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HUMAN RIGHTS COUNCIL

SUB-COMMISSION ON THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

Fifty-eighth session

SUMMARY RECORD OF THE 23rd MEETING

Held at the Palais des Nations, Geneva,
on Friday, 25 August 2006, at 10 a.m.

Chairperson: Mr. BOSSUYT

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CLOSURE OF THE SESSION

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The meeting was called to order at 10.15 a.m.

IMPLEMENTATION OF HUMAN RIGHTS COUNCIL DECISION A/HRC.1/DEC/102 AND OTHER RELATED ISSUES (agenda item 7) (continued)

Draft decision on the implementation of Human Rights Council decision 2006/102 (A/HRC/Sub.1/58/CRP.13)

1. The CHAIRPERSON introduced the draft decision on the implementation of Human Rights Council decision 2006/102 (A/HRC/Sub.1/58/CRP.13). He said that the word “issued” in the title would be replaced by the word “issues” and on page 2, “2005” would be replaced by “2006”.
2. Mr. DECAUX suggested that a table of contents should be inserted at the beginning of the document.
3. The CHAIRPERSON agreed that a table of contents should be added, and said he took it that the editorial services would make the necessary arrangements.
4. It was so decided.
- A. Vision and Recommendations
- I. Introduction
5. Mr. SALAMA said that in paragraph 10, the words “Human Rights Consultative Commission” should be replaced by the words “Human Rights Consultative Committee”.
6. Section I, as amended, was adopted.
- II. The general vision of the Sub-Commission
7. Section II was adopted.
- III. The HRC’s need for expert advice
8. Section III was adopted.
- IV. The functions to be performed by any standing human rights expert advice body that the Council may feel fit to establish to serve its needs
9. Section IV was adopted.
- V. The main characteristics of any standing human rights expert advice body that the Council may choose to establish
10. Section V was adopted.

VI. Differences in function and method of work between the HRCC and other mechanisms in the United Nations human rights system

11. Mr. KARTASHKIN said that although he would not stand in the way of a consensus, he wished to make known his views regarding paragraph 41 on treaty monitoring bodies and the universal periodic review process. The universal periodic review mechanism provided that States that were not party to international human rights treaties would be subjected to monitoring in respect of their activities guaranteeing human rights and fundamental freedoms. United Nations treaty bodies considered reports only from States that were party to the relevant international human rights treaties. Although the system established by decision of the United Nations General Assembly, which provided for universal monitoring of States' fulfilment of their human rights obligations, had not yet been developed, it should be mentioned in paragraph 41 as an element of the work of the Human Rights Council.

12. The CHAIRPERSON said that in paragraph 41, in the first sentence, "HRCC" should be replaced by "HRC".

13. Section VI, as amended, was adopted.

VII. Report of the Inter-sessional Working Groups and the Social Forum, as requested in Human Rights Council decision 2006/102, paragraph 4

14. Section VII was adopted.

VIII. Recommendations

15. Ms. HAMPSON suggested that in the paragraph below subheading A, the full stop should be replaced by a comma.

16. Section VIII, as amended, was adopted.

17. Part A, as a whole, as amended, was adopted.

B. Overview of past and recent contributions of the Sub-Commission

18. Part B was adopted.

Appendix 1. List of the studies carried out by the Sub-Commission from 1956 to 2006

19. Mr. DECAUX said that the study on human rights and human responsibilities should not be included in the appendix, since it had been submitted directly to the Commission on Human Rights, rather than to the Sub-Commission.

20. Mr. ALFONSO MARTÍNEZ said that his study had indeed been submitted to the Commission on Human Rights. A footnote should be added to the effect that although the Commission on Human Rights had requested the study, a member of the Sub-Commission had been appointed to conduct it.

21. Mr. BENGUA said that he had submitted a report on poverty, which should be included in the list of studies completed in 2006.

22. Appendix 1, as amended, was adopted.

Appendix 2. List of ongoing studies and reports

A. Ongoing studies and reports submitted or mandated for submission by special rapporteurs to the Sub-Commission in 2006 in accordance with existing legislative authority

23. Mr. YOKOTA said that reference should be made to the uncertainty of the transitional period from the Commission on Human Rights to the Human Rights Council in respect of reports that had been submitted late as well as those that had not been submitted.

24. Table A was adopted.

B. Ongoing working papers and other documents without financial implications submitted or mandated for submission to the Sub-Commission in 2006

25. Mr. DECAUX said that the comment in the column entitled “Status at the 58th session” relating to his working paper on improving the effectiveness of the Sub-Commission was inaccurate, and should be amended to the effect that the working paper had been rendered obsolete by decision 2006/102 of the Human Rights Council, and had therefore not been submitted.

26. Mr. YOKOTA said that in the title of his working paper, the words “leprosy victims” had been replaced by “leprosy affected persons”, at the request of persons suffering from leprosy. References to that working paper should be amended accordingly.

27. Mr. DECAUX pointed out that Mr. Yokota’s working paper on discrimination against leprosy affected persons and their families was included in both tables B and D. The same was true of Ms. Hampson’s working paper on the accountability of international personnel taking part in peace support operations.

28. Mr. YOKOTA said he would leave it to the secretariat to decide which reference to his working paper should be deleted.

29. Ms. KOUFA said that the second expanded working paper containing an updated framework draft of principles and guidelines concerning human rights and terrorism should be moved to table C, and should be grouped with the working paper on international judicial cooperation and the working paper on the rights of victims of terrorist acts.

30. Table B, as amended, was adopted.

C. Working papers prepared or mandated for preparation for the working groups of the Sub-Commission in 2006

31. Ms. WADIBIA-ANYANWU said that the word “of” should be deleted from the title of the seventh study in table C, on indigenous peoples and conflict prevention and resolution.

32. Mr. YOKOTA said that his working paper on the issues of amnesties, impunity and accountability for violations of international humanitarian law and international human rights law had been submitted, and the comment on its status at the fifty-eighth session should be amended accordingly.

33. Table C, as amended, was adopted.

D. Studies and reports recommended in 2005 to the Commission on Human Rights for approval

34. Ms. HAMPSON said that the key working papers in respect of the first two studies in table D had been issued in 2005, and should be included in the table.

35. Table D, as amended, was adopted.

36. Appendix 2, as a whole, as amended, was adopted.

37. The draft decision (A/HRC/Sub.1/58/CRP.13) as a whole, as amended, was adopted.

**ADOPTION OF THE REPORT ON THE FIFTY-EIGHTH SESSION TO THE
HUMAN RIGHTS COUNCIL (agenda item 8) (A/HRC/Sub.1/58/L.10 and L.11 and Add.1)**

38. Mr. CHERIF (Rapporteur) said that the draft report consisted of two parts: a compilation of the resolutions and decisions adopted during the current session, and the Chairperson's statement adopted by consensus, contained in documents A/HRC/Sub.1/58/L.11 and Add.1, and proceedings under the various agenda items, including the new item "Implementation of Human Rights Council decision A/HRC/1/Dec/102 and other related issues" contained in document A/HRC/Sub.1/58/L.10. The proceedings reflected in the draft report were of a technical, not a substantive, nature. For the content of the discussions, including statements made during the voting on draft resolutions and decisions, the summary records of the session (A/HRC/Sub.1/58/SR.1-23) should be consulted. Members should submit any corrections to those documents to the Secretariat in writing within five days so that the final versions could be submitted to the Human Rights Council at its second session to be held from 18 September to 6 October 2006.

39. Mr. ALFONSO MARTÍNEZ said that the Commission on Human Rights had refrained at its final session from taking any decision on the membership of the intersessional working groups of the Sub-Commission, which normally met before the latter's annual session. He took it that the Council would make some arrangement to ensure the continuity of the working groups if its review of special procedures had not been completed by the date on which the groups would normally meet in 2007. He drew attention in that regard to the fact that the President of the General Assembly, the United Nations Secretary-General and the United Nations High Commissioner for Human Rights had all emphasized the need to ensure that there was no vacuum in the promotion and protection of human rights during the transitional period.

40. Mr. KARTASHKIN endorsed the comment by Mr. Alfonso Martínez.
41. The draft report of the Sub-Commission on its fifty-eighth session was adopted ad referendum.

CLOSURE OF THE SESSION

42. After an exchange of courtesies in which the representatives of the various regional groups participated, the CHAIRPERSON thanked all participants and the staff of the secretariat for their hard work, and declared closed the fifty-eighth session of the Sub-Commission on the Promotion and Protection of Human Rights.

The meeting rose at 11.40 a.m.