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**REPORT TO THE ECONOMIC AND SOCIAL COUNCIL ON
THE SIXTY-FIRST SESSION OF THE COMMISSION**

Draft report of the Commission

Rapporteur: Ms. Deirdre KENT (Canada)

CONTENTS*

<i>Chapter</i>	<i>Page</i>
XII. Integration of the human rights of women and the gender perspective:	
(a) Violence against women	

* Documents E/CN.4/2005/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.4/2005/L.11 and addenda.

XII. Integration of the human rights of women and the gender perspective:

(a) Violence against women

1. The Commission considered agenda item 12 at its 34th meeting, on 5 April 2005, at its 35th and 36th meetings, on 6 April, at its 37th and 38th meetings, on 7 April, at its 39th meeting, on 8 April and at its 57th meeting, on 19 April.¹
2. For the documents issued under agenda item 12, 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 34th meeting, the Chairperson of the Commission on the Status of Women, Ms. Carmen Gallardo Hernández, made a statement.
4. At the 36th meeting, the Special Rapporteur on violence against women, its causes and consequences, Ms. Yakin Ertürk, introduced her report (E/CN.4/2005/72 and Add.1-5). During the ensuing interactive dialogue, the representatives of Guatemala and the Sudan and the observers for El Salvador, Israel and Palestine made statements, as concerned countries, on the report. The representatives of Canada, Cuba, Indonesia, Mexico, the Russian Federation and the United States of America and the observers for the Islamic Republic of Iran, Luxembourg (on behalf of the European Union), New Zealand and Switzerland also addressed questions to the Special Rapporteur, to which she responded.
5. At the same meeting, the Special Rapporteur on trafficking in persons, especially women and children, Ms. Sigma Huda, introduced her report (E/CN.4/2005/71). During the ensuing interactive dialogue, the observer for Bosnia and Herzegovina made a statement, as a concerned country, on the report. The representatives of Canada, Costa Rica, Honduras, India, Indonesia, Mexico, Pakistan, the United States of America and the observer for Luxembourg (on behalf of the European Union) also addressed questions to the Special Rapporteur, to which she responded.

¹ See footnote 1 above (chap. III, para. 1).

6. At the same meeting, the Special Adviser to the Secretary-General on Gender Issues, Ms. Rachel Mayanja, made a statement.

7. In the general debate on agenda item 12, 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.

Elimination of violence against women

8. At the 57th meeting, the representative of Canada introduced draft resolution E/CN.4/2005/L.51, sponsored by Albania, Andorra, Angola, Armenia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Burkina Faso, Canada, Chile, Croatia, the Czech Republic, Denmark, Estonia, Finland, Germany, Greece, Honduras, Hungary, Ireland, Italy, Liechtenstein, Lithuania, Mexico, Mongolia, the Netherlands, New Zealand, Norway, the Republic of Korea, Romania, Serbia and Montenegro, South Africa, Spain, Sweden, Switzerland, Thailand, Turkey and the United Kingdom of Great Britain and Northern Ireland. Argentina, Australia, Belarus, Brazil, Cambodia, Cameroon, Colombia, Congo, Cyprus, France, Guatemala, Haiti, Iceland, Israel, Latvia, Luxembourg, Mozambique, Nicaragua, Peru, the Philippines, Portugal, Slovakia, Slovenia and Uruguay subsequently joined the sponsors.

9. The representative of Canada orally revised the draft resolution by modifying operative paragraph 11.

10. Statements in connection with the draft resolution were made by the representatives of Costa Rica, Ecuador, Guatemala, Honduras, Pakistan (on behalf of the Organization of the Islamic Conference) and the United States of America.

11. The representative of Honduras subsequently withdrew as sponsor.

12. The representative of Pakistan (on behalf of the Organization of the Islamic Conference) proposed to modify operative paragraph 17 (h) by replacing the words “marital rape” by “domestic sexual violence”.

13. A statement in connection with the amendment proposed by the representative of Pakistan (on behalf of the Organization of the Islamic Conference) was made by the representative of Canada.

14. The representative of the United States of America further amended the draft resolution by proposing the deletion of operative paragraph 20.

15. A statement in connection with the amendment proposed by the United States of America was made by the representative of Canada.

16. A statement in explanation of vote before the vote in connection with the proposal to amend operative paragraph 17 (*h*) of the draft resolution was made by the representative of the Netherlands (on behalf of the States members of the European Union that are members of the Commission - Finland, France, Germany, Hungary, Ireland, Italy and the United Kingdom of Great Britain and Northern Ireland - as well as Romania, which aligned itself with the statement).

17. At the request of the representative of Canada, a recorded vote on the proposed amendment to modify operative paragraph 17 of the draft resolution was taken, which was rejected by 14 votes to 25, with 13 abstentions. The voting was as follows:

In favour: China, Egypt, Eritrea, Ethiopia, Guinea, Indonesia, Malaysia, Mauritania, Nigeria, Pakistan, Qatar, Saudi Arabia, Sudan, Zimbabwe.

Against: Argentina, Armenia, Australia, Brazil, Canada, Costa Rica, Dominican Republic, Finland, France, Germany, Guatemala, Honduras, Hungary, Ireland, Italy, Mexico, Netherlands, Paraguay, Peru, Republic of Korea, Romania, South Africa, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Bhutan, Burkina Faso, Congo, Ecuador, Gabon, India, Japan, Kenya, Nepal, Russian Federation, Sri Lanka, Swaziland, Togo.

18. At the request of Canada a recorded vote was taken on the amendment to delete operative paragraph 20, which was rejected by 5 votes to 36, with 10 abstentions. The voting was as follows:

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

Against: Argentina, Armenia, Australia, Brazil, Canada, Congo, Costa Rica, Dominican Republic, Ecuador, Egypt, Eritrea, Finland, France, Gabon, Germany, Guatemala, Guinea, Honduras, Hungary, Ireland, Italy, Japan, Kenya, Malaysia, Mexico, Netherlands, Nigeria, Paraguay, Peru, Republic of Korea, Romania, Russian Federation, South Africa, Ukraine, United Kingdom of Great Britain and Northern Ireland, Zimbabwe.

Abstaining: Bhutan, Burkina Faso, China, Ethiopia, Pakistan, Qatar, Sri Lanka, Sudan, Swaziland, Togo.

19. A statement in explanation of vote before the vote on the draft resolution, as orally revised, was made by the representative of the United States of America.

20. An explanation of vote after the vote on the draft resolution was made by the representative of Egypt.

21. The draft resolution, as orally revised, was adopted without a vote. For the text see chapter II, section A, resolution 2005/41.

Integrating the human rights of women throughout the United Nations system

22. At the same meeting, the representative of Chile introduced draft resolution E/CN.4/2005/L.53, sponsored by Albania, Andorra, Armenia, Austria, Bangladesh, Belarus, Belgium, Bulgaria, Burkina Faso, Cameroon, Canada, Colombia, Croatia, Cyprus, Denmark, the Dominican Republic, Ecuador, Estonia, Finland, Germany, Greece, Guatemala, Hungary, Ireland, Israel, Japan, Kenya, Liechtenstein, Lithuania, Luxembourg, Malta, Mexico, the Netherlands, New Zealand, Paraguay, Peru, Portugal, the Republic of Korea, Romania,

Slovenia, Spain, Swaziland, Sweden, Switzerland, Thailand, Tunisia, the United Kingdom of Great Britain and Northern Ireland, Uruguay and Venezuela. Brazil, Chile, El Salvador, France, Iceland, Italy, Malaysia, Nicaragua, Norway, Panama, Serbia and Montenegro, Slovakia and the United Republic of Tanzania subsequently joined the sponsors.

23. A statement in explanation of vote before the vote was made by the representative of the United States of America.

24. The draft resolution was adopted without a vote. For the text see chapter II, section A, resolution 2005/42.

The difficulty of establishing guilt and/or responsibility with regard to crimes of sexual violence

25. Also at the same meeting, the Commission considered draft decision 10 that had been recommended by the Sub-Commission on the Promotion and Protection of Human Rights for adoption by the Commission (see E/CN.4/2005/2-E/CN.4/Sub.2/2004/48, chap. I, sect. B).

26. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications² of the draft decision.

27. The draft decision was adopted without a vote. For the text as adopted, see chapter II, section B, decision 2005/...

² See footnote 2 above (chap. III, para. ...).