

INDEX OF INTERNATIONAL COMMITMENT TO HUMAN RIGHTS YEAR 2005

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EXECUTIVE SUMMARY

- Mexico is the country with the highest international commitment to human rights (with a total of 11 points on the ICHR).
- Ethiopia, with -6 points on the ICHR, is the country with least international commitment to human rights.
- In comparison to the 2004 ICHR, the countries that most improved their scores were South Africa and Saudi Arabia. The country that experienced the greatest decline in its score was Australia. On the other hand, Argentina and Mauritania maintain the same positions as last year.
- The Arab-Israeli conflict is the issue that generates the highest consensus on violations of human rights. The resolution on Israeli settlements is in first place (62 points), followed by the question of human rights in the Occupied Syrian Golan (41 points).
- The draft resolutions that generated least consensus were the two that refer to the island of Cuba: the draft that condemns the situation of the detainees on the United States' naval base of Guantánamo (this draft was rejected by the Commission with -51 points) and the draft that refers to the government of Cuba's violation of human rights (-7 points).
- The presence of "not free" states on the Commission on Human Rights increases year after year. If we use Freedom House's annual survey that classifies countries in "free", "partly free" and "not free" categories as a reference, we can see that the percentage of "free" countries amounts to less than half the Member States. "Free" states account for 41.51%, "partly free" states make up 30.19% and the remaining 28.30% are classified as "not free".
- According to another classification that Freedom House carries out of electoral democracies and non-democracies, the proportion of non-democratic countries on the Commission has increased. While 39.62% countries were non-democratic in 2004, this proportion has risen to 41.51% in 2005 and 2006.
- The composition for the 2006 session has already been defined and shows that only 43.4% of the Member States are considered to be "free", while 56.6% are labeled "partly free" or "not free".
- In general, based on this indicator, we can state that there is a correlation between the situation of human rights at a national level and the international commitment to human rights. The group that is made up of "free" and "partly free" states sums up 77% of the ICHR score. However, there are outstanding individual cases of countries that are well-ranked but whose internal policies are clearly non-democratic (for instance, Saudi Arabia).

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To ignore, reject or support victims of human rights violations

There is a moment in the international community's annual agenda when the situation of the victims of human rights violations is formally analyzed by more than fifty states of the international community. This instant in the international agenda is what we intensely want to shed light on and retain. For the victims' sake.

In this sense, this report is carried out because the votes of the states of the Commission of Human Rights of the United Nations (UN) are very important to the victims whose basic rights are being violated.

The foreign policies of states are increasingly complex and cannot be correlated with their votes on this Commission. But to condemn, reject or abstain are actions that Member States can take to help (or not) improve the genuine conditions of victims.

Even though a state that condemns may, at the same time, violate human rights within its borders, or even though that same State takes other foreign policy actions that contradict that vote on the Commission on Human Rights.

Mariel Julio was responsible for researching and writing this report. Hernán Alberro and Gabriel Salvia, Directors of CADAL, participated in the editing process. This report was first carried out in 2004.

Fernando J. Ruiz
Editor

Introduction

The results of the 2005 ranking of the Index of International Commitment to Human Rights show that something is wrong with the composition of the Commission that meets every year in Geneva and/or that the majority of democratic countries have contradictory stances regarding the defense of fundamental rights. If not, how can it be that democratic countries such as Canada, Costa Rica, Germany, Holland, Great Britain, Italy, United States and Australia all fall under the classification of "low international commitment to human rights", together with dictatorships such as China, Cuba and Zimbabwe?

Certainly, there are democratic countries that negotiate their international commitment to human rights and abstain from condemning governments that violate human rights due to bonds of political friendship that join them, or because they prioritize trade relations. In 2004, Chile, for example, ranked number one on the IICHR, but abstained from condemning China, a country with which it had signed a free trade treaty.

On the other hand, if countries governed by dictatorships increase their participation in this Commission year after year, it is likely that the future editions of this index will place them in the highest positions on the ranking of international commitment to human rights. And this paradox could occur because the bloc of dictatorships may introduce resolutions (well-founded or not) and increasingly limit presentations that condemn those who effectively violate human rights, as occurred in 2005 in comparison to 2004 (during the last year, no resolutions condemning China, Zimbabwe and Turkmenistan were introduced, for example).

In this respect, the non-governmental organization UN Watch recently criticized the new Commission on Human Rights (CHR) because among the members of the 2006 session, there are countries such as Cuba, Saudi Arabia and Zimbabwe, who are considered to be disrespectful of human rights. In order to understand what we mean, note that Saudi Arabia is ranked 2nd in the 2005 ranking of International Commitment to Human Rights.

The aforementioned NGO pointed out that of the recently-formed CHR, which will celebrate its 62nd annual period of sessions from the 13th of March to the 21st of April, 2006, "55 per cent of its members have failed to accept democratic standards and, in turn., 30 per cent of them are regimes that systematically violate basic political rights and civil liberties". Examples of such countries are Azerbaijan, Bhutan, Cameroon, China, Cuba, Egypt, Eritrea, Guinea, Nepal, Pakistan, Qatar, Russia, Saudi Arabia, Togo and Zimbabwe. The NGO also notes that there are other countries such as Armenia, Bangladesh, Congo, Ecuador, Ethiopia, Guatemala, Honduras, Kenya, Malaysia, Mauritania, Morocco, Nigeria and Venezuela, where it is considered that civil liberties and democratic rights are not fully exercised.

Therefore, it is foreseen that the 2006 Commission could be the last one because it may be replaced by a new organ, whose composition and objectives are still under negotiation. In reference to this, in September 2005, during the World Summit that gathered in New York, the Member States of the UN decided to substitute this controversial organism for a new, more efficient one when it comes to reviewing the situation of human rights in the world, but negotiators disagree on aspects of size and mandate.

Last November, 38 NGOs took joint action and through UN Watch requested that the new Council meet on a regular basis, and not only a number of weeks a year, and that the countries that constitute it have a solid record of respect for human rights, besides from being elected by two-thirds of the General Assembly.

Undoubtedly, an objective parameter (such as the aforementioned record, perhaps) is required to address cases of human rights violations in an international environment. But there is no doubt that it is a disgrace that the Commission includes and accepts introductions of resolutions of condemnations from countries such as Cuba, where pacific opponents are sentenced to long terms in prison for owning copies of the Universal Declaration of Human Rights, considered to be "enemy propaganda or subversive material" in that country.

Gabriel C. Salvia
General Director (CADAL)

AIM AND METHODOLOGY

The aim of this report is to analyze the votes that took place during the 61st session of the United Nations Commission on Human Rights, held between March 14 and April 22, 2005, 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 participate¹. 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 2005 (7 votes on specific cases of human rights situations) results in a range of twenty eight points, from minus fourteen points (assuming the country has voted against the adoption of every draft) to plus fourteen 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 third 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). The second report was published by CADAL and Konrad Adenauer Stiftung in December 2004, and evaluated the votes of all the Commission's Member States (available in English at: http://www.cadal.org/english/pdf/Index_DDHH_2004.PDF)

2005 RANKING OF INTERNATIONAL COMMITMENT TO HUMAN RIGHTS

Rank.	Country	Status*	Score	In favor	Abstentions	Against
1°	Mexico	Free	11	6	1	0
2°	Saudi Arabia	Not free	8	5	2	0
2	Sri Lanka	Partly Free	8	5	2	0
4°	Armenia	Partly Free	6	5	0	2
5°	Guatemala	Partly Free	5	4	3	0
5	Paraguay	Partly Free	5	4	3	0
5	Ukraine	Partly Free	5	4	3	0
5	Bhutan	Not Free	5	4	3	0
5	Brazil	Free	5	4	3	0
5	Ecuador	Partly free	5	4	3	0
5	Gabon	Partly free	5	4	3	0
12°	Finland	Free	4	4	2	1
12	France	Free	4	4	2	1
12	Ireland	Free	4	4	2	1
12	Japan	Free	4	4	2	1
12	South Korea	Free	4	4	2	1
17°	South Africa	Free	3	4	1	2
18°	Argentina	Free	2	3	4	0
18	Burkina Faso	Partly free	2	3	4	0
18	China	Not free	2	4	0	3
18	Cuba	Not free	2	4	0	3
18	Eritrea	Not free	2	4	0	3
18	Kenya	Partly free	2	4	0	3
18	Malaysia	Partly free	2	4	0	3
18	Nepal	Partly free	2	3	4	0
18	Pakistan	Not free	2	3	4	0
18	Sudan	Not free	2	4	0	3
18	Zimbabwe	Not free	2	4	0	3
29°	Canada	Free	1	3	3	1
29	Costa Rica	Free	1	3	3	1
29	Peru	Free	1	3	3	1
29	Mauritania	Not free	1	3	3	1
29	Nigeria	Partly free	1	3	3	1
29	Qatar	Not free	1	3	3	1
29	Swaziland	Not free	1	3	3	1
36°	Germany	Free	0	3	2	2
36	Holland	Free	0	3	2	2
36	Hungary	Free	0	3	2	2
36	Great Britain	Free	0	3	2	2
36	Italy	Free	0	3	2	2
36	Rumania	Free	0	3	2	2
36	Congo	Partly free	0	3	2	2
36	Guinea	Not free	0	3	2	2
44°	Egypt	Not free	-1	3	1	3
44	India	Free	-1	3	1	3
44	Indonesia	Partly free	-1	3	1	3
44	Togo	Not free	-1	2	5	0
48°	Australia	Free	-2	3	0	4
48	United States	Free	-2	3	0	4
48	Dominican Rep.	Free	-2	2	4	1
51°	Honduras	Partly free	-3	2	3	2
52°	Russian Federation	Not free	-4	2	2	3
53°	Ethiopia	Partly free	-6	1	4	2

* According to Freedom House

A BRIEF SUMMARY OF EVERY VOTE, RESOLUTIONS ADOPTED DURING THE 61ST SESSION (YEAR 2005) OF THE COMMISSION ON HUMAN RIGHTS.⁴

I – Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan

The Commission addresses the issue of Israeli settlements in Occupied Palestinian Territory in resolution 2005/6. The text of the document notes the illegality of the settlements and reaffirms that all States have an obligation to promote and protect human rights and fundamental freedoms.

Also, the Commission expresses deep concern about the route of a wall that, in violation of international law, departs from the Armistice Line of 1949. In this sense, the construction could prejudice future negotiations and make the two-State solution to the Palestinian-Israeli conflict physically impossible to implement. The Commission urges the government of Israel, as a first step towards their dismantlement, to stop immediately the expansion of the settlements. Finally, the Commission calls upon Israel to implement serious measures with the aim of preventing acts of violence by Israeli settlers, to guarantee the safety and protection of the Palestinian civilians.

This resolution was adopted by a recorded vote of 39 votes to 2, with 12 abstentions. The following countries voted in favor of the resolution: Saudi Arabia, Argentina, Armenia, Bhutan, Brazil, Burkina Faso, China, Congo, South Korea, Cuba, Ecuador, Egypt, Eritrea, Ethiopia, Russian Federation, Finland, France, Gabon, Guinea,

What is the basis of the resolution regarding Israeli settlements?

The draft resolution was introduced to the Commission by twenty-two countries: the Group of Arab States, Malaysia, Lithuania, Sweden, Spain, Ireland, Cyprus, Cuba, Portugal, Luxemburg and Turkey. The authors state that the purpose of the text is to express concern about the continuation of the Israeli settlements and the construction of a wall in the Occupied Palestinian Territory. On the other hand, from Latin America, Honduras maintains that the draft lacks objectivity because it portrays the idea that violence is unilateral. In order to be constructive, resolutions should be balanced⁶.

India, Indonesia, Ireland, Japan, Kenya, Malaysia, Mauritania, Mexico, Nepal, Nigeria, Pakistan, Paraguay, Peru, Qatar, South Africa, Sudan, Sri Lanka, Swaziland, Ukraine and Zimbabwe. Australia and the United States voted against. The following countries abstained from voting: Germany, Canada, Costa Rica, Guatemala, Great Britain, Holland, Honduras, Hungary, Italy, Dominican Republic, Rumania and Togo.

According to Amnesty International, "since September 2000, more than 3,200 Palestinians have been killed by Israeli forces and some 1,000 Israelis have been killed by Palestinian armed groups." Most of those killed were unarmed civilians and among them were more than 600 Palestinian children and more than 100 Israeli children. This source states that the ongoing construction of the wall has exacerbated the problems of access for Palestinians to crucial services in the affected areas, resulting in the deterioration of the humanitarian situation⁵.

II - Israeli practices affecting the human rights of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem

The Commission addresses the question of Israeli practices affecting the human rights of the Palestinian people during the 61st session. The adopted resolution condemns the continued and systematic violations of human rights, namely: punitive measures imposed on the civil population, including collective punishment, border closures and restrictions on the movement, arbitrary arrests and detentions, destruction of homes and religious, educational, cultural and historical sites, and the denial of access to hospitals for Palestinian pregnant women, which forces them to give birth at checkpoints under hostile, inhumane and humiliating conditions. The Commission demands that Israel put an end to measures that constitute violations of humanitarian law, including extrajudicial executions. Regarding the construction of the wall inside the Occupied Palestinian Territory, it calls for the boycott of firms involved in the task.

It also calls upon Member States of the United Nations to take the necessary measures to fulfill their obligations towards human rights and international humanitarian law to ensure that Israel ceases killing, targeting, arresting and harassing Palestinians, particularly women and children.

Resolution 2005/7 was adopted by a recorded vote of 29 to 10, with 14 abstentions. The following countries voted in favor of the resolution: Saudi Arabia, Armenia, Bhutan, Brazil, Burkina Faso, China, Congo, South

⁴ The full text of the resolutions are available at: <http://www.ohchr.org/english/bodies/chr/sessions/61/documents.htm>

⁵ "Israel/Occupied Territories: Removing unlawful Israeli settlements in the Occupied Territories: Time to act", Amnesty International public statement MDE 15/021/2005. Available at <http://web.amnesty.org/library/index/engMDE150212005?open&of=eng-isr>

⁶ Summary Record of the 49th Meeting (Thursday 14th of April, 2005, 10 AM). E/CN.4/2005/SR.49.

Korea, Cuba, Ecuador, Egypt, Eritrea, Gabon, Guinea, India, Indonesia, Kenya, Malaysia, Mauritania, Nepal, Nigeria, Pakistan, Qatar, Sri Lanka, South Africa, Sudan, Swaziland, Togo and Zimbabwe. The countries that voted against the resolution are: Germany, Australia, Canada, United States, Great Britain, Honduras, Holland, Hungary, Italy and Rumania. The following countries abstained from voting: Argentina, Costa Rica, Ethiopia, Russian Federation, Finland, France, Guatemala, Ireland, Japan, Mexico, Paraguay, Peru, Dominican Republic and Ukraine.

According to Human Rights Watch, the Israeli armed forces have destroyed thousands of Palestinian homes to create a buffer zone free of Palestinians along the Gaza-Egypt border.

Kenneth Roth, executive director of Human Rights Watch, states that "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."

This destruction has made 16,000 people homeless over the past four years⁷.

Honduras and Guatemala explain their votes

Two Latin American representatives give explanations for their votes during the session. Honduras states that far from favoring a peaceful environment, the formulation of the resolution could aggravate tensions, instead of easing them. This is why the delegation votes against the resolution. Guatemala abstains because it considers that the draft does not reflect the current situation nor the efforts made by the parties, such as the Sharm al-Sheij Summit⁸.

III - Human rights in the occupied Syrian Golan

In its 61st session, the Commission on Human Rights once again deals with the question of human rights in the Syrian Golan, occupied by Israeli military forces since 1967. It reaffirms the illegality of Israel's decision to impose its laws, jurisdiction and administration, constituting an act that is null and void in terms of international law. Consequently, it calls upon Israel to desist from changing the physical character, demographic composition, institutional structure and legal status of the occupied Syrian Golan, mentioning also that the displaced persons must be allowed to return to their homes and to recover their properties. Also, it urges the occupying Power to desist from imposing

Israeli citizenship and Israeli identity cards on the Syrian citizens. Finally, it calls upon Member States not to recognize any of the administrative measures and actions taken by Israel, because they constitute a flagrant violation of international law.

Argentina's comments on the resolution on occupied Golan

After the vote, the Argentine delegation explains its decision. It points out that even though it voted in favor of the resolution, the country condemns terrorism and would have wished that this condemnation figured in the text of the adopted document⁹.

Resolution 2005/8 was adopted by a recorded vote of 32 to 2, with 19 abstentions. The following countries voted in favor of the resolution: Saudi Arabia, Argentina, Armenia, Bhutan, Brazil, Burkina Faso, China, Congo, Cuba, Ecuador, Egypt, Eritrea, Russian Federation, Gabon, Guinea, India, Indonesia, Kenya, Malaysia, Mauritania, Mexico, Nepal, Nigeria, Pakistan, Paraguay, Qatar, Sri Lanka, South Africa, Sudan, Swaziland, Togo and Zimbabwe. The only Member States that voted against the adoption of the resolution were United States and Australia. The following countries abstained from voting: Germany, Canada, South Korea, Costa Rica, Ethiopia, Finland, France, Guatemala, Great Britain, Holland, Honduras, Hungary, Ireland, Italy, Japan, Peru, Dominican Republic, Rumania and Ukraine.

IV - Situation of human rights in the Democratic People's Republic of Korea

Once again, the Commission addresses the situation of human rights in the Democratic People's Republic of Korea in its 61st session. It begins by expressing its deep concern about reports of systemic, widespread and grave violations of human rights, namely: torture and other cruel, inhuman or degrading treatment or punishment, public executions, extrajudicial and arbitrary detention, the absence of due process and the rule of law, imposition of the death penalty for political reasons, the existence of a large number of prison camps, extensive use of forced labor; all-pervasive and severe restrictions on the freedoms of thought, conscience, religion, opinion and expression, peaceful assembly and association and on access to information, and limitations on free movement within the country and travel abroad; sanctions on citizens who have been repatriated from abroad; trafficking of women for prostitution or forced marriage, ethnically motivated forced abortions, and

⁷"Israel: Despite Gaza Pullout Plan, Home Demolitions Expand", Human Rights Watch, Jerusalem, October 18, 2004. Available at: <http://hrw.org/english/docs/2004/10/18/isrlpa9507.htm>

⁸Summary Record of the 49th Meeting (Thursday 14th of April, 2005, 10 AM). E/CN.4/2005/SR.49.

⁹Summary Record of the 49th Meeting (Thursday 14th of April, 2005, 10 AM). E/CN.4/2005/SR.49.

infanticide of children of repatriated mothers. The Commission urges North Korea to immediately put an end to these grave violations of human rights. In line with this, it expresses its deep concern at the precarious humanitarian situation, in particular the prevalence of infant malnutrition. Also, it expresses its concern because North Korea did not cooperate with the mandate of the Special Rapporteur (as contained in resolution 2004/13). Therefore, the Commission decides to extend the mandate of the Special Rapporteur for a further year and urges the government of North Korea to extend its full and unreserved cooperation.

Resolution 2005/11 was adopted by a recorded vote of 13 to 9, with 14 abstentions. The following countries voted in favor of the resolution: Germany, Saudi Arabia, Argentina, Armenia, Australia, Bhutan, Brazil, Canada, Costa Rica, Ecuador, Eritrea, United States, Great Britain, Finland, France, Guatemala, Holland, Honduras, Hungary, Ireland, Italy, Japan, Kenya, Mexico, Paraguay, Peru, Dominican Republic, Rumania, Sri Lanka and Ukraine. The countries that voted against the resolution were: China, Cuba, Egypt, Russian Federation, Guinea, Indonesia, Malaysia, Sudan and Zimbabwe. The following countries abstained from voting: Burkina Faso, Congo, South Korea, Ethiopia, Gabon, India, Mauritania, Nepal, Nigeria, Pakistan, Qatar, South Africa, Swaziland and Togo.

According to Amnesty International, North Korea faced another substantial food deficit in 2004. The combination of insufficient domestic production and disparities in access to food meant that about 6.5 million vulnerable people were dependent on international food aid. Rations distributed by the public system - the primary source of food for over 60 per cent of the population living in urban areas - declined from 319g per person per day in 2003 to 300g in 2004.

Meanwhile, the North Korean authorities continued to deny access to humanitarian organizations to 15 per cent of the country¹⁰.

What is Cuba's opinion on the resolution on North Korea?

During the session, Cuba explains that it will vote against the resolution because it acknowledges the efforts that the government of North Korea has made in terms of human rights, and it considers that this is a case in which double standards are being employed to judge violations¹¹.

V – Situation of human rights in Cuba

When introducing the draft resolution, the United States mission said that its purpose was to keep the subject on the agenda and to extend the mandate of the Personal Representative of the United Nations High Commissioner for Human Rights in Cuba, given the government's lack of cooperation to date. Therefore, resolution 2005/12 invites the Personal Representative of the High Commissioner for Human Rights to report to the Commission on the current status of the situation of human rights, based on the mandates granted in past resolutions. Finally, it decides to consider this matter further at its next session, when the Representative will submit her report.

The European Union's opinion on the resolution on Cuba

Holland, speaking on behalf of the European Union, supports the draft resolution, considering it to be neither dogmatic nor polemical. The EU, in its relations with Cuba, would like to encourage a transition to democratic pluralism, respect for human rights and a sustainable improvement in the Cuban people's standard of living¹².

The resolution on the situation of human rights in Cuba is adopted by a recorded vote of 21 to 17, with 15 abstentions. The following countries voted in favor of the resolution: Germany, Saudi Arabia, Armenia, Australia, Canada, South Korea, Costa Rica, United States, Finland, France, Great Britain, Guatemala, Holland, Honduras, Hungary, Italy, Ireland, Japan, Mexico, Rumania and Ukraine. The countries that voted against the resolution are: China, Congo, Cuba, Egypt, Eritrea, Ethiopia, Russian Federation, Guinea, India, Indonesia, Kenya, Malaysia, Nigeria, Qatar, South Africa, Sudan and Zimbabwe. The following countries abstained from voting: Argentina, Bhutan, Brazil, Burkina Faso, Ecuador, Gabon, Mauritania, Nepal, Pakistan, Paraguay, Peru, Dominican Republic, Sri Lanka, Swaziland and Togo.

According to Amnesty International, "The limitation of freedom of expression, association and assembly are serious human rights violations. They must stop immediately". This source states that, since the 2003 crackdown, there are still 71 prisoners of conscience imprisoned across the island for peacefully expressing their beliefs and opinions. Exercising freedom of expression, carrying out work with human rights organizations, publishing articles, giving interviews in

¹⁰ Report 2004, Amnesty International. Available at: <http://web.amnesty.org/report2004/prk-summary-eng>

¹¹ Summary Record of the 50th Meeting (Thursday 14th of April, 2005, 3 PM) E/CN.4/2005/SR.50.

¹² Summary Record of the 50th Meeting (Thursday 14th of April, 2005, 3 PM) E/CN.4/2005/SR.50.

media said to be critical to the Cuban government or contacting members of the Cuban exile community are considered to be serious crimes. Amnesty International maintains that "the organization has received reports of at least 4 cases of ill-treatment of prisoners of conscience by prison guards, sometimes in reprisal against prisoners when complaining about their conditions of detention, inadequate access to medical assistance and restrictions on communications to the outside world"¹³.

VI - Situation of human rights in Belarus¹⁴

Once again, the Commission addresses the situation of Belarus in its 61st session. By means of resolution 2005/13, it expresses deep concern that senior officials of the government have been implicated in the enforced disappearance or summary execution of three political opponents in 1999 and of a journalist in 2000 and in the continuing investigatory cover-up. It also mentions the persistent reports of harassment and closure of non-governmental organizations, national minority organizations, independent media outlets, opposition political parties, independent trade unions and religious organizations. It then urges the government of Belarus to dismiss or suspend officers implicated in forced disappearances or summary executions, pending an independent, credible and full investigation of those cases, and to hold the perpetrators promptly accountable; to release individuals detained for politically motivated reasons; to ensure effective protection of the rights of persons deprived of liberty; to provide public information regarding the execution of persons sentenced to death; to bring the electoral process and legislative framework into line with international standards; to respect the right to freedom of assembly and association and to increase its efforts to combat human trafficking and to protect the victims.

Also, it decides to extend the mandate of the Special Rapporteur for a further year and requests him to continue his efforts to establish direct contacts with the government and with the people of Belarus.

The resolution was adopted by a recorded vote of 23 to 16, with 14 abstentions. The following countries voted in favor of the resolution: Germany, Australia, Canada,

South Korea, Costa Rica, United States, Finland, France, Gabon, Great Britain, Guatemala, Holland, Hungary, Ireland, Italia, Japan, Mexico, Paraguay, Peru, Dominican Republic, Rumania, Sri Lanka and Ukraine. Armenia, China, Congo, Cuba, Egypt, Eritrea, Ethiopia, Russian Federation, India, Indonesia, Kenya, Malaysia, South Africa, Sudan, Swaziland and Zimbabwe voted against. The countries that abstained from voting were: Saudi Arabia, Argentina, Bhutan, Brazil, Burkina Faso, Ecuador, Guinea, Honduras, Mauritania, Nepal, Nigeria, Pakistan, Qatar and Togo.

According to Amnesty International, life is becoming increasingly difficult for those who speak out against the regime of President Lukashenka, in power since 1994. This is the case of Congressman Harry Pogonyaylo, who was charged with slandering the President because of an interview he gave to Swedish television on the responsibility of high ranking government officials for the disappearances in 1999-2000.

Also, Anatoly Lebedko, leader of an opposition party, was also charged with slandering the president at a press conference during which he outlined how the regime might attempt to falsify the elections. At the same time, non-governmental organizations have been subjected to rigorous controls and many of them are currently threatened with closure. Coinciding with elections held in November 2004 (objected to by independent observers), in a referendum, 77 per cent of voters voted to remove the limit on the office of the current president¹⁵.

Cuba explains its vote

Cuba states that it will vote against the resolution because it is a case in which double standards are being employed to judge violations of human rights. It maintains that the document instigates a regime change, since Belarus had not opened its economy to Western transnational corporations and had effectively protected its own resources.¹⁶

¹³ "Cuba: 71 prisoners of conscience continue to be imprisoned for expressing their ideas", Amnesty International, AMR 25/005/2005. Available at: <http://web.amnesty.org/library/print/ENGAMR250052005>

¹⁴ On 19 September 1991, Byelorussia informed the United Nations that it had changed its name to Belarus. (<http://www.un.org/Overview/unmember.html>)

¹⁵ Belarus: Action is needed to stop violations of the Right to Freedom of Expression and Association Belarus: Action is needed to stop violations of the Right to Freedom of Expression and Association, Amnesty International, Public Statement EUR 49/023/2004. Available at <http://web.amnesty.org/library/Index/ENGEUR490232004>.

¹⁶ Summary record of the 50th session (Thursday 14 of April, 2005, 3 PM) E/CN.4/2005/SR.50.

B. BRIEF SUMMARY OF EVERY VOTE. DRAFT RESOLUTIONS REJECTED DURING THE 61ST SESSION (YEAR 2005) OF THE COMMISSION ON HUMAN RIGHTS

I - Question of detainees in the area of the United States naval base in Guantánamo

Cuba introduces draft resolution E/CN.4/2005/L.94/Rev.1 in the name of Belarus, the Syrian Arab Republic, North Korea and Venezuela. It maintains that the draft responds to the need of putting an end to the impunity and silence regarding a case of flagrant and massive violation of human rights¹⁷. The text of the draft refers to the significant number of governments and parliaments from all over the world that have expressed their concern about the situation in Guantánamo, in particular the European Parliament which called on the government of the United States to allow an impartial and independent investigation into allegations of torture and mistreatment for all persons deprived of their liberty in United States custody. In this way, the draft requests the government of the United States to authorize an impartial and independent fact-finding mission under the Commission on Human Rights. It also requests the government of the United States to authorize the Rapporteurs on arbitrary detention, on the question of torture, on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health and on the independence of judges and lawyers to visit the detention centers that have been established on that base, and that they prepare and submit to the Commission at its next meeting a report based on the findings of the visits.

The draft was rejected by 22 votes to 8, with 23 abstentions. The following countries voted for the adoption of the draft: China, Cuba, Guatemala, Malaysia, Mexico, South Africa, Sudan and Zimbabwe. The countries that voted against its adoption were: Germany, Armenia, Australia, South Korea, Costa Rica, Eritrea, United States, Finland, France, Great Britain, Holland, Honduras, Hungary, India, Ireland, Italia, Japan, Kenya, Mauritania, Peru, Dominican Republic and Rumania. The following countries abstained from voting: Saudi Arabia, Argentina, Bhutan, Brazil, Burkina Faso, Canada, Congo, Ecuador, Egypt, Ethiopia, Russian Federation, Gabon, Guinea, Indonesia, Nepal, Nigeria, Pakistan, Paraguay, Qatar, Sri Lanka, Swaziland, Togo and Ukraine.

According to Human Rights Watch, three and a half years after the government of the United States took the first detainees to the Guantánamo naval base, influential people are demanding it be shut down, but not due the illegality of detaining people without charges or trial, but due to the negative impact it has on the country's image and national interest. In this way, Democrat Senator Joseph Biden said that this naval base "has become the greatest tool of propaganda that exists to recruit terrorists all over the world". According to Reed Brody, legal advisor to Human Rights Watch, "closing Guantánamo would be a good start, but in order for the United States to overcome the damage caused by the generalized humiliation and abuse of detained Muslims and win over public opinion once again, it must close all its 'illegal prisons', name an independent commission to investigate the abuse of detainees, allow an independent prosecutor to investigate those responsible for ordering or condoning the torture and repudiate, once and for all, the ill-treatment of detainees"¹⁹.

Latin American opinions on the Guantánamo case

*Three Latin American countries explain the reasons for their vote during the session. Honduras explains that it will vote against the adoption of the draft resolution because it does not address the question of detainees at the naval base in a thorough and balanced manner. It mentions that it does not take into account the visits of the International Committee of the Red Cross (ICRC) nor the state of ongoing negotiations to improve the situation of the detainees at Guantánamo. Peru also votes against because it is satisfied by the way the government of the United States is cooperating with the special mechanisms of the Commission. Moreover, it understands that the national procedures are also leading to the improvement of the conditions of the detainees. Costa Rica considers that within the framework of the dialogue process, it prefers to vote against and to wait until the government of the United States shows good faith with respect to the issue, allowing for an on-site investigation and visit.*¹⁸

¹⁷ Compte rendu analytique de la 60e séance (Thursday 21st of April, 2005, 10 AM) E/CN.4/2005/SR.60.

¹⁸ Compte rendu analytique de la 60e séance (Thursday 21st of April, 2005, 10 AM) E/CN.4/2005/SR.60.

¹⁹ "El reclamo para que cierren Guantánamo y otros centros de tortura: Las prisiones secretas de EE.UU.", Human Rights Watch. Available in Spanish at: <http://hrw.org/spanish/docs/2005/06/20/usint11209.htm>.

C. ANALYSIS OF VOTES AT THE CONTINENTAL LEVEL

In this section, our intention is to report, at the continental level, on the international commitment to human rights of the Member States of the United Nations Commission on Human Rights, by applying the index we prepared to this end. The Index of International Commitment to Human Rights (IICHR) has a range of 28 points, from -14 (assuming the country has voted against the adoption of every draft) to +14 (assuming the country has voted in favor of the adoption of every draft). In this way, 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 - Africa

The Commission on Human Rights includes 15 African states. The results of indexing their votes on the Commission are as follows:

Africa: IICHR – Session 2005				
GABON	SOUTHAFRICA	BURKINA FASO	ERITREA	KENYA
5	3	2	2	2
SUDAN	ZIMBABWE	MAURITANIA	NIGERIA	SWAZILAND
2	2	1	1	1
CONGO	GUINEA	EGYPT	TOGO	ETHIOPIA
0	0	-1	-1	-6

As in the 2004 IICHR, Gabon ranks number one on the African continent (5 points). On the other hand, Ethiopia (-6) still has the least international commitment to human rights both at the continental and international level. The average score of this region is 0.9 points.

II - America

Thirteen American states participate in the Commission. The continent's average is 2.4 points.

America: IICHR - Session 2005			
MEXICO	BRAZIL	ECUADOR	GUATEMALA
11	5	5	5
PARAGUAY	ARGENTINA	CUBA	CANADA
5	2	2	1
COSTA RICA	PERU	UNITED STATES	DOMINICAN REP.
1	1	-2	-2
HONDURAS			
-3			

The state with the highest score is Mexico; it has 11 points (8.6 above the continental average) and not only ranks number one at the continental level, but also at the global level. Honduras is at the other extreme with -3 points.

III - Asia

The Commission on Human Rights includes fourteen Asian states. The continent has an average score of 2.7 points due to the following results:

Asia: IICHR - Session 2005			
SAUDI ARABIA	SRI LANKA	ARMENIA	BHUTAN
8	8	6	5
COREA DEL SUR	JAPÓN	CHINA	MALAYSIA
4	4	2	2
NEPAL	PAKISTAN	QATAR	INDIA
2	2	-1	-1
INDONESIA		RUSSIAN FED.	
-1		-4	

The top ranked-states on the IICHR within the Asian continent are Saudi Arabia and Sri Lanka, both with 8 points. The Russian Federation, with -4 points, has the lowest score on the continent.

IV - Europe

Ten European states participate in the Commission of Human Rights. The European continent has an average score of 1.7 points on the IICHR. Ukraine is the country with the highest score on the continent (5).

Europe: IICHR – Session 2005			
UKRAINE	FINLAND	FRANCE	IRELAND
5	4	4	4
GERMANY	GREAT BRITAIN	HOLLAND	HUNGARY
0	0	0	0
	ITALY	RUMANIA	
	0	0	

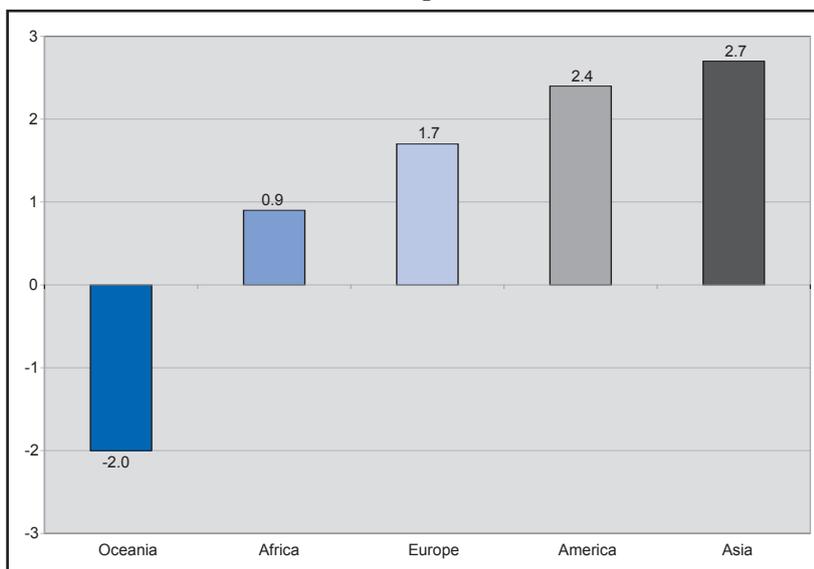
Germany, Holland, Hungary, Great Britain, Italy and Rumania have the lowest scores (0).

V- Oceania

Oceania has only one representative on the Commission on Human Rights. As a result of its votes, Australia has a score of -2 points, placing the continent last at the global level.

D. ANALYSIS OF VOTES AT THE WORLD LEVEL

Graph A²⁰



As portrayed in graph A, Asia is the continent with the highest score on the IICHR (2.7). America is in second place with 2.4. It is followed by Europe with 1.7, Africa with 0.9 and, finally, Oceania with -2.

Even though the Asian continent ranks number one at the regional level, Mexico, with 11 points, is the country with the highest score world-wide, 8 points above the top-ranked continent in the IICHR.

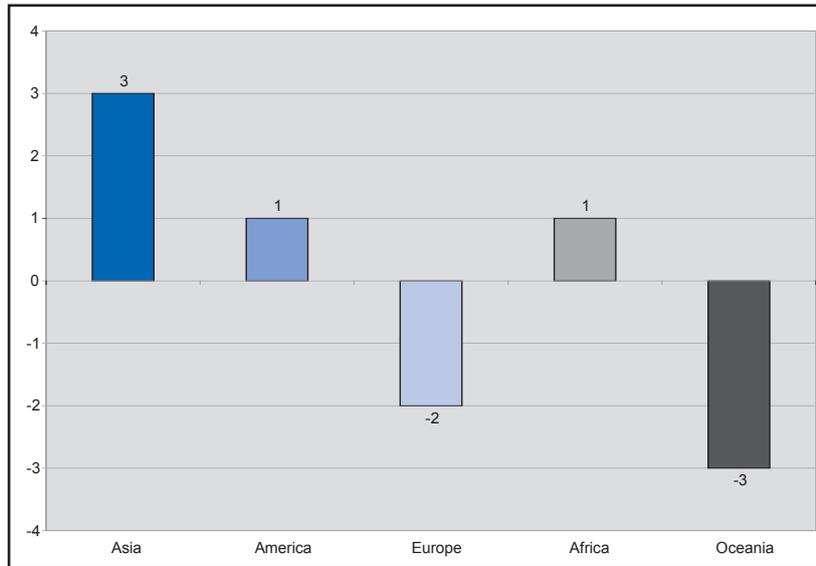
At the other extreme of the IICHR, Ethiopia is the country that ranks last in the index.

The report on the 2004 sessions showed a somewhat different result. At the continental level, Europe took first place and, at the country level, a Latin American country took first place (Chile in 2004 and Mexico in 2005).

Graph B denotes the variation in the continents' positions in the 2004 and 2005 indexes. The graph shows that no continent maintains its previous position. While Asia, America and Africa climb in the ranking, Europe and Oceania fall.

²⁰ Author's graph.

Graph B²¹

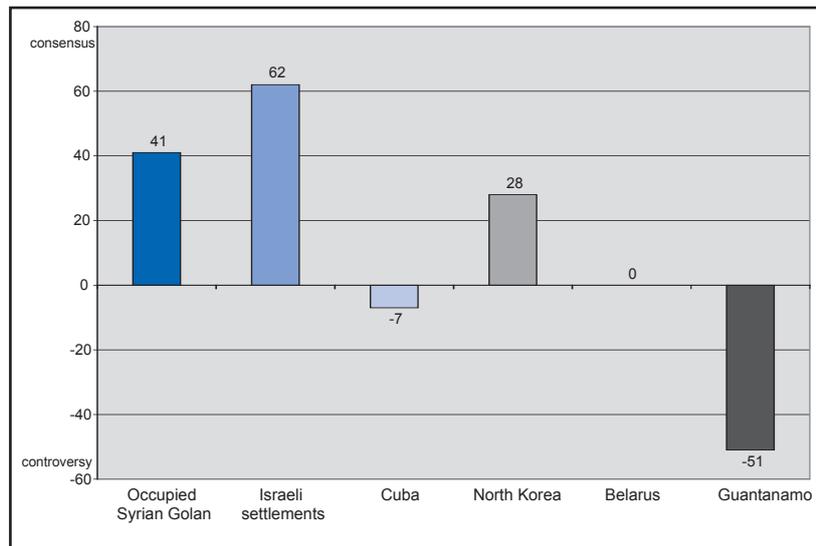


E. INTERNATIONAL CONSENSUS ON DRAFTS INTRODUCED TO THE COMMISSION

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. In this section, 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.

Graph C denotes the degree of consensus on themes that were addressed by the Commission on Human Rights.

Graph C²²



²¹ Author's Graph.

²² Author's Graph..

The Arab-Israeli conflict generates the highest consensus, as in the 2004 ICHR. Resolution 2005/6 regarding the Israeli settlements creates highest consensus, concentrating 62 points of the ICHR. The score is made up in the following way: 28 come from Asian country votes, 27 from Africa, 7 from America, 2 from Europe and -2 from Oceania. Resolutions on the situation of human rights in the occupied Syrian Golan (41 points) and Israeli practices affecting the human rights of the Palestinian people in the Occupied Palestinian Territory (24) obtain their scores mainly due to African and Asian votes.

The resolution on the situation of human rights in North Korea is in third place (28 points). The continents that added points with their votes were America (22), Europe (20) and Oceania (2), while Africa (-13) and Asia (-3) subtracted points.

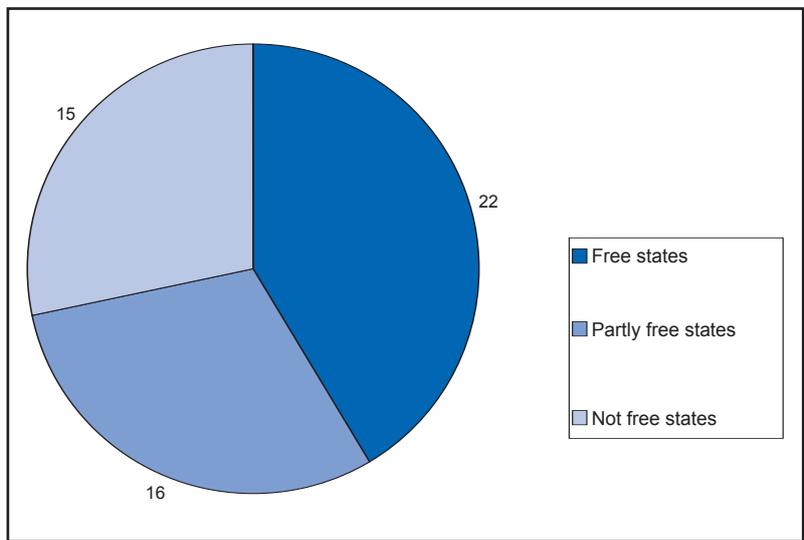
The draft (not adopted as a resolution) on the question of detainees on the naval base of Guantánamo is the most controversial issue with -51 points. The most controversial resolutions that were adopted are those on Cuba and Belarus. Regarding the draft on Cuba, Europe (20), America (4) and Oceania (2) supports the resolution, while Africa (-25) and Asia (-8) are against it. Finally, the draft on Belarus, with 0 points, has the support of Europe (20), America (10) and Oceania (2), while the votes of Africa (-21) and Asia (-11) subtract points.

F. POLITICAL STATUS OF THE MEMBERS OF THE COMMISSION ON HUMAN RIGHT

In order to fully comprehend the votes emitted by the members of the Commission on Human Rights, we believe that it is useful to provide information on the respect of human rights within their state borders.

Based on Freedom House's classification in terms of respect for political rights and civil liberties, we note that out of the 53 Member States that took part in the 61st session (2005), 41.51% are considered to be "free", 30.19% are regarded as "partly free", and the remaining 28.30% are labeled as "not free".²³

Graph D²⁴

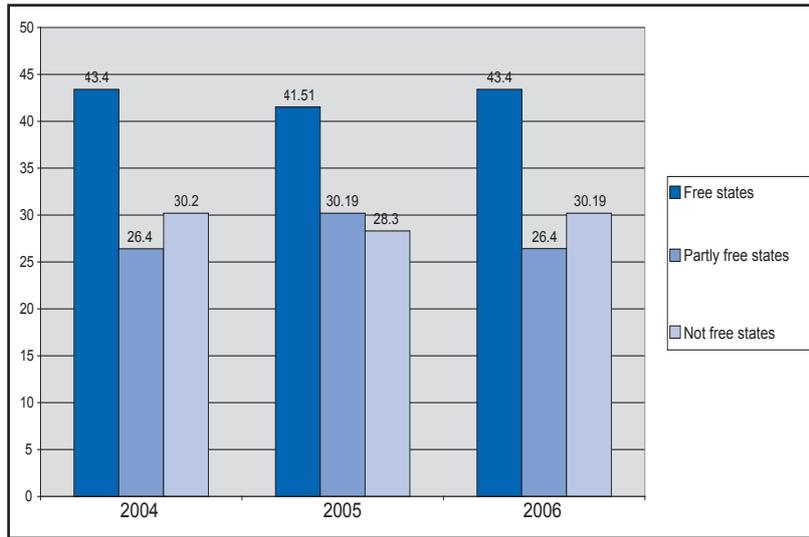


Graph E reflects the evolution of the composition of the Commission from 2004 to 2006. When taken together, "partly free" and "not free" states surpass "free" states throughout this period. The percentage of "free" states declines in 2005 but will recover in the composition projected for 2006. As for "partly free" states, their percentage increases in 2005 and declines in 2006. The presence of "not free" states will increase next year, surpassing "partly free" states.

²³ "Freedom in the World 2005 - The Annual Survey of Political Rights and Civil Liberties", published by Freedom House in 2005.

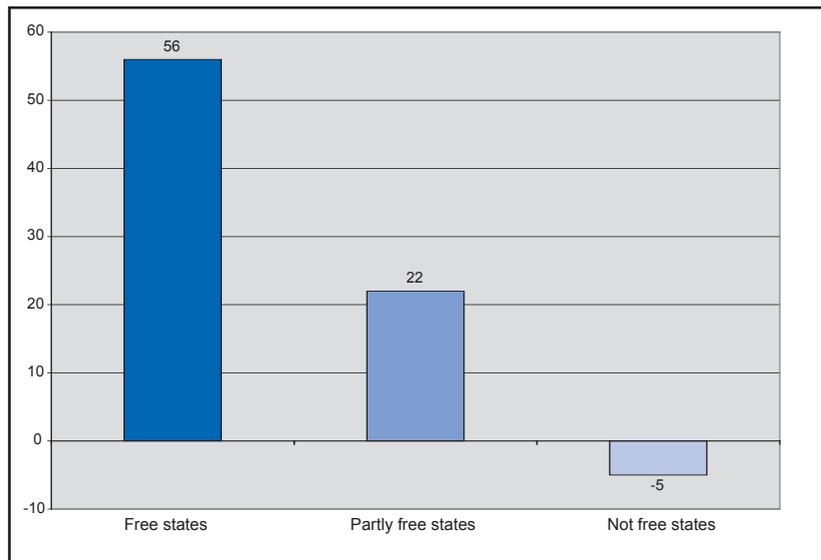
²⁴ Author's Graph.

Graph E²⁵



Graph F denotes the correlation between the situation of human rights at a national level and the international commitment to human rights. The group of "free" states on the Commission totals 56 points in the IICHR. The states belonging to the "partly free" category only amount to 22 points. Finally, the group that is made up of states classified as "not free" has a negative sum total of -5.

Graph F²⁶



²⁵ Author's Graph.

²⁶ Author's Graph.

COMPOSICIÓN DE LA COMISIÓN DE DERECHOS HUMANOS - AÑOS 2005 Y 2006

SESION 61º (AÑO 2005)

1. Germany	19. Ethiopia	37. Mauritania
2. Saudi Arabia	20. Russian Federation	38. Mexico
3. Argentina	21. Finland	39. Nepal
4. Armenia	22. France	40. Nigeria
5. Australia	23. Gabon	41. Pakistan
6. Bhutan	24. Great Britain	42. Paraguay
7. Brazil	25. Guatemala	43. Peru
8. Burkina Faso	26. Guinea	44. Qatar
9. Canada	27. Holland	45. Dominican Republic
10. China	28. Honduras	46. Rumania
11. Congo	29. Hungary	47. Sri Lanka
12. South Korea	30. India	48. South Africa
13. Costa Rica	31. Indonesia	49. Sudan
14. Cuba	32. Ireland	50. Swaziland
15. Ecuador	33. Italy	51. Togo
16. Egypt	34. Japan	52. Ukraine
17. Eritrea	35. Kenya	53. Zimbabwe
18. United States	36. Malaysia	

SESIÓN 62º (AÑO 2006)

Members of the Commission on Human Rights and year their mandates end

1. Germany (2008)	19. Ecuador (2007)	37. Malaysia (2007)
2. Saudi Arabia (2006)	20. Egypt (2006)	38. Morocco (2008)
3. Argentina (2008)	21. Eritrea (2006)	39. Mauritania (2006)
4. Armenia (2007)	22. United States (2008)	40. Mexico (2007)
5. Australia (2008)	23. Ethiopia (2006)	41. Nepal (2006)
6. Austria (2008)	24. Finland (2007)	42. Nigeria (2006)
7. Azerbaijan (2008)	25. France (2007)	43. Pakistan (2007)
8. Bangladesh (2008)	26. Great Britain (2006)	44. Peru (2006)
9. Bhutan (2006)	27. Guatemala (2006)	45. Qatar (2006)
10. Botswana (2008)	28. Guinea (2007)	46. Dominican Republic (2006)
11. Brazil (2008)	29. Holland (2006)	47. Rumania (2007)
12. Cameroon (2008)	30. Honduras (2006)	48. Russia (2006)
13. Canada (2007)	31. Hungary (2006)	49. South Africa (2006)
14. China (2008)	32. India (2006)	50. Sudan (2007)
15. Congo (2006)	33. Indonesia (2006)	51. Togo (2007)
16. South Korea (2007)	34. Italy (2006)	52. Venezuela (2008)
17. Costa Rica (2006)	35. Japan (2008)	53. Zimbabwe (2008)
18. Cuba (2006)	36. Kenya (2007)	



The Center for the Opening and Development of Latin America (CADAL), with headquarters in Buenos Aires, Argentina, and a representation in Montevideo, Uruguay, was created 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 purpose, CADAL organizes activities related to analysis, research, diffusion and training in the following areas: Latin American Politics; Human Rights; Journalism and Democracy; Economics and Rule of Law; Modernization of Political Parties; and Development and Institutional Communications.

CADAL has a Training Area formed by the Latin American School for Political and Economical Studies (LASPES) and the Liberal Democratic Institute (LDI). The aim of LASPES is to give promising university students, and recent graduates, a complementary academic formation with a pro-democracy and pro-market Latin American view. On the other hand, the LDI aims to promote a political and cultural education based on the principles of liberal democracy, the national and international commitment in defense of human rights and the search for consensus to give innovative answers to institutional, economic and social problems in every level of government.

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