

INDEX OF INTERNATIONAL COMMITMENT TO HUMAN RIGHTS 2004

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EXECUTIVE SUMMARY

- Chile ranks number one on the Index of International Commitment to Human Rights (IICHR) with 16 points. The next ten positions are held by the following European countries: Austria, Croatia, Ireland, Sweden, Germany, Holland, Hungary, United Kingdom, Italy and France.
- There is a tie among countries with least international commitment to human rights: Egypt, Ethiopia, Sierra Leone, Sudan, Zimbabwe, Indonesia and Cuba, they all have -9 points.
- Europe ranks number one on the IICHR at a continental level with 11 points. Oceania ranks second with 8 points. America is in third place with 6.4 points.
- The continents with least international commitment to human rights are Asia, with -1.1 points and Africa, with -6.7 points.
- The Palestinian-Israeli conflict is the case that arouses most international consensus on violations of human rights (40 points).
- The most controversial draft resolutions on human rights violations were those of Chechnya (-40 points), China (-33 points), Cuba (-8 points) and Zimbabwe (-8 points), obtaining the greatest number of 'against' votes and abstentions.
- Europe and Africa are the continents that have a common foreign policy regarding international commitment to human rights. Europe has a homogeneous foreign policy regarding commitment, whereas Africa presents a lack of commitment.
- America is the continent that displays the most diverse results: it includes Chile that ranks number one with 16 points and Cuba, which is ranked among the countries with least international commitment to human rights with -9.
- Regarding the composition of the Commission on Human Rights, there are a greater number of countries that violate human rights compared to last year. Freedom House publishes an annual assessment that classifies countries as being "free", "partly free" and "not free" and if we use this as a reference, the percentage of free countries represents less than half the member states. "Free" countries account for 43.4%, "partly free" countries 26.4% and the remaining 30.2% are "not free".
- There is a correlation between the situation of human rights within national borders and the international commitment to human rights. The group of countries with the highest international commitment to human rights is almost completely comprised of countries that are classified as "free" by Freedom House. The only country that does not belong to this category is Guatemala ("partly free"). States that violate human rights ("not free" and "partly free") represent 92% of the group of countries with least international commitment to human rights. India and South Africa are the only countries in this group that are classified as "free".

RANKING OF INTERNATIONAL COMMITMENT TO HUMAN RIGHTS

1°	Chile	16
2°	Austria	13
2°	Croatia	13
2°	Ireland	13
2°	Sweden	13
3°	Germany	12
3°	Netherland	12
3°	Hungary	12
3°	United Kingdom	12
3°	Italy	12
4°	France	10
4°	Guatemala	10
4°	Japan	10
4°	Mexico	10
5°	Armenia	8
5°	Australia	8
5°	Brazil	8
6°	Argentina	7
6°	South Korea	7
6°	Costa Rica	7
6°	Paraguay	7
6°	Peru	7
7°	United States	6
8°	Honduras	4
8°	Dominican Rep.	4
8°	Sri Lanka	4
9°	Bhutan	2
10°	Nepal	-2
11°	Saudi Arabia	-3
12°	Gabon	-4
12°	India	-4
12°	Mauritania	-4
12°	Ukraine	-4
12°	Uganda	-4
13°	Burkina Faso	-5
13°	Eritrea	-5
13°	Russian Fed.	-5
14°	Bahrain	-6
14°	China	-6
14°	Pakistan	-6
14°	Qatar	-6
14°	Swaziland	-6
14°	Togo	-6
15°	Congo	-7
15°	South Africa	-7
16°	Nigeria	-8
17°	Cuba	-9
17°	Egypt	-9
17°	Ethiopia	-9
17°	Indonesia	-9
17°	Sierra Leone	-9
17°	Sudan	-9
17°	Zimbabwe	-9

AIM AND METHODOLOGY

The aim of this report is to analyze the votes that took place during the 60th session of the United Nations Commission on Human Rights, held between March 15 and April 23, 2004, in Geneva, Switzerland.

The Commission on Human Rights was established by Resolution 5 of the Economic and Social Council in 1946. Its first task was to draft what would later be the Universal Declaration of Human Rights, adopted by the General Assembly of the United Nations on December 10, 1948 (the day Human Rights Day is observed every year). The Commission on Human Rights meets each year in regular session in March/April in Geneva; 53 States and over 3,000 delegates from States and non-governmental organizations participate. The reports that are elaborated during the session are presented to the Economic and Social Council of the United Nations and its resolutions on human rights violations are widely publicized because they express the international community's opinion on serious infringements of international law.

It is worth pointing out that every State has an important, indeclinable duty towards the international commitment to human rights. In this way, by means of the Charter of the United Nations (recognized as the key instrument that must guide international relations after World War II), States have committed themselves by their own free will to take joint and separate action to achieve universal respect for human rights².

Although the aforementioned resolutions lack coercive power, we must note that their adoption is crucial to encourage debate on human rights violations by opening the violations of international law that occur within national borders to public scrutiny.

In order to achieve this aim, we have created the Index of International Commitment to Human Rights (IICHR)³. The decisions that the Commission's member States take on a draft resolution are valued as follows:

- votes in favor of the adoption of resolutions on human rights: +2
- abstentions from voting on the adoption of resolutions on human rights: -1
- votes against the adoption of resolutions on human rights: -2

The use of the IICHR to analyze the session in 2004 (11 votes on specific cases of human rights situations) results in a range of forty four points, from minus twenty two points (assuming the country has voted against the adoption of every draft) to plus twenty two points (assuming the country has voted in favor of the adoption of every draft). We have prepared a ranking of international commitment to human rights using this valuation mechanism.

¹ www.un.org

² Articles 55 and 56 of the Charter of the United Nations.

³ This is the second IICHR report. The first one was published by CADAL in April 2004 and analyzed Argentina, Brazil and Chile's votes during the Commission's sessions in 2002 and 2003. Available in Spanish at: http://www.cadal.org/documentos/Indice_DDHH_Abril_2004.PDF

A. BRIEF SUMMARY OF EVERY VOTE. RESOLUTIONS ADOPTED DURING THE 60TH SESSION (2004) OF THE COMMISSION ON HUMAN RIGHTS.⁴

I - Grave Situation in the Occupied Palestinian Territory

By means of resolution 2004/1, the Commission on Human Rights condemns the violations of human rights and humanitarian international law that have taken place in the Israeli-Occupied Palestinian Territory. In reference to the practice of targeted assassinations and liquidations, it specifically mentions the assassination of Sheikh Ahmad Yassin on 22 March 2004, in contravention of the 1949 Geneva Convention relative to the Protection of Civilian Persons in Time of War (Israel is a party to it). This, according to the resolution, may give rise to the possibility of a fresh wave of violence.

This resolution is adopted by a recorded vote of 31 votes to 2, with 18 abstentions. The following countries voted in favor of the resolution: Saudi Arabia, Argentina, Armenia, Bahrain, Bhutan, Brazil, Burkina Faso, Chile, China, Congo, Cuba, Egypt, Eritrea, Ethiopia, Russian Federation, India, Indonesia, Mauritania, Mexico, Nepal, Nigeria, Pakistan, Paraguay, Qatar, South Africa, Sri Lanka, Sudan, Swaziland, Togo, Uganda and Zimbabwe. The countries that voted against its adoption were United States and Australia. The following countries abstained from voting: Germany, Austria, Costa Rica, Croatia, France, Guatemala, Honduras, Hungary, Ireland, Italy, Japan, Holland, Peru, United Kingdom, Republic of Korea, Dominican Republic, Sweden and Ukraine.

Amnesty International refers to the extrajudicial execution of Sheikh Ahmad Yassin in Press Release MDE 15/029/2004. The event occurred with the leader of Hamas was leaving the mosque in Gaza City. An Israeli army helicopter launched a missile that also killed seven other Palestinians. "Once again Israel has chosen to violate interna-

tional law instead of using alternative lawful means. [...] The assassination of Sheikh Yassin is likely to further escalate the spiral of violence which has claimed the lives of some 2,500 Palestinians and 900 Israelis, most of them civilians, in the past three and a half years." According to this source, Israel has resorted to extrajudicial executions to eliminate some 200 Palestinians in the past three and a half years. Such attacks have also resulted in the unlawful killing of more than 100 bystanders, including dozens of children⁵.

II - Human Rights in the Occupied Syrian Golan

Resolution 2004/8 was adopted during the 60th session and its contents resemble previous years' resolutions on the violations of human rights of Syrian citizens in the Syrian Golan, occupied by Israeli forces since 1967. The text of the resolution reaffirms the illegality of Israel's decision to effectively annex the occupied Syrian Golan, given that the acquisition of territory by force is in contravention of the Charter of the United Nations⁶ and of the principles of international law. After taking note of Israel's constant refusal to cooperate with and to receive the Special Committee that investigates practices affecting the human rights of the Palestinian people and other Arabs of the occupied territories, the resolution calls upon Israel to comply with the relevant resolutions of the General Assembly and of the Security Council, particularly resolution 497 (1981), in which the Council decided that the Israeli decision to impose its laws, jurisdiction and administration on the occupied Syrian Golan is null and void and without international legal effect. Consequently, the resolution calls upon Member States not to recognize any of the legislative or administrative measures and actions referred to above. In addition, it encourages Israel to desist from imposing Israeli citizenship on the Syrian citizens in the occupied Syrian Golan and to allow displaced persons to return to their homes and to recover their properties. Finally, it exhorts Israel to desist from changing the physical character and demographic composition of the

⁴ The full text of the resolutions are available at: <http://www.unhchr.ch/html/menu2/2/60chr/index.html>

⁵ "Amnesty International Strongly Condemns the Assassination of Sheikh Yassin". Press Release AI Index: MDE 15/029/2004; News Service No: 066; 22 March 2004.

⁶ Article 2, Par. 4 of the Charter of the United Nations.

occupied Syrian Golan.

The resolution was adopted by a recorded vote of 31 votes to 1, with 21 abstentions. The following countries voted in favor: Saudi Arabia, Argentina, Armenia, Bahrain, Bhutan, Brazil, Burkina Faso, Chile, China, Congo, Cuba, Egypt, Eritrea, Russian Federation, Gabon, India, Indonesia, Mauritania, Mexico, Nepal, Nigeria, Pakistan, Qatar, Sierra Leone, South Africa, Sri Lanka, Sudan, Swaziland, Togo, Uganda and Zimbabwe. United States is the only country that voted against the adoption of the resolution. The following countries abstained from voting: Germany, Australia, Austria, Costa Rica, Croatia, Ethiopia, France, Guatemala, Honduras, Hungary, Ireland, Italia, Japan, Holland, Paraguay, Peru, United Kingdom, Republic of Korea, Dominican Republic, Sweden and Ukraine.

III - Israeli Settlements in the Occupied Arab Territories

Once again, the Commission analyzed the situation of the Israeli settlements in occupied Arab territories in the 60th session. In the text of the resolution, It expresses its concern at the widespread violations of human rights and international humanitarian law and analyzes a situation that has led to "a seemingly endless spiral of hatred and violence" and has done much harm to both Israelis and Palestinians. In addition, it condemns acts of terrorist violence and urges the Palestinian Authority to concretely demonstrate its determination in the fight them. While recognizing Israel's right to self-defense in the face of terrorist attacks against its citizens, it urges the Government of Israel to exert maximum effort to avoid civilian casualties and to put a halt to extrajudicial killings, which are contrary to international law. By means of this resolution, it urges the Government of Israel to put an end to its settlement policy in the occupied territories: to stop both the establishment of new settlements and the expansion of existing ones and to proceed to their dismantlement. Also, it demands that Israel stop and reverse the construction of the security fence in the Occupied Palestinian Territory, which is a departure from the Armistice

Line of 1949 and is in contradiction to relevant provisions of international law and could prejudice future negotiations, making the two-State solution physically impossible to implement. Finally, it urges the parties to implement immediately the road map endorsed by the Security Council to achieve peace and security in the region.

Resolution 2004/9 was adopted by a recorded vote of 27 votes to 2, with 24 abstentions. The following countries voted in favor: Germany, Argentina, Armenia, Austria, Bhutan, Brazil, Chile, China, Croatia, Ethiopia, Russian Federation, France, Guatemala, Hungary, India, Ireland, Italia, Japan, México, Nepal, Holland, Paraguay, Peru, United Kingdom, Republic of Korea, Sweden and Ukraine. Only Congo and United States voted against the resolution. The following countries abstained from voting: Saudi Arabia, Australia, Bahrain, Burkina Faso, Costa Rica, Cuba, Egypt, Eritrea, Gabon, Honduras, Indonesia, Mauritania, Nigeria, Pakistan, Qatar, Dominican Republic, Sierra Leone, Sri Lanka, South Africa, Sudan, Swaziland, Togo, Uganda and Zimbabwe.

According to Human Rights Watch, the Israeli armed forces have razed hundreds of Palestinian homes to create a "buffer zone" along the Gaza strip, as part of the pull out plan from the territory. Human Rights Watch found the Israel Defense Force (IDF) has made 16,000 people homeless over the past four years. Also, the rate of home demolitions in Rafah (south of Gaza) tripled in 2003 in comparison with the previous two years. Kenneth Roth, executive director of Human Rights Watch, said, "Israel's conduct in southern Gaza stems from the assumption that every Palestinian is a suicide bomber and every home a base for attack. [...] This policy of mass home destruction leads to serious violations of international humanitarian law meant to protect civilians."⁷

IV - Question of the Violation of Human Rights in the Occupied Arab Territories, including Palestine

As in previous sessions, the Commission on Human Rights dealt with the issue of violation of

⁷ "Israel: Despite Gaza Pullout Plan, Home Demolitions Expand - Israeli Forces Destroy Homes to Clear Palestinians from Border", Human Rights Watch. Available at: <http://hrw.org/english/docs/2004/10/18/isrlpa9507.htm>

human rights in the Israeli occupied Arab territories. The text resolution 2004/10 recalls various Security Council resolutions, particularly 242 (1967) and 338 (1973) that called upon both parties to move immediately to a meaningful cease-fire, for withdrawal of Israeli troops and for an immediate cessation of acts of terror, provocation and destruction. Also, it reaffirms the legitimacy of the Palestinian struggle, in view of the struggle of peoples for independence from foreign domination and for self-determination, in conformity with Article 1, Paragraph 2 of the Charter of the United Nations. It calls upon Israel to withdraw from the Palestinian territories occupied since 1967 as a basic condition for achieving peace in the Middle East. The Commission is gravely concerned at the incursions into towns, villages and refugee camps to kill innocent men, women and children, as was the case in Jenin, Balata, Khan Younis, Rafah, Ramallah, Gaza (Al-Daraj, Al-Zaitoun, Al-Shajai'ia, Al-Nusseirat and Al-Burreij), Nablus, Al-Birah, Al-Amari, Jabalia, Bethlehem and Dheisheh. Also, it condemns the fact that the situation in the occupied territories continues to worsen, regarding the grave violations of human rights as well as of international humanitarian law, particularly the practice of "liquidation" or "extrajudicial executions" of Palestinians, arbitrary and massive arrests, use of torture during interrogations, collective punishments, siege of Palestinian cities, bombing of civilian residences, offensives against hospitals, sick persons and even ambulances and paramedical personnel of the International Committee of the Red Cross (preventing them from reaching the wounded who, therefore, bleed to death in the streets), the use of Palestinian citizens as human shields and mass killing of Palestinians, particularly the recent killing of children in Nablus, Gaza, Rafah, Al-Nusseirat and Al-Burreij. The Commission strongly condemns the establishment of Israeli settlements, land confiscation, biased administration of water resources and the construction of bypass roads, which are categorized as war crimes and are also major obstacles for achieving a just, comprehensive and lasting peace in the region. It also criticizes the practices that open the way to Judaizing Jerusalem (expropriation of Palestinian homes, the revocation of the identity

cards, imposition of fabricated and exorbitant taxes with the aim of forcing Palestinians out of their homes and out of their city) and isolation of Palestinian towns and villages from each other by military roadblocks. It expresses its grave concern at the restriction of the freedom of movement imposed on Yasser Arafat, in violation of the Universal Declaration of Human Rights⁸. Regarding the construction of the Israeli wall inside the Occupied Palestinian Territory, the Commission calls on Israel to stop the construction and erase what it has already built of this wall, as it endangers the social, economic, cultural, educational, health and psychological aspects of Palestinian families.

Resolution 2004/10 was adopted by a recorded vote of 31 votes to 7, with 15 abstentions. The following States voted in favor: Saudi Arabia, Armenia, Bahrain, Bhutan, Brazil, Burkina Faso, Chile, China, Congo, Cuba, Egypt, Eritrea, Russian Federation, Gabon, India, Indonesia, Mauritania, Nepal, Nigeria, Pakistan, Qatar, Republic of Korea, Sierra Leone, Sri Lanka, South Africa, Sudan, Swaziland, Togo, Ukraine, Uganda and Zimbabwe. The countries that voted against were: Germany, Australia, United States, Hungary, Italy, Holland and United Kingdom. The following countries abstained from voting: Argentina, Austria, Costa Rica, Croatia, Ethiopia, France, Guatemala, Honduras, Ireland, Japan, Mexico, Paraguay, Peru, Dominican Republic and Sweden.

V - Situation of Human Rights in Cuba

Resolution 2004/11 is the only resolution that deals with the situation of human rights in a Latin American country. The representative of Honduras introduced the draft resolution to the Commission and claimed that the aim of the resolution is to call on the Cuban government to establish freedom of expression, democracy and pluralism. Also, the resolution emphasizes that member States of the Commission must set the example and cooperate with its mechanisms, therefore it is vital that Cuba cooperate with the Personal Representative of the United Nations High Commissioner for Human Rights so as to fulfill the mandate contained in res-

⁸ Articles 9 and 13 of the Universal Declaration of Human Rights.

olution 2002/18. On the other hand, the European Union shares the position of Honduras but expresses grave concern about issues that are not mentioned in the resolution. It refers to the massive arrests of political dissidents in 2003: it condemns the manner in which their trials took place, the conditions of their detention and the excessive punishments they received. Also, it calls upon the Cuban government to free dissidents who are still in prison⁹. The resolution adopted by the Commission considers that the Cuban government should refrain from adopting measures that could jeopardize fundamental rights and, in that regard, deplores the events which occurred last year in Cuba involving verdicts against certain political dissidents and journalists. It also expresses the hope that the Government of Cuba will initiate measures designed to facilitate the transition towards the establishment of a fruitful dialogue with all schools of thought and organized political groups. Finally, it urges the Government of Cuba to cooperate with the Personal Representative of the United Nations High Commissioner for Human Rights, in keeping with the purposes and principles set out in the Charter of the United Nations¹⁰.

Resolution 2004/11 was adopted by a close vote of 22 votes to 21, with 10 abstentions. The following countries voted in favor: Germany, Armenia, Australia, Austria, Chile, Costa Rica, Croatia, United States, France, Guatemala, Honduras, Hungary, Ireland, Italy, Japan, Mexico, Holland, Peru, Republic of Korea, Dominican Republic, United Kingdom and Sweden. The countries that voted against the resolution are: South Africa, Saudi Arabia, Bahrain, Burkina Faso, China, Congo, Cuba, Egypt, Ethiopia, Russian Federation, India, Indonesia, Nigeria, Pakistan, Qatar, Sierra Leone, Sudan, Swaziland, Togo, Ukraine and Zimbabwe. The following countries abstained from voting: Argentina, Bhutan, Brazil, Eritrea, Gabon, Mauritania, Nepal, Uganda, Paraguay and Sri Lanka.

According to Amnesty International's 2004

Report¹¹, "2003 saw a severe deterioration in the human rights situation in Cuba", particularly due to a crack-down on the dissident movement in March of that year. According to this source, seventy-five activists were unfairly tried and sentenced to up to 28 years of imprisonment. In the following month, three men convicted of involvement in hijacking a ferry were executed by a firing squad. Amnesty International states that "criticism from the international community, including countries and individuals previously supportive of the Cuban government, intensified. The Cuban authorities sought to justify these measures as a necessary response to the threat to national security posed by the United States."¹²

VI - Situation of Human Rights in Turkmenistan

The Commission once again expressed deep concern at the violations of human rights in Turkmenistan during the 60th session. The text of resolution 2004/12 points out the persistence of a governmental policy based on the repression of all political opposition activities, including arbitrary detention of persons who try to exercise their freedoms of thought, expression, assembly and association. It also refers to the discrimination by the Government of Turkmenistan against ethnic Russian, Uzbek and other minorities in the fields of education and employment. Consequently, the Commission urges the Government of Turkmenistan to ensure full respect for all human rights and fundamental freedoms, in particular the freedoms of expression, religion, association and assembly, the right to a fair trial by an independent and impartial tribunal established by law and the protection of the rights of persons belonging to ethnic and religious minorities. It urges the government to release immediately and unconditionally all prisoners of conscience. Also, it calls upon the Government of Turkmenistan to put an end to forced displacement and guarantee freedom of movement inside the country. Finally, it urges the government to facilitate the visits of Special

⁹ Compte rendu analytique de la 50e séance (our translation).

¹⁰ Article 1 of the Charter of the United Nations.

¹¹ It covers events from January to December 2003.

¹² Amnesty International Report 2004, available at <http://web.amnesty.org/report2004/cub-summary-eng>

Rapporteurs, Working Groups and Representatives of the Secretary-General concerning the situation of human rights in its territory.

Resolution 2004/12 was adopted by a recorded vote of 25 votes to 11, with 17 abstentions. The following countries voted in favor of the resolution: Germany, Argentina, Australia, Austria, Brazil, Chile, Costa Rica, Croatia, United States, France, Guatemala, Honduras, Hungary, Ireland, Italy, Japan, Mexico, Holland, Paraguay, Peru, Republic of Korea, Dominican Republic, United Kingdom, Sri Lanka and Sweden. Those against adopting the resolution were: Saudi Arabia, Bahrain, China, Cuba, Egypt, Indonesia, Pakistan, Qatar, Sudan, Ukraine and Zimbabwe. The following countries abstained from voting: South Africa, Armenia, Bhutan, Burkina Faso, Congo, Eritrea, Ethiopia, Russian Federation, Gabon, India, Mauritania, Nepal, Nigeria, Uganda, Sierra Leone, Swaziland and Togo.

According to Amnesty International's 2004 Report, the government of Turkmenistan did not respond favorably to petitions made by the international community concerning the respect of human rights. The Report states, "The human rights situation in Turkmenistan remained appalling. Key to the failure to address impunity or counter the widespread abuse of human rights was the domination by President Niyazov of all aspects of life in the country and the personality cult he has developed." In mid-2003, the People's Council, which consists of representatives of the three branches of government and is presided by Niyazov, authorized itself to amend the Constitution. "Freedom of movement inside Turkmenistan was severely curtailed. In April, President Niyazov imposed a ban on dual citizenship and strict exit visa requirements for those affected, further limiting civil and political rights."¹³

VII - Situation of Human Rights in the Democratic People's Republic of Korea

The Commission, by means of resolution 2004/13, expressed its deep concern about continuing reports of systemic, widespread and grave viola-

tions of human rights in the Democratic People's Republic of Korea. Some of the mentioned violations include torture and other cruel, inhuman or degrading treatment or punishment, public executions, extrajudicial and arbitrary detention, imposition of the death penalty for political reasons, the existence of a large number of prison camps and the extensive use of forced labor, sanctions on citizens who have been repatriated from abroad, all pervasive and severe restrictions on the freedoms of thought, conscience, religion, opinion and expression, trafficking of women ethnically motivated forced abortions and infanticide. It also urges the authorities of the Democratic People's Republic of Korea to ensure that humanitarian organizations have full, free, safe and unimpeded access to all parts of the territory in order for them to ensure that humanitarian assistance, particularly food, is delivered impartially. Finally, it recommends that the Economic and Social Council appoint a Special Rapporteur on the situation of human rights in the territory and calls upon the North Korean Government to collaborate and assist the Special Rapporteur in the discharge of his/her mandate.

Resolution 2004/13 was adopted by a recorded vote of 29 votes to 8, with 16 abstentions. The following countries voted in favor of the resolution: Germany, Saudi Arabia, Argentina, Armenia, Australia, Austria, Bhutan, Brazil, Chile, Costa Rica, Croatia, United States, France, Gabon, Guatemala, Honduras, Hungary, Ireland, Italy, Japan, Mexico, Holland, Paraguay, Peru, Dominican Republic, United Kingdom, Sri Lanka, Sweden and Ukraine. Those who voted against the resolution were: China, Cuba, Egypt, Russian Federation, Indonesia, Nigeria, Sudan and Zimbabwe. The following countries abstained from voting: South Africa, Bahrain, Burkina Faso, Congo, Eritrea, Ethiopia, India, Mauritania, Nepal, Uganda, Pakistan, Qatar, Republic of Korea, Sierra Leone, Swaziland and Togo.

The "Freedom in the World 2004" Report classifies North Korea as being a "not free" country. The North Korean leader, Kim Jong-il, and a handful of members of the elite from the Korean Worker's

¹³ Amnesty International Report 2004, available at <http://web.amnesty.org/report2004/tkm-summary-eng>

Party (KWP) rule by decree, although little is known about the regime's inner workings. The Report states, "The right to privacy is virtually nonexistent in North Korea." The state closely monitors the population through informers as well as security checks on homes. In Pyongyang, the capital of the State, each North Korean is assigned a security rating that partly determines access to higher education, employment, and health services, as well as place of residence. According to this source, "North Korea is one of the most tightly controlled countries in the world. The regime denies North Koreans even the most basic rights; holds tens of thousands of political prisoners under brutal conditions; and controls nearly every facet of social, political, and economic life."¹⁴

VIII - Situation of Human Rights in Belarus¹⁵

The Commission once again analyzed the situation of human rights in Belarus by means of resolution 2004/14. In first place, the text of the resolution states the Commission expresses deep concern at reports from credible sources that implicate senior officials of the Government of Belarus in the forced disappearance and summary execution of three political opponents and of a journalist. In view of these events, it urges the Government of Belarus to suspend the implicated public officials, pending an impartial investigation of those cases. It also requests the government to bring the electoral process and legislative framework into line with international standards, establish independence of the judiciary, release individuals detained for politically motivated reasons and to cease harassment of non-governmental organizations, political parties, trade unions and independent media. Finally, the Commission insists that the Government of Belarus cooperate fully with Special Rapporteurs, Special Representatives of the Secretary-General and Working Groups that examine the situation of human rights in Belarus.

Resolution 2004/14 was adopted by a recorded vote of 23 votes to 13, with 17 abstentions. The following countries voted in favor of the resolu-

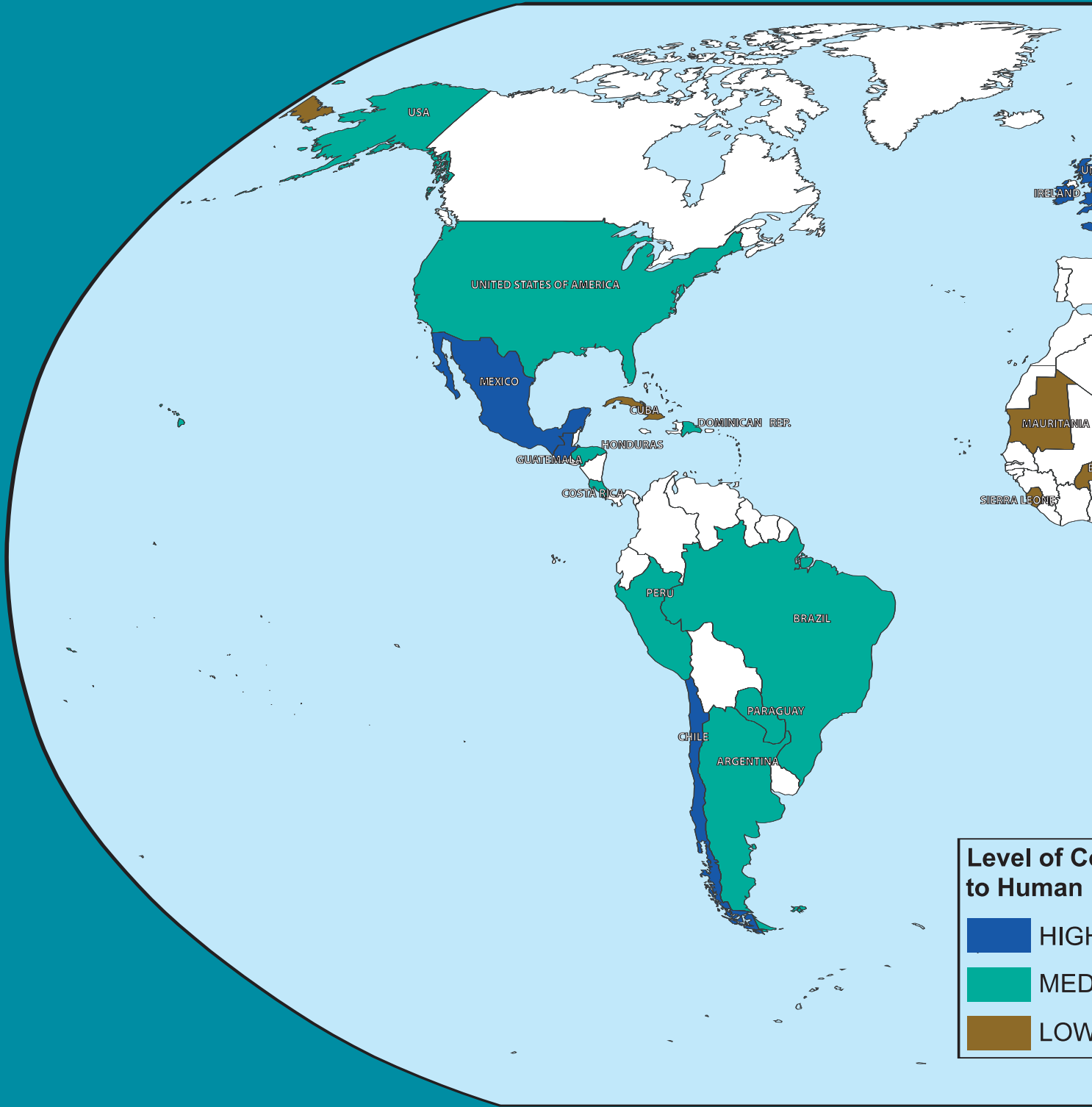
tion: Germany, Australia, Austria, Brazil, Chile, Costa Rica, Croatia, United States, France, Guatemala, Hungary, Ireland, Italy, Japan, Mexico, Paraguay, Holland, Peru, Republic de Korea, Dominican Republic, United Kingdom, Sri Lanka and Sweden. The countries that voted against the resolution are: South Africa, Armenia, China, Cuba, Egypt, Russian Federation, India, Indonesia, Nigeria, Sierra Leone, Sudan, Ukraine and Zimbabwe. The following countries abstained from voting: Argentina, Saudi Arabia, Bahrain, Bhutan, Burkina Faso, Congo, Eritrea, Ethiopia, Gabon, Honduras, Mauritania, Nepal, Uganda, Pakistan, Qatar, Swaziland and Togo.

The Freedom in the World Report informs that the Lukashenka regime (who won a controversial reelection in 2001) pursued a policy of systematic legal persecution and physical intimidation of its democratic opponents, including the liquidation of nongovernmental organizations and the closure or suspension of the publication of independent newspapers critical of his government. According to this source, "The year 2003 witnessed intensified legal pressures on newspapers, punishments meted out to opposition demonstrators, the disbanding of human rights and civic organizations, and efforts at total state control over independent schools."

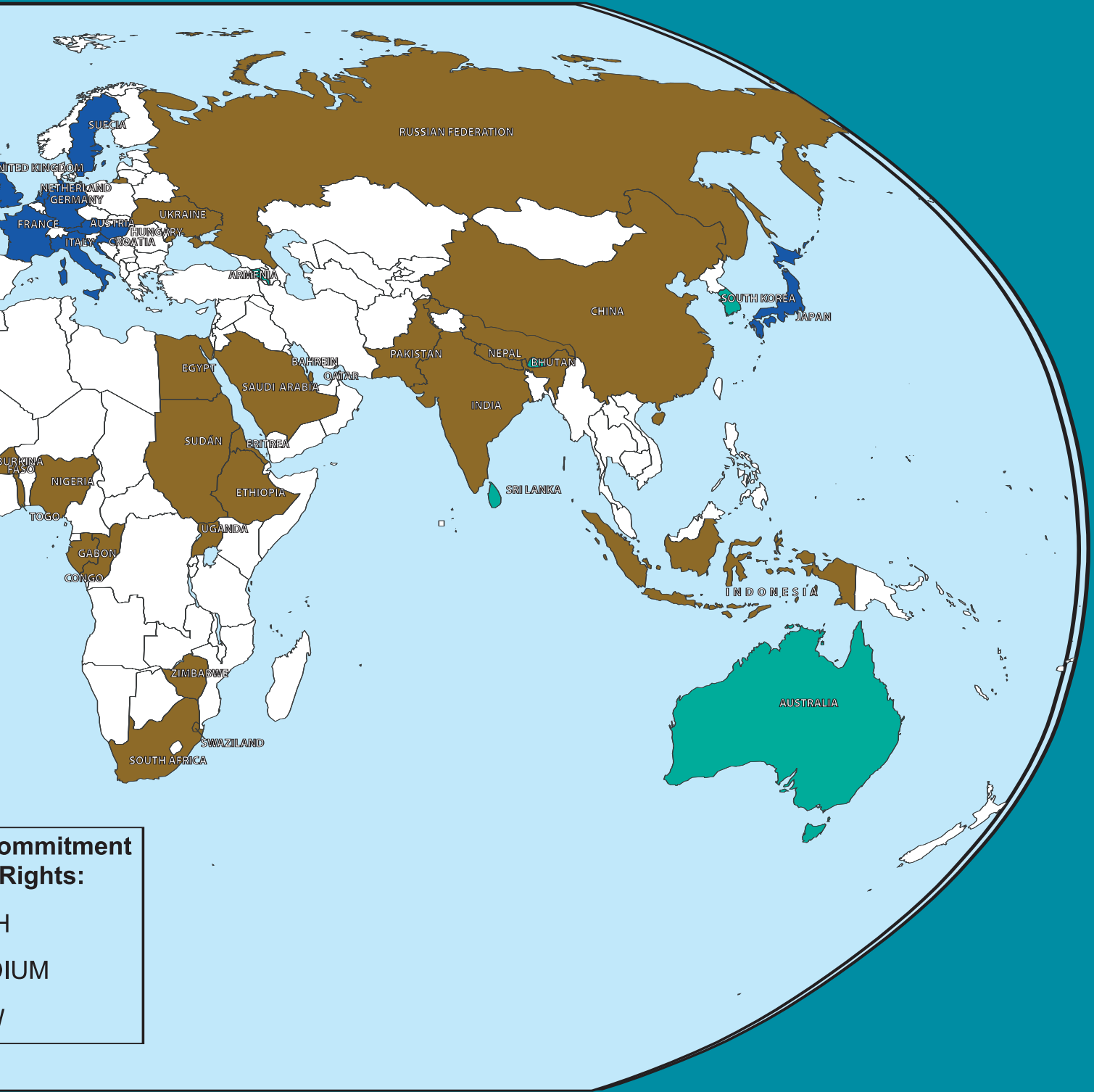
¹⁴ "Freedom in the World 2004 - The annual survey of political rights and civil liberties", published by Freedom House in 2004.

¹⁵ On 19 September 1991, Byelorussia informed the United Nations that it had changed its name to Belarus. (<http://www.un.org/Overview/unmember.html>)

MAP OF THE INTERNATIONAL COM



COMMITMENT TO HUMAN RIGHTS 2004



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B. BRIEF SUMMARY OF EVERY VOTE. DRAFT RESOLUTIONS REJECTED DURING THE 60TH SESSION (2004) OF THE COMMISSION ON HUMAN RIGHTS.

I - Situation of Human Rights in the Republic of Chechnya of the Russian Federation

Ireland introduced draft resolution E/CN.4/2004/L.29 on behalf of the European Union and other co-authors. It states that the Commission is the main body of the United Nations that is responsible for ensuring guarantee and respect for human rights, and that the "adoption of resolutions on specific countries is a means at its disposal: this should not be perceived as a means for attack, but as a means for dialogue between the international community and States"¹⁶. The draft resolution stresses the need for a peaceful settlement of the conflict in the Republic of Chechnya based on broad participation by the population and full respect for the sovereignty and territorial integrity of the Russian Federation. It strongly condemns terrorist attacks and serious violations of international law concerning human rights and international humanitarian law, including forced disappearances, extrajudicial, summary or arbitrary executions, torture, ill-treatment, arbitrary detentions and abductions. Also, it urges the Government of the Russian Federation to cooperate with human rights mechanisms and special procedures of the United Nations and to facilitate the delivery of humanitarian aid by ensuring free access for humanitarian aid organizations to Chechnya.

Draft resolution E/CN.4/2004/L.29 was rejected by 23 votes to 12, with 18 abstentions. The following countries voted in favor of the resolution: Germany, Australia, Austria, Croatia, United States, France, Hungary, Ireland, Italy, Holland, United Kingdom y Sweden. The countries that voted against its adoption were: South Africa, Armenia, Brazil, China, Congo, Cuba, Egypt, Eritrea, Ethiopia, Russian Federation, Gabon, India, Indonesia, Nepal, Nigeria, Uganda, Sierra Leone, Sudan, Sri Lanka, Swaziland, Togo, Ukraine and Zimbabwe. The following countries abstained from voting: Saudi Arabia, Argentina, Bahrain, Bhutan, Burkina Faso, Chile, Costa Rica, Guatemala, Honduras, Japan, Mauritania, Mexico, Pakistan, Paraguay, Peru, Qatar, Republic of Korea and Dominican Republic.

According to Amnesty International's 2004 Report, "Russian security forces continued to enjoy almost total impunity for serious violations of human rights and international humanitarian law". While military raids spread fear in the civilian population of Chechnya, thousands of internally displaced Chechens were pressured to return home. Moreover, there were continuing reports of torture. Also, "members of ethnic minorities faced widespread discrimination. Those responsible for racist attacks were rarely brought to justice"¹⁷.

II - Situation of Human Rights in Zimbabwe

Ireland, on behalf of the European Union, States that are in process of integrating the Union and other co-authors, introduced draft resolution E/CN.4/2004/L.33 on the situation of human rights in Zimbabwe. It expresses its deep concern at the continuing violations of human rights in Zimbabwe, particularly politically motivated violence, including killings, torture, sexual and other forms of violence against women, incidents of arbitrary arrest, restrictions on the independence of the judiciary and restrictions on the freedom of opinion, expression, association and assembly; and the failure to allow independent civil society in Zimbabwe to operate without fear of harassment or intimidation. In this context, it urges the Government of Zimbabwe to take all necessary measures to promote and protect human rights. Also, it calls upon the Government of Zimbabwe to put an end to the climate of impunity and to allow the judi-

¹⁶ Compte rendu analytique de la 50e séance (our translation).

¹⁷ Amnesty International 2004 Report. Available at: <http://web.amnesty.org/report2004/rus-summary-eng>

ciary to work independently, guarantee full respect for freedom of opinion and expression, create conditions to ensure the full exercise of democracy and ensure that aid in the form of food is distributed fairly among the population, on the basis of need.

Draft resolution E/CN.4/2004/L.33 was rejected by 27 votes against 24, with 2 abstentions. The following countries voted in favor of the resolution: Germany, Argentina, Armenia, Australia, Austria, Chile, Costa Rica, Croatia, United States, France, Guatemala, Honduras, Hungary, Ireland, Italy, Japan, Paraguay, Holland, Peru, Republic of Korea, Dominican Republic, United Kingdom, Sweden and Ukraine. The countries that voted against the resolution were: South Africa, Saudi Arabia, Bahrain, Bhutan, Burkina Faso, China, Congo, Cuba, Egypt, Eritrea, Ethiopia, Russian Federation, Gabon, India, Indonesia, Mauritania, Nepal, Nigeria, Uganda, Pakistan, Qatar, Sierra Leone, Sudan, Sri Lanka, Swaziland, Togo and Zimbabwe. Brazil and Mexico were the only States that abstained from voting.

Despite the Commission's reluctance to condemn Zimbabwe's behavior, Human Rights Watch continues to denounce violations of human rights in that territory, including the use of food as a political weapon. "Select groups of people are being denied access to food. This is a human rights violation as serious as arbitrary imprisonment or torture." According to this source, government authorities manipulate the distribution of food provided by the official assistance program and international food aid. Members of the Movement for Democratic Change (MDC - the main opposition party) and teachers and workers who favor the MDC are excluded from receiving food aid, fundamental for the survival of nearly seven million Zimbabweans who do not meet basic needs¹⁸.

III - Situation of Human Rights in China

The United States introduced draft resolution E/CN.4/2004/L.37 on the situation of human rights in China. It takes note of the significant transformation of Chinese society since the introduction of successful policies that opened the economy and reduced the level of poverty. However, it expresses concern at continuing reports of severe restrictions on freedom of assembly, association, expression, conscience and religion, legal processes that do not comply with norms of due process, arbitrary arrests and other severe sentences for those seeking to exercise their fundamental rights (as in Tibet and Xinjiang). Also, it encourages China to permit visits by United Nations mechanisms, particularly Working Groups and Special Rapporteurs. Finally, the draft resolution invites the Government of China to make substantive progress in systemic reforms to ensure respect for human rights and fundamental freedoms.

The draft resolution was rejected by 28 votes to 16, with 9 abstentions. The countries that voted in favor of adopting the resolution were: Germany, Australia, Austria, Costa Rica, Croatia, United States, France, Guatemala, Honduras, Hungary, Ireland, Italy, Japan, Holland, United Kingdom and Sweden. The following countries voted against: South Africa, Saudi Arabia, Bahrain, Bhutan, Brazil, Burkina Faso, China, Congo, Cuba, Egypt, Eritrea, Ethiopia, Russian Federation, Gabon, India, Indonesia, Mauritania, Nepal, Nigeria, Pakistan, Qatar, Sierra Leone, Sudan, Sri Lanka, Swaziland, Togo, Ukraine and Zimbabwe. Those that abstained from voting were: Argentina, Armenia, Chile, Mexico, Uganda, Paraguay, Peru, Republic of Korea and Dominican Republic.

According to Amnesty International's 2004 Report, "Despite a few positive steps, no attempt was made

¹⁸ "Zimbabwe: Food used as Political Weapon", Human Rights Watch document published 24 October, 2003.

to introduce the fundamental legal and institutional reforms necessary to bring an end to serious human rights violations." President Hu Jintao and Premier Wen Jiabao took office in March 2003. The new administration has made no significant attempt stop human rights violations that are perpetrated with impunity. In this context, at least 50 people were detained or imprisoned after accessing or circulating politically sensitive information on the Internet. Many of them have been sentenced to two to twelve years in prison and their sentences mention secrets of State and subversion. Also, "restrictions increased on the cultural and religious rights of the mainly Muslim Uighur community in Xinjiang, where thousands of people have been detained or imprisoned for so-called "separatist" or "terrorist" offences. In Tibet and other ethnic Tibetan areas, freedom of expression and religion continued to be severely restricted. China continued to use the international "war against terrorism" as a pretext for cracking down on peaceful dissidence."¹⁹

C. ANALYSIS OF VOTES AT THE CONTINENTAL LEVEL

In this section, we will use the index we prepared to report on the international commitment to human rights of the member States of the United Nations Commission on Human Rights at the continental level. The Index of International Commitment to Human Rights (IICHR) has a range of 44 points, from -22 (assuming the country has voted against the adoption of every draft) to +22 (assuming the country has voted in favor of the adoption of every draft). Therefore, positions favoring the adoption of resolutions on human rights have a value of +2, abstentions have a value of -1 and 'against' votes have a value of -2 points.

I - The African Continent

The Commission on Human Rights includes fifteen African States: Burkina Faso, Congo, Egypt, Eritrea, Ethiopia, Gabon, Mauritania, Nigeria, Sierra Leone, South Africa, Sudan, Swaziland, Togo, Uganda and Zimbabwe. The results of indexing their votes are as follows:

African Continent: IICHR- 2004 Session (11 votes)

BURKINA FASO	CONGO	EGYPT	ERITREA	ETHIOPIA
-5	-7	-9	-5	-9
GABON	MAURITANIA	NIGERIA	SIERRA LEONE	SOUTH AFRICA
-4	-4	-8	-9	-7
SUDAN	SWAZILAND	TOGO	UGANDA	ZIMBABWE
-9	-6	-6	-4	-9

The table shows that every African State presents a negative IICHR value. The countries that have the highest score for international commitment to human rights are: Gabon, Mauritania and Uganda. On the other hand, the countries with the lowest commitment scores are: Egypt, Ethiopia, Sierra Leone, Sudan y Zimbabwe, they all have -9 points. There is only a 5 point range between the States with highest and lowest scores; this reflects a certain degree of homogenization when it comes to voting. This region averages only -6.7 points.

II - American Continent

Twelve American States are members of the Commission: Argentina, Brazil, Chile, Costa Rica, Cuba, United States, Guatemala, Honduras, Mexico, Paraguay, Peru and Dominican Republic. The American

¹⁹ Amnesty International Report 2004. Available at: <http://web.amnesty.org/report2004/chn-summary-eng>

continent's average almost doubles Africa's, reaching 6.4 points:

American Continent: IICHR- 2004 Session (11 votes)

ARGENTINA	BRAZIL	CHILE	COSTA RICA
7	8	16	7
CUBA	UNITED STATES	GUATEMALA	HONDURAS
-9	6	10	4
MEXICO	PARAGUAY	PERU	DOMINICAN REP.
10	7	7	4

The State that scores highest is Chile, with 16 points. Chile not only ranks number one on the continent, but is also the State with the highest score in the world. Cuba is positioned at the other extreme with -9, that is, 15.4 below the region's average. Due the fact that Cuba's results are so different to the rest of the continent's, if we did not take into account its participation on the Commission, the American average would climb to 7.8. This would increase the average by 1.4 points, representing 22% more of an international commitment to human rights. Consequently, America presents the highest range in the world (25 points), reflecting the lack of a common, continental position.

III - Asian Continent

Fourteen Asian States are members of the Commission on Human Rights: Armenia, Saudi Arabia, Bahrain, Bhutan, China, South Korea, India, Indonesia, Japan, Nepal, Pakistan, Qatar, Russian Federation and Sri Lanka. The continent averages -1.1 points:

Asian Continent: IICHR- 2004 Session (11 votes)

ARMENIA	ARABIA SAUDITA	BAHREIN	BHUTAN
8	-3	-6	2
CHINA	COREA DEL SUR	INDIA	INDONESIA
-6	7	-4	-9
JAPON	NEPAL	PAKISTAN	QATAR
10	-2	-6	-6
	RUSIA	SRI LANKA	
	-5	4	

The top-ranked Asian country on the IICHR is Japan with a score of 10 points, 11.14 points above the continental average. Whereas Indonesia, with only -9 points, is the State with the lowest score on the continent, and is 7.8 points below the average. In this case, the range of scores is rather high, reaching 19 points.

IV - European Continent

The European continent is ranked number one on the IICHR, with an average of 11 points. The countries that score highest in the region (13 points) are Austria, Croatia, Ireland and Sweden, only two points above the average. On the other hand, Ukraine is not only the country with the lowest score on

the IICHR (-4), but is also the country that is furthest from its continental average (15 points below).

European Continent: IICHR- 2004 Session (11 votes)

GERMANY	AUSTRIA	CROATIA	FRANCE
12	13	13	10
NETHERLAND	HUNGARU	UNITED KINGDOM	IRELAND
12	12	12	13
ITALY	SWEDEN	UKRAINE	
12	13	-4	

The table shows a high degree of homogeneity when it comes to voting, except for the Ukrainian case. This situation is a result of the States' participation in the European Union, resulting in a harmonization of foreign policies. While Germany, Austria, France, Holland, Hungary, United Kingdom, Ireland, Italy and Sweden are current members and Croatia is a candidate to joining the Union, Ukraine does not participate in this process of regional integration.

V- Continent of Oceania

Oceania is a particular case because only one representative of this continent is a member of the Commission on Human Rights. Australia scores 8 points, situating the continent in second place at the world level, after Europe.

C. ANALYSIS OF VOTES AT THE WORLD LEVEL

Chart A²⁰

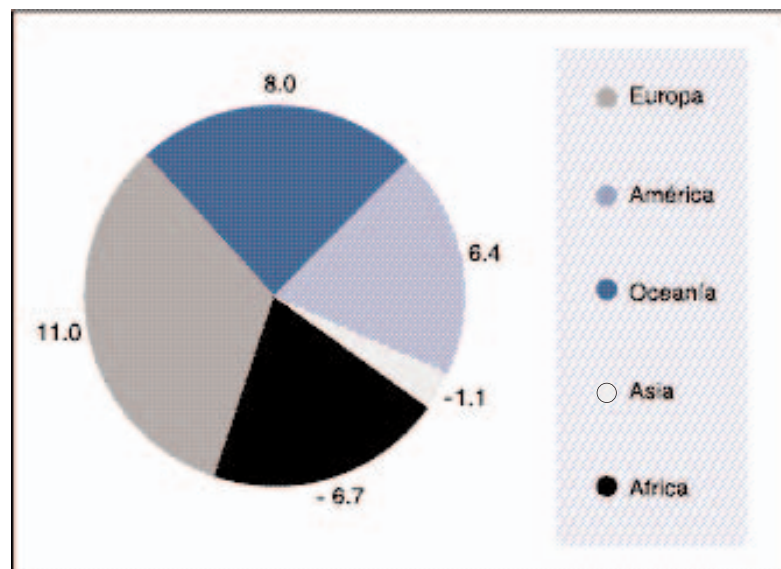


Chart A shows²⁰that Europe is the continent that scores highest on the IICHR (11 points). Oceania is in second place (8), very close (only 1.6 points) to America (6.4). A gap of 7.6 points separates America from Asia (-1.1) and Africa is last with -6.7 points.

Even though the European continent is ranked number one at the continental level, Chile, with 16 points, is the country that scored highest in the world, above the best-ranked continental average on the IICHR. On the other extreme of the IICHR, there is a tie among countries with least international commitment to human rights (-9 points) from Africa, Asia and America: Egypt, Ethiopia, Sierra Leone, Sudan, Zimbabwe, Indonesia and Cuba.

D. INTERNATIONAL CONSENSUS ON DRAFTS INTRODUCED TO THE COMMISSION

Even though we have made a distinction between the draft resolutions that were adopted and those that were rejected, so far, we have not arranged these votes in any order of priority. The IICHR can be a useful tool to measure the degree of international consensus on cases of violation of human rights that the Commission votes on. Therefore, we will analyze which main themes the member States assigned most points to (by voting for the adoption of the resolution), and which themes have gotten most 'against' votes or abstentions, subtracting points on the IICHR.

Chart B²¹

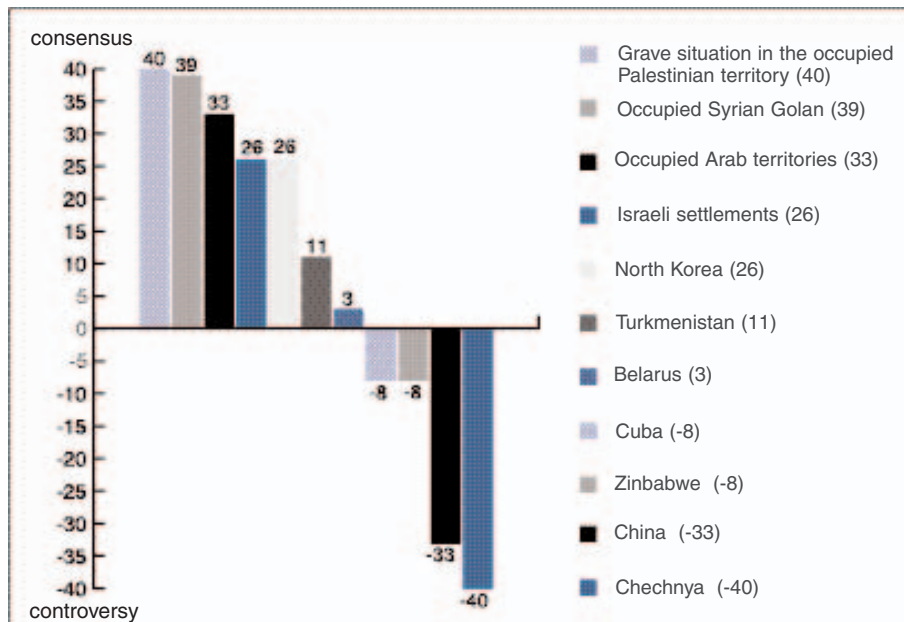


Chart B denotes the degree of consensus on themes that were addressed by the Commission on Human Rights. Resolution 2004/1 regarding the grave situation in the occupied Palestinian Territory created the highest consensus; 40 points of the IICHR were assigned to it. This score is made up in the following way: 26 points come from African country votes, 5 from America, 22 from Asia, -11 from Europe and -2 from Oceania. It is remarkable that Europe, the continent that ranks number one on the IICHR, is the region that least backs this draft resolution. The resolution on the situation of human rights in the occupied Syrian Golan obtained only one point less than resolution on the occupied Palestinian Territory. . The third and fourth places regarding the level of consensus on the violations of human rights also go to problems in the Middle East: occupied Arab territories (33) and Israeli settlements (26). Resolution 2004/13 on the situation of human rights in North Korea also has 26 points.

Turkmenistan and Belarus are in fifth and sixth position, respectively, and are the last cases that obtain a positive valuation on the IICHR. Therefore, the proposals on Cuba and Zimbabwe (-8), China (-33) and Chechnya (-40) are most controversial because of the large number of abstentions and 'against' votes the adoptions of the resolutions obtained. Three proposals in this last group were rejected (Zimbabwe, China and Chechnya) and one was approved, albeit a large number of abstentions (Cuba).

The resolution on the situation of human rights in Chechnya aroused least international consensus. Only two continents added points to this vote: Europe (18) and Oceania (2). The remaining continents abstained or voted against the adoption of the resolution: Africa (-28), Asia (-21) and America (-11).

²⁰ Authors' data.

²¹ All the States on the continent abstained from voting.

²² All the States on the continent abstained from voting.

APPENDIX I

MEMBERS OF THE COMMISSION ON HUMAN RIGHTS AND YEAR THEIR MANDATES END

60TH SESSION (2004)

In order to fully understand the votes of the members of the United Nations' Commission on Human Rights, we believe it is useful to provide information on the respect for human rights within State borders. Using Freedom House's classification according to respect for political rights and civil liberties, we can point out that "free" countries account for 43.4% of the 53 member States of the 60th Session (2004), 26.4% are "partly free" countries and the remaining 30.2% are "not free".²³

1.	Argentina	2005
2.	Armenia	2004
3.	Australia	2005
4.	Austria	2004
5.	Bahrein	2004
6.	Bhutan	2006
7.	Brazil	2005
8.	Burkina Faso	2005
9.	Chile	2004
10.	China	2005
11.	Congo	2006
12.	Costa Rica	2006
13.	Croatia	2004
14.	Cuba	2006
15.	Dominican Rep.	2006
16.	Egypt	2006
17.	Eritrea	2006
18.	Ethiopia	2006
19.	France	2004
20.	Gabon	2005
21.	Germany	2005
22.	Guatemala	2006
23.	Hungría	2006

²³ Freedom in the World 2004 - The annual survey of political rights and civil liberties, publicado por Freedom House en 2004.

24.	Honduras	2006
25.	India	2006
26.	Indonesia	2006
27.	Ireland	2005
28.	Italy	2006
29.	Japan	2005
30.	Mauritania	2006
31.	Mexico	2004
32.	Nepal	2006
33.	Netherland	2006
34.	Nigeria	2006
35.	Pakistan	2004
36.	Paraguay	2005
37.	Peru	2006
38.	Qatar	2006
39.	Korean Republic	
	(South Korea)	2004
40.	Russian Federation	2006
41.	Saudi Arabia	2006
42.	Sierra Leone	2004
43.	South Africa	2006
44.	Sri Lanka	2005
45.	Sudan	2004
46.	Swaziland	2005
47.	Sweden	2004
48.	Togo	2004
49.	Uganda	2004
50.	Ukraine	2005
51.	United Kingdom	2006
52.	United States	2005
53.	Zimbabwe	2005



The Center for the Opening and Development of Latin America (CADAL), with headquarters in Buenos Aires, Argentina, was established as a foundation on February 26, 2003 with the aim of promoting the strengthening of democracy, rule of law and economic liberties in the countries of the region. With this objective, CADAL organizes activities of analysis, research and diffusion.

Local Level Journalism and Democracy Indicators in Latin America is a publication from the Area of Democratic Strengthening.



Konrad Adenauer Foundation is a German political foundation established in 1964, related to the Christian Democratic movement and it was named after the first Chancellor of the Federal Republic. The Foundation's activities in Germany as in the rest of the world are guided by the principles that determined the work of Konrad Adenauer.

In the international cooperation the aims of Konrad Adenauer Foundation are focused in maintaining peace and freedom in the world, strengthening democracy, fighting against poverty and preserve the natural environment for future generations.

■ Chile ranks number one on the Index of International Commitment to Human Rights (IICHR) with 16 points. The next ten positions are held by the following European countries: Austria, Croatia, Ireland, Sweden, Germany, Holland, Hungary, United Kingdom, Italy and France.

■ Europe ranks number one on the IICHR at a continental level with 11 points. Oceania ranks second with 8 points. America is in third place with 6.4 points.

■ Regarding the composition of the Commission on Human Rights, there are a greater number of countries that violate human rights compared to last year. Freedom House publishes an annual assessment that classifies countries as being "free", "partly free" and "not free" and if we use this as a reference, the percentage of free countries represents less than half the member states. "Free" countries account for 43.4%, "partly free" countries 26.4% and the remaining 30.2% are "not free".



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