



General Assembly

Distr.
GENERAL

A/HRC/12/1
5 August 2009

Original: ENGLISH

HUMAN RIGHTS COUNCIL
Twelfth session
Agenda item 1

ORGANIZATIONAL AND PROCEDURAL MATTERS
ANNOTATIONS TO THE AGENDA FOR THE TWELFTH 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. In accordance with its annual programme of work, as considered on 19 June 2009 at the organizational meeting for the fourth cycle of the Human Rights Council, the Council is scheduled to hold its twelfth session from 14 September to 2 October 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 Council resolution 5/1, the organizational meeting for the twelfth session is scheduled for 28 August 2009.

Agenda of the session

3. 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 twelfth session relating to items included in the agenda.

Composition of the Human Rights Council

4. The composition of the Council at its twelfth session is as follows:¹ Angola (2010); Argentina (2011); Bahrain (2011); Bangladesh (2012); Belgium (2012); Bolivia (Plurinational State of) (2010); Bosnia and Herzegovina (2010); Brazil (2011); Burkina Faso (2011); Cameroon (2012); Chile (2011); China (2012); Cuba (2012); Djibouti (2012); Egypt (2010); France (2011); Gabon (2011); Ghana (2011); Hungary (2012); India (2010); Indonesia (2010); Italy (2010); Japan (2011); Jordan (2012); Kyrgyzstan (2012); Madagascar (2010); Mauritius (2012); Mexico (2012); Netherlands (2010); Nicaragua (2010); Nigeria (2012); Norway (2012); Pakistan (2011); Philippines (2010); Qatar (2010); Republic of Korea (2011); Russian Federation (2012); Saudi Arabia (2012); Senegal (2012); Slovakia (2011); Slovenia (2010); South Africa (2010); Ukraine (2011); United Kingdom of Great Britain and Northern Ireland (2011); United States of America (2012); Uruguay (2012) and Zambia (2011).

Bureau of the Human Rights Council

5. The composition of the Bureau of the Council for its fourth year, until 18 June 2010, is as follows: President of the Council, Alex Van Meeuwen (Belgium); Vice-Presidents, Dian Triansyah Djani (Indonesia), Carlos Portales (Chile) and Andrej Logar (Slovenia); Vice-President and Rapporteur, Hisham Badr (Egypt).

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

Annual programme of work

6. 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 fourth year of the Council was considered at the organizational meeting held on 19 June 2009.

Review, rationalization and improvement of mandates

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

Selection and appointment of mandate holders

8. 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 shall propose to the President of the Council a list of candidates for the mandates for which a new mandate holder is to be appointed at the twelfth session: an independent expert in the field of cultural rights and an independent expert on the situation of human rights in the Sudan.

9. In accordance with the procedure stipulated in paragraphs 52 and 53 of the annex to Council resolution 5/1, the appointment of the 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 twelfth session.

Report of the session

10. 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 statement, as well as a technical summary of the proceedings held during its twelfth session.

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

Human rights and unilateral coercive measures

11. In its resolution 6/7, the Council requested the Secretary-General to bring that resolution to the attention of all Member States and to seek their views and information on the

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.

implications and negative effects of unilateral coercive measures on their populations, and to submit a report thereon to the Council as appropriate, in accordance with its annual programme of work. The Council will have before it the report of the Secretary-General contained in document A/HRC/12/30 (see also paragraph 40 below).

World Programme for Human Rights Education

12. In its resolution 10/3, the Council requested the High Commissioner for Human Rights to report to the Council at its twelfth session on the results of consultations with Member States, national human rights institutions and intergovernmental and non-governmental organizations on the possible focus of the second phase of the World Programme. The Council will have before it the report of the Office of the High Commissioner contained in document A/HRC/12/36.

Integrating the human rights of women throughout the United Nations system

13. In its resolution 6/30, the Council requested the Office of the High Commissioner for Human Rights to report in 2008 on the obstacles and challenges to the implementation of that resolution encountered by the Council and to make concrete recommendations for action to address such obstacles and challenges. The Council decided to continue consideration of both the rights of women and the integration of a gender perspective in accordance with its programme of work. The Council will consider the report of the High Commissioner contained in document A/HRC/12/46.

Human rights and transitional justice

14. Pursuant to Council resolution 9/10, the Council will consider a study on human rights and transitional justice by the Office of the High Commissioner for Human Rights on human rights and transitional justice contained in A/HRC/12/18 and Add.1.

Right to truth

15. In its resolution 9/11, the Council requested the Office of the High Commissioner for Human Rights to prepare a comprehensive study on best practices for the effective implementation of the right to truth, to be presented to the Council at its twelfth session. The Council will consider the study by the Office of the High Commissioner contained in document A/HRC/12/19 (see also paragraph 41 below).

Effective implementation of international human rights instruments

16. In its resolution 9/8, the Council requested the Secretary-General to report annually on measures taken to implement the resolution and on obstacles to its implementation. The Council will have before it a note by the Secretariat relating to the report contained in document A/HRC/12/20.

The right to development

17. In its resolution 63/178, the General Assembly requested the Secretary-General to provide an interim report to the Human Rights Council on the implementation of the resolution. The Council will consider the consolidated report of the Secretary-General and High Commissioner, as contained in document A/HRC/12/29 (see also paragraph 37 below).

The question of the death penalty

18. Pursuant to Council decision 2/102 and Commission on Human Rights resolution 2005/59, the Council will consider the report of the Secretary-General on the question of the death penalty contained in document A/HRC/12/45 (see also paragraph 43 below).

Protection of human rights and fundamental freedoms while countering terrorism

19. In its resolution 7/7, the Council requested the High Commissioner to report regularly and decided to continue consideration of this issue in the 2008-2009 cycle. The Council will consider the report of the High Commissioner contained in A/HRC/12/22 (see also paragraph 43 below).

Sixteenth meeting of special procedures

20. Pursuant to Council decision 2/102, the Council will consider a note by the Secretariat transmitting to the Council the report of the sixteenth meeting of special rapporteurs/representatives, independent experts and chairpersons of working groups contained in document A/HRC/12/47 (see also paragraph 52 below).

Combating defamation of religions

21. In its resolution 10/22, the Council requested the High Commissioner for Human Rights to report to the Council at its twelfth session on the implementation of the resolution, including on the possible correlation between defamation of religions and the upsurge in incitement, intolerance and hatred in many parts of the world. The Council will have before it a note by the Secretariat relating to the report contained in document A/HRC/12/39 (see also paragraph 61 below).

Advisory services and technical assistance for Burundi

22. In its resolution 9/19, the Council invited the Office of the High Commissioner to report to the Council at its twelfth session on the progress achieved and on its activities in the country, and to make recommendations on suitable independent mechanisms necessary for the promotion and protection of human rights in Burundi. The Council will have before it the report of the Office of the High Commissioner contained in document A/HRC/12/43 (see also paragraph 65 below).

Advisory services and technical assistance for Cambodia

23. In its resolution 9/15, the Council requested the Secretary-General to report to the Council at its twelfth session on the role and achievements of the Office of the High Commissioner in assisting the Government and the people of Cambodia in the promotion and protection of human rights. The Council will have before it the report contained in document A/HRC/12/41 (see also paragraph 65 below).

Advisory services and technical assistance for Liberia

24. In its resolution 9/16, the Council invited the Office of the High Commissioner to report at its twelfth session on the progress made in the situation of human rights in Liberia and the activities it has undertaken in this country. The Council will have before it the report contained in document A/HRC/12/42 (see also paragraph 65 below).

**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

25. Follow-up to the seventh special session of the Human Rights Council on the negative impact of the worsening of the world food crisis on the realization of the right of food for all. In its resolution 9/6, the Council requested the Special Rapporteur on the right to food to report to the Council at its twelfth session on the implementation of the resolution, including the measures and best practices adopted by States to respond to the global food crisis. The Council will have before it the report of the Special Rapporteur, Olivier de Schutter, contained in document A/HRC/12/31.

Human rights and access to safe drinking water and sanitation

26. In its resolution 7/22, the Council decided to appoint an independent expert on the issue of human rights obligations related to access to safe drinking water and sanitation, whose tasks would include to submit a report, including conclusions and recommendations, to the Council. According to its programme of work, the Council will have before it the report of the independent expert, Catarina de Albuquerque, contained in document A/HRC/12/24 and Add.1 and 2.

The impact of the global economic and financial crises on the universal realization and effective enjoyment of human rights

27. In its resolution S-10/1, the Council invited the relevant thematic special procedures, within their respective mandates, to consider any of the impacts of the global economic and financial crises on the realization and effective enjoyment of all human rights, particularly

economic, social and cultural rights, and to integrate their findings in this regard in their regular reports presented to the Council, and decided to remain seized of the implementation of the resolution.

(b) Rights of peoples, and specific groups and individuals

Children and armed conflict

28. In its resolution 63/241, the General Assembly requested the Special Representative of the Secretary-General for Children and Armed Conflict to continue to submit reports to the Human Rights Council on the progress achieved and the remaining challenges on the children and armed conflict agenda. The Council will consider the report of the Special Representative of the Secretary-General, Radhika Coomaraswamy, contained in document A/HRC/12/49.

Sale of children, child prostitution and child pornography

29. In its resolution 7/13, the Council requested the Special Rapporteur on the sale of children, child prostitution and child pornography to submit a report on the implementation of his/her mandate to the Council in accordance with its annual programme of work. The Council will consider the report of the Special Rapporteur, Najat M'jid Maala contained in document A/HRC/12/23 and Add.1-3.

Human rights and indigenous people

30. In its resolution 9/7, the Council requested the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, the Permanent Forum on Indigenous Issues and the expert mechanism on the rights of indigenous peoples to continue to carry out their tasks in a coordinated manner and decided to continue consideration of this question at a future session in conformity with its annual programme of work. The Council will consider the report of the Special Rapporteur, James Anaya, contained in document A/HRC/12/34 and Add.1-8.

31. In its resolution 9/7, the Council requested the expert mechanism to prepare a study on lessons learned and challenges to achieve implementation of the right of indigenous peoples to education and to conclude it in 2009. The Council will consider the study, contained in document A/HRC/12/33, under agenda item 5 (see paragraph 51 below).

Missing persons

32. In its decision 9/101, the Council requested the Advisory Committee to prepare a study on best practices in the matter of missing persons and to submit that study to the Council at its twelfth session. Upon its completion by the Advisory Committee, the Council will consider the study, which will be issued as document A/HRC/12/35 under agenda item 5 (see also paragraph 45 below).

Elimination of discrimination against persons affected by leprosy and their family members

33. In its resolution 8/13, the Council requested the Advisory Committee to formulate a set of principles and guidelines for the elimination of discrimination against persons affected by leprosy and their family members, and submit it to the Council for consideration by September 2009. Upon their completion by the Advisory Committee, the Council will have before it the draft guidelines, which will be issued as document A/HRC/12/25 under agenda item 5 (see also paragraph 46 below).

The human rights of migrants in detention centres

34. In its resolution 11/9, the Council decided to hold a panel discussion on the matter of the human rights of migrants in detention centres during its twelfth session.

(c) Right to development*Human rights and international solidarity*

35. In its resolution 9/2, the Council requested the independent expert on human rights and international solidarity to submit a report on the implementation of that resolution at its twelfth session. The Council will have before it the report of the independent expert, Rudi Muhammad Rizki, contained in document A/HRC/12/27.

The right to development

36. In its resolution 9/3, the Council decided to renew the mandate of the Working Group on the Right to Development until it completes the tasks entrusted to it by the Council in its resolution 4/4 and that the Working Group should convene annual sessions of five working days and submit its reports to the Council. The Council also decided to renew the mandate of the high-level task force on the implementation of the right to development until the eleventh session of the Working Group in 2010, and that the task force would convene annual sessions of seven working days and present its reports to the Working Group. In the same resolution, the Council also decided to review the progress of the implementation of the resolution as a matter of priority at its future sessions. At its twelfth session, the Council will consider the report of the Working Group contained in document A/HRC/12/28.

37. Reference is made under this item to the consolidated report of the Secretary-General and the High Commissioner for Human Rights on the right to development contained in document A/HRC/12/29 (see paragraph 17 above).

(d) Interrelation of human rights and human rights thematic issues*Contemporary forms of slavery*

38. In its resolution 6/14, the Council decided to appoint, for a three-year period, a special rapporteur on contemporary forms of slavery, including its causes and its consequences, to

replace the Working Group on Contemporary Forms of Slavery. The Council requested the Special Rapporteur to submit annual reports on the activities of the mandate to the Council together with recommendations on measures that should be taken to combat and eradicate contemporary forms of slavery and slavery-like practices and to protect the human rights of victims of such practices. The Council will consider the report of the Special Rapporteur, Gulnara Shahinian in document A/HRC/12/21 and Add.1.

Mandate of the Special Rapporteur on the adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights

39. In accordance with its resolution 9/1, the Council will consider the report of the Special Rapporteur on the adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights, Okechukwu Ibeanu, contained in document A/HRC/12/26 and Add.1 and 2.

Human rights and unilateral coercive measures

40. Reference is made to the report of the Secretary-General on the implication and negative effects of unilateral coercive measures on their populations contained in A/HRC/12/30 (see paragraph 11 above).

Right to truth

41. Reference is made to the comprehensive study on best practices for the effective implementation of the right to truth by the Office of the High Commissioner contained in document A/HRC/12/19 (see also paragraph 15 above).

The question of the death penalty

42. Reference is made to the report of the Secretary-General on the question of the death penalty contained in document A/HRC/12/45 (see also paragraph 18 above).

Protection of human rights and fundamental freedoms while countering terrorism

43. Reference is made in the report of the High Commissioner on protection of human rights and fundamental freedoms while countering terrorism contained in document A/HRC/12/22 (see also paragraph 19 above).

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

44. The Council will hold a general debate on human rights situations that require the Council's attention during its twelfth session.

Item 5. Human rights bodies and mechanisms

(a) Human Rights Council Advisory Committee

Missing persons

45. In its decision 9/101, the Advisory Committee was requested to prepare a study on best practices in the matter of missing persons and to submit that study to the Council at its twelfth session. Upon its completion by the Advisory Committee, the Council will consider the study which will be issued as document A/HRC/12/35 (see also paragraph 32 above).

Elimination of discrimination against persons affected by leprosy and their family members

46. In its resolution 8/13, the Council requested the Advisory Committee to formulate a set of principles and guidelines for the elimination of discrimination against persons affected by leprosy and their family members, and to submit it to the Council for consideration by September 2009. Upon their completion by the Advisory Committee, the Council will consider the draft guidelines which will be issued as document A/HRC/12/25 (see also paragraph 33 above).

(b) Complaint procedure

47. In its resolution 5/1, the Council established the complaint procedure as contained in section IV of the annex to that resolution. In paragraph 98 of the annex to that resolution, the Working Group on Situations was 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.

48. The Working Group on Communications met from 30 March to 3 April 2009. The Working Group on Situations met from 22 to 26 June 2009.

49. At its twelfth session, the Council will consider issues relating to the complaint procedure in two closed meetings.

(c) Expert mechanism on the rights of indigenous peoples

50. In its resolution 6/36, the Council decided to establish a subsidiary expert mechanism to provide the Council with thematic expertise on the rights of indigenous peoples in the manner and form requested by the Council. The mechanism met for its second session from 10 to 14 August 2009. The Council will have before it the report of the second session of the mechanism contained in document A/HRC/12/32.

51. In its resolution 9/7, the Council also requested the expert mechanism to prepare a study on lessons learned and challenges to achieve implementation of the right of indigenous peoples to education and to conclude it in 2009. The Council will have before it the study contained in document A/HRC/12/33 (see paragraph 31 above).

(d) Sixteenth meeting of special procedures

52. Pursuant to Council decision 2/102, the Council will consider a note by the Secretariat transmitting to the Council the report of the sixteenth meeting of special rapporteurs/representatives, independent experts and chairpersons of working groups contained in A/HRC/12/47 (see also paragraph 20 above).

Item 6. Universal periodic review

53. The Council will proceed to establish the order of review for the seventh, eighth and ninth sessions of the Working Group on the Universal Periodic Review by the drawing of lots. This corresponds to the order of countries for the whole of the year 2010.

54. The Council will also proceed to the selection of troikas for the sixth, seventh and eighth sessions of the Working Group, in accordance with paragraph 18 (d) of the annex to Council resolution 5/1 and the established modalities (A/HRC/6/22, annex V). This corresponds to the selection of troika members for the fourth cycle of the Council (June 2009-June 2010).

55. At its twelfth session, the Council will consider the final outcome of the review of the Central African Republic, Monaco, Belize, Chad, the Congo, Malta, Slovakia, New Zealand, Afghanistan, Chile, Viet Nam, Uruguay, Yemen, Vanuatu, the Comoros and the former Yugoslav Republic of Macedonia reviewed at the fifth session of the Working Group, held from 4 to 15 May 2009.

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

Follow-up to special session

56. In its resolution S-9/2, 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.

57. 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. The Council will have before it the report of the fact-finding mission contained in document A/HRC/12/48.

58. 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/12/37).

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

Integrating the human rights of women throughout the United Nations system

59. In its resolution 6/30, the Council decided to incorporate into its programme of work an annual discussion on the integration of a gender perspective throughout its work and that of its mechanisms, including the evaluation of progress made and challenges experienced. The Council will hold the annual discussion, with a focus on the integration of a gender perspective into the universal periodic review mechanism, at its twelfth session.

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

Combating defamation of religions

60. In its resolution 10/22, the Council requested the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance to continue to report on all manifestations of defamation of religions, and in particular on the serious implications of Islamophobia, on the enjoyment of all rights by their followers to the Council at its twelfth session. The Council will have before it the report of Special Rapporteur, Githu Muigai, contained in A/HRC/12/38.

61. In the same resolution, the Council also requested the High Commissioner for Human Rights to report to the Council at its twelfth session on the implementation of the resolution, including on the possible correlation between defamation of religions and the upsurge in incitement, intolerance and hatred in many parts of the world. Reference is made to a note relating to the report contained in document A/HRC/12/39 (see also paragraph 21 above).

Item 10. Technical assistance and capacity-building

Advisory services and technical assistance for Burundi

62. In its resolution 9/19, 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 had been established. The Council invited the independent expert to report to the Council on his activities at the session following the establishment of the commission. In the same resolution, the Council also invited the Office of the High Commissioner for Human Rights on the progress achieved and on its activities in the country for the promotion and protection of human rights (see also paragraph 22 above).

Advisory services and technical assistance for Cambodia

63. In its resolution 9/15, the Council decided to extend by one year the mandate of the special procedure on the situation of human rights in Cambodia through the appointment of a special rapporteur to carry out the former functions of the Special Representative of the

Secretary-General, and requested the Special Rapporteur to report on the implementation of the mandate at its twelfth session. The Council will have before it the report of the Special Rapporteur, Surya Prasad Subedi, contained in document A/HRC/12/40 (see also paragraph 23 above).

Assistance to Somalia in the field of human rights

64. In its resolution 10/32, the Council requested the independent expert on the situation of human rights in Somalia to present an update to his report to the Council at its twelfth session. The Council will consider the report of the independent expert, Shamsul Bari, contained in document A/HRC/12/44.

Other relevant reports

65. Reference is also made to reports by the Office of the High Commissioner for Human Rights on advisory services and technical assistance for the promotion and protection of human rights for Burundi (A/HRC/12/43), by the Secretary-General on the role and achievements of the Office of the High Commissioner for Human Rights in assisting the Government and the people of Cambodia for the protection and promotion of human rights (A/HRC/12/41) and by the Office of the High Commissioner for Human Rights on the programme made in the situation of human rights in Liberia and the activities it has undertaken in the country (A/HRC/12/42), which were submitted under agenda item 2 and are referred to in paragraphs 23, 24, and 25 above respectively.
