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Agenda item 1

**ANNOTATIONS TO THE AGENDA FOR THE ELEVENTH SESSION
OF THE HUMAN RIGHTS COUNCIL***

Note by the Secretary-General

* Late submission.

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Item 1. Organizational and procedural matters

Date and venue of the session

1. On 19 June 2008, at the organizational meeting, the Council decided that its eleventh session would be held from 2 to 18 June 2009 at the United Nations Office at Geneva.
2. In accordance with rule 8 (b) of the rules of procedure of the Council, as contained in section VII of the annex to resolution 5/1 of 18 June 2007, the organizational meeting for the eleventh session is scheduled for 18 May 2009.
3. The eleventh session would be followed by an organizational meeting for the fourth cycle of the Council, in accordance with rule 8 (a) of the rules of procedure of the Council.

Agenda of the session

4. The agenda of the Human Rights Council is contained in section V of the annex to Council resolution 5/1. The Council will have before it the present annotations for the eleventh session relating to items included in the agenda.

Composition of the Human Rights Council

5. The composition of the Council at its eleventh session is as follows:¹ Angola (2010); Argentina (2011); Azerbaijan (2009); Bahrain (2011); Bangladesh (2009); Bolivia (2010); Bosnia and Herzegovina (2010); Brazil (2011); Burkina Faso (2011); Cameroon (2009); Canada (2009); Chile (2011); China (2009); Cuba (2009); Djibouti (2009); Egypt (2010); France (2011); Gabon (2011); Germany (2009); Ghana (2011); India (2010); Indonesia (2010); Italy (2010); Japan (2011); Jordan (2009); Madagascar (2010); Malaysia (2009); Mauritius (2009); Mexico (2009); Netherlands (2010); Nicaragua (2010); Nigeria (2009); Pakistan (2011); Philippines (2010); Qatar (2010); Republic of Korea (2011); Russian Federation (2009); Saudi Arabia (2009); Senegal (2009); Slovakia (2011); Slovenia (2010); South Africa (2010); Switzerland (2009); Ukraine (2011); United Kingdom of Great Britain and Northern Ireland (2011); Uruguay (2009); Zambia (2008).
6. In the light of the elections to be held on 12 May 2009, in accordance with paragraph 7 of General Assembly resolution 60/251, the composition of the Council is subject to change on 19 June 2009.

Bureau of the Human Rights Council

7. The composition of the Bureau of the Council for its third year, until 19 June 2009, is as follows: President of the Council, Martin Ihoeghian Uhomobhi (Nigeria); Vice-Presidents, Erlinda F. Basilio (Philippines), Alberto J. Dumont (Argentina) and Marius Grinius (Canada); Vice-President and Rapporteur, Elchin Amirbayov (Azerbaijan).

¹ The term of membership of each State expires in the year indicated in parenthesis.

8. At the organizational session for the fourth year of the Council, to be held on 19 June 2009, the President and Vice-Presidents are to be elected in accordance with rule 9 (a) of the rules of procedure of the Council.

Annual programme of work

9. In accordance with rule 8 (a) of the rules of procedure of the Human Rights Council, as contained in section VII of the annex to Council resolution 5/1, the annual programme of work for the third year of the Council was considered at the organizational session held on 19 June 2008.

10. The annual programme of work for the fourth year of the Council shall be adopted during the organizational session for the fourth year of the Council.

Review, rationalization and improvement of mandates

11. The process of review, rationalization and improvement of mandates is as described in Council resolution 5/1.

Selection and appointment of mandate holders

12. In accordance with paragraph 47 of the annex to Council resolution 5/1 and the requirements set out in Council decision 6/102, the consultative group composed of Alejandro Artucio (Uruguay), Petko Draganov (Bulgaria), Javier Garrigues Flórez (Spain), Dayan Jayatiloka (Sri Lanka) and Babacar Carlos Mbaye (Senegal) shall propose to the President of the Council a list of candidates for the mandates, namely one representative from the Group of Western Europe and other States for the Working Group on People of African Descent, one representative from the Group of Western Europe and other States for the Working Group on Arbitrary Detention, one representative from the Asian Group for the Working Group on Enforced or Involuntary Disappearances, the Special Rapporteur on the independence of judges and lawyers and the Special Rapporteur on violence against women, its causes and consequences, for which new mandate holders are to be appointed at the eleventh session.

13. In accordance with the procedure stipulated in paragraphs 52 and 53 of the annex to Council resolution 5/1, the appointment of special procedures mandate holders will be completed upon the subsequent approval of the Council. The mandate holders in question shall be appointed before the end of the eleventh session.

Report of the session and annual report

14. At the end of its session, the Council will have before it for adoption a draft report prepared by the Rapporteur. The report will include resolutions and decisions adopted by the Council and President's statements agreed upon, as well as a technical summary of the proceedings held during the eleventh session.

15. The Council will also have before it for adoption the annual report of the Council, in accordance with rule 15 of the rules of procedure of the Council, as contained in section VII of the annex to resolution 5/1.

Item 2. Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General²

Report of the Secretary-General on regional arrangements for the promotion and protection of human rights

16. Pursuant to resolution 6/20, of 28 September 2007, the Council will have before it the report of the Secretary-General on regional arrangements for the promotion and protection of human rights. The report contains the summary of the discussions of the workshop convened in 2008 by the Office of the High Commissioner for Human Rights (A/HRC/11/3). See also paragraph 44.

Report of the OHCHR on the outcome of the expert consultation on the issue of protecting the human rights of civilians in armed conflict

17. In its resolution 9/9, of 24 September 2008, the Council invited the Office of the High Commissioner for Human Rights to convene an expert consultation on the issue of protecting the human rights of civilians in armed conflict and requested the Office of the High Commissioner for Human Rights to report on the outcome of this consultation, in the form of a summary of discussions on the above-mentioned issue, to the Council at its eleventh session (A/HRC/11/31).

Report of the High Commissioner on the draft guiding principles on extreme poverty and human rights: the rights of the poor

18. In its resolution 7/27, of 28 March 2008, the Council invited the Office of the United Nations High Commissioner for Human Rights to further consult the relevant stakeholders (States, relevant United Nations agencies, intergovernmental organizations, United Nations treaty bodies, the independent expert on the question of human rights and extreme poverty, national human rights institutions, non-governmental organizations, especially those in which people in situations of extreme poverty express their views, and other relevant stakeholders) and allow them to comment on the report of the High Commissioner, including through the organization of a three-day seminar on the draft guiding principles, before March 2009.

19. The Council will have before it the report of the seminar (A/HRC/11/32).

² All reports of the United Nations High Commissioner for Human Rights, the Office of the High Commissioner and the Secretary-General are listed under agenda item 2, which remains an open-ended item throughout the session.

Report of the Office of the High Commissioner for Human Rights on integrating the human rights of women throughout the United Nations system

20. In its resolution 6/30, of 14 December 2007, the Council requested the Office of the High Commissioner for Human Rights to report on the obstacles and challenges to the implementation of the resolution by the Human Rights Council and to make concrete recommendations for action to address such obstacles and challenges. The Council has before it the report (A/HRC/11/39). See also paragraph 45.

Item 3. Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

A. Economic, social and cultural rights

Report of the Special Representative of the Secretary-General on human rights and transnational corporations and other business enterprises

21. In accordance with resolution 8/7, of 18 June 2008, the Council decided that the Special Representative of the Secretary-General on human rights and transnational corporations and other business enterprises would report annually to the Council and the General Assembly. The Council will have before it the report of the Special Representative, John Ruggie (A/HRC/11/13 and Add.1).

Human rights and extreme poverty

22. In accordance with its resolutions and 8/11 of 18 June 2008, the Council requested the independent expert on the question of human rights and extreme poverty to submit an annual report. The Council will have before it the report of the independent expert, María Magdalena Sepúlveda (A/HRC/11/9 and Add.1).

Right to education

23. In accordance with its resolution 8/4 of 18 June 2008, the Council decided that the Special Rapporteur on the right to education would report annually to the Council. The Council will have before it the report of the Special Rapporteur, Vernor Muñoz Villalobos (A/HRC/11/8 and Add.1-3).

Right of everyone to the enjoyment of the highest attainable standard of physical and mental health

24. In its resolution 6/29 of 14 December 2007, the Council requested the Special Rapporteur to submit an annual report to the Council on his activities, findings, conclusions and recommendations. The Council will have before it the report of the Special Rapporteur, Paul Hunt (A/HRC/11/12 and Add.1-3).

B. Civil and political rights

Extrajudicial, summary or arbitrary executions

25. In accordance with its resolution 8/3 of 18 June 2008, the Council requested the Special Rapporteur on extrajudicial, summary or arbitrary executions to submit his findings on an annual basis. The Council will have before it the report of the Special Rapporteur, Philip Alston (A/HRC/11/2 and Add.1-8).

Independence of judges and lawyers

26. In accordance with its resolution 8/6 of 18 June 2008, the Council requested the Special Rapporteur on the independence of judges and lawyers to report regularly to the Council in accordance with its programme of work. The Council will have before it the report of the Special Rapporteur, Leandro Despouy (A/HRC/11/41 and Add.1-3).

Promotion and protection of the right to freedom of opinion and expression

27. In its resolution 7/36 of 28 March 2008, the Council requested the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression to submit each year to the Council a report covering activities relating to the mandate. The Council will have before it the report of the Special Rapporteur, Frank La Rue (A/HRC/11/4 and Add 1-3).

C. Rights of peoples, and specific groups and individuals

Human rights of migrants

28. In accordance with its resolution 8/10 of 18 June 2008, the Council decided that the Special Rapporteur on the human rights of migrants would report regularly to the Council, according to its annual programme of work. The Council will have before it the report of the Special Rapporteur, Jorge Bustamante (A/HRC/11/7 and Add. 1-3).

Elimination of violence against women, its causes and consequences

29. In its resolution 7/24 of 28 March 2008, the Council requested the Special Rapporteur on violence against women, its causes and consequences to report to the Council, in accordance with its annual programme of work. The Council will have before it the report of the Special Rapporteur, Yakin Ertürk (A/HRC/11/6 and Add. 1-6).

D. Right to development

Note by the Secretariat on the right to development

30. Pursuant to General Assembly resolution 63/178, which requested the Secretary-General to submit an interim report to the Human Rights Council on the implementation of the resolution, including efforts undertaken at the national, regional and international levels in the promotion and realization of the right to development, the Council will have before it the note by the Secretariat on the right to development (A/HRC/11/33).

E. Interrelation of human rights and human rights thematic issues

Rights of peoples to peace

31. In resolution 8/9 of 18 June 2008, the Council invited the office of the High Commissioner for Human Rights to convene a three-day workshop on the right of peoples to peace and decided to continue considering the issue at its eleventh session. The Council will have before it the report on the outcome of the workshop (A/HRC/11/38).

Effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights

32. In its resolution 7/4 of 27 March 2008, the Council requested the independent expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights, to submit an analytical report on the implementation of that resolution to the Council in 2009, in accordance with its annual programme of work. The Council will have before it the report of the independent expert, Cephas Lumina (A/HRC/11/10 and Add.1).

Panel on Human Rights and Climate Change

33. In its resolution 10/4 of 25 March 2009, the Council decided to hold a panel discussion on the relationship between climate change and human rights at its eleventh session in order to contribute to the realization of the goals set out in the Bali Action Plan and to invite all relevant stakeholders to participate therein. The panel is scheduled to be held at the eleventh session of the Council.

Item 4. Human rights situations that require the Council's attention

Special Rapporteur on the situation of human rights in the Sudan

34. In its resolution 9/17 of 24 September 2008, the Council requested the Special Rapporteur on the situation of human rights in the Sudan to present an annual report at its eleventh session. The Council also requested the Special Rapporteur to further ensure effective follow-up to foster the implementation of the remaining recommendations identified by the Group of Experts through an open and constructive dialogue with the Government of the Sudan, and to include information in that regard in her next report. The Council will have before it the report of the Special Rapporteur, Sima Samar (A/HRC/11/14 and Add.1).

Item 5. Human rights bodies and mechanisms

Complaint procedure

35. In its resolution 5/1, the Council established the complaint procedure as contained in section IV of the annex to that resolution. In accordance with paragraph 98 of the annex of that resolution, the Working Group on Situations is requested, on the basis of the information and recommendations provided by the Working Group on Communications, to present the Council with a report on consistent patterns of gross and reliably attested violations of human rights and fundamental freedoms and to make recommendations to the Council on the course of action to be taken.

36. The Working Group on Communications met from 30 March to 3 April 2009. The Working Group on Situations will hold its next session from 22 to 26 June 2009.

Item 6. Universal periodic review

37. In its resolution 5/1 of 18 June 2007, the Council established the universal periodic review mechanism as contained in section I of the annex to that resolution. Paragraph 15 (a) of the annex to that resolution provided that general guidelines for the information prepared by the State concerned would be adopted by the Council at its sixth session. On 27 September 2007, the Council adopted decision 6/102 containing the above-mentioned general guidelines. The Council also established the timetable for the consideration of the 192 States Members of the United Nations under the universal periodic review mechanism during its first cycle.

38. At its eleventh session, the Council will consider the reports of the Working Group on the following countries, in the order of consideration as determined by the drawing of lots by the Council at its ninth session, on 8 September 2008:

States Members reviewed during the fourth session of the Working Group: Germany, Djibouti, Canada, Bangladesh, Azerbaijan, Cameroon, Cuba, Saudi Arabia, Russian Federation, Senegal, China, Nigeria, Mexico, Mauritius, Jordan, Malaysia.

39. In accordance with paragraph 22 of the annex to Council resolution 5/1, additional time of up to one hour will be allocated for the consideration of the outcome by the plenary of the Council. In accordance with the provisions outlined in paragraphs 25 to 32 of the annex to resolution 5/1, the final outcome will be adopted by the plenary of the Council.

40. Pursuant to the President's statement on modalities and practices for the universal periodic review process, agreed upon on 9 April 2008, the report of the Working Group, together with the views of the State under review concerning the recommendations and/or conclusions, as well as voluntary commitments made by the State under review and replies presented by the State under review before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group, will constitute the outcome of the review, which shall be adopted by the Council plenary through a standardized decision. It was also agreed that a summary of the views expressed on the outcome of the review by the State under review, and States members and observers of the Council, as well as general comments made by other relevant stakeholders before the adoption of the outcome by the plenary, will be included in the report of the Council's session.

Item 7. Human rights situation in Palestine and other occupied Arab territories

Follow-up to special sessions

41. In its resolution S-9/1 of 12 January 2009, pertaining to the grave violations of human rights in the Occupied Palestinian Territory, particularly due to the recent Israeli military attacks against the occupied Gaza Strip, the Council decided to dispatch an urgent, independent international fact-finding mission, to be appointed by the President of the Council, to investigate all violations of international humanitarian law against the Palestinian people throughout the Occupied Palestinian Territory, particularly in the occupied Gaza Strip.

42. On 3 April 2009, the President of the Human Rights Council announced the appointment of Richard J. Goldstone, Christine Chinkin, Hina Jilani and Desmond Travers to the independent fact-finding mission.

43. The Council also requested the United Nations High Commissioner for Human Rights to submit periodic reports to the Council on the implementation of the resolution. The Council will have before it the report of the High Commissioner (A/HRC/11/34).

Item 8. Follow-up to and implementation of the Vienna Declaration and Programme of Action

Regional arrangements for the promotion and protection of human rights

44. In its resolution 6/20 of 28 September 2007, the Council requested the High Commissioner for Human Rights to convene in 2008 a workshop for an exchange of views on good practices, added value and challenges for such regional arrangements, with the participation of representatives of the relevant regional and sub-regional arrangements from different regions, experts and all interested States Members of the United Nations, observers, national human rights institutions and representatives of non-governmental organizations, based on arrangements, including Economic and Social Council resolution 1996/31 and practices observed by the Commission on Human Rights. The Council also requested the Office of the High Commissioner to present to the Council a summary of the discussions of the workshop, at a moment in conformity with the programme of work of the Council. The Council will have before it the summary (A/HRC/11/3). See also paragraph 16.

Integrating the human rights of women throughout the United Nations system

45. In its resolution 6/30 of 14 December 2007, the Council decided to incorporate into its programme of work sufficient and adequate time, at minimum an annual full-day meeting, to discuss the human rights of women, including measures that can be adopted by States and other stakeholders, to address human rights violations experienced by women. The Council decided to continue its consideration of both the rights of women and the integration of a gender perspective in accordance with its programme of work. The Council is scheduled to hold a full-day discussion on the human rights of women at its eleventh session. See also paragraph 20.

Item 9. Racism, racial discrimination, xenophobia and related forms of intolerance: follow-up to and implementation of the Durban Declaration and Programme of Action

Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance

46. In its decision 2/106 of 27 November 2006, the Council requested the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, within his mandate, when submitting his report to the Council at any session after its fourth session, to include the issue of political participation and representation of groups that are vulnerable to racism, racial discrimination, xenophobia and related intolerance in the decision-making process in national Governments, parties, parliaments and civil society in

general, taking into consideration their possible contribution to reinforcing the anti-discrimination perspective in political and social life with a view to strengthening democracy.

47. In its resolution 7/34 of 28 March 2008, the Council requested the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, to report regularly to the Council. The Council will have before it the report of the Special Rapporteur, Githu Muigai (A/HRC/11/36 and Add.1-3).

Item 10. Technical assistance and capacity-building

Situation of human rights in Haiti

48. Pursuant to Presidential Statement 9/1 of 24 September 2008, the Council invited the independent expert on the situation of human rights in Haiti to report to it each year in accordance with its programme of work. The Council will have before it the report of the independent expert, Michel Forst (A/HRC/11/5).

Advisory services and technical assistance for Burundi

49. In its resolution 9/19 of 24 September 2008, the Council decided to extend the mandate of the independent expert on the situation of human rights in Burundi until an independent national human rights commission has been established. The Council also invited the independent expert to submit a final report on his activities to the Council at the session following the establishment of the above-mentioned commission. The Council will have before it a note by the Secretariat (A/HRC/11/40).
