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COMMISSION ON HUMAN RIGHTS

Sixty-first session

SUMMARY RECORD OF THE 50th MEETING

Held at the Palais des Nations, Geneva,  
on Thursday, 14 April 2005, at 3 p.m.

Chairperson: Mr. WIBISONO (Indonesia)

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

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS (agenda item 9) (continued)

Draft resolution concerning cooperation with representatives of United Nations human rights bodies (E/CN.4/2005/L.17)

1. Ms. BLASZEK (Hungary), introducing draft resolution E/CN.4/2005/L.17 on behalf of the sponsors, expressed deep concern at continued reports of serious intimidation and reprisals against private individuals and groups who sought to cooperate with the United Nations or representatives of its human rights bodies. The draft resolution urged Governments to refrain from such acts and ensure adequate protection from intimidation, violence and persecution for individuals or members of groups who engaged in such cooperation. It called upon States to end impunity for such actions by bringing the perpetrators to justice and providing an effective remedy for their victims. Her delegation hoped that the draft resolution would be adopted by consensus.
2. The CHAIRPERSON informed the Commission that there were six additional sponsors, whose names would be reflected in the report. The draft resolution had no financial implications.
3. Draft resolution E/CN.4/2005/L.17 was adopted without a vote.

Draft resolution concerning the situation of human rights in Myanmar (E/CN.4/2005/L.29)

4. Mr. BERNIS (Observer for Luxembourg), introducing draft resolution E/CN.4/2005/L.29 on behalf of the European Union and the other sponsors, said that the draft resolution welcomed some positive developments that had taken place in Myanmar in the past year, including the establishment by the Government of a committee for the prevention of military recruitment of under-age soldiers and the formulation of a relevant action plan; Myanmar's recent ratification of the Convention against Transnational Organized Crime and its Protocols; and the release of some prisoners, while noting that only a small number of them were political prisoners.
5. However, the draft resolution expressed concern over the ongoing systematic human rights violations, including discrimination and violations suffered by persons belonging to ethnic minorities, women and children, as well as the one-year extension of the house arrest of Daw Aung San Suu Kyi and U Tin Oo and the persistent denial of their human rights and fundamental freedoms.
6. The draft resolution also noted with grave concern Myanmar's non-implementation of the Joint Plan of Action with the International Labour Organization (ILO) and the failure of the senior military leadership to receive the ILO very High-Level Team during its visit in February 2005.

7. The document called upon the Government of Myanmar to end the systematic human rights violations; ensure the investigation and prosecution of all such acts; restore democracy and lift all restraints on peaceful political activity; ensure that the National Convention comprised all democratically elected political parties and representatives of all major ethnic nationalities not represented by a political party; and extend invitations to the Special Envoy of the Secretary-General for Myanmar and the Special Rapporteur on the situation of human rights in Myanmar. Cooperation with those mechanisms would greatly contribute to Myanmar's peaceful transition to civilian rule. He hoped that the draft resolution would be adopted by consensus.

8. Mr. ENDO (Japan) said that his Government had been a long-standing supporter of Myanmar's efforts to promote the democratization process, undertake economic reforms and improve the human rights situation and had sponsored the present resolution in the same spirit. The international community had a responsibility both to recognize positive developments and to express concern over ongoing violations as part of a constructive dialogue between all partners concerned. He encouraged the Government of Myanmar to sustain its efforts to improve the human rights situation and work towards national reconciliation and reaffirmed his Government's commitment to supporting such activities.

9. U. MAUNG SHEIN (Observer for Myanmar) said that the draft resolution under discussion was unconstructive and unbalanced and failed to take account of the measures taken by his Government to improve the human rights situation, including the reconvening of the National Convention in 2004 and 2005 with the participation of representatives of ethnic and ceasefire groups; the achievement of peace and stability throughout the country; the development of infrastructure; the submission of Myanmar's second periodic report to the Committee on the Rights of the Child in 2004; the introduction of human rights education in secondary schools; the establishment of an inter-agency working group on juvenile justice; and the implementation of national programmes to promote universal access to education and health care. The draft resolution also remained silent on the Government's anti-drug policy, which had led to a 73 per cent decrease in opium production compared with 1996.

10. In recent years, Myanmar had cooperated with the ILO on forced labour-related issues. The ILO had suspended the implementation of the Joint Plan of Action unilaterally in response to an incident that was only indirectly related to the organization. The very High-Level Team had been received by the Prime Minister, and his Government considered the meeting to have been of the highest political level.

11. Allegations of systematic human rights violations being committed in Myanmar were grossly exaggerated and thus unacceptable. Encouragement and support for positive action were more conducive to improving the human rights situation than unconstructive criticism.

12. The scrutiny applied to the situation of human rights in his country was politically motivated. Unsubstantiated allegations of human rights violations were used to apply pressure in an attempt to induce political change. His delegation firmly rejected the draft resolution, which was not an accurate reflection of the situation on the ground. However, cooperation with the United Nations was and would remain the cornerstone of Myanmar's foreign policy.

13. Mr. SHA Zukang (China) said that the draft resolution was unbalanced and failed to take adequate account of the progress made in Myanmar. The Government had taken a series of

measures to promote reconciliation, human rights and international cooperation. The practice of using country-specific resolutions as a means to exert political pressure was not conducive to positive change. Given the many challenges faced by the Government and the people of Myanmar, the efforts made to promote and protect human rights were commendable.

14. Mr. SINGH PURI (India) said that technical assistance through cooperation was more likely to improve the human rights situation in a given country than adopting country-specific resolutions under item 9. Myanmar had shown its willingness to cooperate and the need for tabling the present draft resolution was questionable.

15. The CHAIRPERSON said that there were five additional sponsors, who would be listed in the Commission's report, and drew attention to a note concerning the financial implications of the draft resolution which had been circulated to the members of the Commission.

16. Draft resolution E/CN.4/2005/L.29 was adopted without a vote.

Draft resolution on the situation of human rights in the Democratic People's Republic of Korea (E/CN.4/2005/L.30)

17. Mr. BERNIS (Observer for Luxembourg), introducing draft resolution E/CN.4/2005/L.30 on behalf of the European Union, Japan and all other sponsors, said that, while limited progress had been made, the human rights and humanitarian situation in the Democratic People's Republic of Korea (DPRK) remained cause for grave concern. Practical cooperation with the United Nations system in the field of human rights had not been forthcoming, as illustrated by the Government's refusal to accept the mandate of the Special Rapporteur on the situation of human rights in the country. Continuing reports of systematic and widespread human rights abuses, including restrictions on freedom of movement, kidnapping of foreigners, the existence of a large number of prison camps and the extensive use of forced labour, as well as the critical humanitarian situation, were highly disturbing.

18. The draft resolution called upon the DPRK Government to cooperate fully with United Nations human rights mechanisms and special procedures; respect its obligations under the international instruments; and ensure unrestricted access to international humanitarian actors to all parts of the country. The draft resolution further requested United Nations bodies, in particular the General Assembly, to take up the issue of human rights in the DPRK, should the Government of that country fail to extend cooperation to the Special Rapporteur and no progress be made in the field of human rights. He hoped that the draft resolution would command broad support.

19. Ms. MEHRA (United States of America) said that the regime in the DPRK remained one of the world's worst human rights violators. The draft resolution expressed deep concern over ongoing violations, including torture, public executions, widespread use of forced labour and the existence of a large number of prison camps. An estimated 150,000 to 200,000 persons were believed to be held in such camps for political reasons, and many had reportedly died from torture, starvation, disease or exposure.

20. Mr. SHA Zukang (China), speaking on a point of order, asked whether a sponsor of a draft resolution had the right to speak before the concerned country.

21. The CHAIRPERSON said that any delegation was free to make a general comment.
22. Ms. MEHRA (United States of America) said that the DPRK regime controlled almost all aspects of citizens' lives, denying the right to freedom of speech, press, religion and association and restricting freedom of movement and workers' rights. Such acts must be exposed to public scrutiny.
23. Her Government called on the DPRK authorities to take urgent measures to improve the human rights situation and address the humanitarian crisis and to take the opportunity to cooperate with the international community by extending an invitation to the Special Rapporteur on human rights in the DPRK to visit the country. The repression in the DPRK stood in stark contrast to democratic systems elsewhere in Asia, and the population must be granted the basic rights and freedoms that were the true foundation of strength and prosperity.
24. Mr. FUJISAKI (Japan) said that the ongoing grave violations of human rights in the DPRK and the Government's refusal to cooperate with the international community had made it necessary to present yet another draft resolution on the situation in that country. The international community had a moral duty to voice its concern and call for an immediate and drastic improvement of the situation.
25. Mr. RI TCHEUL (Observer for the Democratic People's Republic of Korea) said that the draft resolution contained fabricated and false information on the situation in the DPRK, and his delegation firmly rejected the document. The draft resolution served the sole purpose of overthrowing the DPRK's State system, an objective which the United States Government pursued with particular vigour. The politicization, selectivity and double standards applied to human rights issues were manifest in Western States' failure to condemn the illegal invasion of Iraq and the subsequent massacres. Sadly, the Commission had been reduced to an instrument for changing social systems of independent countries. The targets of the "naming and shaming" were, without exception, independent developing countries whose ideals differed from those in the West. The United Kingdom joined hands with the United States in the attempt to overthrow the political and social system in the DPRK, thus betraying the latter's sincerity in human rights-related discussions. Japan's unwarranted contribution concerning the abduction of persons and its frantic lobbying for support were in keeping with its general attitude during the current Commission session. Should the six-party talks be resumed, there was no need to grant Japan the right to participate.
26. Human rights were sovereign rights. His Government would firmly resist any attempts to challenge the social system or infringe on his country's sovereignty and would take due action should the Commission be further abused as a forum to apply political pressure.
27. Mr. SHA Zukang (China) said that the Commission should be a forum for dialogue between equal members of the international community based on mutual respect. His delegation objected to using human rights issues to exert political pressure on developing countries. The DPRK's efforts to improve living standards and protect and promote civil rights should be recognized and praised. Some of the persisting problems, such as malnutrition, resulted from hostile policies adopted by some of the sponsors of the draft resolution. The draft resolution was an example of the politicization of human rights, since it was not truly concerned with human rights or humanitarian issues in the DPRK, but instead aimed at changing the country's political

and social system. Maintaining peace and stability in the region was in the interest of all parties, and his delegation appealed to the international community to foster positive change through dialogue instead of resorting to country resolutions.

28. The CHAIRPERSON said that there was one additional sponsor, who would be listed in the Commission's report, and drew attention to a note concerning the financial implications of the draft resolution which had been circulated to the members of the Commission.

29. Mr. CHOI Hyuck (Republic of Korea) said that any hopes that the DPRK would do its utmost to raise human rights standards had been dashed by a worrying absence of progress in that respect. His own Government had made strenuous efforts to resolve the nuclear issue and build confidence, two goals which were essential if peace and prosperity were to spread in north-east Asia.

30. His delegation would abstain in the vote on the draft resolution, since in order to bring about any meaningful improvement in the human rights situation in the DPRK it was essential to create an environment encouraging that country to initiate voluntary changes. He trusted that the DPRK would respond to his authorities' efforts to provide humanitarian aid by sincerely endeavouring to improve its human rights record through closer cooperation with various human rights bodies of the United Nations, including the Commission's special procedures mechanisms, and with the international community as a whole.

31. Mr. FERNÁNDEZ PALACIOS (Cuba) called for a recorded vote and said that his delegation would vote against the draft resolution. One look at the list of the sponsors was enough to make it clear that the Commission was employing double standards. His Government acknowledged the efforts that had been made by the DPRK. Since its war against the United States, it had not had one day of respite or peace to develop and build a future for its children. The purpose of the draft resolution was simply to pile political pressure on that country.

32. At the request of the representative of Cuba, a recorded vote was taken on the draft resolution.

In favour: Argentina, Armenia, Australia, Bhutan, Brazil, Canada, Costa Rica, Dominican Republic, Ecuador, Eritrea, Finland, France, Germany, Guatemala, Honduras, Hungary, Ireland, Italy, Japan, Kenya, Mexico, Netherlands, Paraguay, Peru, Romania, Saudi Arabia, Sri Lanka, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

Against: China, Cuba, Egypt, Guinea, Indonesia, Malaysia, Russian Federation, Sudan, Zimbabwe.

Abstaining: Burkina Faso, Congo, Ethiopia, Gabon, India, Mauritania, Nepal, Nigeria, Pakistan, Qatar, Republic of Korea, South Africa, Swaziland, Togo.

33. Draft resolution E/CN.4/2005/L.30 was adopted by 30 votes to 9, with 14 abstentions.

Draft resolution on the situation of human rights in Cuba (E/CN.4/2005/L.31)

34. Mr. PIEDRA (United States of America), introducing the draft resolution, said that its purpose was to keep the subject on the agenda and to extend the mandate of the Personal Representative of the United Nations High Commissioner for Human Rights. Cuba had neither cooperated with the special procedures mechanisms, nor allowed a visit by the Personal Representative. Cuba had failed to guarantee its own people the most basic human rights and it severely punished dissent. The Government's policies had denied ordinary citizens the enjoyment of economic security, the right to engage in business, own income-producing property, engage in international commerce or travel internationally. Freedom of expression in Cuba was non-existent. He therefore urged the members of the Commission to adopt the draft resolution.

35. Mr. DE JONG (Netherlands), speaking on behalf of the countries of the European Union members of the Commission and the acceding country Romania, said that the EU supported the draft resolution, which was neither dogmatic nor polemical. The EU, in its relations with Cuba, would like to encourage a transition to democratic pluralism, respect for human rights and a sustainable improvement in the Cuban people's standard of living. It was willing to maintain a constructive dialogue in order to achieve tangible political and economic results. It called on the Cuban authorities to free all political prisoners, to abide by international standards in its treatment of prisoners and to maintain its moratorium on the death penalty.

36. The EU acknowledged Cuba's efforts to promote economic, social and cultural rights despite the detrimental effects of its economic isolation and noted its Government's cooperation with some Special Rapporteurs. It urged the Government of Cuba also to cooperate fully with the Personal Representative of the High Commissioner and to ratify the International Covenants on Human Rights.

37. Mr. FERNÁNDEZ PALACIOS (Cuba) said that the world's worst violator of human rights had just presented a ludicrous scrap of paper unjustly singling out his country. The empire had been unable to find a lackey to do its dirty work for it and had been forced to conduct the shameful exercise itself. The emptiness of all the lies concocted in Washington and Miami had been exposed by the unwavering will of the Cuban people. His Government felt pity for the sad and subservient role played by the United States accomplices in the European Union and the former socialist countries.

38. While the Commission's credibility and prestige were being increasingly brought into disrepute by politicization, selectivity and double standards, elsewhere the world's peoples and greatest thinkers had raised their voices in defence of his country and had called upon the Commission not to allow itself to be used to legitimize the Bush administration's aggression against Cuba, thus showing that his country was not alone and that millions of people supported its resistance to the world's unjust imperialistic order.

39. The real reason for attempts to stigmatize his country was that it provided an example of truly participatory and popular democracy which had produced outstanding achievements in the field of education and health care. For over 45 years, it had withstood mercenary invasions, State terrorism, biological warfare, assassination plots and a genocidal economic blockade.

40. The United States Government did not have the slightest moral qualification for arraigning Cuba, or indeed any other country. While it harboured terrorists, it kept freedom fighters imprisoned in harsh conditions. It had conducted wars of aggression in which civilians had been indiscriminately bombed with “intelligent weapons”. The country’s Afro-American and indigenous population were the main victims of endemic racism and a sinister penitentiary system. The Bush administration had turned Guantánamo into an international torture centre, Abu Ghraib into a living hell of humiliation and Fallujah into a devastated city. It also had a plan to deprive Cuba of its accomplishments, but Cubans had a different plan for a free and independent homeland with an increasingly just, cultivated and democratic society.

41. His country would never surrender or make concessions. Nor would it remain silent in the face of hypocrisy, but would side with those who wanted greater justice in a better world.

42. The CHAIRPERSON announced that the draft resolution would have programme budget implications as explained in the paper circulated to all those present.

43. Mr. SHA Zukang (China) said that political confrontation had eroded the Commission’s authority. The anti-Cuban text under consideration was a flagrant example of various countries’ attempts to use draft resolutions tabled under agenda item 9 to humiliate other States. The history of such resolutions went back 20 years. In the past, the United States had encouraged other countries to champion such resolutions, but at the current session it had taken centre stage. His Government appreciated the resistance of the people and Government of Cuba, a country of modest size, which was ill-equipped to withstand a super-Power. Those circumstances probably explained the thunderous applause the representative of Cuba had just received for his statement. In his country there was a saying that justice was always to be found in the hearts of the people, and Cuba had certainly won the hearts of many of those present. He saluted the heroic Cuban people and was sure that the United States delegation must be tired of presenting the same resolution year in year out. It should take a break. Both the United States and Cuba were great countries. It was to be hoped that the two neighbours could live side by side in peace. The rejection of the draft resolution would lay the foundations of a rapprochement. His delegation would therefore vote against the draft resolution and it urged others to do likewise.

44. Mr. ALMAGLY (Sudan) said that the Sudan rejected politicization, selectivity and double standards in dealing with human rights issues and the targeting of developing countries by a small group of countries pursuing their own strategic interests.

45. Cuba had made remarkable strides in the areas of health, education, culture, sport, development, social integration and the advancement of women. Moreover, it had offered assistance to many developing countries, especially in Africa, in medicine, education and scientific research. The embargo and unilateral coercive measures adopted against Cuba for more than 40 years were a major violation of the country’s human rights and right to development. Dialogue, cooperation and assistance were the best ways of promoting human rights and helping weak countries to meet the challenges confronting them. He would therefore vote against the draft resolution.

46. Mr. LUKIYANTSEV (Russian Federation) said that his Government would vote against the draft resolution. There was no country in the world where the observance of human rights



standards could be described as perfect. The state of affairs in Cuba did not justify the adoption of a country-specific resolution. The best way to improve the human rights situation in any country was through constructive, respectful dialogue which took account of the interests of the State in question. Such cooperation could not be imposed from outside, even on humanitarian grounds. The Commission should not be used by States to settle political scores.

47. Mr. CHIPAZIWA (Zimbabwe) said that his Government was opposed to all country-specific resolutions, since it was concerned by the double standards which were being applied and by the selective demonization of certain developing countries. His country had been the victim of illegal collective punishment and its people continued to suffer on that account. Its sovereignty had also been challenged. It did not want the same fate to befall Cuba. All illegal sanctions against Cuba must be lifted, especially those which affected freedom to do business with foreign companies, or which restricted the movement of people. The current resolution merely echoed those presented in the past and did nothing to advance human rights in Cuba.

48. At the request of the representative of Cuba, a recorded vote was taken on the draft resolution.

In favour: Armenia, Australia, Canada, Costa Rica, Finland, France, Germany, Guatemala, Honduras, Hungary, Ireland, Italy, Japan, Mexico, Netherlands, Republic of Korea, Romania, Saudi Arabia, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

Against: China, Congo, Cuba, Egypt, Eritrea, Ethiopia, Guinea, India, Indonesia, Kenya, Malaysia, Nigeria, Qatar, Russian Federation, South Africa, Sudan, Zimbabwe.

Abstaining: Argentina, Bhutan, Brazil, Burkina Faso, Dominican Republic, Ecuador, Gabon, Mauritania, Nepal, Pakistan, Paraguay, Peru, Sri Lanka, Swaziland, Togo.

49. Draft resolution (E/CN.4/2005/L.31) was adopted by 21 votes to 17, with 15 abstentions.

Draft resolution on the situation of human rights in Belarus (E/CN.4/2005/L.32)

50. Ms. McKEE (United States of America), introducing the draft resolution, said that the human rights situation in Belarus was deteriorating in that senior officials of that country had been implicated in enforced disappearances and summary executions. The elections of the previous year had not been held in conditions ensuring freedom of expression and freedom of the media. NGOs, opposition political parties and independent media were currently being harassed and faced with prohibitive legal requirements. She therefore urged members of the Commission to support the draft resolution.

51. Mr. SKOTNIKOV (Russian Federation) said that his delegation regarded the draft resolution as a demonstration of the politicization of the Commission's work. The draft should not be considered. If the Commission valued its reputation as the principal United Nations body for defending human rights, it should take the opportunity to withdraw the draft from consideration. His delegation requested a no-action motion on the draft resolution and urged the members of the Commission to vote in favour of that motion.

52. Mr. SHA Zukang (China) said that China resolutely opposed the draft resolution on the situation of human rights in Belarus, and wished to second the request for a no-action motion. Belarus was going through a period of steady, positive development. The independence of the Belarusian Government had clearly displeased certain States, which claimed to be concerned about the human rights situation in the country but, in fact, wished to exert pressure on the Government of Belarus. China would vote in favour of a no-action motion, as proposed by the Russian Federation.

53. Mr. REYES RODRIGUEZ (Cuba) said that his delegation would also support a no-action motion on the draft resolution, since it was aware of the real situation in Belarus. The draft resolution was politicized and unfounded. The Special Rapporteur on the human rights situation in Belarus had demonstrated little expertise, and had presented a report that questioned the country's political structure. The draft resolution was not intended to promote human rights in Belarus, but, rather, was an attempt by the United States and the European Union to impose regime change, since Belarus had not opened its economy to western transnational corporations and had effectively protected its own resources.

54. Mr. DE JONG (Netherlands), speaking on behalf of the countries of the European Union (EU) members of the Commission and Romania, in explanation of vote before the vote, said that a motion not to take action on an initiative was an attempt to deny members of the Commission the right to express their views on the draft resolution. It was not a procedure that could be supported by the EU or those who upheld the right to freedom of expression. It also undermined the principles of transparency and non-selectivity, which were essential to the Commission's work. The EU considered it a matter of principle to vote against no-action motions, which were clearly aimed at preventing the Commission from dealing with specific country situations. No country could be regarded as being beyond consideration by international human rights bodies, since that would be counter to the principles of universality and interdependence of all human rights. The EU urged the members of the Commission to vote against the no-action motion on principle, irrespective of how they intended to vote on the draft resolution itself.

55. At the request of the representative of the Russian Federation, a recorded vote was taken on the no-action motion on the draft resolution.

In favour: Armenia, Bhutan, China, Congo, Cuba, Egypt, Eritrea, Ethiopia, Guinea, India, Indonesia, Kenya, Malaysia, Pakistan, Qatar, Russian Federation, Saudi Arabia, South Africa, Sudan, Swaziland, Togo, Zimbabwe.

Against: Argentina, Australia, Canada, Costa Rica, Dominican Republic, Finland, France, Germany, Guatemala, Honduras, Hungary, Ireland, Italy, Japan, Mexico, Netherlands, Paraguay, Peru, Republic of Korea, Romania, Ukraine, United Kingdom, United States of America.

Abstaining: Brazil, Burkina Faso, Ecuador, Gabon, Nepal, Nigeria, Sri Lanka.

56. The no-action motion on the draft resolution was rejected by 23 votes to 22, with 7 abstentions.

57. The CHAIRPERSON invited the members of the Commission to resume consideration of the draft resolution concerning the situation of human rights in Belarus (E/CN.4/2005/L.32). A statement of programme budget implications had been circulated to all members.

58. Mr. REYES RODRIGUEZ (Cuba) said that the United States should be ashamed to have brought the honesty of the Belarusian elections into question in the light of the irregularities in its own election process. The elections in Belarus had reaffirmed popular support for the Government and demonstrated the involvement of civil society in State decisions. The draft resolution was an attempt to instigate regime change, and was not a true representation of the situation in Belarus. Cuba would therefore vote against it.

59. Mr. ALEINIK (Observer for Belarus) said that the draft resolution was an attempt to impose a distorted view of Belarus, in order to justify the co-sponsors' desire to interfere in the domestic affairs of a sovereign State. The real situation in Belarus and the practical steps that had been taken by his Government demonstrated that the accusations against the country were unfounded. Groundless anti-Belarusian initiatives were an example of double standards on the part of the co-sponsors with regard to nations that chose to implement independent domestic and foreign policies.

60. Belarus was a young independent State, which was progressively developing a well-established democracy. Human rights and fundamental freedoms were a priority of Belarusian society and the Government. Belarus was an open country, which was striving for constructive and fair international cooperation. It was a committed party to all the major international human rights treaties, and was ready to participate in fair dialogue on all human rights issues, as demonstrated by the visit of the Working Group on Arbitrary Detention at the invitation of the Belarusian Government. Belarus had already implemented a number of the Group's recommendations. His delegation absolutely rejected the use of human rights issues as an instrument for exerting political pressure on sovereign States.

61. The report by the Special Rapporteur on the human rights situation in Belarus was openly hostile to the country, and was a clear example of attempts to use the Commission as a tool for legitimizing interference in the domestic affairs of States. The document discredited the special procedures of the Commission and undermined the credibility of the Commission in general. Belarus opposed country-specific resolutions and considered that they should be excluded from

the international agenda, since they were politically motivated and destructive in nature; it believed that the majority of States Members of the United Nations shared that point of view. The use of human rights issues as a means of political pressure and blackmail discredited the Commission, devalued the principles of democratic development and undermined the international community's efforts to promote and protect human rights.

62. The draft resolution had been prepared by a country that itself was at the centre of serious concerns about respect for human rights, particularly relating to closed military tribunals, mass arbitrary detention, and torture. During recent presidential elections, the United States had openly ignored its international obligations and blocked the access of international observers to the election polls. The United States election system fell short of the Organization for Security and Cooperation in Europe (OSCE) criteria on direct suffrage. The United States Government had failed to cooperate with the special thematic procedures of the Commission, and had no moral right to judge the human rights situation in other countries.

63. The Commission must refuse to further politicize its work and must reject politically motivated resolutions, which fuelled confrontation and mistrust. His delegation called on the sponsors of the draft resolution to abandon their confrontational approach in favour of civilized dialogue aimed at human rights promotion and development. Belarus urged the members of the Commission to stand up for the principles of universality, objectivity and non-selectivity, and thus to reject the draft resolution.

64. At the request of the representative of the Russian Federation, a recorded vote was taken on the draft resolution.

In favour: Australia, Canada, Costa Rica, Dominican Republic, Finland, France, Gabon, Germany, Guatemala, Hungary, Ireland, Italy, Japan, Mexico, Netherlands, Paraguay, Peru, Republic of Korea, Romania, Sri Lanka, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

Against: Armenia, China, Congo, Cuba, Egypt, Eritrea, Ethiopia, India, Indonesia, Kenya, Malaysia, Russian Federation, South Africa, Sudan, Swaziland, Zimbabwe.

Abstaining: Argentina, Bhutan, Brazil, Burkina Faso, Ecuador, Guinea, Honduras, Mauritania, Nepal, Nigeria, Pakistan, Qatar, Saudi Arabia, Togo.

65. Draft resolution E/CN.4/2005/L.32 was adopted by 23 votes to 16, with 14 abstentions.

Draft decision: Question of human rights in Cyprus

66. The CHAIRPERSON drew attention to the following draft decision on the question of human rights in Cyprus:

“The Commission on Human Rights decides, without a vote, to retain on its agenda sub-item (a), entitled ‘Question of human rights in Cyprus’, of the item entitled ‘Question of the violation of human rights and fundamental freedoms in any part of the world’ and to give it due priority at its sixty-second session, it being understood that action required by previous resolutions of the Commission on the subject would continue to remain operative, including the request to the Secretary-General to submit a report to the Commission regarding their implementation.”

If there was no objection, he would take it that the Commission wished to adopt the draft decision without a vote.

67. It was so decided.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS (agenda item 10) (continued)  
(E/CN.4/2005/L.8, L.16, L.18-L.28 and L.34; E/CN.4/2005/2-E/CN.4/Sub.2/2004/48 (chap. I, draft decisions 1, 2 and 3))

68. The CHAIRPERSON announced that document E/CN.4/2005/L.25 (United Kingdom amendment to draft decision 1 proposed by the Sub-Commission) had been withdrawn.

Draft resolution concerning human rights and unilateral coercive measures (E/CN.4/2005/L.8)

69. Ms. KING BEE (Malaysia), introducing draft resolution E/CN.4/2005/L.8 on behalf of the States members of the Non-Aligned Movement and China, said that the sponsors of the draft resolution were concerned that certain States continued to resort to unilateral coercive measures, despite numerous United Nations resolutions against such actions. Unilateral coercive measures had negatively affected developing countries and had created additional obstacles to the full enjoyment of all human rights and the promotion of development and cooperation in multilateral trade and investment. The draft resolution called on States to refrain from unilaterally imposing coercive measures to enforce compliance, particularly where such measures were in contravention of international law. There had been a growing understanding of the issue among the international community over recent years. The sponsors hoped to build on that positive trend, and urged the members of the Commission to adopt the draft resolution with the broadest possible support.

70. The CHAIRPERSON said that there were four additional sponsors of the draft resolution, which had no programme budget implications.

71. At the request of the representative of the United States of America, a recorded vote was taken on the draft resolution.

In favour: Argentina, Armenia, Bhutan, Brazil, Burkina Faso, China, Congo, Cuba, Dominican Republic, Ecuador, Egypt, Eritrea, Ethiopia, Gabon, Guatemala, Guinea, Honduras, India, Indonesia, Kenya, Malaysia, Mauritania, Mexico, Nepal, Nigeria, Pakistan, Paraguay, Peru, Qatar, Russian Federation, Saudi Arabia, South Africa, Sri Lanka, Sudan, Swaziland, Togo, Zimbabwe.

Against: Australia, Canada, Finland, France, Germany, Hungary, Ireland, Italy, Japan, Netherlands, Romania, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Costa Rica, Republic of Korea.

72. Draft resolution E/CN.4/2005/L.8 was adopted by 37 votes to 14, with 2 abstentions.

Draft resolution concerning the adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights (E/CN.4/2005/L.16)

73. Mr. MENGESHA (Ethiopia), introducing draft resolution E/CN.4/2005/L.16 on behalf of the African Group, said that most developing countries were greatly affected by the increasing rate of illicit dumping of toxic and dangerous wastes by transnational corporations and other enterprises from industrialized countries. The African Group hoped that the few States that had not supported the resolution in previous years would do so during the current session.

74. His delegation wished to make three amendments to the text of the draft resolution. Firstly, a further preambular paragraph should be added, following the fourth preambular paragraph and reading:

*“Underlining the importance of broad dissemination of information regarding legislation on this subject and the negative effects on health of the transportation and dumping of illicit products and toxic wastes;”*

In addition, the words, “as well as those sharing borders with developed countries” should be inserted in operative paragraph 14, after the words “developing countries”, and the words “at its next session” should be deleted from operative paragraph 20.

75. The African Group urged the Commission to adopt the draft resolution by consensus.

76. Mr. REYES RODRIGUEZ (Cuba) said that his delegation would support the draft resolution.

77. Mr. SOBASHIMA (Japan) said his Government recognized that the illicit movement and dumping of toxic and dangerous products and wastes was a very serious issue, and shared the concerns of the sponsors of the draft resolution. Japan sympathized with the victims of such practices. His delegation did not, however, consider the Commission to be an appropriate forum for discussion, since it had limited experience in the subject. Other international bodies would be better placed to address the issue. He therefore requested that a vote be taken on the draft resolution. His delegation would vote against it.

78. The CHAIRPERSON said that the resolution had programme budget implications, details of which had been circulated to the members of the Commission.

79. At the request of the representative of Japan, a recorded vote was taken on the draft resolution.

In favour: Argentina, Bhutan, Brazil, Burkina Faso, China, Congo, Costa Rica, Cuba, Dominican Republic, Ecuador, Egypt, Eritrea, Ethiopia, Gabon, Guatemala, Guinea, Honduras, India, Indonesia, Kenya, Malaysia, Mauritania, Mexico, Nepal, Nigeria, Pakistan, Paraguay, Peru, Qatar, Republic of Korea, Russian Federation, South Africa, Sri Lanka, Sudan, Swaziland, Togo, Zimbabwe.

Against: Australia, Canada, Finland, France, Germany, Hungary, Ireland, Italy, Japan, Netherlands, Romania, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Armenia, Ukraine.

80. Draft resolution E/CN.4/2005/L.16, as orally amended, was adopted by 37 votes to 13, with 2 abstentions.

Draft resolution concerning human rights and extreme poverty (E/CN.4/2005/L.18)

81. Mr. KESSEDJIAN (France), introducing draft resolution E/CN.4/2005/L.18 on behalf of its sponsors, said that people were living in extreme poverty in every country of the world. They were often so marginalized that they were even beyond the reach of social welfare programmes. They were politically silent and economically absent. How could such vulnerable people exercise their human rights and secure recognition of their dignity and how could States fulfil their obligations towards them? The draft resolution, inspired by the work of the independent expert on extreme poverty, focused on involving the victims of such marginalization in decision-making processes. He hoped it would be adopted by consensus.

82. The CHAIRPERSON informed the Commission that there were more than 30 additional sponsors and that the draft resolution had no programme budget implications.

83. Draft resolution E/CN.4/2005/L.18 was adopted without a vote.

Draft resolution concerning globalization and its impact on the full enjoyment of human rights (E/CN.4/2005/L.19)

84. Mr. LA Yifan (China), introducing draft resolution E/CN.4/2005/L.19 on behalf of the Like-Minded Group and other sponsors, said that the draft resolution acknowledged progress

achieved through the World Trade Organization (WTO) “July Package”, the São Paulo Consensus adopted by the United Nations Conference on Trade and Development (UNCTAD), the report of the World Commission on the Social Dimension of Globalization of ILO and the establishment of a high-level task force in the framework of the Intergovernmental Working Group on the Right to Development. Those events and documents had enhanced awareness of some important concepts such as coherence between national development strategies and international obligations, and between international monetary, financial and trading systems; the need for developing countries to participate in international economic decision-making and norm-setting; and the desirability of broad and sustained efforts aimed at securing fully inclusive globalization with a human face.

85. The second preambular paragraph had been revised to include the most recent General Assembly resolution on the subject. The words “and 59/184 of 8 March 2005” should be inserted after “23 December 2004”. He hoped that the draft resolution would secure broad support.

86. The CHAIRPERSON informed the Commission that there were three additional sponsors of the draft resolution, which had no programme budget implications.

87. Mr. DE JONG (Netherlands), speaking on behalf of the States of the European Union that were members of the Commission and the acceding country Romania, said that the Commission and several of its procedures were already addressing specific aspects of the globalization process as it related to human rights. While the EU supported increased participation by developing countries in international economic cooperation and recognized that globalization could have both positive and negative implications for human rights, it believed that the Commission could not address globalization as a separate issue, since it comprised a complex set of interrelated political, economic, financial, social and cultural elements. The Commission lacked the expertise to address its implications comprehensively. In addition, most relevant concerns had been dealt with in the context of existing resolutions and mechanisms, especially the Working Group on the Right to Development. The EU would therefore vote against the draft resolution.

88. Mr. SOBASHIMA (Japan) said that people all over the world enjoyed the benefits of globalization such as revitalization of trade, greater availability of commodities and better access to means of development, all of which created an environment of prosperity and stability in which human rights could flourish. The advantages of globalization far outweighed its disadvantages for both developing and developed countries.

89. The draft resolution failed to address the multifaceted dimensions of globalization, focusing instead on negative economic and financial aspects. Moreover, the Commission was not the appropriate forum for a discussion of trade, financial and development issues. Japan would therefore vote against the draft resolution.



90. At the request of the representative of Japan, a recorded vote was taken on the draft resolution.

In favour: Argentina, Armenia, Bhutan, Brazil, Burkina Faso, China, Congo, Costa Rica, Cuba, Dominican Republic, Ecuador, Egypt, Eritrea, Ethiopia, Gabon, Guatemala, Guinea, Honduras, India, Indonesia, Kenya, Malaysia, Mauritania, Mexico, Nepal, Nigeria, Pakistan, Paraguay, Peru, Qatar, Russian Federation, Saudi Arabia, South Africa, Sri Lanka, Sudan, Swaziland, Togo, Zimbabwe.

Against: Australia, Canada, Finland, France, Germany, Hungary, Ireland, Italy, Japan, Netherlands, Republic of Korea, Romania, Ukraine, United Kingdom, United States of America.

91. Draft resolution E/CN.4/2005/L.19 was adopted by 38 votes to 15.

Draft resolution concerning the right to food (E/CN.4/2005/L.20)

92. Mr. FERNÁNDEZ PALACIOS (Cuba), introducing draft resolution E/CN.4/2005/L.20 on behalf of its sponsors, said that the right to food was one of the most fundamental economic, social and cultural rights. Extensive consultations had been conducted on the text and he expected it to be adopted virtually by consensus.

93. The CHAIRPERSON informed the Commission that there were eight additional sponsors and that the draft resolution had programme budget implications, details of which had been circulated to members.

94. Mr. PIEDRA (United States of America) said that the United States had proved by its action its profound commitment to promoting food security around the world. However, the attainment of any “right to adequate food” or “right to be free from hunger” was a goal or aspiration to be realized progressively and that did not give rise to any international obligations or diminish the responsibilities of Governments to their citizens.

95. The draft resolution contained inaccurate textual descriptions of the underlying right. Moreover, the Special Rapporteur on the right to food had made a series of erroneous assertions regarding export subsidies on agricultural goods and the nature and effect of the United States trade embargo on Cuba, as well as a series of erroneous and polemical charges related to Iraq that bore no relation to his mandate. It was unfortunate that he continued to advance novel legal assertions on issues related to food that were not grounded in existing international law, for instance regarding the Voluntary Guidelines negotiated by the Food and Agriculture Organization of the United Nations (FAO), which the United States strongly supported, and the extraterritorial obligations of States with respect to the right to food. The Special Rapporteur should use his time and energy in a pragmatic and results-oriented manner.

96. He hoped that, in future years, the sponsors of the draft resolution would take the concerns of the United States into account so that it could join in supporting it.

97. At the request of the representative of the United States of America, a recorded vote was taken on the draft resolution.

In favour: Argentina, Armenia, Australia, Bhutan, Brazil, Burkina Faso, Canada, China, Congo, Costa Rica, Cuba, Dominican Republic, Ecuador, Egypt, Eritrea, Ethiopia, Finland, France, Gabon, Germany, Guatemala, Guinea, Honduras, Hungary, India, Indonesia, Ireland, Italy, Japan, Kenya, Malaysia, Mauritania, Mexico, Nepal, Netherlands, Nigeria, Pakistan, Paraguay, Peru, Qatar, Republic of Korea, Romania, Russian Federation, Saudi Arabia, South Africa, Sri Lanka, Sudan, Swaziland, Togo, Ukraine, United Kingdom of Great Britain and Northern Ireland, Zimbabwe.

Against: United States of America.

98. Draft resolution E/CN.4/2005/L.20 was adopted by 52 votes to 1.

Draft resolution concerning the effects of economic reform and foreign debt on the full enjoyment of all human rights (E/CN.4/2005/L.21)

99. Mr. FERRER RODRÍGUEZ (Cuba), introducing draft resolution E/CN.4/2005/L.21 on behalf of its sponsors, said that the draft resolution reflected the report of the independent expert on the effects of structural adjustment policies and foreign debt on the full enjoyment of all human rights, particularly economic, social and cultural rights (E/CN.4/2005/42). It welcomed his proposals for basic principles and guidelines to be followed by States and by private and public, national and international financial institutions in decision-making on debt repayment and structural reform programmes. It regretted the lack of mechanisms to find appropriate solutions to the unsustainable foreign debt burden of middle-income and low-income heavily indebted countries and decided to convene a consultation meeting of experts from a number of United Nations bodies, the Committee on Economic, Social and Cultural Rights and special mechanisms of the Commission to contribute to the independent expert's work on the draft general guidelines.

100. He hoped that the draft resolution would be adopted by a large majority of members.

101. The CHAIRPERSON informed the Commission that there were two additional sponsors and that there were programme budget implications, details of which had been circulated to members.

102. Mr. DE JONG (Netherlands), speaking on behalf of the European Union States that were members of the Commission and the acceding country Romania, said the EU believed that economic reform policies and foreign debt were issues that went beyond the competence of the Commission. Requests made to the independent expert in paragraphs 19 and 20 of the draft

resolution, especially regarding the submission of a final draft of general guidelines to be followed by States and by private and public, national and international financial institutions, also went beyond the Commission's competence and risked duplication with the work of other international organizations. The EU also had serious doubts regarding the proposal to convene an expert consultation to contribute to the independent expert's work on the draft general guidelines. It would therefore vote against the draft resolution.

103. At the request of the representative of the Netherlands, a recorded vote was taken on the draft resolution.

In favour: Argentina, Bhutan, Brazil, Burkina Faso, China, Congo, Cuba, Dominican Republic, Ecuador, Egypt, Eritrea, Ethiopia, Gabon, Guatemala, Guinea, Honduras, India, Indonesia, Kenya, Malaysia, Mauritania, Nepal, Nigeria, Pakistan, Qatar, Russian Federation, Saudi Arabia, South Africa, Sri Lanka, Sudan, Swaziland, Togo, Zimbabwe.

Against: Australia, Canada, Finland, France, Germany, Hungary, Ireland, Italy, Japan, Netherlands, Republic of Korea, Romania, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Armenia, Costa Rica, Mexico, Paraguay, Peru, Ukraine.

104. Draft resolution E/CN.4/2005/L.21 was adopted by 33 votes to 14, with 6 abstentions.

Draft resolution concerning promotion of the enjoyment of the cultural rights of everyone and respect for different cultural identities (E/CN.4/2005/L.22)

105. Mr. REYES RODRÍGUEZ (Cuba), introducing draft resolution E/CN.4/2005/L.22 on behalf of its sponsors, said it proposed that the High Commissioner for Human Rights should consult States and intergovernmental and non-governmental organizations on the establishment of a mandate for an independent expert on the promotion of the enjoyment of the cultural rights of everyone and respect for different cultural identities. Some members had expressed concern regarding possible duplication with the work of the United Nations Educational, Scientific and Cultural Organization (UNESCO). That concern had been addressed in a paragraph that underlined the importance of avoiding duplication and encouraging synergy with the activities of other organizations. He hoped that the draft resolution would be adopted by a large majority of members.

106. The CHAIRPERSON informed the Commission that there were seven additional sponsors and drew attention to the document on programme budget implications that had been circulated to members.

107. Mr. DANIES (United States) proposed the deletion of paragraphs 18 to 21 because insufficient information had been provided on the estimated cost of the proposal.

108. Mr. REYES RODRÍGUEZ (Cuba) said that he would have appreciated receiving notice of the proposed amendment during the informal consultations on the draft resolution. The sponsors were unable to entertain the proposal at the current stage, since it would eliminate the core recommendation contained in the text. The proposed mandate was not intended as a monitoring mechanism but as one that would identify good practice and make practical recommendations. Both UNESCO and the United Nations Children's Fund (UNICEF) had expressed support for the idea.

109. At the request of the representative of Cuba, a recorded vote was taken on the draft amendment.

In favour: Australia, Canada, Finland, France, Germany, Hungary, Ireland, Italy, Japan, Netherlands, Republic of Korea, Romania, United Kingdom of Great Britain and Northern Ireland, United States of America.

Against: Argentina, Armenia, Bhutan, Brazil, Burkina Faso, China, Congo, Costa Rica, Cuba, Dominican Republic, Ecuador, Egypt, Eritrea, Ethiopia, Gabon, Guatemala, Guinea, Honduras, India, Indonesia, Kenya, Malaysia, Mauritania, Mexico, Nepal, Nigeria, Pakistan, Paraguay, Peru, Qatar, Russian Federation, Saudi Arabia, South Africa, Sri Lanka, Sudan, Swaziland, Togo, Ukraine, Zimbabwe.

110. The amendment was rejected by 39 votes to 14.

111. Mr. SMITH (Australia) said that UNESCO was the appropriately mandated institution to deal with cultural matters and was currently considering the adoption of an international instrument that would address various aspects of cultural diversity. He was therefore unable to support the draft resolution and would abstain.

112. Mr. DE JONG (Netherlands), speaking on behalf of the European Union States that were members of the Commission and the acceding country Romania, said that the EU was not against the draft resolution as a whole and appreciated the reference to the need to avoid duplication of the activities of existing international bodies. However, it could not support paragraph 18 and the wording of paragraphs 19 and 20, and had therefore decided to abstain.

113. At the request of the representative of the United States of America, a recorded vote was taken on the draft resolution.

In favour: Argentina, Armenia, Bhutan, Brazil, Burkina Faso, China, Congo, Costa Rica, Cuba, Dominican Republic, Ecuador, Egypt, Eritrea, Ethiopia, Gabon, Guatemala, Guinea, Honduras, India, Indonesia, Kenya, Malaysia, Mauritania, Mexico, Nepal, Nigeria, Pakistan, Paraguay, Peru, Qatar, Russian Federation, Saudi Arabia, South Africa, Sri Lanka, Sudan, Swaziland, Togo, Ukraine, Zimbabwe.

Against: United States of America.

Abstaining: Australia, Canada, Finland, France, Germany, Hungary, Ireland, Italy, Japan, Netherlands, Republic of Korea, Romania, United Kingdom of Great Britain and Northern Ireland.

114. Draft resolution E/CN.4/2005/L.22 was adopted by 39 votes to 1, with 13 abstentions.

The meeting rose at 6 p.m.