



**Economic and Social  
Council**

Distr.  
LIMITED

E/CN.4/2004/L.10/Add.17  
22 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)**

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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.

## **XVII. Promotion and protection of human rights:**

### **(a) Status of the International Covenants on Human Rights;**

### **(b) Human rights defenders;**

### **(c) Information and education;**

### **(d) Science and the environment**

1. The Commission considered agenda item 17, at its 49th meeting, on 15 April, at its 57th and 58th meetings, on 21 April, at its 59th meeting, on 22 April 2004.

2. For the documents issued under agenda item 17, 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 49th meeting, on 15 April 2003, Ms. Hina Jilani, Special Representative of the Secretary-General on the situation of human rights defenders, introduced her report (E/CN.4/2004/94 and Add.1-3). At the 51st meeting, on 16 April 2004, during the ensuing interactive dialogue, the representative of Ireland (on behalf of the European Union) and the observer for Switzerland addressed questions to the Special Representative, to which she responded.

4. At the same meeting the Chairperson announced that the sponsors of decision 2003/118 had requested that consideration of the decision be deferred to the sixty-first session of the Commission. The Commission adopted a decision to that effect. For the text, see chapter II, section B, decision 2004/104.

5. In the general debate on agenda item 17, 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.

**Enhancement of international cooperation in the field of human rights**

6. At the 57th meeting, on 21 April 2004, the representative of Malaysia introduced draft resolution E/CN.4/2004/L.31 sponsored by Malaysia (on behalf of States members of the Non-Aligned Movement and China). Cambodia, Colombia and Nicaragua subsequently joined the sponsors.

7. The draft resolution was adopted without a vote. For the text, see chapter II, section A, resolution 2004/63.

**Promotion of a democratic and equitable international order**

8. Also at the same meeting, the representative of Cuba introduced draft resolution E/CN.4/2004/L.43, sponsored by Algeria, Angola, Bangladesh, Botswana, Cameroon, China, the Congo, Cuba, the Democratic People's Republic of Korea, the Democratic Republic of the Congo, Equatorial Guinea, Eritrea, Ethiopia, Iran (Islamic Republic of), Kenya, the Lao People's Democratic Republic, Lebanon, the Libyan Arab Jamahiriya, Myanmar, Nigeria, Pakistan, Panama, Qatar, Senegal, South Africa, the Sudan, Swaziland, the Syrian Arab Republic, Togo, Viet Nam, Yemen and Zimbabwe. Egypt, Mali and Mauritania subsequently joined the sponsors.

9. Statements in explanation of vote before the vote were made by the representatives of Ireland (on behalf of the States members of the European Union that are members of the Commission - Austria, 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).

10. 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 15, with 7 abstentions. The voting was as follows:

*In favour:* Bahrain, Bhutan, Brazil, Burkina Faso, China, Congo, Cuba, Dominican Republic, Egypt, Eritrea, Ethiopia, Gabon, Guatemala, India, Indonesia, Mauritania, Nepal, Nigeria, Pakistan, Paraguay, 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:* Argentina, Armenia, Chile, Costa Rica, Honduras, Mexico, Peru.

11. For the text, see chapter II, section A, resolution 2004/64.

**Promotion of peace as a vital requirement for the full enjoyment of all human rights by all**

12. At same meeting, the representative of Cuba introduced draft resolution E/CN.4/2004/L.68, sponsored by Algeria, Angola, Belarus, Botswana, Cameroon, China, Congo, Cuba, the Democratic Republic of the Congo, the Democratic People's Republic of Korea, Equatorial Guinea, Eritrea, the Islamic Republic of Iran, Kenya, the Lao People's Democratic Republic, the Libyan Arab Jamahiriya, Malaysia, Mozambique, Panama, Qatar, Rwanda, Sierra Leone, the Sudan, Swaziland, the Syrian Arab Republic, Togo, Tunisia, Uganda and Viet Nam. Burundi subsequently joined the sponsors.

13. Statements in explanation of vote before the vote were made by 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) and the United States of America.

14. 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 32 votes to 15, with 6 abstentions. The voting was as follows:

*In favour:* Armenia, Bahrain, Bhutan, Brazil, Burkina Faso, China, Congo, Cuba, Dominican Republic, Egypt, Eritrea, Ethiopia, Gabon, Guatemala, Indonesia, Mauritania, 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:* Argentina, Chile, Costa Rica, Honduras, India, Mexico.

15. For the text, see chapter II, section A, resolution 2004/65.

#### **Human rights and human responsibilities**

16. At the same meeting, the representative of China (on behalf of the Like-Minded Group) introduced draft decision E/CN.4/2004/L.79, sponsored by China and the members of the Like-Minded Group.

17. The representative of China orally revised the draft decision by deleting the words “duly structured” in subparagraph (b).

18. Statements in connection with the draft resolution were made by the representatives of Cuba, Egypt and Ireland (on behalf of the European Union).

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

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

*Against:* Argentina, 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:* Armenia, Eritrea.

20. For the text, see chapter II, section B, decision 2004/117.

### **Human rights and international solidarity**

21. At the same meeting, the representative of Cuba introduced draft resolution E/CN.4/2004/L.86, sponsored by Algeria, Angola, Burundi, Cameroon, Congo, Cuba, China, Democratic Republic of the Congo, Democratic Republic of Korea, Ecuador, Equatorial Guinea, Eritrea, Ethiopia, Kenya, Lao People's Democratic Republic, Libyan Arab Jamahiriya, Malaysia, Mozambique, Panama, Rwanda, Senegal, Sudan, Swaziland, Syrian Arab Republic, Togo, Tunisia, United Republic of Tanzania, Viet Nam and Yemen. Iran (Islamic Republic of) and Uganda subsequently joined the sponsors.

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

23. An explanation of vote before the vote was made by the representative of Ireland (on behalf of the States members of the European Union that are members of the Commission - Austria, France, Germany, Italy, 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).

24. At the request of the representative of Australia, a recorded vote was taken on the draft resolution, which was adopted by 37 votes to 15, with 1 abstention. 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, 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:* Qatar.

25. The draft resolution was adopted without a vote. For the text as adopted, see chapter II, section A, resolution 2004/66.

### **The question of the death penalty**

26. At the same meeting, the representative of Ireland (on behalf of the European Union) introduced draft resolution E/CN.4/2004/L.94, sponsored by Albania, Andorra, Angola, Argentina, Armenia, Australia, Austria, Belgium, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Chile, Colombia, Costa Rica, Croatia, Cyprus, the Czech Republic, Denmark, the Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Germany, Greece, Honduras, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mexico, Monaco, the Netherlands, New Zealand, Nicaragua, Norway, Panama,

Paraguay, Peru, Poland, Portugal, the Republic of Moldova, Romania, Samoa, San Marino, Serbia and Montenegro, Seychelles, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, The former Yugoslav Republic of Macedonia, Turkey, Ukraine, the United Kingdom of Great Britain and Northern Ireland, Uruguay and Venezuela. Azerbaijan, Iraq, Israel, Kiribati, Mauritius, Nicaragua and Ukraine subsequently joined the sponsors.

27. Statements in connection with the draft resolution were made by the representatives of India, Nigeria and Saudi Arabia (also on behalf of Bahrain, China, Egypt, Eritrea, Ethiopia, Indonesia, Japan, Mauritania, Nigeria, Qatar, Sierra Leone, the Sudan, Swaziland, Togo, Uganda and Zimbabwe), Sri Lanka and the United States of America.

28. At the request of the representative of India, a recorded and separate vote was taken on operative paragraphs 4 (j), 5 (a) and 7 of the draft resolution. They were retained by 25 votes to 20, with 7 abstentions. The voting was as follows:

*In favour:* Argentina, Armenia, Australia, Austria, Brazil, Chile, Congo, Costa Rica, Croatia, Dominican Republic, France, Germany, Honduras, Hungary, Ireland, Italy, Mexico, Netherlands, Paraguay, Peru, Russian Federation, South Africa, Sweden, Ukraine, United Kingdom of Great Britain and Northern Ireland.

*Against:* Bahrain, China, Cuba, Egypt, Eritrea, Ethiopia, India, Indonesia, Japan, Nigeria, Pakistan, Qatar, Saudi Arabia, Sierra Leone, Sudan, Swaziland, Togo, Uganda, United States of America, Zimbabwe.

*Abstaining:* Bhutan, Burkina Faso, Gabon, Guatemala, Nepal, Republic of Korea, Sri Lanka.

29. 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 29 votes to 19, with 5 abstentions. The voting was as follows:



*In favour:* Argentina, Armenia, Australia, Austria, Bhutan, Brazil, Chile, Congo, Costa Rica, Croatia, Dominican Republic, France, Gabon, Germany, Honduras, Hungary, Ireland, Italy, Mexico, Nepal, Netherlands, Paraguay, Peru, Russian Federation, South Africa, Swaziland, Sweden, Ukraine, United Kingdom of Great Britain and Northern Ireland.

*Against:* Bahrain, China, Egypt, Eritrea, Ethiopia, India, Indonesia, Japan, Mauritania, Nigeria, Pakistan, Qatar, Saudi Arabia, Sierra Leone, Sudan, Togo, Uganda, United States of America, Zimbabwe.

*Abstaining:* Burkina Faso, Cuba, Guatemala, Republic of Korea, Sri Lanka.

30. The representative of Swaziland stated that his delegation had intended to vote against the draft resolution.

31. The representative of India stated that his delegation had intended to abstain.

32. At the 59th meeting, on 22 April 2004, statements in explanation of vote after the vote were made by the representatives of Bhutan and the Sudan.

33. For the text, see chapter II, section A, resolution 2004/67.

### **Fundamental standards of humanity**

34. At the same meeting, the observer for Norway introduced draft decision E/CN.4/2004/L.103, sponsored by Canada, the Czech Republic, Denmark, Finland, Germany, Greece, Iceland, Mexico, Norway, Poland, South Africa, Sweden and Switzerland. Armenia, Australia, Ireland, Japan, Nicaragua and Ukraine subsequently joined the sponsors.

35. The draft decision was adopted without a vote. For the text see chapter II, section B, decision 2004/118.

### **Science and environment**

36. At the same meeting, the Commission had before it draft decision E/CN.4/2004/L.104, sponsored by Costa Rica, South Africa and Switzerland. Nicaragua subsequently joined the sponsors.

37. The draft decision was adopted without a vote. For the text see chapter II, section B, decision 2004/119.

### **Human rights defenders**

38. At the same meeting, the observer for Norway introduced draft resolution E/CN.4/2004/L.107, sponsored by Albania, Andorra, Argentina, Armenia, Australia, Austria, Belgium, Brazil, Cameroon, Canada, Chile, Costa Rica, Croatia, Cyprus, the Czech Republic, Denmark, the Dominican Republic, Ecuador, Equatorial Guinea, Estonia, Finland, France, Georgia, Germany, Ghana, Greece, Guatemala, Honduras, Hungary, Iceland, Ireland, Italy, Japan, Kenya, Latvia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malta, Mexico, Monaco, Morocco, the Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Pakistan, Paraguay, Peru, Poland, Portugal, the Republic of Korea, the Republic of Moldova, Romania, San Marino, Senegal, Serbia and Montenegro, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sweden, Switzerland, The former Yugoslav Republic of Macedonia, Timor-Leste, Turkey, Ukraine, the United Kingdom of Great Britain and Northern Ireland, Uruguay and Venezuela.

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 2004/68.

### **Status of the International Covenant on Human Rights**

41. At the same meeting, the representative of Finland introduced draft resolution E/CN.4/2004/L.108, sponsored by Albania, Argentina, Austria, Belgium, Bulgaria, Canada, Chile, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mexico, Netherlands, New Zealand, Norway, Poland, Portugal, the Republic of Moldova, Romania, Slovakia, Slovenia, South Africa, Spain, Sweden and

The former Yugoslav Republic of Macedonia. Australia, Brazil, Japan, Nicaragua, Paraguay, Peru, Portugal, Serbia and Montenegro, Switzerland and Ukraine subsequently joined the sponsors.

42. The observer for Finland orally revised the draft resolution by modifying operative paragraph 2.

43. The representative of the United States of America proposed to amend the draft resolution by modifying the same paragraph.

44. Statements in connection with the draft resolution were made by the representatives of Japan, Sweden, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

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 request of the representative of Sweden, a recorded vote was taken on the proposal to amend operative paragraph 2, which was retained by 40 votes to 5, with 8 abstentions. The voting was as follows:

*In favour:* Bahrain, India, Indonesia, Saudi Arabia, United States of America.

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

*Abstaining:* Bhutan, Burkina Faso, China, Cuba, Egypt, Pakistan, Qatar, Sudan.

47. The draft resolution, as orally revised, was adopted without a vote. For the text, see chapter II, section A, resolution 2004/69.

### **The role of good governance in the promotion of human rights**

48. Also at the same meeting, the observer for Poland introduced draft resolution E/CN.4/2004/L.85, sponsored by Albania, Andorra, Argentina, Armenia, Australia, Belgium, Bulgaria, Cameroon, Canada, Chile, Colombia, Croatia, Cyprus, the Czech Republic, the Democratic Republic of the Congo, Denmark, Ecuador, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Hungary, Iceland, India, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malta, Mexico, Morocco, Nepal, the Netherlands, New Zealand, Nicaragua, Norway, Peru, Poland, Portugal, Qatar, the Republic of Korea, the Republic of Moldova, Romania, San Marino, Senegal, Serbia and Montenegro, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, Thailand, The former Yugoslav Republic of Macedonia, Ukraine, the United Kingdom of Great Britain and Northern Ireland and the United States of America. Bosnia and Herzegovina, Cambodia, Gabon, Iraq, Nigeria, Paraguay, the Philippines and Sierra Leone subsequently joined the sponsors.

49. The representative of Cuba amended the draft resolution by proposing the deletion of the eighth preambular paragraph.

50. Statements in connection with the draft resolution were made by the representatives of Cuba, Chile and the Republic of Korea.

51. At the request of the representative of Cuba, a recorded vote was taken on the proposed deletion of the eighth preambular paragraph, which was adopted by 41 votes to 1, with 11 abstentions. The voting was as follows:

*In favour:* Argentina, Armenia, Australia, Austria, Bahrain, Bhutan, Brazil, Burkina Faso, Chile, Congo, Costa Rica, Croatia, Dominican Republic, France, Germany, Guatemala, Honduras, Hungary, India, Indonesia, Ireland, Italy, Japan, Mexico, Nepal, Netherlands, Nigeria, 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, Zimbabwe.

*Against:* Cuba.

*Abstaining:* China, Egypt, Eritrea, Ethiopia, Gabon, Mauritania, Pakistan, Saudi Arabia, Sudan, Swaziland, Togo.

52. An explanation of his delegation's position was made by the representative of Cuba.

53. The draft resolution was adopted without a vote. For the text, see chapter II, section A, resolution 2004/70.

#### **Follow-up to the United Nations Decade for Human Rights Education**

54. At the same meeting, the representative of Costa Rica introduced draft resolution E/CN.4/2004/L.109, sponsored by Austria, Bolivia, Congo, Costa Rica, Croatia, Chile, the Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, India, Mexico, Monaco, Nicaragua, Peru, Portugal, the Russian Federation, San Marino, Slovakia, Spain, Thailand, Uruguay and Venezuela. Andorra, Argentina, Armenia, Australia, Bangladesh, Belarus, Belgium, Canada, the Czech Republic, Georgia, Germany, Ireland, Japan, Malta, Morocco, Nigeria, Paraguay, the Republic of Korea, Romania, The former Yugoslav Republic of Macedonia and Ukraine subsequently joined the sponsors.

55. At the 59th meeting, on 22 April 2004, a statement in explanation of his delegation's position was made by the representative of the United Kingdom of Great Britain and Northern Ireland.

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

## **Impunity**

57. At the same meeting, the observer for Canada introduced draft resolution E/CN.4/2004/L.110, sponsored by Andorra, Belgium, Canada, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Guatemala, Iceland, Ireland, Italy, Liechtenstein, Lithuania, Luxembourg, Mexico, the Netherlands, New Zealand, Norway, Paraguay, Peru, the Republic of Korea, Romania, Sierra Leone, Slovakia, Slovenia, South Africa, Sweden, Switzerland and the United Kingdom of Great Britain and Northern Ireland. Argentina, Armenia, Austria, Bosnia and Herzegovina, Croatia, Ecuador, Georgia, Honduras, Hungary, Iraq, Japan, Latvia, Malta, Nicaragua, Serbia and Montenegro, Spain and The former Yugoslav Republic of Macedonia subsequently joined the sponsors.

58. The representative of the United States of America proposed to amend the draft resolution by modifying the eighth preambular paragraph and operative paragraph 9. She further proposed the deletion of operative paragraph 8.

59. Statements in connection with the draft resolution were made by the representatives of Pakistan and the United States of America.

60. At the request of the representative of Ireland (on behalf of the European Union), a recorded vote was taken on the proposal to amend the eighth preambular paragraph, which was rejected by 36 votes to 9, with 8 abstentions. The voting was as follows:

*In favour:* Bahrain, Bhutan, Eritrea, India, Indonesia, Pakistan, Qatar, Saudi Arabia, United States of America.

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

*Abstaining:* China, Cuba, Gabon, Mauritania, Nepal, Sri Lanka, Swaziland, Togo.

61. At the request of the representative of Ireland (on behalf of the European Union), a recorded vote was taken on the proposal to delete operative paragraph 8, which was rejected by 35 votes to 5, with 13 abstentions. The voting was as follows:

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

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

*Abstaining:* Bhutan, Burkina Faso, China, Cuba, Egypt, Gabon, Indonesia, Mauritania, Nepal, Pakistan, Sri Lanka, Swaziland, Togo.

62. At the request of the representative of Ireland (on behalf of the European Union), a recorded vote was taken on the proposal to amend operative paragraph 9, which was rejected by 34 votes to 8, with 11 abstentions. The voting was as follows:

*In favour:* Eritrea, Ethiopia, India, Mauritania, Pakistan, Qatar, Saudi Arabia, United States of America.

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

*Abstaining:* Bhutan, China, Cuba, Egypt, Gabon, Indonesia, Nepal, Sri Lanka, Sudan, Swaziland, Togo.

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. Statements in explanation of their respective delegation's positions were made by the representatives of India, the Russian Federation and the United States of America.

65. The draft resolution was adopted without a vote. For the text, see chapter II, section A, resolution 2004/72.

### **Human rights and bioethics**

66. At the same meeting, the Commission had before it draft decision 2 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, sect. B).

67. 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.

68. 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 50 votes to 2, with 1 abstention. 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, 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, Sudan, Swaziland, Sweden, Togo, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, Zimbabwe.



*Against:* Egypt, United States of America.

*Abstaining:* Saudi Arabia.

69. At the 59th meeting, on 22 April 2004, a statement in explanation of vote after the vote was made by the representative of Egypt.

70. For the text, see chapter II, section B, decision 2004/120.

#### **United Nations Decade for Human Rights Education, 1995-2004**

71. At the same meeting, the Commission had before it draft decision 3 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, sect. B).

72. The representative of Costa Rica orally proposed an amendment to the draft decision.

73. The amendment was adopted without a vote.

74. For the text, see chapter II, section B, decision 2004/121.

#### **Human rights implications, particularly for indigenous people, of the disappearance of States for environmental reasons**

75. At the same meeting, the representative of the United Kingdom of Great Britain and Northern Ireland introduced document E/CN.4/2004/L.49 containing an amendment to draft decision 6 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, sect. B). Canada, France, Italy, Luxembourg and the Netherlands subsequently joined the sponsors.

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 decision.

77. The amendment was adopted without a vote.

78. The draft decision, as amended, was adopted without a vote. For the text, see chapter II, section B, decision 2004/122.

### **The universal implementation of international human rights treaties**

79. At the same meeting, the Commission had before it draft decision 7 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, sect. B).

80. 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.

81. For the text, see chapter II, section B, decision 2004/123.

### **The prevention of human rights violations caused by the availability and misuse of small arms and light weapons**

82. At the same meeting, the Commission had before it draft decision 10 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, sect. B).

83. 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 49 votes to 2, with 2 abstentions. The voting was as follows:

*In favour:* Argentina, Armenia, Australia, Austria, Bhutan, Brazil, Burkina Faso, Chile, China, Congo, Costa Rica, Croatia, Cuba, Dominican Republic, Egypt, Eritrea, 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, Sudan, Swaziland, Sweden, Togo, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, Zimbabwe.

*Against:* Ethiopia, United States of America.

*Abstaining:* Bahrain, Saudi Arabia.

84. For the text, see chapter II, section B, decision 2004/124.

**Protection of human rights and fundamental freedoms while countering terrorism**

85. At the 58th meeting, on the same day, the representative of Mexico introduced draft resolution E/CN.4/2004/L.106, sponsored by Argentina, Austria, Bolivia, Brazil, Canada, Costa Rica, Cyprus, the Czech Republic, Chile, Denmark, Ecuador, Equatorial Guinea, El Salvador, Estonia, France, Germany, Greece, Guatemala, Honduras, Hungary, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Mexico, Monaco, the Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain and the United Kingdom of Great Britain and Northern Ireland. Armenia, Bosnia and Herzegovina, Bulgaria, Croatia, the Dominican Republic, Iceland, Japan, South Africa, Togo, Ukraine and Venezuela subsequently joined the sponsors.

86. The representative of Mexico orally revised operative paragraph 10.

87. The representative of India proposed to amend the draft resolution by adding a new paragraph after operative paragraph 7 and modifying operative paragraph 10.

88. Statements in connection with the draft resolution were made by the representatives of India and Mexico.

89. Statements in explanation of vote before the vote were made by the representatives of China, Cuba and Sri Lanka.

90. At the request of the representative of Mexico a recorded vote was taken on the proposal to insert a new operative paragraph, which was rejected by 26 votes to 22, with 5 abstentions. The voting was as follows:

*In favour:* Bahrain, Bhutan, Burkina Faso, China, Cuba, Egypt, Ethiopia, Gabon, India, Indonesia, Mauritania, Nepal, Pakistan, Qatar, Russian Federation, Saudi Arabia, Sierra Leone, South Africa, Sri Lanka, Sudan, Uganda, Zimbabwe.

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

*Abstaining:* Australia, Eritrea, Nigeria, Swaziland, United States of America.

91. At the request of the representative of Mexico a recorded vote was taken on the proposal to amend operative paragraph 10, which was rejected by 27 votes to 22, with 4 abstentions. The voting was as follows:

*In favour:* Bahrain, Bhutan, Burkina Faso, China, Cuba, Egypt, Eritrea, Ethiopia, Gabon, India, Indonesia, Mauritania, Nepal, Pakistan, Qatar, Russian Federation, Saudi Arabia, Sierra Leone, South Africa, Sri Lanka, Sudan, Zimbabwe.

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

*Abstaining:* Australia, Nigeria, Swaziland, United States of America.

92. 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.

93. The draft resolution, as revised, was adopted without a vote. For the text, see chapter II, section A, resolution 2004/87.

**Question of arbitrary detention in the area of the United States naval base in Guantánamo**

94. At the 59th meeting, on 22 April 2004, the representative of Cuba introduced draft resolution E/CN.4/2004/L.88/Rev.2, sponsored by Cuba, and subsequently withdrew it.

95. A statement in connection with the draft resolution was made by the representative of Germany.

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