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COMMISSION ON HUMAN RIGHTS

Sixtieth session

SUMMARY RECORD OF THE 56th MEETING

Held at the Palais des Nations, Geneva,  
on Tuesday, 20 April 2004, at 10 a.m.

Chairperson: Mr. SMITH (Australia)

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The meeting was called to order at 10.05 a.m.

INTEGRATION OF THE HUMAN RIGHTS OF WOMEN AND THE GENDER PERSPECTIVE:

(a) VIOLENCE AGAINST WOMEN

(agenda item 12) (continued) (E/CN.4/2004/L.63, E/CN.4/2004/2-E/CN.4/Sub.2/2003/43, chapter I, draft decision 8)

Draft resolution concerning the elimination of violence against women  
(E/CN.4/2004/L.63) (continued)

1. The CHAIRPERSON said that three amendments had been proposed at the previous meeting, relating to paragraphs 7 and 18 of the draft resolution, as orally revised. The third amendment had been put forward by the representative of Cuba in an attempt to resolve the disagreement over paragraph 18 between the sponsors and the United States delegation. No agreement having been reached, the delegation of Cuba had since withdrawn that amendment. He invited the Commission to consider the United States amendment to paragraph 7.
2. Mr. ROUSHDY (Egypt) said that his country attached great importance to the promotion and protection of the rights of women, which were an integral part of the teachings of Islam. The draft resolution as a whole was a balanced and acceptable compromise. The terms “health services” and “health-care providers” in paragraph 7 should not be understood as either explicit or implicit references to abortion. On that basis, his delegation intended to vote against the amendment to paragraph 7.
3. Ms. WHELAN (Ireland), speaking on behalf of the countries of the European Union (EU) members of the Commission and Hungary, regretted the introduction of an amendment to paragraph 7. Comprehensive and accessible health-care services and programmes were necessary in order to combat violence against women. The amendment to paragraph 7 would weaken the impact of the draft resolution and undermine efforts in that direction by States, and by the international community as a whole. The term “health-care services” had been widely used in the Beijing Platform for Action, as well as in the outcome document of the twenty-third special session of the General Assembly. Deletion of that term might be understood as a rejection of the Beijing consensus. Therefore her delegation would vote against the proposed amendment to paragraph 7.
4. Ms. SOSA (Mexico) said that there was no justification for understanding the term “health services” as equivalent to abortion. Paragraph 7 referred to a whole range of health-care services and programmes, which went beyond the scope of reproductive and sexual health. Her delegation intended to vote against the amendment to paragraph 7.
5. Mr. SINGH PURI (India) said that his delegation would oppose the amendment to paragraph 7 because the term “health services” had been used in previous related documents.

6. Mr. WAND Min (China) said that his delegation would vote against the amendment to paragraph 7, because, according to all the English dictionaries he had consulted, the definition of “health service” did not refer to abortion. Therefore he failed to understand the logic of the argument put forward by the United States representative.

7. At the request of the representative of Ireland, a recorded vote was taken on the amendment to paragraph 7 of the draft resolution, proposed by the United States of America.

In favour: Costa Rica, United States of America.

Against: Armenia, Australia, Austria, Bahrain, Bhutan, Brazil, Burkina Faso, Chile, China, Congo, 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, Ukraine, United Kingdom of Great Britain and Northern Ireland, Zimbabwe.

Abstaining: Argentina.

8. The proposed amendment to paragraph 7 of the draft resolution was rejected by 50 votes to 2, with 1 abstention.

9. The CHAIRPERSON invited delegations to consider the United States amendment to paragraph 18 of the draft resolution.

10. Ms. WHELAN (Ireland), speaking on behalf of the EU countries members of the Commission and Hungary, said that, pursuant to the Rome Statute of the International Criminal Court, rape, sexual slavery, forced prostitution, sterilization or pregnancy, and other forms of sexual violence, constituted, in defined circumstances, crimes against humanity or war crimes. Ratification of the Rome Statute contributed to ending impunity for crimes of sexual violence during armed conflict. Consequently, the EU opposed the proposed amendment to paragraph 18.

11. At the request of the representative of Ireland, a recorded vote was taken on the amendment to paragraph 18 of the draft resolution, proposed by the United States of America.

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

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

Abstaining: Bhutan, China, Sri Lanka, Swaziland.

12. The proposed amendment to paragraph 18 of the draft resolution was rejected by 43 votes to 5, with 4 abstentions.

13. Mr. WILLIAMSON (United States of America) said that the terms “health services” and “health-care services”, in the context of reproductive health, should not be interpreted as including or promoting abortion, abortion services or the use of abortifacients. The United States fully supported the principle of voluntary choice with regard to family planning. While abortion should not be promoted as a method of family planning, women choosing to have an abortion should always be given humane treatment and provided with counselling. His delegation also supported the treatment of women suffering from injuries or illnesses caused by legal or illegal abortion, including, for example, post-abortion care, and did not consider such treatment as abortion services. The United States was committed to programmes addressing the need for greater male involvement in pregnancy prevention and voluntary family planning efforts, and the promotion of abstinence, monogamy, fidelity, partner reduction and the use of condoms, inter alia, for the prevention of HIV/AIDS infection. On that basis, the United States would join the consensus on the draft resolution.

14. The draft resolution, as orally revised, was adopted without a vote.

15. Mr. ROUSHDY (Egypt) said that, according to rule 62 of the rules of procedure, whenever a vote was taken on an amendment to a draft resolution, a vote should also be taken on the resolution as a whole. Although he had not invoked that rule with regard to the draft resolution just adopted, that was without prejudice to the position of his delegation in future.

Draft decision concerning harmful traditional practices affecting the health of women and the girl child, recommended to the Commission by the Sub-Commission (E/CN.4/2004/2-E/CN.4/Sub.2/2003/43, chapter I, draft decision 8)

16. The CHAIRPERSON informed the Commission that the draft decision had financial implications, details of which had been circulated to members.

17. The draft decision was adopted without a vote.

18. Ms. SOSA (Mexico) said, with regard to the decision on the appointment of a Special Rapporteur on trafficking in persons, especially women and children (contained in document E/CN.4/2004/L.62), adopted at the previous meeting, that the mandate of the Special Rapporteur should encompass all forms of trafficking in persons, especially women and children. In accordance with the Optional Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, it was important to address the issues of slavery and slavery-like practices, forced labour, and trafficking in persons for prostitution and other forms of sexual exploitation.

RIGHTS OF THE CHILD (agenda item 13) (continued)

Draft resolution concerning the abduction of children in Africa (E/CN.4/2004/L.50)

19. Mr. MENGA (Congo), introducing draft resolution E/CN.4/2004/L.50 on behalf of the African Group, said that similar resolutions had been adopted without a vote in previous years.

The draft resolution aimed to strengthen the protection of children against abduction, by supporting the institutional framework, introducing reporting procedures, building closer cooperation between State and non-State actors, mobilizing financial resources at all levels, and requesting further debate at the sixty-first session of the Commission. In the sixth preambular paragraph, the words “, for States parties,” should be inserted before “the two 1977 Protocols additional to the Geneva Conventions”.

20. The CHAIRPERSON informed the Commission that there was one additional sponsor, and that the draft resolution had no financial implications.

21. The draft resolution, as orally revised, was adopted without a vote.

Draft resolution concerning the rights of the child (E/CN.4/2004/L.51)

22. Ms. DE BELLIS (Uruguay), introducing draft resolution E/CN.4/2004/L.51 on behalf of the Group of Latin American Countries and the EU, said that similar resolutions had been adopted, usually without a vote, at each of the previous eight sessions. In the fourteenth preambular paragraph of the text, the word “Welcoming” should be replaced by the phrase “Takes note with appreciation of”. The main elements of the draft resolution related to practical measures designed to support and implement the Convention on the Rights of the Child.

23. The CHAIRPERSON informed the Commission that there were 25 additional sponsors, and that the draft resolution had financial implications, details of which had been circulated to members.

24. Mr. MARTABIT (Chile), associating his delegation with the statement made by the representative of Uruguay, said that, during the recent Chilean presidency of the Security Council, the Minister for Foreign Affairs of Chile had drawn attention to the situation of 300,000 child soldiers in various regions of the world. The international community must take the necessary steps to facilitate the immediate demobilization and rehabilitation of those children, for instance by establishing monitoring systems, adopting measures against the guilty States, and promoting the appropriate educational policies.

25. Ms. WHELAN (Ireland), speaking on behalf of the EU countries members of the Commission and Hungary, said that the EU and the Group of Latin American and Caribbean Countries had held six rounds of consultations with a view to arriving at a consensus on the draft resolution. As an almost universally ratified instrument, the Convention on the Rights of the Child was the standard for promoting and protecting the rights of the child. She urged delegations to support the draft resolution.

26. Mr. WILLIAMSON (United States of America) said that his Government was constructively and generously engaged in a wide variety of multilateral and bilateral activities that benefited children worldwide. He welcomed the contributions of other nations and organizations in promoting and protecting the rights of children and in enhancing the quality of their lives in direct ways. The protection of children’s rights was fully integrated into United States foreign policy. Therefore his delegation supported many of the principles underlying the draft resolution. Some improvements had been made to the text compared to previous years, for instance in paragraphs 12, 31 to 34, and 37. However, the process of dealing

with resolutions on the rights of the child needed to change. A more transparent drafting process that gave serious consideration to the comments of all interested delegations was required. The draft resolution should be shorter and more focused on key issues not addressed in other resolutions.

27. He called for a vote on the draft resolution and said he would vote against it because it contained unacceptable language that the United States had repeatedly requested the sponsors to eliminate or address elsewhere. In particular, the Convention on the Rights of the Child conflicted with the authority of parents and other provisions of state and local law in the United States. The assertion that the Convention must constitute the standard in the promotion and protection of the rights of the child to the exclusion of other international instruments was unacceptable. Furthermore, the United States opposed calls for abolition of the juvenile death penalty, in view of its federal system. Finally, he would have preferred neutral and factual language concerning the International Criminal Court.

28. Mr. CERDA (Argentina) requested the right to make a statement on behalf of the Group of Latin American and Caribbean Countries in response to the comments made by the representative of the United States.

29. The CHAIRPERSON said that, according to the rules of procedure, sponsors were not entitled to speak in explanation of vote before the voting.

30. Following a discussion in which Mr. MORA GODY (Cuba) and Mr. CERDA (Argentina) took part, the CHAIRPERSON said he took it that, contrary to the standard voting procedure, the Commission wished to allow the representative of Argentina to make his comments.

31. Mr. CERDA (Argentina) said that the Latin American and Caribbean Group and the EU had spared no effort to reach a consensus on the text of the draft resolution on the rights of the child. However, they had been unwilling to do so at the expense of the progress achieved at previous sessions of the Commission.

32. With regard to the first preambular paragraph, the Convention on the Rights of the Child represented a universal standard for the promotion and protection of the rights of the child. It had been ratified by over 190 States, more than any other treaty.

33. With regard to operative paragraph 6, the resolution on the rights of the child had always referred to international instruments that could provide greater protection for children's rights. Without prejudging or questioning the positions adopted by individual Member States, the Latin American and Caribbean Group was convinced that the objectives of the International Criminal Court were relevant to the aim of protecting children from serious crimes and violations of their rights.

34. Concerning paragraph 35 (a), the Group was firmly opposed to the imposition of the death penalty on persons who were under 18 years of age at the time of commission of a crime and appealed to all States to refrain from such action.

35. He called on all members of the Commission to support the draft resolution as submitted by the sponsors.

36. 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, 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, Ukraine, United Kingdom of Great Britain and Northern Ireland, Zimbabwe.

Against: United States of America.

37. The draft resolution was adopted by 52 votes to 1.

#### SPECIFIC GROUPS AND INDIVIDUALS:

- (a) MIGRANT WORKERS
- (b) MINORITIES
- (c) MASS EXODUSES AND DISPLACED PERSONS
- (d) OTHER VULNERABLE GROUPS AND INDIVIDUALS

(agenda item 14) (continued) (E/CN.4/2004/L.47, 48, 69-72, 75-78, E/CN.4/2004/2-E/CN.4/Sub.2/2003/43, chapter I, draft decisions 5, 11, 12 and 13)

Draft resolution concerning violence against women migrant workers  
(E/CN.4/2004/L.69)

38. Mr. MANALO (Philippines), introducing draft resolution E/CN.4/2004/L.69 on behalf of the sponsors, said that it stressed the need to protect women migrant workers from all forms of violence against their persons and dignity, including those resulting from racial discrimination, xenophobia and other forms of intolerance. While acknowledging the progress made by some countries in alleviating the plight of women migrant workers within their areas of jurisdiction, the sponsors remained deeply concerned at continuing reports of grave abuses and acts of violence committed against migrant workers, especially women, as reflected, inter alia, in the report of the Special Rapporteur on the human rights of migrants (E/CN.4/2004/76 and Add.1-4).

39. He hoped that, as at previous sessions, the draft resolution would be adopted by consensus.

40. The CHAIRPERSON announced that there were 16 additional sponsors, who would be listed in the Commission's report.

41. The draft resolution was adopted without a vote.

Draft resolution concerning missing persons (E/CN.4/2004/L.70)

42. Mr. NAJAFOV (Azerbaijan), introducing draft resolution E/CN.4/2004/L.70 on behalf of the sponsors, said that although the question of persons who had disappeared without trace had been addressed in a number of Security Council resolutions and was covered by the Geneva Conventions and the Additional Protocols thereto, the international community had unfortunately failed to pay sufficient attention to that category of victims and their families. There was as yet no mechanism capable of developing a comprehensive humanitarian approach to a complex issue which arose wherever armed conflict occurred. Adoption of the draft resolution would clearly not resolve the problem, but if the suffering of just one family could be alleviated, it could be considered a success. He therefore hoped that the draft resolution would be adopted by consensus.

43. The CHAIRPERSON announced that there were six additional sponsors, who would be listed in the Commission's report.

44. Mr. PEAY (United States of America) said that the United States fully supported the concept of helping the families of missing persons and had no objection to most of the text of the draft resolution. However, as paragraphs 1, 3 and 4 contained language that was both legally and factually inaccurate, he intended to propose some minor amendments that would not diminish their substance.

45. In paragraph 1, the words “, for States parties,” should be inserted after “12 August 1949 and” to make it clear that the rules of international humanitarian law set forth in the Protocols Additional to the Geneva Conventions applied only to the States parties thereto.

46. In paragraph 3, the phrase “, as provided for in article 33 of Additional Protocol I,” should be inserted after “*Reaffirms*”, since the “right to know” referred to in the paragraph had been recognized in only one legally binding international instrument. The United States objected to any legally enforceable right to know.

47. The same phrase “, as provided for in article 33 of Additional Protocol I,” should be inserted after “*Also reaffirms*” in paragraph 4, which paraphrased a legal obligation without citing its source.

48. The proposed amendments related to matters that had important legal and policy implications for the United States. He asked the sponsors to accept them in a spirit of compromise and flexibility in order to avoid the need to vote.

49. Mr. SINGH PURI (India) said that India was not a party to the Protocols Additional to the Geneva Conventions and therefore reserved the right to respond to obligations under the Protocols to the extent that they were commensurate with India's policy and practice. The role of the International Committee of the Red Cross (ICRC) in internal armed conflicts depended on agreements concluded on a case-by-case basis at the explicit request of the concerned

Governments. He had not suggested any amendments because India was in agreement with the thrust of the draft resolution. However, having heard the amendments proposed by the United States, he urged the sponsors to take them into account, especially in the case of paragraph 1.

50. The proposed amendment to paragraph 1 of the draft resolution was adopted without a vote.

51. Mr. CERDA (Argentina) said that the draft resolution reflected wording that had already been used by the United Nations General Assembly. His delegation would therefore vote against the proposed amendment to paragraph 3.

52. At the request of the representative of Argentina, a recorded vote was taken on the amendment to paragraph 3 of the draft resolution, proposed by the United States of America.

In favour: Australia, India, Indonesia, United States of America.

Against: Argentina, Armenia, Austria, Bahrain, Brazil, Burkina Faso, Chile, China, Congo, Costa Rica, Croatia, Cuba, Dominican Republic, Egypt, Eritrea, Ethiopia, France, Gabon, Germany, Guatemala, Honduras, Hungary, Ireland, Italy, Japan, Mauritania, Mexico, Nepal, Netherlands, Nigeria, Pakistan, Paraguay, Peru, Qatar, Republic of Korea, Russian Federation, Saudi Arabia, Sierra Leone, South Africa, Sudan, Swaziland, Sweden, Togo, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, Zimbabwe.

Abstaining: Bhutan, Sri Lanka.

53. The proposed amendment to paragraph 3 of the draft resolution was rejected by 47 votes to 4, with 2 abstentions.

54. Mr. CERDA (Argentina) said that his delegation would also vote against the proposed amendment to paragraph 4.

55. At the request of the representative of Argentina, a recorded vote was taken on the amendment to paragraph 4 of the draft resolution, proposed by the United States of America.

In favour: Australia, India, United States of America.

Against: Argentina, Armenia, Austria, Bahrain, Brazil, Burkina Faso, Chile, China, Congo, Costa Rica, Croatia, Cuba, Dominican Republic, Egypt, Eritrea, Ethiopia, France, Germany, Guatemala, Honduras, Hungary, Ireland, Italy, Japan, Mauritania, Mexico, Nepal, Netherlands, Nigeria, Pakistan, Paraguay, Peru, Qatar, Republic of Korea, Russian Federation, Saudi Arabia, Sierra Leone, South Africa, Sudan, Swaziland, Sweden, Togo, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, Zimbabwe.

Abstaining: Bhutan, Gabon, Indonesia, Sri Lanka.

56. The proposed amendment to paragraph 4 of the draft resolution was rejected by 46 votes to 3, with 4 abstentions.

57. Mr. PEAY (United States of America) thanked members for supporting the proposed amendment to paragraph 1 and called for a vote on the draft resolution as a whole.

58. At the request of the representative of the United States of America, a recorded vote was taken on the draft resolution as a whole, as amended.

In favour: Argentina, Armenia, Australia, 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, Ukraine, United Kingdom of Great Britain and Northern Ireland, Zimbabwe.

Abstaining: United States of America.

59. The draft resolution as a whole, as amended, was adopted by 52 votes to none, with 1 abstention.

Draft resolution concerning the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (E/CN.4/2004/L.72)

60. Ms. SOSA (Mexico) said that the first meeting of States parties to the International Convention on the Protection of the Rights of All Migrant Persons and Members of Their Families and the first session of the Committee responsible for monitoring implementation of the Convention had been held since the previous session of the Commission. The Convention provided a useful framework for guaranteeing respect for the rights of all migrants, regardless of their status. Another goal was to promote cooperation aimed at ensuring orderly migration in countries of origin, transit and destination. To operate efficiently, the Convention should be ratified by States belonging to all three categories. The sponsors therefore urged States which had not yet done so to become parties thereto.

61. She drew attention to the following revisions to the text of the draft resolution: in paragraph 6 the words “, avoiding any duplication,” should be deleted; in paragraph 7 the words “and to avoid any duplication” should be inserted at the end of the paragraph.

62. The CHAIRPERSON announced that there were five additional sponsors, who would be listed in the Commission’s report.

63. Mr. DELAURENTIS (United States of America) said that it was the understanding of his delegation, after discussion with the sponsors and the Secretariat, that the draft resolution had no financial implications.

64. Mr. MAXWELL HAYWARD (Australia) said that, without wanting to stand in the way of consensus, his delegation wished to note that the activities of the Commission to protect and assist migrant workers were only of direct relevance to the relatively small number of States that were party to the International Convention on migrant workers. There was concern that committing funding from the regular United Nations budget to those activities might divert financing from other human rights bodies, the activities of which were of more direct relevance to a greater number of States.
65. His delegation also noted that there were no budgetary implications arising from the draft resolution.
66. Mr. SOBASHIMA (Japan) said that his delegation shared the understanding of the United States delegation concerning the absence of financial implications.
67. Ms. SOSA (Mexico) said that her delegation was also of the understanding that the draft resolution had no financial implications and urged the Commission, on behalf of the sponsors, to adopt the draft resolution as amended.
68. The CHAIRPERSON said he took it that the Commission wished to adopt the draft resolution, as amended, without a vote.
69. It was so decided.

Draft resolution concerning the rights of persons belonging to national or ethnic, religious and linguistic minorities (E/CN.4/2004/L.75)

70. Ms. ELLISON-KRAMER (Austria), introducing draft resolution E/CN.4/2004/L.75 on behalf of the sponsors, said that between 15 and 20 per cent of the world's population belonged to ethnic, religious or linguistic minorities. Although they enriched cultural diversity and contributed to political and social stability, they were often disproportionately affected by conflict and discrimination. The draft resolution, stressing the importance of effective measures to ensure non-discrimination and equality, called on all human rights mechanisms to continue to give attention, within their respective mandates, to the protection of minorities and invited the High Commissioner for Human Rights to continue efforts to improve coordination and cooperation within the United Nations system to that end.
71. Austria shared the view of many Governments that important challenges facing minorities had not been appropriately addressed because they did not constitute the main focus of existing mandates. There was no mandate to follow up minority issues systematically through contacts with Governments and societies with a view to preventing minority-related conflicts. The draft resolution would therefore call upon the High Commissioner to study options for the timely identification of minority issues and relevant measures.
72. The sponsors had revised paragraph 10 to read:

*“Requests the High Commissioner to study options for the timely identification of minority issues and pertinent measures through the compilation of views of Member States, of all relevant parts of the United Nations system as well as of regional and international intergovernmental and non-governmental organizations regarding their*

analysis of the activities of the Working Group and the results achieved, taking into account the assessment and recommendations by the Working Group as well as the proposals contained in document E/CN.4/2004/75, the need to avoid duplication and to make the best use of all available resources, and to report to the Commission at its sixty-first session thereon.”

73. The sponsors had also decided to delete paragraph 12, the subsequent paragraphs being renumbered accordingly. She hoped that, as at previous sessions, the draft resolution would be adopted without a vote.

74. The CHAIRPERSON announced that there were 14 additional sponsors, who would be listed in the Commission’s report.

75. Ms. FERNANDO (Sri Lanka) expressed appreciation of the sponsors’ constructive response, in the form of a revised paragraph 10, to the concerns expressed by a number of States. Her delegation wished to join the sponsors of the draft resolution.

76. The draft resolution was adopted without a vote.

Draft resolution concerning the human rights of persons with disabilities  
(E/CN.4/2004/L.76)

77. Ms. BORSIIN BONNIER (Sweden), introducing draft resolution E/CN.4/2004/L.76 on behalf of the sponsors, expressed concern that many persons with disabilities continued to face serious barriers to participation in society as equals and to suffer violations of their rights. The draft resolution urged Governments to take active measures to guarantee them full enjoyment of all human rights and fundamental freedoms and equality of opportunity, and to prevent and prohibit all forms of discrimination. It called on the Commission, the Office of the United Nations High Commissioner for Human Rights (OHCHR), special rapporteurs, treaty bodies, United Nations organizations, specialized agencies and intergovernmental institutions for development cooperation to integrate the issue of human rights and disability into their work.

78. The draft resolution welcomed progress in the negotiations on a draft convention in the Ad Hoc Committee of the General Assembly and encouraged Member States and observers to work towards the submission of a draft text to the Assembly as a matter of priority. It also welcomed contributions to the drafting process by NGOs, national human rights institutions and OHCHR.

79. She hoped that, as at previous sessions, the draft resolution would be adopted without a vote.

80. The CHAIRPERSON announced that there were 16 additional sponsors, who would be listed in the Commission’s report.

81. The draft resolution was adopted without a vote.

Draft resolution concerning the human rights of migrants (E/CN.4/2004/L.78)

82. Mr. MARTÍNEZ (Mexico), introducing draft resolution E/CN.4/2004/L.78 on behalf of the sponsors, said that it expressed appreciation of the report by the Special Rapporteur on the human rights of migrants (E/CN.4/2004/76 and Add.1-4), especially her observations and recommendations, some of which were designed to address the vulnerable situation of domestic workers. It expressed deep concern at the violence, racism, racial discrimination, xenophobia and other forms of degrading treatment suffered by migrants, especially women and children, and stressed the importance of promoting harmony, tolerance and respect. States were reminded of their duty to protect the political, economic and social rights of migrants.

83. The sponsors wished to revise the draft resolution by introducing an additional paragraph after existing paragraph 16 which would read: “*Taking note* also of the Judgment of the International Court of Justice of 31 March 2004 in the *Avena and Other Mexican Nationals* case”.

84. The CHAIRPERSON announced that there were six 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.

85. Mr. LAURENTIS (United States of America) said that the United States would join the consensus on the draft resolution but was concerned about the wording of the fifteenth and eighteenth preambular paragraphs, which took note of advisory opinions of a regional court and a recent Judgment of the International Court of Justice (ICJ) which were not relevant to the work of the Commission. His delegation was disappointed that it had not been possible to accommodate its request to delete those references. However, it welcomed the insertion of a new paragraph referring to the ICJ Judgment in the Avena and Other Mexican Nationals case, since the Court’s conclusions in that case were substantively different from those of the Inter-American Court of Human Rights in its advisory opinion 16/99. He hoped that other delegations would consider the matter further before the next session of the Commission.

86. The draft resolution, as revised, was adopted without a vote.

Draft decisions recommended to the Commission by the Sub-Commission  
(E/CN.4/2004/2-E/CN.4/Sub.2/2003/43, chap. I)

Draft decision 5: The rights of non-citizens

87. Mr. THORNE (United Kingdom), introducing his delegation’s proposed amendment to draft decision 5 (E/CN.4/2004/L.48), said that Mr. Weissbrodt had carried out the role of Special Rapporteur for the last three years and, through the timely submission of his report to the Committee on the Elimination of Racial Discrimination, had successfully completed his mandate. His delegation and the additional sponsors of the amendment did not approve of the proposed reappointment, since Mr. Weissbrodt was no longer a member of the Sub-Commission. His appointment would thus contravene Commission resolution 2003/59 on the work of the Sub-Commission.

88. There was also concern regarding the specific terms of the mandate of the Special Rapporteur on the rights of non-citizens as proposed in draft decision 5, notably the envisaged monitoring of the situation of non-citizens. Such a mandate would be in conflict with the official role of the Sub-Commission, which was that of a think tank, not a monitoring mechanism.

89. Mr. AL-MADI (Saudi Arabia) expressed his delegation's support for the proposed amendment. The considerations contained therein should also be applied during any future discussions on reappointments of Special Rapporteurs after the end of their term.

90. Mr. LA Yifan (China) called for a vote on the proposed amendment and said he would vote against it. It was true that Commission resolution 2003/59 stipulated that independent expert studies and working papers provided by the Sub-Commission should be carried out solely by its members or alternates. It was also true, however, that Mr. Weissbrodt's expertise in the field of the rights of non-citizens was beyond doubt.

91. There were precedents for the appointment of a non-member of the Sub-Commission as Special Rapporteur. Ms. Daes, who was the Special Rapporteur of the Sub-Commission on indigenous peoples' permanent sovereignty over natural resources, was no longer a member of that body.

92. Mr. Weissbrodt was an accomplished scholar and professor of international law and an expert on non-citizens, and as such was the best candidate for the position. His delegation therefore saw no reason to oppose his reappointment and would vote against the amendment.

93. Mr. MORA GODOY (Cuba), speaking in explanation of vote before the vote, said that the Commission had already set a precedent by respecting the Sub-Commission's decision to appoint experts who were no longer members of that body in the past. His delegation would therefore vote against the proposed amendment.

94. At the request of the representative of China, a recorded vote was taken on the amendment to Sub-Commission draft decision 5, proposed by the United Kingdom.

In favour: Argentina, Armenia, Australia, Austria, Bahrain, Bhutan, Chile, Costa Rica, Croatia, Dominican Republic, Egypt, France, Germany, Guatemala, Honduras, Hungary, India, Indonesia, Ireland, Italy, Japan, Mexico, Nepal, Netherlands, Nigeria, Paraguay, Qatar, Republic of Korea, Saudi Arabia, Sweden, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

Against: Brazil, China, Cuba, Pakistan, Peru, Russian Federation, South Africa, Sudan, Togo, Zimbabwe.

Abstaining: Burkina Faso, Congo, Eritrea, Ethiopia, Gabon, Mauritania, Sierra Leone, Sri Lanka, Swaziland, Uganda.

95. The proposed amendment to Sub-Commission draft decision 5 was adopted by 33 votes to 10, with 10 abstentions.

96. The CHAIRPERSON said that, since the amendment contained in document E/CN.4/2004/L.48 replaced Sub-Commission draft decision 5, no further action on the draft decision was required.

Draft Decision 11: Publishing the report of the Special Rapporteur on the rights of non-citizens

97. The CHAIRPERSON said he took it that the Commission wished to adopt the draft decision without a vote.

98. It was so decided.

Draft Decision 12: Voluntary fund on minority-related activities

99. The CHAIRPERSON said he took it that the Commission wished to adopt the draft decision without a vote.

100. It was so decided.

Draft decision 13: International year/decade for the world's minorities

101. Mr. THORNE (United Kingdom), introducing his delegation's proposed amendment to draft decision 13 (E/CN.4/2004/L.47), said that in the view of its sponsors it was not for the Sub-Commission to propose the establishment of international years or decades. Consistent with General Assembly resolution 53/199, all such proposals should be properly planned and financed and then be submitted directly to the General Assembly. The Sub-Commission proposal contained neither proper planning nor consideration of financial implications and was thus ill thought-out. The proposed amendment was motivated by a concern over the propriety of the Sub-Commission making recommendations for the establishment of international years or decades.

102. The CHAIRPERSON said he took it that the Commission wished to adopt the amendment to Sub-Commission draft decision 13 without a vote.

103. It was so decided.

104. The CHAIRPERSON said that, since the amendment contained in document E/CN.4/2004/L.47 replaced Sub-Commission draft decision 13, no further action on the draft decision was required.

Draft resolution concerning tolerance and pluralism as indivisible elements in the promotion and protection of human rights (E/CN.4/2004/L.71)

105. Mr. SINGH PURI (India), introducing draft resolution E/CN.4/2004/L.71, said that the large number of co-sponsors - 58 - reflected the widespread recognition of the central role played by tolerance and pluralism in the promotion and protection of human rights. The draft resolution was based on the principles of tolerance, peaceful coexistence and good-neighbourliness as enshrined in the Charter of the United Nations.

106. It recognized that tolerance and mutual respect were fundamental values common to all civilizations and upheld by all religions, that cultural, religious and ethnic differences should be celebrated and that cultural diversity should be seen as a treasure that enriched all societies. It noted that intolerance often led to discrimination, which, in turn, could lead to violence and conflict. Human rights and fundamental freedoms were applicable to all without distinction, and tolerance involved positive acceptance of and respect for diversity, while pluralism encompassed equal respect for the rights of all individuals.

107. The draft resolution recognized that promoting tolerance required cooperation at all levels and that active participation by States with a view to fostering a culture conducive to promoting tolerance and the involvement of civil society were crucial.

108. The CHAIRPERSON informed the Commission that there were 27 additional sponsors to the draft resolution, which had no financial implications. He took it that the Commission wished to adopt the text without a vote.

109. It was so decided.

Draft resolution concerning internally displaced persons (E/CN.4/2004/L.77)

110. Mr. LUTTEROTTI (Austria), introducing draft resolution E/CN.4/2004/L.77 on behalf of 55 sponsors, drew attention to amendments to the draft resolution concerning the twelfth preambular paragraph and operative paragraphs 23, 24, 25 and 27. Details of the changes had been circulated.

111. Internal displacement remained a matter of serious concern, with 25 million persons affected by it worldwide. The international community had made important headway in developing an international response to the global crisis of internal displacement. The application of the Guiding Principles on Internal Displacement as a standard by an increasing number of international actors was a welcome development.

112. However, international response strategies needed further improving, and prevention mechanisms needed strengthening. Human rights and protection concerns relating to internally displaced persons needed to be integrated more effectively into the United Nations system's response, both at Headquarters and in the field. The issue of protection needed to be linked more effectively to the work of humanitarian actors in the field.

113. The draft resolution therefore called for the creation of a new mechanism to enhance the mainstreaming of the human rights of internally displaced persons, as envisaged by the Representative of the Secretary-General on internally displaced persons, into all relevant parts of the United Nations system.

114. The CHAIRPERSON informed the Commission that there were eight additional sponsors of the draft resolution. Details of its financial implications had been circulated to the Commission.

115. Mr. SINGH PURI (India) said that his delegation was fully aware of the serious problem of internal displacement. An international response to the crisis, however, needed to remain within the parameters of the concept of State sovereignty, and action should thus only be taken at the request, or with the consent, of the countries concerned.

116. Protection of internally displaced persons was primarily the responsibility of individual States. Cases where there was no legal or institutional framework for their protection, or where a State was unwilling to provide assistance to internally displaced persons, were extremely rare.

117. In addition, the Commission's competence regarding internally displaced persons extended only to the human rights dimension. Otherwise, the issue fell primarily within the mandate of United Nations humanitarian agencies. His delegation, therefore, was doubtful of the appropriateness of the Commission addressing a subject, and proposing the creation of a mechanism, that primarily fell within a different mandate.

118. Nevertheless, his delegation would join the consensus.

119. Mr. DELAURENTIS (United States of America) said that, while an international response to the protection and assistance needs of the world's internally displaced required greater attention, the creation of a specific new mechanism was not the answer. There was a danger that it might simply parallel the work of already existing mechanisms, notably the Internal Displacement Unit of the Office for the Coordination of Humanitarian Affairs. It would be preferable to strengthen those mechanisms by, inter alia, mainstreaming the work of the Special Representative of the Secretary-General on internally displaced persons into the work of the Internal Displacement Unit. Any new mechanism must focus on increasing the effectiveness of that Unit and at enhancing the collaborative approach to addressing the needs of internally displaced persons.

120. Those concerns aside, his delegation would join the expected consensus on the text.

121. Mr. LANCHIKOV (Russian Federation) said that his delegation attached great importance to the problem of internally displaced persons and their protection. Therefore, it did not wish to disrupt the consensus on the draft resolution.

122. His Government advocated the strengthening of the role of the Special Representative. It was concerned that neither the mandate of a possible new mechanism nor the financial implications of its establishment were entirely clear. There was also doubt about the relationship between such a mechanism and other actors as referred to in paragraph 25.

123. Given the importance of the issue, the decision on the establishment of the proposed new mechanism required general consensus to ensure that its work would be based on true cooperation with concerned States.

124. The CHAIRPERSON said he took it that the Commission wished to adopt the draft resolution, as amended, without a vote.

125. It was so decided.

INDIGENOUS ISSUES (agenda item 15) (continued) (E/CN.4/2004/L.81, 82, 90, 105; E/CN.4/2004/2-E/CN.4/Sub.2/2003/43, chapter I, draft decision 9)

Draft resolution concerning the Working Group on Indigenous Populations of the Sub-Commission on the Promotion and Protection of Human Rights (E/CN.4/2004/L.81)

126. Mr. MARTINEZ (Cuba), introducing draft resolution E/CN.4/2004/L.81 also on behalf of the delegations of Ecuador and Guatemala, said that the text reaffirmed the need, as established by Commission resolution 2003/55, to maintain all three, complementary, mandates on indigenous issues.

127. The Economic and Social Council was to conclude its review of all existing mechanisms, procedures and programmes within the United Nations concerned with indigenous issues before the end of the International Decade of the World's Indigenous People. It was important to maintain a continuous flow of information to the Council on the work of all three mechanisms in order to facilitate an informed decision on the part of the Council regarding the future of each mandate.

128. He drew attention to a minor amendment to the text of paragraph 2, where the word "also" should be inserted after the word "*Recommends*".

129. The CHAIRPERSON informed the Commission that there were two additional sponsors to the draft resolution, which had no financial implications.

130. Mr. MAXWELL HEYWARD (Australia) said that the Economic and Social Council's review of mechanisms for indigenous issues was due in June 2004. It was, therefore, regrettable that the draft resolution contained language that pre-empted the outcome of the review.

131. His delegation considered it inappropriate for the Commission to endorse the continuing need for the Working Group on Indigenous Populations, as outlined in the seventh preambular paragraph of the text. Consideration of those issues should be deferred to the upcoming session of the Economic and Social Council. His delegation therefore requested a vote on the draft resolution and would vote against it.

132. At the request of the representative of Australia, a recorded vote was taken on the draft resolution.

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

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

Abstaining: None.

133. The draft resolution, as orally amended, was adopted by 38 votes to 15.

Draft resolution concerning the Working Group on Indigenous Populations of the Sub-Commission on the Promotion and Protection of Human Rights, and the International Decade of the World's Indigenous People (E/CN.4/2004/L.82)

134. Mr. ALFONSO MARTINEZ (Cuba), introducing draft resolution E/CN.4/2004/L.82 also on behalf of the delegations of Chile, Ecuador, Guatemala, Paraguay and Ukraine, said that, as a result of the consultations that had been held, a number of changes should be made to the draft text before the Commission. First, the words "taking into account, inter alia, the forthcoming review by the Council in 2004" should be added to the end of the seventh preambular paragraph, to reflect the wording used in Economic and Social Council decision 2003/306. The second amendment involved inverting the order of that paragraph and the subsequent one, so that the paragraph beginning with the words "*Mindful also that ...*" would appear before the former seventh preambular paragraph. Thirdly, the delegations that had participated in the consultations had decided that it would be preferable to delete the ninth preambular paragraph in its entirety. Lastly, the words "to continue" should be inserted in operative paragraph 20, between the words "High Commissioner" and "to cooperate". The draft resolution was similar in content to previous ones on the same issue that had been adopted by consensus.

135. The CHAIRPERSON informed the Commission that five countries wished to join the sponsors and said that a document listing the financial implications of the draft resolution had been circulated to members.

136. Ms. GOROVE (United States of America) said that the purposes once served by the Working Group on Indigenous Populations were now being fulfilled by the working group established to elaborate a draft declaration on the rights of indigenous peoples and the Permanent Forum on Indigenous Issues. The resources of the United Nations should not be spent on a body that was obsolete and duplicative. Therefore, her delegation called for a vote on the draft resolution and would vote against it.

137. Mr. KONDRATIEV (Russian Federation) said that the Working Group on Indigenous Populations continued to play an important role in the work of the United Nations to protect indigenous peoples and was unique in that it provided indigenous peoples with the opportunity to be heard.

138. Mr. LA Yifan (China) said that the Working Group on Indigenous Populations had an important role to play and his delegation would vote in favour of the draft resolution.

139. Ms. WHELAN (Ireland), speaking on behalf of the EU countries members of the Commission and Hungary, said that, although fully committed to upholding the rights of indigenous people, the EU considered that the draft resolution prejudged the outcome of the forthcoming review mandated in paragraph 8 of Economic and Social Council resolution 2000/22. The countries concerned would therefore abstain from voting.

140. 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, Bahrain, Bhutan, Brazil, Burkina Faso, Chile, China, Congo, Costa Rica, Cuba, Dominican Republic, Egypt, Eritrea, Ethiopia, Gabon, Guatemala, Honduras, India, Indonesia, Mauritania, Mexico, Nepal, Pakistan, Paraguay, Peru, Qatar, Russian Federation, Saudi Arabia, Sierra Leone, South Africa, Sri Lanka, Sudan, Swaziland, Togo, Uganda, Ukraine, Zimbabwe.

Against: Australia, United States of America.

Abstaining: Austria, Croatia, France, Germany, Hungary, Ireland, Italy, Japan, Netherlands, Nigeria, Republic of Korea, Sweden, United Kingdom of Great Britain and Northern Ireland.

141. The draft resolution, as orally amended, was adopted by 38 votes to 13, with 2 abstentions.

142. The CHAIRPERSON noted that there was no need to take action on Sub-Commission draft decision 9 (E/CN.4/2004/2-E/CN.4/Sub.2/2003/43, chapter I), as its substance had been incorporated into the draft resolution just adopted by the Commission.

Draft resolution concerning the working group of the Commission on Human Rights to elaborate a draft declaration in accordance with paragraph 5 of General Assembly resolution 49/214 of 23 December 1994 (E/CN.4/2004/L.90)

143. Mr. LORD (Canada) said that, through draft resolution E/CN.4/2004/L.90, which he was introducing, the Commission would authorize what would be the most important and critical session of the working group. The sponsors of the text had agreed to introduce new language that highlighted the need for all parties to participate in the forthcoming session of the working group actively and in a spirit of compromise. They had also agreed to include a paragraph inviting the Chairperson-Rapporteur of the working group to explore the possibility of convening additional meetings of the working group within existing resources and to conduct consultations with a view to facilitating progress in concluding a declaration. The goal was to arrive at the sixty-first session of the Commission with a text in hand that could be adopted by consensus. That would indeed be a fitting way to celebrate the end of the International Decade of the World's Indigenous People.

144. The CHAIRPERSON informed the Commission that there were 12 additional sponsors to the draft resolution, which had no financial implications.

145. Mr. ALFONSO MARTINEZ (Cuba) said that his delegation was seriously concerned about the lack of progress that had been made in achieving one of the major goals of the International Decade of the World's Indigenous People. As the Decade drew to a close, it was becoming increasingly unlikely that the working group would be able to elaborate a declaration that was acceptable to all parties. Although his delegation would not block the consensus, as the draft resolution remained the only way of achieving any meaningful progress before the end of the year, it urged the Commission to give serious consideration at its sixty-first session to the question of why so little had been accomplished in elaborating such a highly relevant document.

146. The CHAIRPERSON said he took it that the Commission wished to adopt the draft resolution without a vote.

147. It was so decided.

Draft resolution concerning human rights and indigenous issues (E/CN.4/2004/L.105)

148. Mr. TINAJERO (Mexico) said that the draft resolution he was introducing reiterated the Commission's deep concern about the precarious levels of economic and social development that indigenous people endured in many parts of the world and about the persistence of grave violations of their human rights. It indicated that the Commission was encouraged by the renewed determination of the international community to ensure the full respect and equal enjoyment by indigenous people of all human rights. Since his appointment three years previously, the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people had established a broad work programme and had made specific recommendations to countries on how to prevent violations of those rights and freedoms. He had also engaged in a fluid and respectful dialogue with the authorities of the countries he had visited. Under the draft resolution, the Commission would decide to extend the mandate of the Special Rapporteur for a further three years and would encourage Governments to respond positively to requests by the Special Rapporteur to visit their country and to cooperate with him. It was hoped that the draft resolution was acceptable to all members and could be adopted without a vote.

149. The CHAIRPERSON informed the Commission that 10 countries had joined the list of sponsors and that a document outlining the financial implications of the draft resolution had been circulated to members.

150. Ms. GOROVE (United States of America) expressed her delegation's dismay that the amendment it had proposed during the informal consultations had not been incorporated into the draft text. Her delegation had proposed that the words "and applicable" should be inserted after the word "relevant" in the third preambular paragraph, so that the first part of the paragraph would read: "*Guided* by the relevant and applicable norms and standards of international human rights instruments ...". Her delegation would like to see that proposal reflected in the text, as the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families had been ratified by only a very small number of States and it could hardly be said to be a norm and standard that applied to everyone.

151. Mr. TINAJERO (Mexico) said that his delegation would like to consult the sponsors of the draft resolution before commenting on the proposal made by the United States representative.

152. The CHAIRPERSON suggested that the Commission should defer consideration of the draft resolution to allow time for consultations.

153. It was so decided.

REPORT OF THE SUB-COMMISSION ON THE PROMOTION AND PROTECTION OF HUMAN RIGHTS:

(a) REPORT AND DRAFT DECISIONS

(b) ELECTION OF MEMBERS

(agenda item 16) (continued) (E/CN.4/2004/L.73/Rev.1 and L.74/Rev.1)

Draft resolution concerning the responsibilities of transnational corporations and related business enterprises with regard to human rights  
(E/CN.4/2004/L.73/Rev.1)

154. The CHAIRPERSON said that the sponsors of draft resolution E/CN.4/2004/L.73/Rev.1 had agreed that there was no need to formally introduce their text, which was short and self-explanatory. However, they had asked him to point out that, owing to a technical error, the word “including” had been omitted from subparagraph (b) and should therefore be inserted between the words “human rights” and “inter alia”. Twelve countries wished to add their names to the list of sponsors.

155. Mr. REYES RODRIGUEZ (Cuba) said that his delegation would join the consensus on the draft resolution because it was the fruit of the efforts of a significant group of States. Nevertheless, it had some serious reservations about the contents of the draft. For instance, subparagraph (c) affirmed that document E/CN.4/Sub.2/2003/12/Rev.2, which contained the norms on the responsibilities of transnational corporations and other business enterprises with regard to human rights, had not been requested by the Commission. Yet, studies did not always have to have been requested in advance by the Commission. That document was significant in that it was the first piece of work of that quality to have been prepared by the United Nations highlighting the role of transnational corporations in the enjoyment of human rights. His delegation would not request a vote but reserved the right to return to the issue at the sixty-first session of the Commission.

156. The CHAIRPERSON said he took it that the Commission wished to adopt the draft resolution, as orally amended, without a vote.

157. It was so decided.

Draft resolution on the work of the Sub-Commission on the Promotion and Protection of Human Rights (E/CN.4/2004/L.74/Rev.1)

158. Mr. BERNIS (Observer for Luxembourg), introducing draft resolution E/CN.4/2004/L.74/Rev.1, said that the draft text had been sponsored by some 50 different countries from all regional groups and was based largely on what had been achieved in previous years. It recalled the role of the Sub-Commission as defined in the procedural texts that had

been adopted by consensus in the past and reiterated that the Sub-Commission should be able to devote itself fully to its main task, namely that of carrying out studies and research. The draft resolution also outlined the role that the Commission should play in monitoring and determining the priorities of the Sub-Commission and emphasized that the Sub-Commission should refrain from assigning itself any entirely new roles and functions. The amendments that had been made to the text had been part of the ongoing effort to enhance the quality of the Sub-Commission. In the future, the Commission might deem it appropriate to endorse a resolution that would allow for a more regular renewal of the Sub-Commission's membership with a view to ensuring a regular input of new expertise and points of view. Likewise, it might in the future be necessary to define more clearly the criteria of impartiality and independence that applied to members of the Sub-Commission, in order to ensure that they were always objective and efficient. The consultations that had led to the draft resolution had been carried out in a spirit of openness and transparency. His delegation wished to thank all those who had participated in the discussions and hoped that the draft text would be adopted by consensus.

159. The CHAIRPERSON informed the Commission that there were no additional sponsors and that the financial implications of the draft resolution had been circulated to members.

160. Mr. REYES RODRIGUEZ (Cuba) said that his delegation welcomed the efforts of the delegation of Luxembourg and believed that the draft resolution should be adopted by consensus. However, it first wished to propose a minor amendment: the words "while reaffirming the content of paragraph 52 of the Annex to the Commission decision 2000/109 of 26 April 2000" should be added at the end of operative paragraph 9 (d). The amendment was not inconsistent with the existing text but simply ensured that the paragraph in question could not be misinterpreted as being contrary to prior decisions of the Commission.

161. Mr. DE JONG (Netherlands) said that the sponsors of the draft resolution considered the Cuban proposal to be acceptable. It did not change the substance of the paragraph in question but merely reaffirmed what the draft resolution already stated in operative paragraph 9 (a) and (b).

162. Mr. OULD MOHAMED LEMINE (Mauritania) said that his delegation wished to join the sponsors of the draft resolution, as orally amended by the representative of Cuba.

163. The CHAIRPERSON said he took it that the Commission agreed to the amendment proposed by the representative of Cuba and wished to adopt the draft resolution, as orally amended.

164. It was so decided.

The meeting rose at 12.50 p.m.