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Human Rights Council

Advisory Committee

Fourth session

25–29 January 2010

Item 1 of the provisional agenda

Adoption of the agenda and organization of work

Note by the Secretary-General

Addendum

Annotations to the provisional agenda

1. The Human Rights Council Advisory Committee, established pursuant to Human Rights Council resolution 5/1, held its third session from 3 to 7 August 2009 (A/HRC/AC/3/2). It elected Halima Embarek Warzazi as Chairperson, José Antonio Bengoa Cabello, Purificacion V. Quisumbing and Jean Ziegler as Vice-Chairpersons and Latif Hüseyinov as Rapporteur for its third and fourth sessions. In accordance with the annual programme of work for its fourth cycle (2009–2010), at its thirteenth session, the Human Rights Council will have before it the reports of the Advisory Committee on its third and fourth sessions.

Item 1

Adoption of the agenda and organization of work

Adoption of the agenda

2. The Advisory Committee will have before it the provisional agenda (A/HRC/AC/4/1) proposed by the Secretary-General and the present annotations relating to the items included in the provisional agenda.

Organization of work

3. Rule 99 of the rules of procedure of the General Assembly provides that each committee “shall, at the beginning of the session, adopt a programme of work indicating, if possible, a target date for the conclusion of its work, the approximate dates of consideration of items and the number of meetings to be allocated to each item” (A/520/Rev.16). Accordingly, the Advisory Committee will have before it, for approval, a draft timetable prepared by the Secretariat showing the order and distribution of meeting time for each agenda item/segment of its programme of work for the third session.

Composition of the Human Rights Council Advisory Committee

4. The composition of the Human Rights Council Advisory Committee and the term of membership of each expert¹ is as follows: Miguel Alfonso Martínez (Cuba – 2012); José Antonio Bengoa Cabello (Chile – 2010); Ansar Ahmed Burney (Pakistan – 2011); Shiqiu Chen (China – 2012); Chinsung Chung (Republic of Korea – 2010); Emmanuel Decaux (France – 2011); Hector Felipe Fix Fierro (Mexico – 2011); Wolfgang Stefan Heinz (Germany – 2010); Latif Hüseyinov (Azerbaijan – 2011); Baba Kura Kaigama (Nigeria – 2011); Vladimir Kartashkin (Russian Federation – 2010); Bernards Andrews Nyamwaya Mudho (Kenya – 2010); Purificacion V. Quisumbing (Philippines – 2011); Shigeki Sakamoto (Japan – 2010); Dheerujall Seetulsingh (Mauritius – 2011); Halima Embarek Warzazi (Morocco – 2012); Jean Ziegler (Switzerland – 2012); and Mona Zulficar (Egypt – 2010).

5. As the mandate of seven members elected for a two-year term will expire in 2010, elections for these vacancies are scheduled to be held during the thirteenth session of the Council.

¹ The expiry of the term of membership is shown in parenthesis.

Item 2

Requests addressed to the Advisory Committee stemming from Human Rights Council resolutions

(a) Human rights education and training

6. In its resolution 6/10, the Council requested the Advisory Committee to prepare a draft declaration on human rights education and training, and, to that end, to seek the views and inputs of Member States, relevant international and regional organizations, the Office of the United Nations High Commissioner for Human Rights (OHCHR), national human rights institutions as well as civil society organizations, including non-governmental organizations, on the possible elements of the content of the declaration and to take into account existing relevant instruments.

7. At its first session, the Advisory Committee designated Mr. Decaux (rapporteur), Mr. Fix Fierro, Mr. Kartashkin, Ms. Quisumbing and Ms. Warzazi (chairperson) to constitute a drafting group of the Advisory Committee on human rights education and training. Mr. Seetulsingh also joined the drafting group, which reported on its work at each Committee session (recommendations 1/1, 2/1 and 3/3). In particular, the drafting group took note of the numerous replies to the questionnaires sent to the various stakeholders in accordance with Council resolution 6/10. The chairperson and the rapporteur of the drafting group participated in the seminar organized on 16 and 17 July 2009 in Marrakech, Morocco, by the Platform for Human Rights Education and Training in order to further the reflection on elements to be included in the draft declaration.

8. At its third session, the Committee held discussions on the preparatory documents introduced by the rapporteur (A/HRC/AC/2/CRP.4 and A/HRC/AC/3/CRP.4/Corr.1) and, in its recommendation 3/2, requested the drafting group to continue its consultations with all stakeholders regarding the preliminary text (contained in document A/HRC/AC/3/CRP.4/Corr.1), with a view to submitting a draft version of the declaration to the Advisory Committee at its fourth session. In the same recommendation, the Committee considered it essential that a meeting between the Special Rapporteur on the right to education and the members of the drafting group be hosted by the United Nations High Commissioner for Human Rights at the earliest possible opportunity, financial resources permitting, and urged the Office of the High Commissioner to facilitate formal consultations with the human rights treaty bodies. Letters in this regard were subsequently transmitted by the Secretariat to the Special Rapporteur and the treaty body chairpersons, respectively.

9. In its resolution 10/28, the Council requested the Committee to submit the draft declaration on human rights education and training to the Council for consideration at its thirteenth session. In its decision 12/118, the Council also decided to hold a high-level discussion on the draft declaration at the same session.

(b) Right to food

10. In its resolution 7/14, the Council requested the Advisory Committee to consider potential recommendations for approval by the Council on possible further measures to enhance the realization of the right to food, bearing in mind the priority importance of promoting the implementation of existing standards.

11. At its first session, the Advisory Committee established a drafting group consisting of Mr. Bengoa Cabello, Ms. Chung, Mr. Hüseyinov, Mr. Ziegler and Ms. Zulficar. At its second session, taking into account the working paper prepared by Mr. Ziegler (A/HRC/AC/2/CRP.2), the Committee adopted recommendation 2/7, in which it

recommended that the Council consider entrusting the Advisory Committee with the task of preparing a study on the food crisis, the right to food, agricultural subsidies and the rights of peasants, as well as a study on the food crisis, the right to food and the new concept of “hunger refugees”.

12. In its resolution 10/12, the Council requested the Advisory Committee to undertake a study on discrimination in the context of the right to food, including identification of good practices of anti-discriminatory policies and strategies, and to report thereon to the Council at its thirteenth session.

13. At its third session, the Committee took note of the preliminary background papers prepared by Mr. Ziegler (A/HRC/AC/3/CRP.3 and A/HRC/AC/3/CRP.5) on certain aspects of discrimination to be addressed in the context of Council resolution 10/12, and, in its recommendation 3/4, entrusted the existing drafting group with the preparation of the study on discrimination in the context of the right to food. It also requested the drafting group to present a preliminary report on the matter to the Advisory Committee at its fourth session.

(c) Human rights of women

14. In its resolution 6/30, the Council requested the Advisory Committee to regularly and systematically integrate a gender perspective into the implementation of its mandate, including when examining the intersection of multiple forms of discrimination against women, and to include in its reports information on and qualitative analysis of human rights of women and girls.

15. At its first session, the Advisory Committee requested Mr. Burney, Ms. Quisumbing, Mr. Sakamoto and Ms. Zulficar to prepare for the next session a set of draft guidelines on methods to operationalize gender mainstreaming, including action-oriented mechanisms that would facilitate the implementation of the Committee’s mandates.

16. At its second session, taking into account the working paper prepared by Ms. Zulficar, Ms. Chung, Ms. Quisumbing, Mr. Burney and Mr. Sakamoto (A/HRC/AC/2/CRP.4/Rev.2), the Committee adopted recommendation 2/4, in which it recommended that the Council consider authorizing the Advisory Committee to prepare draft guidelines on methods to enhance implementation of gender mainstreaming, including action-oriented mechanisms within the Council and all other relevant United Nations organs, specialized agencies, treaty bodies, national human rights institutions and non-governmental organizations.

17. In President’s statement PRST/10/1, the Council noted that the suggestion of the Advisory Committee with regard to gender mainstreaming may be addressed in the context of the work of the Council at its future sessions.

(d) Promotion of a democratic and equitable international order

18. In its resolution 8/5, the Council requested the human rights treaty bodies, OHCHR and the mechanisms of the Council and the Advisory Committee to pay due attention, within their respective mandates, to the resolution and to make contributions towards its implementation.

19. At its first session, the Advisory Committee adopted recommendation 1/2 on the promotion of a democratic and equitable international order. At its second session, the Committee continued discussions on that matter.

(e) Missing persons

20. Pursuant to resolution 7/28, the Council held a panel discussion on the question of missing persons at its ninth session, with the participation of experts of the International

Committee of the Red Cross, delegates of Governments and non-governmental organizations as well as national human rights institutions and international organizations. OHCHR prepared a summary of the panel's deliberations (A/HRC/10/10). Subsequently, the Council adopted decision 9/101, in which it requested the Advisory Committee to prepare a study on the best practices in the matter of missing persons and to submit it to the Council at its twelfth session.

21. At its second session, the Advisory Committee adopted recommendation 2/6, in which it entrusted a drafting group, composed of Mr. Alfonso Martínez, Mr. Burney, Ms. Chung, Mr. Heinz, Mr. Hüseyinov and Mr. Mudho, with the task of preparing the above-mentioned study.

22. At its third session, the Advisory Committee adopted recommendation 3/2, in which it noted that considerable difficulties had been encountered by the drafting group in finding the necessary information and research resources, and requested the latter to submit the results of its work on the study to the Advisory Committee at its fourth session, with a view to submitting them to the Council at its fourteenth session.

23. In its decision 12/117, the Council took note of recommendation 3/2 and requested the Committee to submit the study to the Council at its fourteenth session. In order to continue its work on the above-mentioned study, the relevant drafting group of the Committee elaborated a questionnaire addressed to Governments, which was transmitted by note verbale dated 2 November 2009 by the Secretariat.

(f) Human rights of persons with disabilities

24. In its resolution 7/9, the Council encouraged the Advisory Committee and other mechanisms of the Council to integrate the perspective of persons with disabilities, as appropriate, in carrying out their work and in their recommendations in order to facilitate the inclusion of persons with disabilities in the work of the Council.

25. At its first and second sessions, the Advisory Committee held discussions on the issue.

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

26. In its resolution 8/13, the Council requested OHCHR to collect information on the measures that Governments had taken to eliminate discrimination against persons affected by leprosy and their family members, and to hold a meeting to exchange views among relevant actors, including Governments, observers of the United Nations, relevant United Nations bodies, specialized agencies and programmes, non-governmental organizations, scientists, medical experts as well as representatives of persons affected by leprosy, and their family members, and to transmit a report to the Council and the Advisory Committee (A/HRC/10/62). The Council also requested the Advisory Committee to examine the report and to formulate a draft set of principles and guidelines to eliminate discrimination against persons affected by leprosy, and their family members, and to submit it to the Council for its consideration by September 2009.

27. In its recommendation 1/5, the Advisory Committee designated Mr. Sakamoto to formulate the above-mentioned draft set of principles and guidelines. Mr. Sakamoto participated in the above-mentioned meeting organized by OHCHR on 15 January 2009 and briefed the Advisory Committee thereon at its second session.

28. At its third session, the Advisory Committee held discussions on the draft set of principles and guidelines to eliminate discrimination against persons affected by leprosy,

and their family members, prepared by Mr. Sakamoto (A/HRC/AC/3/CRP.2). In its recommendation 3/1, it endorsed the draft set of principles and guidelines as revised.

29. In its resolution 12/7, the Council expressed its appreciation to the Advisory Committee for the timely submission of the draft set of principles and guidelines, and requested OHCHR to collect the views thereon of relevant actors, including Governments, observers of the United Nations, relevant United Nations bodies, specialized agencies and programmes, non-governmental organizations, scientists and medical experts, as well as representatives of persons affected by leprosy, and their family members, and to make those views available to the Advisory Committee. It further requested the Advisory Committee to finalize the draft set of principles and guidelines, taking into full consideration the views of relevant actors, for submission to the Council by its fifteenth session.

30. Pursuant to Council resolution 12/7, the Secretariat transmitted by note verbale dated 28 October 2009 the draft set of principles and guidelines for the elimination of discrimination against persons affected by leprosy, and their family members, as annexed to Committee recommendation 3/1, to relevant actors.

(h) Human rights and international solidarity

31. In its resolution 9/2, the Council requested the Advisory Committee to prepare inputs to contribute to the elaboration by the independent expert on human rights and international solidarity of a draft declaration on the right of peoples and individuals to international solidarity, and to the further development of guidelines, standards, norms and principles with a view to promoting and protecting this right. Such a request was reiterated by the Council in its resolution 12/9.

Item 3

Implementation of sections III and IV of the annex to Human Rights Council resolution 5/1 of 18 June 2007

(a) Rules of procedure and methods of work

32. At its third session, the Advisory Committee adopted the rules of procedures, as contained in the report of the Advisory Committee on its third session (A/HRC/AC/3/2, annex III).

33. To facilitate the communication and work between Committee members in the intersessional period, the Secretariat has created an electronic platform for information-sharing, which is accessible on the Advisory Committee extranet to members of the Advisory Committee and the Secretariat only.

(b) Agenda and annual programme of work, including new priorities

34. At its third session, the Advisory Committee designated Mr. Alfonso Martínez to prepare an initial working paper on the need to initiate a study with the purpose of, inter alia, clarifying further the content and scope of the right to peace, proposing measures to raise awareness of the importance of realizing this right, and suggesting concrete actions to mobilize States, intergovernmental and non-governmental organizations in the promotion of the right of peoples to peace (recommendation 3/5). The paper is to be submitted for the consideration of the Advisory Committee no later than its fifth session.

35. At its third session, the Advisory Committee designated Ms. Chung to prepare an initial working paper on the need to study the human rights of elderly people, including by

making practical recommendations, with a view to promoting and protecting these rights, to be submitted to the Advisory Committee at its fourth session (recommendation 3/6).

(c) Follow-up to Advisory Committee recommendation 1/11

36. In its recommendation 2/2, the Advisory Committee designated Mr. Bengoa Cabello and Ms. Valera Quisumbing to follow the work of the Social Forum, and Ms. Zulficar and Mr. Alfonso Martínez to follow the work of the Forum on Minority Issues and the Expert Mechanisms of Indigenous Peoples, respectively, and to brief the Committee at its fourth session on issues of relevance to the work of the Committee. Regrettably, as the Council did not take relevant action entailing budgetary implications when it considered the report of the Advisory Committee on its second session, the secretariat of the Advisory Committee has been unable to implement recommendation 2/2.

Item 4

Report of the Advisory Committee on its fourth session

37. The Advisory Committee will have before it for adoption a draft report on its fourth session, prepared by the Rapporteur.
