rica, Croatia, Cyprus, Denmark, Equatorial Guinea, Estonia, Ethiopia, Finland, Georgia, Germany, Guatemala, Hungary, Iceland, Ireland, Italy, Japan, Liechtenstein, Lithuania, Luxembourg, Mexico, the Netherlands, Norway, Paraguay, Poland, Portugal, Romania, Slovakia, Slovenia, Sweden, Switzerland, Turkey and the United Kingdom of Great Britain and Northern Ireland. Australia, Bosnia and Herzegovina, the Czech Republic, France, Greece, Latvia, Malta, Nicaragua, Peru, Serbia and Montenegro, The former Yugoslav Republic of Macedonia and Ukraine subsequently joined the sponsors.

69. The representative of the United States of America amended the draft resolution by proposing the deletion of operative paragraph 11.

70. At the request of the representative of Austria, a recorded vote was taken on the proposed amendment, which was rejected by 43 votes to 1, with 8 abstentions. The voting was as follows:

*In favour:* United States of America.

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

*Abstaining:* Bahrain, Burkina Faso, Egypt, Gabon, Honduras, India, Qatar, Uganda.

71. The draft resolution was adopted without a vote. For the text as adopted, see chapter II, section A, resolution 2004/43.

### **Human rights and terrorism**

72. At the same meeting, the observer for Algeria introduced draft resolution E/CN.4/2004/L.80, sponsored by Algeria, Bangladesh, China, Colombia, Congo, Côte d'Ivoire, Cuba, Eritrea, Ethiopia, Gabon, India, Indonesia, Kenya, Madagascar, Mali, Mauritania, Nigeria, Oman, Pakistan, Qatar, the Russian Federation, Saudi Arabia, Senegal, Sri Lanka, the Sudan, Swaziland, Togo, Tunisia, Turkey, Uganda, Viet Nam and Zimbabwe. Ecuador, Egypt, Nicaragua and the Philippines subsequently joined the sponsors. Oman subsequently withdrew as a sponsor.

73. Statements in explanation of vote before the vote were made by the representatives of Argentina, Chile, 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), India and the United States of America.

74. 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 31 votes to 14, with 8 abstentions. The voting was as follows:

*In favour:* Bahrain, Bhutan, Burkina Faso, China, Congo, Costa Rica, Cuba, Egypt, Eritrea, Ethiopia, Gabon, Honduras, India, Indonesia, Mauritania, Mexico, Nepal, Nigeria, Pakistan, 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, United Kingdom of Great Britain and Northern Ireland, United States of America.

*Abstaining:* Argentina, Armenia, Brazil, Chile, Dominican Republic, Guatemala, Paraguay, Ukraine.

75. For the text of the resolution as adopted, see chapter II, section A, resolution 2004/44.

### **Terrorism and human rights**

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

77. 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 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.

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

-----