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COMMISSION ON HUMAN RIGHTS

Sixtieth session

SUMMARY RECORD OF THE 61st MEETING

Held at the Palais des Nations, Geneva,  
on Friday, 23 April 2004, at 3 p.m.

Chairperson: Mr. SMITH (Australia)

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GE.04-14080 (EXT)

*The meeting was called to order at 3 p.m.*

ORGANIZATION OF THE WORK OF THE SESSION (agenda item 3) (*continued*)

1. The CHAIRPERSON invited the members of the Commission to continue consideration of the draft decision on the situation of human rights in the Sudan, introduced by the Congo on behalf of the African Group).

2. Mr. WILLIAMSON (United States of America) proposed two amendments to the draft decision. The first amendment would be to add a new paragraph 3 bis, which would read: "The Commission expresses deep concern at the grave violations of human rights and international humanitarian law in Darfur, in particular, reports of systematic attacks on civilians, targeting of villages and centres for internally displaced persons and of civilians by Janjaweed militia groups; the removal by force of, inter alia, Fur, Zaghawa and Masalit communities from their villages; the lack of adequate protection of and assistance to civilians by the Government of the Sudan and the widespread recourse to rape and other forms of sexual violence, including against children, as a means of warfare in violation of both human rights law and international humanitarian law". The second amendment would be to recast paragraph 9 to read: "The Commission calls upon the Government of the Sudan to actively promote and protect human rights and international humanitarian law throughout the country; to ensure that all attacks against civilians in Darfur are stopped with immediate effect, these attacks having led to grave violations of human rights and to the forced de-population of entire areas in the region, and to cease all support, including the provision of supplies, to the Janjaweed militia, further aggravating the most precarious situation of internally displaced persons in the regions. The Commission also calls on the international community to expand its support for these activities and to continue its support for the peace process in the Sudan". His delegation requested that the two proposed amendments be considered separately.

3. Mr. MENGA (Congo), speaking on behalf of the African Group, asked for the meeting to be suspended to be able to consider the two proposed amendments.

*The meeting was suspended at 3.10 p.m. and resumed at 3.40 p.m.*

4. Mr. MENGA (Congo) said that the two amendments proposed by the United States delegation constituted a prejudgment, since the fact-finding mission sent to the Sudan by the United Nations Secretary-General to investigate the situation on the ground had not yet submitted its conclusions. Thus, the amendments were out of place in the draft decision at the current stage of negotiations, and the African Group categorically rejected them.

5. Ms. HERRERA (Cuba) thanked the African Group and the delegation of the Sudan for their efforts to reach a consensus on the draft decision. The Cuban delegation deeply regretted that the consensus had been called into question at the last minute. For that reason, it rejected the amendments proposed by the United States.

6. Mr. WILLIAMSON (United States of America) said that the amendments proposed by his delegation were nothing other than passages from draft resolution E/CN.4/2004/L.36 submitted under agenda item 9. The Commission should be more concerned about the suffering of the Sudanese population than about a consensus. He asked for a separate vote on each of the proposed amendments.

7. Mr. MARTABIT (Chile) deeply regretted that the Commission was deadlocked, although the negotiations on the draft decision had been on the verge of completion thanks to the good will of the African Group, the European Union and many delegations. The worst that could happen would be for the Commission not to take solemn note of the seriousness of the situation in the Sudan. It was solely out of a desire to help the Commission take a constructive decision on the subject before the end of the current session that his delegation would abstain.

8. Ms. WHELAN (Ireland) said that the member States of the European Union would vote in favour of the amendments proposed by the United States delegation, because they were based on the text which the European Union had itself proposed. However, they would continue to support the draft decision agreed on by the African Group and the European Union.

9. Ms. GABR (Egypt) said that the proposed amendments reproduced the proposals already made by the European Union under agenda item 9. However, the draft decision before the Commission was under agenda item 3. The United States delegation was attempting a procedural diversion, and her delegation would therefore vote against the amendments.

10. Mr. UMER (Pakistan) said that it would be preferable to await the return of the mission to the Sudan before making any statements like those by the United States delegation in its proposed amendments. His delegation was surprised that the European Union supported the amendments although it had only just reached a consensus on the draft decision introduced by the African Group, which was itself opposed to the amendments.

11. *At the request of the representative of the United States of America, a registered vote was taken on its proposed amendment to add a paragraph 3 bis to the draft decision.*

*In favour:* Armenia, Australia, Austria, Costa Rica, Croatia, Dominican Republic, France, Germany, Guatemala, Honduras, Hungary, Ireland, Italy, Japan, Netherlands, Peru, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America.

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

*Abstaining:* Argentina, Brazil, Chile, Mexico, Paraguay, Republic of Korea, Uganda, Ukraine.

12. *The amendment proposed by the United States delegation to add a paragraph 3 bis to the draft decision was rejected by 26 votes to 19, with 8 abstentions.*

13. *At the request of the representative of the United States of America, a registered vote was taken on its proposed amendment to paragraph 9 of the draft decision.*

*In favour:* Armenia, Australia, Austria, Costa Rica, Croatia, Dominican Republic, France, Germany, Guatemala, Honduras, Hungary, Ireland, Italy, Japan, Netherlands, Peru, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America.

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

*Abstaining:* Argentina, Brazil, Chile, Mexico, Paraguay, Republic of Korea, Uganda, Ukraine.

14. *The amendment proposed by the United States delegation to paragraph 9 of the draft decision was rejected by 26 votes to 19, with 8 abstentions.*

Explanations of vote before the vote

15. Mr. MAXWELL HEYWARD (Australia) said that his delegation had voted in favour of the amendments proposed by the United States because it was deeply concerned at the grave violations of human rights and humanitarian law in Darfur and at the failure of the Government of the Sudan to protect or assist civilians. It strongly supported the statements by the United Nations Secretary-General expressing his profound concern about the situation. Australia called upon the Government of the Sudan to fulfil its obligations to protect human rights throughout the Sudan and to ensure that humanitarian organizations had safe and unhindered access to Darfur, and it urged all parties to respect the ceasefire agreement.

16. His delegation did not believe that the unamended text of the draft decision reflected the seriousness of the situation in Darfur. Therefore, it would abstain in the vote on the draft decision, but on no account did that mean that it did not support the action which the draft recommended. Australia was of the firm view that the Commission should establish a new mechanism to investigate, report and formulate recommendations on the very serious human rights situation in Darfur. If the draft decision was adopted, Australia would give its full support to the independent expert to be appointed by the Chairperson. In closing, he noted that the delegations of New Zealand, Canada and Switzerland wished to be associated with his comments.

17. Ms. GABR (Egypt) said that her delegation remained convinced that condemnations were not the most effective way of advancing the cause of human rights. Africa and its institutions were actively working to serve that cause through dialogue and cooperation. For that reason, the African Group and the European Union had succeeded in agreeing on a text which was to the satisfaction of all parties. It should be pointed out that the Sudan was in a difficult situation but was determined to ensure the development of all its citizens throughout its territory. It had agreed to allow a team visit its territory to investigate the human rights situation and had extended its full cooperation to it. Her delegation would vote in favour of the draft decision introduced by the African Group.

18. Mr. MARTABIT (Chile) said that his delegation would vote unreservedly in favour of the draft decision, which it had supported from the outset, because it had confidence in the organizations, in particular the African Group and the European Union, and the countries endorsing the draft. The fact that his delegation had abstained in the vote on the amendments proposed by the United States should on no account be interpreted as an intention to undermine the draft decision. His delegation would also fully support the independent expert appointed by the Chairperson.

19. Mr. NAGGAGA (Uganda) said that his delegation had participated actively in the consultations on the draft decision. It had abstained in the vote on the amendments proposed by the United States because they reproduced passages from draft resolution E/CN.4/2004/L.36 submitted by the European Union, and it had already abstained in the vote on that draft resolution. However, it would vote in favour of the draft decision when it was put to a vote.

20. *At the request of the representative of the United States, a registered vote was taken on draft decision E/CN.4/2004/FUTURE.6 on the situation of human rights in the Sudan.*

*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, United Kingdom of Great Britain and Northern Ireland, Zimbabwe.

*Against:* United States of America.

*Abstaining:* Australia, Ukraine.

21. *Draft decision E/CN.4/2004/FUTURE.6 on the situation of human rights in the Sudan was adopted by 50 votes to 1, with 2 abstentions.*

Explanations of vote after the vote

22. Ms. BIKE (Gabon) regretted that, notwithstanding the efforts made, in particular by the African Group and the European Union, and despite universal concern about the situation in Darfur, the Commission had not been able to take a consensus decision. For a number of years, Gabon had participated in mediation and conflict prevention initiatives in a number of African countries, and for that reason, it was following with great interest the mediation conducted by Chad, which had led to the signing of a cease-fire; the latter should be consolidated by the talks that had already resumed in Ndjamena between the Darfur rebels and the Government. Her delegation paid tribute to the European Union for its constructive attitude during the negotiations with the African Group. It saluted the courage, spirit of openness and good will shown by the Sudan in taking measures and accepting regional and international aid. Gabon hoped that all those initiatives, including the implementation of an effective control and monitoring mechanism, would help restore peace and stability in Darfur very soon.

23. Mr. DA ROCHA PARANHOS (Brazil) said that his delegation had voted in favour of what was a well-balanced draft decision that contained measures which could help restore peace in the Sudan. Brazil was closely following the negotiation process taking place in the Sudan and hoped that the conflict and tensions would be rapidly overcome.

24. Mr. BELASHOV (Ukraine) said that his delegation was very concerned about the human rights situation in the Sudan. The Commission should refrain from taking a decision pending the conclusions of the fact-finding mission which the Secretary-General had sent to the Sudan with the agreement of the Sudanese Government. For that reason, his delegation had abstained in the vote on the draft decision.

25. Mr. RAHAMTALLA (Sudan) said that after protracted negotiations, the Commission had arrived at a consensus on the situation in Darfur. His delegation had demonstrated transparency and a spirit of cooperation towards all delegations. The international community must help the Sudan in its efforts to remedy the situation in Darfur peacefully and equitably. His Government would give serious consideration to the decision of the Commission. The statement by the delegation of the United States at the previous meeting had been a web of exaggerations and

unfounded allegations. The Commission had analysed that statement very wisely, taking into account the presence in the Sudan of a team sent by the Office of the High Commissioner. Certain persons with fixed political views about the Sudan had circulated the rumour that the Government of the Sudan had prevented the High Commissioner's delegation from going to Darfur. That was completely untrue. The United States had also asserted that there had been more than 30,000 victims in Darfur. Such a figure evidently came from a source known only to the United States. It should also be pointed out that the Ambassador of the United States in the region had gone to Darfur in the company of the Sudanese Minister for Foreign Affairs and that at the end of his visit he had not made any statement containing allegations similar to those formulated in the Commission by the United States delegation. In closing, his delegation expressed its appreciation to all delegations, and in particular to the African Group and the European Union, for their efforts.

CONSIDERATION OF DRAFT RESOLUTIONS RELATING TO AGENDA ITEM 9  
(continued)

Draft resolution E/CN.4/2004/L.36 (Situation of human rights in the Sudan)

26. The CHAIRPERSON noted that the situation of human rights in the Sudan had already been considered in the discussion on the draft decision on the situation of human rights in the Sudan (E/CN.4/2004/FUTURE.6) under agenda item 3 and that therefore it was not necessary for the Commission to vote on the draft resolution.

27. Mr. WILLIAMSON (United States of America) said that, although the Commission had already taken up the situation of human rights in the Sudan, the sponsors would like draft resolution E/CN.4/2004/L.36 to be considered. The seriousness of the situation in the region of Darfur called for a strong response by the Commission. The Secretary-General himself had spoken of ethnic cleansing in referring to the tragic events which had unfolded in that region. Thirty thousand persons had been killed and 900,000 displaced, and there was a danger of a terrible famine in which tens of thousands might well perish. According to reports broadcast by the BBC, 160 civilians had been killed since the ceasefire had begun. The High Commissioner for Human Rights had also reported numerous violations of human rights in Darfur, including killings of civilians, the use of rape and sexual violence as a weapon of war and massive displacements of persons. When the mission sent to the Sudan by the High Commissioner returned, his Government would call for the convening of a special session of the Commission. Ten years from now, the international community would not be able to say that it had not known about the situation in the Sudan. On behalf of the victims, the Commission was duty-bound to firmly condemn the many violations committed in the Sudan. For the moment, it was not living up to its responsibilities in that regard.

28. The CHAIRPERSON informed the Commission that 13 additional States had joined the sponsors. The draft resolution had financial implications, details of which were set out in a text which had been circulated.

29. Mr. MENGA (Congo), speaking on behalf of the African Group, said that its members had not expected the question of the situation of human rights in the Sudan to be considered again in the Commission after the adoption of the draft decision on the same subject; he asked for a suspension to enable the members of the African Group to meet.

30. Mr. MORA GODOY (Cuba), speaking on a point of order, said that the question of the situation of human rights in the Sudan had already been the subject of a decision under agenda item 3 and that, in accordance with rule 65 of the rules of procedure of the functional commissions of the Economic and Social Council, it was up to the Commission to decide whether it must take a decision on that second proposal. His delegation believed that the Commission should not vote on draft resolution L.36, because it would be a waste of time. It asked the Chairperson to take a decision.

31. The CHAIRPERSON said that, in his view, rule 65 of the rules of procedure applied if two proposals dealing with the same question were considered under the same agenda item. As that was not the case, there was no reason why the draft resolution in question should not be considered.

*The meeting was suspended at 4.20 p.m. and resumed at 4.35 p.m.*

32. Mr. MENGA (Congo), speaking on behalf of the African Group, said that the Commission did not have to reopen consideration of the situation of human rights in the Sudan, and he therefore asked for an adjournment of the debate on the question in accordance with rule 49 of the rules of procedure of the functional commissions of the Economic and Social Council.

33. The CHAIRPERSON pointed out that, pursuant to rule 49 of the rules of procedure, permission to speak on a motion to adjourn debate was accorded only to two representatives favouring and to two opposing the adjournment, after which the motion was put to the vote immediately.

34. Mr. ROUSHDY (Egypt) and Mr. MORA GODOY (Cuba) supported the motion to adjourn the debate introduced by the representative of the Congo.

35. Mr. ZAPATA (Honduras) said that an adjournment of the debate would be contrary to the interests of the victims of human rights violations in the Sudan and that the Commission must firmly condemn the violations committed. For that reason, he was categorically opposed to the motion to adjourn the debate.

36. Mr. WILLIAMSON (United States of America) regretted that, for the situation of human rights in the Sudan, the Commission had devoted so much time to procedural discussions. Given that it would be most regrettable for the Commission not to have a discussion of substance on a situation which the Secretary-General had termed one of "ethnic cleansing", his delegation was opposed to the motion to adjourn the debate.

37. *In accordance with rule 49 of the rules of procedure of the functional commissions of the Economic and Social Council, a registered vote was taken on the motion introduced by the Congolese delegation to adjourn the debate on the situation of human rights in the Sudan.*

*In favour:* Bahrain, Bhutan, Burkina Faso, China, Congo, Cuba, Egypt, Eritrea, 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:* Australia, Costa Rica, Guatemala, Honduras, Paraguay, Peru, United States of America.

*Abstaining:* Argentina, Armenia, Austria, Brazil, Chile, Croatia, Dominican Republic, France, Germany, Hungary, Ireland, Italy, Japan, Mexico, Netherlands, Republic of Korea, Sweden, Ukraine, United Kingdom of Great Britain and Northern Ireland.

38. *The motion to adjourn the debate on the situation of human rights in the Sudan was adopted by 27 votes to 7, with 19 abstentions.*

Explanations of vote after the vote concerning draft resolutions or decisions considered under agenda item 9

39. Ms. GABR (Egypt) regretted that the Commission, adopting a selective approach, preferred to criticize and accuse countries rather than recognize their efforts and the progress they had made at national and regional levels in protecting human rights. Such an approach politicized the discussions and undermined the Commission's credibility. If there was to be any hope of really improving people's well-being, the Commission should establish specific criteria based on cooperation and dialogue in order to avoid confrontations among its members and should refrain from adopting resolutions condemning specific countries.

40. Mr. STEINER (Germany) said that the decision which the Commission had had to take on the situation of human rights in the Sudan had been the most difficult one of the session. The Commission had received reports from a number of sources of gross, systematic violations of human rights and international humanitarian law in Darfur. That very day it had learned of reports of new massacres perpetrated by the militia in the region. On 7 April 2004, the International Day of Reflection on the 1994 Genocide in Rwanda, the members of the Commission had all regretted that they had not acted, although they had had information about what had been happening, and they had promised not to repeat the same mistake.

41. Draft decision E/CN.4/2004/FUTURE.6 on the question adopted under agenda item 3 did not fully reflect the concerns of his delegation, which would have preferred a stronger text establishing a monitoring mechanism. However, although far from perfect, the draft decision did contain a call for action. It set up a regular mechanism to report to the Commission and the General Assembly, and it requested the parties to the conflict to grant immediate and unhindered access to Darfur. It also had the backing of the regional group concerned and overwhelming support in the Commission. For those reasons, his delegation had abstained in the vote on the motion to adjourn the debate on the situation of human rights in the Sudan.

42. Mr. DA ROCHA PARANHOS (Brazil), speaking on behalf of Argentina and Paraguay, said that the three countries had decided to abstain in the vote on draft resolution E/CN.4/2004/L.13 on the situation of human rights in Cuba, believing that that text would not help improve the situation. Argentina, Paraguay and Brazil reaffirmed their commitment to democratic principles and institutions, the rule of law, and human rights and fundamental freedoms, as well as their support of the universal system for the promotion and protection of human rights, and in particular the work of the Commission. They reaffirmed how important it was for all States to ensure the full exercise of all human rights, both economic, social and cultural, and civil and political, in keeping with the Vienna Declaration. The Governments of Argentina, Paraguay and Brazil would draw attention to the importance of those principles in their dialogue with the Government of Cuba.

43. Mr. OWOSENI (Nigeria), speaking on all the resolutions considered under agenda item 9, said that to maintain its credibility, the Commission must avoid politicization of its debates,



selectivity or blacklisting of certain countries. Unfortunately, most of the votes on draft resolutions had been characterized by double standards, political motivations and pressure, and his delegation had been unable to accept such biased draft resolutions, which undermined the Commission's goals. The Commission should address violations in all parts of the world, whether in developed or developing countries, and it should not consider situations through the narrow prism of civil and political rights, but must also ensure respect for economic, social and cultural rights, the exercise of which had concrete benefits for people. Unfortunately, instead of acknowledging progress made in the countries targeted, the sponsors of draft resolutions had preferred to issue condemnations for purely political reasons, which could only be counterproductive. For that reason, his delegation had voted against those draft resolutions and in favour of the no-action motions in their regard. It had supported only those few draft resolutions in which practical solutions had been proposed to the problems of the countries concerned, such as the drafts on the Democratic Republic of the Congo, Burundi or the Sudan, and in so doing had facilitated their adoption by consensus. With regard to the situation in those three countries, his delegation welcomed the good will shown by the sponsors, in particular the European Union, which had made it possible to overcome the differences between it and the African Group. Nigeria hoped that in the future the sponsors of country-specific resolutions would avoid using them to settle political scores and would demonstrate impartiality so that together, all the members of the Commission could find effective, lasting solutions to the difficulties which some States faced in various parts of the world, including in Africa.

44. Mr. ROWE (Sierra Leone) said that he was saddened by the divisions in the Commission in the face of the tragic situation in Darfur and regretted that it had been necessary to vote on the subject. However, his delegation was pleased that the Commission had succeeded in bringing the question of the situation in the Sudan to the attention of the international community and that, regardless of how firm its position was, it had been able to make its voice heard. With the cooperation of the European Union and the African Union, the Commission had assumed its responsibility. The problems of the Sudan would not go away, but the Commission had at least discharged its duty as subsidiary body of the Economic and Social Council, and it was up to the Security Council to take measures on the Sudan.

45. Mr. THORNE (United Kingdom of Great Britain and Northern Ireland) said that his delegation had abstained in the vote on the motion to adjourn the debate on draft resolution E/CN.4/2004/L.36, not because it disapproved of the content of the draft resolution, but because the Commission had already adopted a decision on the situation of human rights in the Sudan. Sharing the point of view of Germany, the United Kingdom was pleased that the situation in the region of Darfur was now commented on in the press. Given that it would have preferred the Commission to have adopted a more firm position on the situation in the Sudan, his delegation had voted in favour of the two amendments to draft decision E/CN.4/2004/FUTURE.6 proposed by the United States. It hoped that the Sudanese Government would cooperate fully with the mechanism mandated to consider the situation in the country and the high-level team sent to Darfur at the initiative of the High Commissioner. The United Kingdom asked the Chairperson of the Commission to ensure that all the necessary measures were taken so that the independent expert on the situation of human rights in the Sudan could be appointed without delay.

46. Mr. KESSEDJIAN (France) said that his delegation shared the deep concern expressed about the situation in the Sudan and in particular in Darfur, and it thanked all those who had made efforts to arrive at a truly consensual decision which included a mechanism to monitor and follow up the situation. France called upon the High Commissioner for Human Rights and the

Sudanese authorities to do their utmost to promote the cooperation on human rights needed on the ground and to take urgent action on the decision.

47. The CHAIRPERSON said that the Commission had thus completed its consideration of agenda item 9.

- (a) DRAFT PROVISIONAL AGENDA FOR THE SIXTY-FIRST SESSION OF THE COMMISSION
- (b) REPORT TO THE ECONOMIC AND SOCIAL COUNCIL ON THE SIXTIETH SESSION OF THE COMMISSION

(agenda item 21) (E/CN.4/2004/L.1, E/CN.4/2004/L.10 and Add. 1 to 17 and E/CN.4/2004/L.11 and Add. 1 to 8)

- (a) Draft provisional agenda for the sixty-first session of the Commission (E/CN.4/2004/L.1)

48. The CHAIRPERSON informed the members of the Commission that they would not yet have to adopt the draft provisional agenda for the sixty-first session of the Commission, which appeared under the symbol E/CN.4/2004/L.1, but that it was sufficient for them to take note of it.

49. Mr. LA Yifan (China), supported by Mr. UMER (Pakistan), pointed out that in paragraph 9 (h) of that document, reference was made to the report of the Special Rapporteur on the situation of human rights in the Sudan, which had been circulated even before the Commission had discussed the question or taken a decision on it. The secretariat should not prejudge the Commission's decisions in that manner.

50. The CHAIRPERSON said it seemed that the secretariat had in fact ill-advisedly anticipated the Commission's decision; the mistake would be corrected. He pointed out that it was a provisional document; the definitive agenda would not be adopted until the first day of the sixty-first session in 2005.

51. Mr. LEBAKINE (Secretariat) drew the attention of the members of the Commission to the footnote at the bottom of the first page of the document in question indicating that the definitive version of the document would be produced once the Commission had completed its consideration of the proposals pending and had taken a decision on them. That was precisely what it was doing now; the draft agenda would be amended accordingly.

52. The chairperson took it that, subject to those changes, the Commission was ready to take note of the draft provisional agenda for the sixty-first session of the Commission, contained in documents E/CN.4/2004/L.1.

53. *It was so decided.*

- (b) Report to the Economic and Social Council on the sixtieth session of the Commission

54. Mr. OMOTOSHO (Rapporteur), introducing the draft report on the work of the Commission at its sixtieth session, said that it was composed of two parts. The first part (E/CN.4/2004/L.11 and Add. 1 to 8) was a compilation of all resolutions and decisions adopted by the Commission, and the second part (E/CN.4/2004/L.10 and Add. 1 to 17) was a description

of the proceedings under the various agenda items and action taken, and it contained the statements made by the Chairperson on behalf of the Commission. He noted that the draft report was a procedural description of the work of the Commission and that the summary records were the reference for the substance of the debate. Delegations that had taken the floor during the general debate were listed in annex III, contained in document E/CN.4/2004/Misc.6, which had been circulated to all the participants. The parts of the draft report which were not yet available would be by the beginning of the following week and would be posted on the website of the Office of the High Commissioner for Human Rights. Delegations wishing to make comments or corrections to the draft report should do so by Friday 14 May 2004. Such comments should be addressed to the secretariat of the Commission. With regard to draft resolutions or decisions recommended for adoption by the Economic and Social Council, as in previous years any proposals adopted relating to new special procedures and mandates would be drawn to the attention of the President of the Council. The process of producing a CD-ROM on the work of the fifty-ninth session of the Commission was under way. It was unfortunate that it had not been ready earlier. He therefore requested the secretariat to explore possibilities for making the CD-ROM a standard United Nations publication and to secure the necessary resources for that purpose.

55. Giving a brief overview of the session, he said that the high-level segment had provided an opportunity for a distinguished array of personalities to address the Commission on a wide variety of human rights issues. He welcomed the bold initiative of the Swiss Minister for Foreign Affairs, Ms. Micheline Calmy-Rey, to invite women foreign ministers to Geneva to spearhead efforts to eliminate all forms of violence against women and the declaration made at the outcome of their meeting. In keeping with its role as the conscience of humanity, the Commission, meeting in a special sitting, had adopted a resolution on the assassination of Sheikh Yassin, the spiritual leader of Hamas.

56. The Commission had managed its time more effectively at the current session. If NGOs made even more joint statements in the future, perhaps extra meetings could be avoided altogether. However, their role continued to be important, and the Commission benefited enormously from their inputs. The regional coordinators had facilitated the work of the Expanded Bureau through their constructive spirit and dialogue during the session's deliberations. Interactive dialogues with the representatives of special procedures had been fruitful and mutually enriching. The segment on national human rights institutions had been informative and encouraging, and the decision to allocate seven minutes to each of the institutions to address the Commission had thus been fully justified. To enhance the Commission's effectiveness, it had been decided that some resolutions would be considered every two years and perhaps shortened somewhat, but it would also be useful to reconsider the format and, in particular, the length of resolutions.

57. He expressed his deep gratitude to all the members of the secretariat for their assistance, and in particular to Mr. Mika Kanervavuori and Ms. Bonnie Nusser and their respective teams for helping prepare the draft report.

58. The CHAIRPERSON proposed that the Commission adopt the draft report ad referendum, it being understood that the Rapporteur would produce the final version with the help of the secretariat, taking into account all the suggestions and observations made by members of the Commission.

59. *It was so decided.*

60. Mr. RAMCHARAN (Acting United Nations High Commissioner for Human Rights) thanked the Chairperson for his efficient running of the Commission. Likewise for the sake of efficiency, he would confine himself to briefly summarizing the content of his statement, the text of which would be circulated to all participants.

61. He referred first to the statement by the Secretary-General on 7 April, which had undoubtedly been one of the highlights of the session. He then expressed his gratitude to the members of the Commission for their decision to appoint a Special Rapporteur on trafficking in persons, especially in women and children, and he welcomed the Commission's decision to address that problem, which gave cause for deep concern. With regard to the question of terrorism and human rights, he was pleased that the Commission had opted for the idea of an independent expert and assured it that the Office of the High Commissioner would cooperate closely with him.

62. Through its various activities, the Commission was constructing the edifice of human rights protection, one building block at a time. Its cooperation with national human rights institutions was one part of that effort. He strongly encouraged the Commission to strengthen its relations with those institutions. He was pleased to note that the Commission had focused on enhancing the work of the human rights treaty bodies and the special procedures, to which the Secretary-General had said that he attached particular importance, and was giving priority attention to human rights education and the role of the courts in the protection of human rights.

63. He also welcomed the Commission's work with regard to economic, social and cultural rights and the right to development. He was particularly pleased to take note of another key event of the session, the declaration adopted by women ministers for foreign affairs concerning violence against women. The calls launched by the Commission for States to provide responsible, transparent Governments and take measures to consolidate democracy, the importance attached to equal access to education for all and the fight against impunity, the establishment of a fund to assist minorities in participating in human rights meetings, the encouraging of the Office of the High Commissioner to make its activities and operations more transparent, and the decisions taken in resolutions on a number of situations and the renewal of several mandates were all initiatives which should be welcomed with satisfaction.

64. The Commission had adopted decisions on the situation in a number of countries emerging from a recent conflict, although it had failed to adopt a stance on Iraq. At the current time, there was no international mechanism to monitor the situation of human rights in Iraq, whether it be in respect of terrorism or the extent of the use of force and the treatment of civilians. That was regrettable, because there must be accountability, even in wartime. In his capacity as High Commissioner, he intended to compile a report on the situation of human rights in Iraq, just as he had done for Liberia, Côte d'Ivoire and Darfur. He had established a commission of inquiry into the events of 25 and 26 March in Côte d'Ivoire and had sent a fact-finding mission to the Sudan and the neighbouring areas. A report on that mission would be submitted as soon as possible. He thanked the Sudanese authorities for their cooperation and hoped that it would continue.

65. He recalled the words of the philosophy professor Charles Malik, representative of Lebanon in many international bodies and President of the thirteenth session of the General Assembly, who, during the process of elaborating the Universal Declaration of Human Rights, had asked that poets, prophets and philosophers take part in the drafting of the text side by side with jurists, politicians and diplomats. Those prophets, philosophers and poets were now to be found among

the members of the non-governmental organizations, and the Commission should listen to them more. Some of those NGOs would have wished to see the Commission take stronger action in the face of serious violations of human rights in many parts of the world. The Commission, which was increasingly focusing on assistance in some situations, must strike a balance between assistance and protection. If its role of protection was too diluted, history's judgement would be harsh, because it was the peoples that suffered when there was silence in the face of atrocities. However, any assessment of the work of the session must take account of the important new building blocks that had been put into place to ensure the universal realization of human rights. It was his hope that the Commission, consolidating that edifice, would become an instrument of justice for all peoples the world over.

66. Mr. SMITH (Chairperson of the sixtieth session of the Commission) said that he was grateful to the Commission for having honoured him with the position of Chairperson of the session, which had been an unforgettable experience. Whether or not the session had been a good one, it was a fact that human rights was a subject of passionate debate in the international community, and there was broad agreement that the promotion and protection of those rights was a collective responsibility. The Commission was more than just a body of 53 member States, and its work went well beyond the some 120 resolutions and decisions which it had adopted. It was more like a human rights trade fair, where many decisions were taken behind the scenes, a meeting place for exchanging experience, and in that sense it was becoming more useful as time passed. He took the opportunity to acknowledge the contribution of civil society – the NGOs – and national human rights institutions to the work of the Commission and to thank them for it.

67. Of course, the Commission faced many challenges. Time management was an ongoing problem, and in the future it would be necessary to review and shorten the agenda by merging some existing items. Human rights issues sometimes gave rise to fiery debate that at times overstepped the bounds of what was reasonable. That could have an impact on the Commission's credibility and undermine its dignity; the Commission needed to exercise caution in that regard. It must also ensure that its deliberations and decisions in Geneva had the desired impact in the real world. That was the challenge of implementation.

68. He then expressed his appreciation to all those who had helped him guide the work of the Commission. First, he thanked all the members of the Bureau, including the Rapporteur and the three Vice-Chairpersons as well as the five regional coordinators, whose efforts had been critical to the success of the session. He also warmly thanked all the staff of the Office of the High Commissioner and his own assistants, who had worked with great professionalism and dedication, as well as the staff of conference services, the journalists, translators and interpreters, security guards and technicians. He expressed his profound gratitude to the Acting High Commissioner for Human Rights for his support, advice and friendship as well as for his invaluable contribution to the Commission and to the cause of human rights. Lastly, he thanked all the delegations and participants and apologized for sometimes making too uncontrolled use of the gavel.

69. Following an exchange of courtesies, the CHAIRPERSON declared closed the sixtieth session of the Commission on Human Rights.

*The meeting rose at 5.55 p.m.*