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COMMISSION ON HUMAN RIGHTS  
Sixtieth session  
19 January and 15 March-23 April 2004  
Item 2 of the provisional agenda

**ANNOTATIONS TO THE PROVISIONAL AGENDA**

**Prepared by the Secretary-General**

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\* This table of contents is based upon the draft provisional agenda for the sixtieth session as considered by the Commission at its fifty-ninth session (E/2003/23-E/CN.4/2003/135, chap. XXI (a)), with the addition of the indicative sub-headings found in the text of the annotations for ease of reference. The resolutions/decisions of the General Assembly adopted at its fifty-eighth session which are of relevance to the work of the Commission will be listed in document E/CN.4/2004/1/Add.2.

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\* Additional information concerning the existing special procedures mandates may be found in document E/CN.4/2004/CRP.2).

### **Item 1. Election of officers**

1. Rule 15 of the rules of procedure of the functional commissions of the Economic and Social Council provides that “at the commencement of its first meeting of a regular session the Commission shall elect, from among the representatives of its members, a Chairman, one or more Vice-Chairmen and such other officers as may be required”.
2. In its decision 2003/115, as endorsed by Economic and Social Council decision 2003/270, the Commission decided that the first meeting of the Commission should be held on the third Monday in January, with the sole purpose of electing its officers. The first meeting will hence be convened at 10.30 a.m. on Monday, 19 January 2004.

### **Item 2. Adoption of the agenda**

3. Rule 7 of the rules of procedure provides that “the Commission shall at the beginning of each session, after the election of its officers, adopt the agenda for that session on the basis of the provisional agenda”.
4. In its resolution 1998/84, the Commission decided to adopt the proposal for the restructuring of its agenda submitted by the Chairperson of the Commission at its fifty-fourth session, as contained in the annex to that resolution.
5. The Commission will have before it the provisional agenda (E/CN.4/2004/1) prepared by the Secretary-General in accordance with rule 5 of the rules of procedure, as well as the present annotations relating to the items included in the provisional agenda.

### **Item 3. Organization of the work of the session**

6. At its fifty-ninth session, the Commission decided, also in its decision 2003/115, that the sixtieth session of the Commission would be held from 15 March to 23 April 2003.
7. The attention of the Commission is also drawn to Economic and Social Council decision 2003/269, in which the Council, taking note of Commission on Human Rights decision 2003/114 of 25 April 2003, authorized 8 fully serviced additional meetings, including summary records, in accordance with rules 29 and 31 of the rules of procedure of the functional commissions of the Economic and Social Council, for the Commission’s sixtieth session. The Council also approved the Commission’s request to the Chairperson of the Commission at its sixtieth session to make every effort to organize the work of the session within the times normally allotted, so that the authorized meetings would be utilized only if they proved to be absolutely necessary.
8. On 23 December 2003, the General Assembly invited the Economic and Social Council to review its decision 2003/269 with a view to examining the possibility that additional meetings of the Commission on Human Rights may not be required in connection with its sixtieth session. In this regard, the Secretary-General was requested to provide such conference services as might be required consequent to Council decision 2003/269, as reviewed.

9. In its decision 2002/118, as endorsed by Economic and Social Council decision 2002/282, the Commission called upon the Secretary-General to continue making available to it the electronic voting system at all future sessions, including special sessions.

10. In connection with the present item, the Commission will have before it a note by the secretariat containing statistics relating to the fifty-ninth session of the Commission on Human Rights (E/CN.4/2004/11).

### **Working groups**

11. The session is preceded by meetings of the seven working groups referred to in E/CN.4/2004/1, paragraph 3 (a) to (g).

### **Composition of the Commission**

12. The composition of the Commission for 2004 is the following. The term of membership of each State expires on 31 December of the year indicated in brackets.

Argentina (2005), Armenia (2004), Australia (2005), Austria (2004), Bahrain (2004), Bhutan (2006), Brazil (2005), Burkina Faso (2005), Chile (2004), China (2005), Congo (2006), Costa Rica (2006), Croatia (2004), Cuba (2006), Dominican Republic (2006), Egypt (2006), Eritrea (2006), Ethiopia (2006), France (2004), Gabon (2005), Germany (2005), Guatemala (2006), Honduras (2006), Hungary (2006), India (2006), Indonesia (2006), Ireland (2005), Italy (2006), Japan (2005), Mauritania (2006), Mexico (2004), Nepal (2006), Netherlands (2006), Nigeria (2006), Pakistan (2004), Paraguay (2005), Peru (2006), Qatar (2006), Republic of Korea (2004), Russian Federation (2006), Saudi Arabia (2006), Sierra Leone (2004), South Africa (2006), Sri Lanka (2005), Sudan (2004), Swaziland (2005), Sweden (2004), Togo (2004), Uganda (2004), Ukraine (2005), United Kingdom of Great Britain and Northern Ireland (2006), United States of America (2005), Zimbabwe (2005).

### **Enhancement of the working methods of the Commission**

13. In its decision 2003/101, the Commission, taking note of the recommendations addressed by the Expanded Bureau of its fifty-eighth session to the Expanded Bureau of its fifty-ninth session pursuant to Commission decision 2002/115 and resolution 2002/91 (E/CN.4/2003/118 and Corr.1), decided to endorse those recommendations and take them into account in the organization of its work and the conduct of business.

### **Intersessional activities of the Bureau**

14. In its decision 2003/116, the Commission decided to authorize its Bureau, working together with the regional coordinators, after the conclusion of the fifty-ninth session and in full consultation of all regional groups, to consider steps which could be recommended to the Expanded Bureau of the sixtieth session in order to improve further the organization of work of the Commission based, inter alia, on Commission decision 2003/101 which endorsed the recommendations of the Expanded Bureau of the fifty-eighth session (E/CN.4/2002/118 and Corr.1).

15. The Commission will have before it a note by the Secretariat containing a compilation of views on enhancing the effectiveness of the working methods of the Commission (E/CN.4/2004/109) and a note by the secretariat transmitting the Bureau recommendations on the rationalization of the work of the Commission (E/CN.4/2004/110).

### **Situation of human rights in Colombia**

16. In the statement concerning the situation of human rights in Colombia made on behalf of the Commission by the Chairperson of the fifty-ninth session on 25 April 2003, the Commission requested the United Nations High Commissioner for Human Rights to submit to it at its sixtieth session a detailed report containing an analysis by his Office of the situation of human rights in Colombia in accordance with the agreement between the Government of Colombia and his Office on the operation of the permanent office in Bogotá.

17. The Commission will have before it the report of the High Commissioner for Human Rights (E/CN.4/2004/13).

### **Other matters**

18. In its resolution 2003/49, the Commission invited all special rapporteurs, in carrying out their mandates, to take into account the human rights of persons with disabilities.

19. In its resolution 2002/50, as endorsed by Economic and Social Council decision 2002/263, and in its resolution 2003/44, the Commission requested all special procedures and other human rights mechanisms of the Commission and the Sub-Commission on the Promotion and Protection of Human Rights, and invited human rights treaty bodies regularly and systematically to integrate a gender perspective into the implementation of their mandates and to include in their reports information on and qualitative analysis of human rights of women and girls, and encouraged the strengthening of cooperation and coordination between those procedures and mechanisms. It further decided to integrate a gender perspective into all of its agenda items.

20. In its resolution 2001/51, as endorsed by the Economic and Social Council in its decision 2001/268, and in its resolution 2003/47, the Commission requested all special representatives, special rapporteurs and working groups of the Commission to integrate the protection of HIV-related human rights within their respective mandates.

21. In its resolution 2002/92, as endorsed by Economic and Social Council decision 2002/275, and in its resolution 2003/86, the Commission requested the Office of the United Nations High Commissioner for Human Rights, United Nations mechanisms and all relevant organs of the United Nations system, in particular special representatives, special rapporteurs and working groups, regularly and systematically to incorporate a strong child rights perspective throughout all activities in the fulfilment of their mandates, as well as to ensure that their staff is trained in child protection matters.

**Item 4. Report of the United Nations High Commissioner for Human Rights and follow-up to the World Conference on Human Rights**

22. The General Assembly in its resolution 48/141 of 20 December 1993 decided to create the post of the United Nations High Commissioner for Human Rights and, inter alia, requested the High Commissioner to report annually on his activities, in accordance with his mandate, to the Commission on Human Rights and, through the Economic and Social Council, to the General Assembly. In its resolution 2002/2 entitled "Strengthening of the Office of the United Nations High Commissioner for Human Rights", the Commission invited the High Commissioner to submit information pursuant to the resolution in his annual report to the Commission and decided to consider the implementation of that resolution at its sixtieth session. The Commission will have before it the annual report of the High Commissioner (E/CN.4/2004/12 and Add.1 and 2) (see also paragraphs 178-179 below).

23. The Commission will also have before it the report of the High Commissioner on the situation of human rights in Liberia (E/CN.4/2004/5).

24. In connection with the present item and with item 18 of the provisional agenda, the attention of the Commission is drawn to a note by the High Commissioner transmitting the report of the tenth annual meeting of special rapporteurs/representatives, experts and chairpersons of working groups of the special procedures of the Commission on Human Rights and of the advisory services programme, held in Geneva from 23 to 27 June 2003 (E/CN.4/2004/4) (see also paragraph 248 below).

**Item 5. The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation**

**Situation in occupied Palestine**

25. In its resolution 2003/3, the Commission requested the Secretary-General to transmit the resolution to the Government of Israel and to all other Governments, to disseminate it on the widest possible scale and to make available to the Commission on Human Rights, prior to the convening of its sixtieth session, all information pertaining to the implementation of that resolution by the Government of Israel. It also decided to consider the situation in occupied Palestine under the present agenda item as a matter of high priority.

26. The Commission will have before it the report of the Secretary-General (E/CN.4/2004/14).

**The use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination**

27. The mandate of the Special Rapporteur on the question of the use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination was established by the Commission in its resolution 1987/16. In its resolution 2001/3, as endorsed by



Economic and Social Council decision 2001/244, the Commission decided to renew for a period of three years the mandate of the Special Rapporteur. In its resolution 2003/2, the Commission decided to request the Special Rapporteur, Mr. Enrique Bernales Ballesteros (Peru), to report, with specific recommendations, his findings on the use of mercenaries to undermine the right to self-determination to the Commission at its sixtieth session.

28. The Commission will have before it the report of the Special Rapporteur (E/CN.4/2004/15).

**Item 6. Racism, racial discrimination, xenophobia and all forms of discrimination:**

**(a) Comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action**

**Combating defamation of religions as a means to promote human rights, social harmony and religious and cultural diversity**

29. In its resolution 2003/4, the Commission requested the High Commissioner for Human Rights to report to the Commission at its sixtieth session on the implementation of the resolution. The Commission also requested the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance to examine the situation of Muslim and Arab peoples in various parts of the world with special reference to physical assaults and attacks against their places of worship, cultural centres, businesses and properties in the aftermath of the events of 11 September 2001 and to submit a preliminary report on his findings for consideration by the Commission at its next session.

30. The Commission will have before it the report of the High Commissioner (E/CN.4/2004/16) and the progress report of the Special Rapporteur (E/CN.4/2004/19).

**World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action**

31. In its resolution 52/111, the General Assembly decided to convene a world conference against racism, racial discrimination, xenophobia and related intolerance, to be held not later than 2001, and that the Commission on Human Rights would serve as the preparatory committee for the World Conference. The World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance was held from 31 August to 8 September 2001 in Durban, South Africa.

32. In its resolution 2003/30, the Commission, bearing in mind the terms of reference entrusted to the independent eminent experts, as well as the need to keep their mandate under constant review, decided on the following readjustment of their terms of reference:

(a) To follow the implementation of the provisions of the Durban Declaration and Programme of Action in cooperation with the United Nations High Commissioner for Human Rights and assist the High Commissioner in preparing his annual progress report to the

Commission and to the General Assembly based on information and views provided by States, relevant human rights treaty bodies, special procedures and other mechanisms of the Commission, international, regional and non-governmental organizations and national human rights institutions;

(b) Bearing in mind the recommendations of the Working Group, to assist the High Commissioner in the assessment and evaluation of the existing international standards and instruments to combat racism, racial discrimination, xenophobia and related intolerance with a view to preparing complementary standards.

33. The Commission also decided, as endorsed by Economic and Social Council decision 2001/246, that the Intergovernmental Working Group established to make recommendations with a view to the effective implementation of the Durban Declaration and Programme of Action should convene its future sessions for an initial period of three years. The Working Group was requested to convene its second session of 10 working days and to focus on areas decided upon in its recommendations, namely, poverty, education and complementary standards, and to report on progress in this regard to the sixtieth session of the Commission.

34. The Commission requested the High Commissioner for Human Rights to submit an analytical report, to the next session of the Working Group, assessing the effectiveness of the current regional and international standards and instruments to combat racism, racial discrimination, xenophobia and related intolerance and identifying possible areas where complementary international standards might be needed, in order to assist the Working Group to fulfil its mandate of preparing complementary international standards.

35. In the same resolution, the Commission, bearing in mind the existing mandate of its Working Group of experts on people of African descent, decided on the following additional mandates:

(a) To make proposals on the elimination of racial discrimination against Africans and people of African descent in all parts of the world;

(b) To address all the issues concerning the well-being of Africans and people of African descent contained in the Durban Declaration and Programme of Action.

The Commission recognized, in the above context, the importance of reformulating paragraph 8 (d) of its resolution 2002/68 on the mandate of the Working Group of experts on people of African descent as follows:

(d) To elaborate short-, medium- and long-term proposals for the elimination of racial discrimination against people of African descent, bearing in mind the need for close collaboration with international and development institutions and the specialized agencies of the United Nations system to promote the human rights of people of African descent, inter alia through:

(i) Improving the human rights situation of people of African descent by devoting special attention to their needs, inter alia through the preparation of specific programmes of action;

- (ii) Designing special projects, in collaboration with people of African descent, to support their initiatives at the community level and to facilitate the exchange of information and technical know-how between these populations and experts in these areas;
- (iii) Developing programmes intended for people of African descent allocating additional investments to health systems, education, housing, electricity, drinking water and environmental control measures and promoting equal opportunities in employment, as well as other affirmative or positive action initiatives, within the human rights framework.

The Commission decided, as endorsed by Economic and Social Council decision 2003/246, that the Working Group of experts on people of African descent shall convene its future sessions for an initial period of three years and requested the Working Group to convene its second session of 10 working days and to report on progress in the fulfilment of its mandate at the sixtieth session of the Commission.

36. The Commission will have before it the report of the High Commissioner on the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action (E/CN.4/2004/17 and Add.1-3), the report of the Intergovernmental Working Group established to make recommendations with a view to the effective implementation of the Durban Declaration and Programme of Action (E/CN.4/2004/20) and the report of the Working Group of experts on people of African descent (E/CN.4/2004/21). The Commission will also have before it a note by the secretariat transmitting the recommendations adopted by the independent eminent experts on the implementation of the Durban Declaration and Programme of Action (E/CN.4/2004/112).

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

37. The mandate of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance was established by the Commission in its resolution 1993/20. The mandate of the Special Rapporteur was extended every three years, last time in 2002 by Commission resolution 2002/68. Mr. Maurice Glèlè-Ahanhanzo (Benin) was replaced by Mr. Doudou Diène (Senegal) as Special Rapporteur in July 2002.

38. The Commission will have before it the report of the Special Rapporteur (E/CN.4/2004/18 and Add.1-3).

### **Item 7. The right to development**

39. The Declaration on the Right to Development was proclaimed by the General Assembly in its resolution 41/128 of 4 December 1986. The Commission decided to include this question under a separate item on its agenda in its resolution 1989/45.

40. Upon the recommendation of the Commission in its resolution 1998/72, the Economic and Social Council, in its decision 1998/269, approved the establishment of a follow-up mechanism, initially for a period of three years, consisting of the establishment of an open-ended

working group to meet for a period of five working days each year, and the appointment by the Chairman of the Commission on Human Rights of an independent expert with a mandate to present to the working group at each of its sessions a study on the current state of progress in the implementation of the right to development as a basis for a focused discussion, taking into account, inter alia, the deliberations and suggestions of the working group. In 1998, Mr. Arjun Sengupta (India) was appointed as the independent expert.

41. In its resolution 1998/72, the Commission invited the High Commissioner for Human Rights to present a report to the Commission each year. The Commission will have before it the report of the High Commissioner on the right to development (E/CN.4/2004/22).

42. In its resolution 2003/83, as endorsed by Economic and Social Council decision 2003/261, the Commission decided to renew the mandate of the Working Group on the Right to Development for one year and to convene its fifth session before the sixtieth session of the Commission, for a period of 10 working days. The Commission requested the High Commissioner to convene a two-day high-level seminar immediately prior to the session of the Working Group and within its 10 working days, inviting all the relevant actors from the human rights, trade, financial and development fields to review and identify effective strategies for mainstreaming the right to development in the policies and operational activities of the major international organizations/institutions. The report of the Working Group will be issued as document E/CN.4/2004/23.

#### **Item 8. Question of the violation of human rights in the occupied Arab territories, including Palestine**

##### **Human rights in the occupied Syrian Golan**

43. In its resolution 2003/5, the Commission requested the Secretary-General to bring the resolution to the attention of all Governments, the competent United Nations organs, the specialized agencies, regional intergovernmental organizations and international humanitarian organizations and to give it the widest possible publicity, and to report to the Commission at its sixtieth session.

44. The Commission will have before it the report of the Secretary-General (E/CN.4/2004/24).

##### **Question of the violation of human rights in the occupied Arab territories, including Palestine**

45. In its resolution 1993/2 A, the Commission decided to appoint a special rapporteur with the mandate to investigate Israel's violations of the principles and bases of international law, international humanitarian law and the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, in the Palestinian territories occupied by Israel since 1967, to receive communications, to hear witnesses and to report to the Commission at its future sessions, until the end of the Israeli occupation of those territories. Following the

resignation of Mr. René Felber (Switzerland) in 1995, Mr. Hannu Halinen (Finland) in 1999 and Mr. Giorgio Giacomelli (Italy) in March 2001, Mr. John Dugard (South Africa) was appointed Special Rapporteur in June 2001. The Commission will have before it the report of the Special Rapporteur (E/CN.4/2004/6 and Add.1).

46. At its fifty-ninth session, the Commission adopted resolution 2003/6, in which it requested the Secretary-General to report on the implementation of the resolution by the Government of Israel and to provide the Commission with all United Nations reports issued between the sessions of the Commission that dealt with the conditions in which the citizens of the Palestinian and other occupied territories were living under the Israeli occupation.

47. The Commission will have before it the report of the Secretary-General (E/CN.4/2004/25) and a note by the Secretary-General listing the aforementioned United Nations reports (E/CN.4/2004/26).

### **Israeli settlements in the occupied Arab territories**

48. In its resolution 2003/7, the Commission decided to continue the consideration of this question at its sixtieth session.

#### **Item 9. Question of the violation of human rights and fundamental freedoms in any part of the world, including:**

(a) **Question of human rights in Cyprus;**

(b) **Procedure established in accordance with Economic and Social Council resolutions 1503 (XLVIII) and 2000/3**

49. In 1967, the Commission adopted resolution 8 (XXIII), in which it decided to give annual consideration to an item on the question of violations of human rights and fundamental freedoms. The title of the item was later modified by the Commission. Economic and Social Council resolutions 1235 (XLII) and 1503 (XLVIII) refer to the question of violations of human rights and fundamental freedoms.

50. In its resolution 32/130, the General Assembly decided that, in approaching human rights questions within the United Nations system, the international community should accord, or continue to accord, priority to the search for solutions to the mass and flagrant violations of human rights of peoples and persons affected by various situations referred to in the resolution. The Assembly reiterated those views in subsequent resolutions. In resolution 34/175, entitled "Effective action against mass and flagrant violations of human rights", the Assembly urged the appropriate United Nations bodies, within their mandates, particularly the Commission, to take timely and effective action in existing and future cases of mass and flagrant violations of human rights. In resolution 37/200, the Assembly urged all States to cooperate with the Commission in

its study of violations of human rights and fundamental freedoms in any part of the world and requested the Commission to continue its efforts to improve the capacity of the United Nations system to take urgent action in cases of serious violations of human rights.

### **Human rights situation of the Lebanese detainees in Israel**

51. At its fifty-ninth session, the Commission adopted resolution 2003/8, in which it requested the Secretary-General to bring the resolution to the attention of the Government of Israel and to call upon it to comply with its provisions, and to report to the General Assembly at its fifty-eighth session and to the Commission at its sixtieth session on the results of his efforts in this regard. The Economic and Social Council, in its decision 2003/238, approved the request of the Commission.

52. The Commission will therefore have before it the report of the Secretary-General (E/CN.4/2004/28).

### **Cooperation with representatives of United Nations human rights bodies**

53. In its resolution 2003/9, the Commission invited the Secretary-General to submit to the Commission at its sixtieth session a report containing a compilation and analysis of any available information, from all appropriate sources, on alleged reprisals against those who seek to cooperate or have cooperated with representatives of United Nations human rights bodies, or who have provided testimony or information to them; those who avail or have availed themselves of procedures established under United Nations auspices for the protection of human rights and fundamental freedoms and all those who have provided legal assistance to them for this purpose; those who submit or have submitted communications under procedures established by human rights instruments; and those who are relatives of victims of human rights violations.

54. The Commission will therefore have before it the report of the Secretary-General (E/CN.4/2004/29).

### **Situation of human rights in the Democratic People's Republic of Korea**

55. In its resolution 2003/10, the Commission requested the United Nations High Commissioner for Human Rights to engage in a comprehensive dialogue with the authorities of the Democratic People's Republic of Korea with a view to establishing technical cooperation programmes in the field of human rights and to submit his findings and recommendations to the Commission at its sixtieth session.

56. The Commission will have before it a note by the secretariat (E/CN.4/2004/31).

### **Situation of human rights in Turkmenistan**

57. In its resolution 2003/11, the Commission decided to continue the consideration of this question at its sixtieth session.

### **Situation of human rights in Myanmar**

58. Following the resignation of Mr. Yozo Yokota (Japan) in May 1996 and of Mr. Rajsoomer Lallah (Mauritius) in November 2000, Mr. Paulo Sérgio Pinheiro (Brazil) was appointed, in December 2000, Special Rapporteur on the situation of human rights in Myanmar. In its resolution 2003/12, as endorsed by Economic and Social Council decision 2003/239, the Commission decided to extend the mandate of the Special Rapporteur, as contained in Commission resolution 1992/58, for a further year and requested the Special Rapporteur to submit an interim report to the General Assembly at its fifty-eighth session and to report to the Commission at its sixtieth session.

59. The Commission will have before it the report of the Special Rapporteur (E/CN.4/2004/33).

60. The Commission will also have before it a report of the Secretary-General prepared pursuant to General Assembly resolution 58/247 (E/CN.4/2004/30).

### **Situation of human rights in Cuba**

61. In its resolution 2003/13, the Commission urged the Government of Cuba to receive the Personal Representative of the United Nations High Commissioner for Human Rights and to provide all facilities necessary for her to be able to fulfil the mandate contained in resolution 2002/18. The Commission decided to consider this matter further at its sixtieth session, under the same agenda item, in connection with which the Personal Representative of the High Commissioner would submit her report on the implementation of that resolution.

62. The Commission will have before it the report of the Personal Representative of the High Commissioner for Human Rights, Ms. Christine Chanet (E/CN.4/2004/32).

### **Situation of human rights in Belarus**

63. In its resolution 2003/14, the Commission decided to consider this question at its sixtieth session.

### **Situation of human rights in the Democratic Republic of the Congo**

64. Pursuant to Commission resolution 1994/87, Mr. Roberto Garretón (Chile) was appointed Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo. Following the resignation of Mr. Garretón in October 2001, Ms. Iulia-Antoanella Motoc (Romania) was appointed Special Rapporteur in November 2001. In its resolution 2003/15, as endorsed by Economic and Social Council decision 2003/240, the Commission decided to extend the mandate of the Special Rapporteur for a further year and requested her to submit an interim report to the General Assembly at its fifty-eighth session and to report to the Commission at its sixtieth session.

65. The Commission will have before it the report of the Special Rapporteur (E/CN.4/2004/34).

#### **Situation of human rights in Burundi**

66. The mandate of the Special Rapporteur on the situation of human rights in Burundi was established by the Commission in its resolution 1995/90. Following the resignation of Mr. Paulo Sérgio Pinheiro (Brazil) as Special Rapporteur, Ms. Marie-Thérèse Kéita-Bocoum (Côte d'Ivoire) was appointed Special Rapporteur in August 1999. In its resolution 2003/16, as endorsed by Economic and Social Council decision 2003/241, the Commission decided to extend the mandate of the Special Rapporteur by one year and requested her to submit an interim report on the human rights situation in Burundi to the General Assembly at its fifty-eighth session and a report to the Commission at its sixtieth session, giving her work a gender-specific dimension.

67. The Commission will have before it the report of the Special Rapporteur (E/CN.4/2004/35).

#### **Situation of human rights in Iraq**

68. Following the resignation of Mr. Max van der Stoep (Netherlands) from the post of Special Rapporteur on the situation of human rights in Iraq in November 1999, Mr. Andreas Mavrommatis (Cyprus) was appointed Special Rapporteur in December 1999. In its resolution 2003/84, as endorsed by Economic and Social Council decision 2003/262, the Commission decided to extend the mandate of the Special Rapporteur, as contained in Commission resolution 1991/74 and subsequent resolutions, for a further year, and to request the Special Rapporteur to submit an interim report on the situation of human rights in Iraq focusing on newly available information about violations of human rights and international law by the Government of Iraq over many years, to the General Assembly at its fifty-eighth session and to report to the Commission at its sixtieth session.

69. The Commission will have before it the report of the Special Rapporteur (E/CN.4/2004/36 and Add.1).

#### **Sub-item (a): Question of human rights in Cyprus**

70. This question has been considered by the Commission since its thirty-second session, when it adopted resolution 4 (XXXII) of 27 February 1976. In its decision 2003/106, the Commission decided to retain the sub-item on its agenda and to give it due priority at its sixtieth session, it being understood that action required by previous resolutions of the Commission on the subject would continue to remain operative, including the request to the Secretary-General to submit a report to the Commission regarding their implementation.

71. At its present session, the Commission will have before it the report of the Secretary-General (E/CN.4/2004/27).



**Sub-item (b): Procedure established in accordance with Economic and Social Council resolutions 1503 (XLVIII) and 2000/3**

72. By resolution 1503 (XLVIII) of 27 May 1970, the Economic and Social Council established a procedure for dealing with communications concerning alleged violations of human rights. Since then, particular situations relating to 84 countries have been placed before the Commission under the procedure.

73. Upon the recommendations of the intersessional working group on enhancing the effectiveness of the mechanisms of the Commission on Human Rights, as endorsed by Commission decision 2000/109, the Economic and Social Council adopted resolution 2000/3 entitled "Procedure for dealing with communications concerning human rights".

74. Pursuant to Council resolution 2000/3, the Commission on Human Rights will consider the particular situations placed before it by the Working Group on Situations, as well as the situations kept under review by the Commission the previous year. The Commission's consideration of these situations may take place in two separate closed meetings as set forth in paragraph 7 of Council resolution 2000/3.

75. Concerned States invited to attend the closed meetings of the Commission under Council resolution 1503 (XLVIII) will have the right to attend and to participate in the discussion of the situation concerning them, and to be present during the adoption of the final decision taken in regard to their situation.

76. Following established practice, the Chairperson of the Commission will announce in a public meeting the countries that have been examined under the procedure governed by Council resolutions 1503 (XLVIII) and 2000/3, as well as the countries no longer being dealt with under the procedure; otherwise, all actions taken under the 1503 procedure remain confidential until such time as the Commission may decide to make recommendations to the Council. The documentation pertaining to the procedure is also confidential.

77. At the present session, the Commission will have before it the report of the Working Group on Situations (E/CN.4/2004/R.1 and addenda). Replies and observations which may be received from the Governments concerned (to be issued in the E/CN.4/2004/R.2 series) will also be made available. The above-mentioned confidential documents will be handed to the members of the Commission at least one week in advance of the first closed meeting.

**Item 10. Economic, social and cultural rights**

**Human rights and unilateral coercive measures**

78. In its resolution 2003/17, the Commission requested the Secretary-General to bring the resolution to the attention of all Member States and to seek their views and information on the

implications and negative effects of unilateral coercive measures on their populations, and to submit a report thereon to the Commission at its sixtieth session. The Commission will have before it the report of the Secretary-General (E/CN.4/2004/37).

**Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights**

79. In its resolution 2003/18, the Commission requested its open-ended working group established pursuant to Economic and Social Council decision 2002/254 to meet for a period of 10 working days, prior to the sixtieth session of the Commission, with a view to considering options regarding the elaboration of an optional protocol to the International Covenant on Economic, Social and Cultural Rights, in the light, inter alia, of the report of the Committee on Economic, Social and Cultural Rights to the Commission on a draft optional protocol for the consideration of communications in relation to the Covenant (E/CN.4/1997/105, annex), comments and views submitted by States, intergovernmental organizations, including United Nations specialized agencies, and non-governmental organizations, and the reports of the independent expert (E/CN.4/2002/57 and E/CN.4/2003/53 and Corr.1 and 2). The Working Group was requested to report to the Commission at its sixtieth session and to make specific recommendations on its course of action concerning the question of an optional protocol to the International Covenant on Economic, Social and Cultural Rights. The Commission will have before it the report of the Working Group (E/CN.4/2004/44).

80. In the same resolution, the Commission requested the Secretary-General to submit to the Commission at its sixtieth session a report on the implementation of that resolution. The Commission will have before it the report of the Secretary-General (E/CN.4/2004/38).

**The right to education**

81. The mandate of the Special Rapporteur on the right to education was established by the Commission in its resolution 1998/33. Ms. Katarina Tomasevski (Croatia) was appointed Special Rapporteur in August 1998. The mandate of the Special Rapporteur was extended by the Commission for a period of three years in its resolution 2001/29, as endorsed by the Economic and Social Council in its decision 2001/261.

82. In its resolution 2003/19, the Commission requested the Special Rapporteur to report to the Commission at its sixtieth session. The Commission will have before it the report of the Special Rapporteur (E/CN.4/2004/45 and Add.1 and 2).

**Adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights**

83. The 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 was

established by the Commission in its resolution 1995/81. Ms. Fatma Zohra Ouhachi-Vesely (Algeria) was appointed Special Rapporteur in 1995. The mandate of the Special Rapporteur was subsequently extended by the Commission every three years. The latest decision of the Commission to renew the mandate of the Special Rapporteur is contained in resolution 2001/35, which was endorsed by the Economic and Social Council in its decision 2001/262.

84. Pursuant to its resolution 2003/20, the Commission will have before it the report of the Special Rapporteur (E/CN.4/2004/46 and Add.1-3).

**Effects of structural adjustment policies and foreign debt on the full enjoyment of all human rights, particularly economic, social and cultural rights**

85. The mandate of the Special Rapporteur on the effects of foreign debt on the full enjoyment of economic, social and cultural rights was established by the Commission in its resolution 1998/24. Mr. Reinaldo Figueredo (Venezuela) was appointed Special Rapporteur in August 1998.

86. In order that the open-ended working group on structural adjustment programmes and economic, social and cultural rights established pursuant to Commission decision 1996/103 might carry out its mandate, the Commission decided, in its decision 1997/103, to appoint an independent expert to study the effects of structural adjustment policies on economic, social and cultural rights. Mr. Fantu Cheru (United States of America) was appointed independent expert, in December 1998.

87. In its resolution 2000/82, the Commission decided to discontinue the mandates of the Special Rapporteur on the effects of foreign debt on the full enjoyment of economic, social and cultural rights and the independent expert on structural adjustment policies. The Commission decided to appoint an independent expert on the effects of structural adjustment policies and foreign debt on the full enjoyment of all human rights, particularly economic, social and cultural rights, for a period of three years. It decided to appoint Mr. Fantu Cheru to that post. The independent expert was requested to present an analytical report to the Commission, on an annual basis, on the implementation of that resolution. Following the resignation of Mr. Cheru in September 2001, Mr. Bernard Andrew Nyamwaya Mudho (Kenya) was appointed independent expert in November 2001.

88. In its resolution 2003/21, as endorsed by the Economic and Social Council in its decision 2003/243, the Commission decided to renew the mandate of the independent expert for three years and requested him to submit an analytical report to the Commission, on an annual basis, on the implementation of that resolution, paying particular attention to the effects of the burden of foreign debt and the policies adopted to face them on the capacity of the Governments of developing countries to adopt policies and programmes for the enjoyment of economic, social and cultural rights, as well as to recommend measures and actions that could be taken to alleviate such effects, especially in the poorest and heavily indebted countries.

89. The mandate of the working group on structural adjustment programmes and economic, social and cultural rights was not extended by the Commission at its fifty-ninth session.

90. The Commission will have before it the analytical report of the independent expert on the effects of structural adjustment policies and foreign debt on the full enjoyment of human rights (E/CN.4/2004/47 and Add.1 and 2).

### **Globalization and its impact on the full enjoyment of human rights**

91. In its resolution 2003/23, the Commission took note of the request of the High Commissioner (E/CN.4/2003/50) for further time needed to conclude the analytical study on the fundamental principle of non-discrimination in the context of globalization as contained in paragraph 7 of Commission resolution 2002/28. The Commission requested the High Commissioner to focus particularly on the need for clarification of the human rights principle of non-discrimination as it relates to the trade rules of the World Trade Organization, especially in the context of the World Trade Organization Agreement on Agriculture.

92. The Commission will have before it the analytical study of the High Commissioner (E/CN.4/2004/40).

### **Human rights and extreme poverty**

93. The mandate of the independent expert on the question of human rights and extreme poverty was established by the Commission in its resolution 1998/25. Ms. Anne-Marie Lizin (Belgium) was appointed independent expert in August 1998. The mandate of the independent expert was subsequently extended by the Commission every two years. The latest decision of the Commission to renew the mandate of the independent expert is contained in resolution 2002/30, which was endorsed by the Economic and Social Council in its decision 2002/258. The independent expert was requested to report on her activities to the Commission at its fifty-ninth and sixtieth sessions and to make those reports available to the Commission for Social Development and the Commission on the Status of Women, as appropriate, for their sessions during the same years.

94. The Commission will have before it the report of the independent expert on the question of human rights and extreme poverty (E/CN.4/2004/43 and Add.1).

### **The right to food**

95. The mandate of the Special Rapporteur on the right to food was established by the Commission in its resolution 2000/10. Mr. Jean Ziegler (Switzerland) was appointed Special Rapporteur in September 2000. In its resolution 2003/25, as endorsed by the Economic and Social Council in its decision 2003/244, the Commission extended the mandate of the Special Rapporteur for a further three years and requested him to submit a report to the

General Assembly at its fifty-eighth session and to report to the Commission at its sixtieth session on the implementation of that resolution. The Commission will have before it the report of the Special Rapporteur (E/CN.4/2004/10 and Add.1 and 2).

**Promotion of the enjoyment of the cultural rights of everyone and respect for different cultural identities**

96. In its resolution 2003/26, the Commission requested once again the United Nations High Commissioner for Human Rights to consult States and intergovernmental and non-governmental organizations on the possibility of appointing a special rapporteur the basis of whose mandate would be the comprehensive implementation of that resolution, and to report on the results of those consultations to the Commission at its sixtieth session. The Commission will have before it the report of the High Commissioner (E/CN.4/2004/41).

**Adequate housing as a component of the right to an adequate standard of living**

97. In its resolution 2000/9, the Commission decided to appoint, for a period of three years, a special rapporteur whose mandate would focus on adequate housing as a component of the right to an adequate standard of living as reflected in article 25, paragraph 1, of the Universal Declaration of Human Rights, article 11, paragraph 1, of the International Covenant on Economic, Social and Cultural Rights, and article 27, paragraph 3, of the Convention on the Rights of the Child, and on the right to non-discrimination as reflected in article 14, paragraph 2 (h), of the Convention on the Elimination of All Forms of Discrimination against Women, and article 5 (e) of the International Convention on the Elimination of All Forms of Racial Discrimination. Mr. Miloon Kothari (India) was appointed Special Rapporteur in September 2000.

98. In its resolution 2003/27, as endorsed by the Economic and Social Council in its decision 2003/245, the Commission decided to renew the mandate of the Special Rapporteur for a period of three years and requested him to submit a report to the Commission at its sixtieth session.

99. The Commission will have before it the report of the Special Rapporteur (E/CN.4/2004/48 and Add.1 and 2).

**The right of everyone to the enjoyment of the highest attainable standard of physical and mental health**

100. The mandate of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health was established for a period of three years by the Commission in its resolution 2002/31, as endorsed by the Economic and Social Council in its decision 2002/259. The mandate of the Special Rapporteur is to focus on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, as reflected in article 25, paragraph 1, of the Universal Declaration of Human Rights, article 12 of

the International Covenant on Economic, Social and Cultural Rights, article 24 of the Convention on the Rights of the Child and article 12 of the Convention on the Elimination of All Forms of Discrimination against Women, as well as on the right to non-discrimination as reflected in article 5 (e) (iv) of the International Convention on the Elimination of All Forms of Racial Discrimination. The Special Rapporteur was requested to submit an annual report to the Commission on the activities performed under his mandate. Mr. Paul Hunt (New Zealand) was appointed Special Rapporteur in August 2002. In its resolution 2003/28, the Commission requested the Special Rapporteur to submit annually a report to the Commission and an interim report to the General Assembly on the activities performed under his mandate. The Commission will have before it the report of the Special Rapporteur (E/CN.4/2004/49 and Add.1 and 2).

101. Also in its resolution 2003/28, the Commission requested the United Nations High Commissioner for Human Rights to solicit proposals from Governments, non-governmental organizations and United Nations bodies, programmes, and specialized agencies, for possible measures to be taken and activities to be carried out during the United Nations Year for Violence Prevention, and to submit a compilation thereof to the Commission at its sixtieth session. The Commission will have before it the report of the High Commissioner for Human Rights (E/CN.4/2004/42).

102. Upon the recommendation of the Commission in its resolution 2003/28, the Economic and Social Council adopted resolution 2003/45 in which it recommended that the General Assembly declare 2007 the United Nations Year for Violence Prevention and requested the Commission on Human Rights to submit to the Council a draft programme of action for the Year.

### **Access to medication in the context of pandemics such as HIV/AIDS, tuberculosis and malaria**

103. In its resolution 2003/29, the Commission requested the Secretary-General to solicit comments from Governments, United Nations organs, programmes and specialized agencies and international and non-governmental organizations on the steps they have taken to promote and implement, where applicable, that resolution, as well as to report thereon to the Commission at its sixtieth session. The Commission will have before it the report of the Secretary-General (E/CN.4/2004/39).

### **Other matters**

104. In connection with the present agenda item, the attention of the Commission is also drawn to the draft resolution and to draft decisions 1 and 14 in chapter I of the report of the Sub-Commission on the Promotion and Protection of Human Rights on its fifty-fifth session (E/CN.4/2004/2-E/CN.4/Sub.2/2003/43), recommended to the Commission on Human Rights for adoption.

**Item 11. Civil and political rights, including the questions of:**

- (a) **Torture and detention;**
- (b) **Disappearances and summary executions;**
- (c) **Freedom of expression;**
- (d) **Independence of the judiciary, administration of justice, impunity;**
- (e) **Religious intolerance;**
- (f) **States of emergency;**
- (g) **Conscientious objection to military service**

**Strengthening of popular participation, equity, social justice and non-discrimination as essential foundations of democracy**

105. In its resolution 2003/35, the Commission decided to continue the consideration of this issue at its sixtieth session.

**Interdependence between democracy and human rights**

106. In its resolution 2003/36, the Commission called upon the Office of the High Commissioner for Human Rights to invite the views of various regional, subregional and other organizations and arrangements on the role they play in promoting and consolidating democracy, and to report to the Commission on the contributions resulting therefrom at its sixtieth session.

107. The Commission will have before it the report of the High Commissioner (E/CN.4/2004/54).

**Human rights and terrorism**

108. In its resolution 2003/37, the Commission invited the Secretary-General to continue to seek the views of Member States on the implications of terrorism in all its forms and manifestations for the full enjoyment of all human rights and fundamental freedoms and on how the needs and concerns of victims of terrorism might be addressed, including through the possible establishment of a voluntary fund for the victims of terrorism, as well as on ways and means to rehabilitate the victims of terrorism and to reintegrate them into society, with a view to incorporating his findings in his reports to the Commission and the General Assembly. The Commission decided to remain seized of the matter at its sixtieth session.

109. The Commission will have before it the report of the Secretary-General (E/CN.4/2004/50).

### **Hostage-taking**

110. In its resolution 2003/40, the Commission urged all thematic special rapporteurs and working groups to continue to address, as appropriate, the consequences of hostage-taking in their forthcoming reports to the Commission, and decided to remain seized of this matter.

### **The incompatibility between democracy and racism**

111. In its resolution 2003/41, the Commission invited the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance to update and expand the study on the issue of political platforms which promote or incite racial discrimination (A/CONF.189/PC.2/21 and Corr.1 and 2) and to submit it to the Commission at its sixtieth session.

112. The Commission will have before it the report of the Special Rapporteur (E/CN.4/2004/61).

### **Other matters**

113. In connection with the present agenda item, the attention of the Commission is also drawn to draft decision 4 in chapter I of the report of the Sub-Commission on the Promotion and Protection of Human Rights on its fifty-fifth session (E/CN.4/2004/2-E/CN.4/Sub.2/2003/43), recommended to the Commission on Human Rights for adoption.

### **Sub-item (a): Torture and detention**

#### **Question of arbitrary detention**

114. At its forty-seventh session, in resolution 1991/42, the Commission decided to create, for a three-year period, a working group composed of five independent experts, with the task of investigating cases of detention imposed arbitrarily or otherwise inconsistently with relevant international standards or the relevant international legal instruments accepted by the States concerned. Since then, the Working Group's mandate has been extended by the Commission every three years, the last time in 2003 (resolution 2003/31, as endorsed by the Economic and Social Council in its decision 2003/247).

115. In its resolution 2003/31, the Commission requested the Working Group on Arbitrary Detention to submit to the Commission, at its sixtieth session, a report on its activities and on the implementation of that resolution and to include any suggestions and recommendations which would enable it to carry out its task in the best possible way and to continue its consultations to that end in the framework of its terms of reference.



116. The Commission will have before it the report of the Working Group (E/CN.4/2004/3 and Add.1 and 2 and Add.2/Corr.1 and Add.3).

**Torture and other cruel, inhuman or degrading treatment or punishment**

117. The mandate of the Special Rapporteur to examine questions relevant to torture was established by the Commission in its resolution 1985/33. Following the resignation of Sir Nigel S. Rodley (United Kingdom of Great Britain and Northern Ireland) in November 2001, Mr. Theo C. van Boven (Netherlands) was appointed Special Rapporteur on 28 November 2001. The mandate of the Special Rapporteur was extended for a period of three years by the Commission in its resolution 2001/62, as endorsed by the Economic and Social Council in its decision 2001/272.

118. In its resolution 2003/32, the Commission invited the Special Rapporteur to submit an interim report to the General Assembly at its fifty-eighth session on the overall trends and developments with regard to his mandate and a full report to the Commission at its sixtieth session, including as addenda all replies sent by Governments that are received in any of the official languages of the United Nations. The Commission will have before it the report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment (E/CN.4/2004/56 and Add.1-4).

119. In the same resolution, the Secretary-General was requested to continue to submit to the Commission an annual report on the status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The Commission will have before it the annual report of the Secretary-General (E/CN.4/2004/52).

**United Nations Voluntary Fund for Victims of Torture**

120. In December 1981, the General Assembly, in its resolution 36/151, established the United Nations Voluntary Fund for Victims of Torture and adopted the arrangements for the management of the Fund (A/36/540). Voluntary contributions paid to the Fund are distributed, through established channels of assistance, as medical, psychological, psychiatric, social, economic or legal assistance to the victims of torture and their relatives. The Fund is administered by the High Commissioner for Human Rights on behalf of the Secretary-General with the advice of a Board of Trustees authorized to promote and solicit contributions and pledges.

121. In its resolution 2003/32, the Commission called upon the Board of Trustees of the Fund to report to the Commission at its sixtieth session, and requested an independent evaluation, in accordance with United Nations rules and regulations, of the functioning of the Fund.

122. The Commission will therefore have before it the report of the Secretary-General on the operations of the United Nations Voluntary Fund for Victims of Torture (E/CN.4/2004/53).

### **Sub-item (b): Disappearances and summary executions**

#### **Question of enforced or involuntary disappearances**

123. Pursuant to General Assembly resolution 33/173, the Commission by resolution 20 (XXXVI) of 29 February 1980, decided to establish for a period of one year a working group consisting of five of its members, to serve as experts in their individual capacities, to examine questions relevant to enforced or involuntary disappearances of persons. The Commission has regularly renewed the Working Group's mandate since that time.

124. In its resolution 2003/38, as endorsed by the Economic and Social Council in its decision 2003/249, the Commission requested the Working Group to meet for a period of 10 working days before the sixtieth session of the Commission in order to continue its work, in accordance with Commission resolutions 2001/46 and 2002/41, and to report to the Commission at its sixtieth session.

125. The Commission will have before it the report of the Working Group (E/CN.4/2004/58).

126. In its resolution 2001/46, as endorsed by the Economic and Social Council in its decision 2001/221, the Commission decided to establish an intersessional open-ended working group with the mandate to elaborate a draft legally binding normative instrument for the protection of all persons from enforced disappearance, taking into account, inter alia, the draft international convention on the protection of all persons from enforced disappearance transmitted by the Sub-Commission, for consideration and adoption by the General Assembly.

127. In its resolution 2003/38, the Commission, having welcomed the substantial progress made during the first session of the intersessional working group (E/CN.4/2003/71), requested the working group to meet for a period of 10 working days before the sixtieth session of the Commission in order to continue its work, in accordance with Commission resolutions 2001/46 and 2002/41, and to report to the Commission at its sixtieth session.

128. The Commission will have before it the report of the working group (E/CN.4/2004/59).

#### **Extrajudicial, summary or arbitrary executions**

129. The mandate of the Special Rapporteur on extrajudicial, summary or arbitrary executions was established by the Economic and Social Council in its resolution 1982/35. Pursuant to that resolution, Mr. Amos Wako (Kenya) was appointed Special Rapporteur on extrajudicial, summary or arbitrary executions. Following the resignation of Mr. Wako in March 1982, Mr. Bacre W. N'diaye (Senegal) was appointed Special Rapporteur. Following the resignation of Mr. N'diaye, Ms. Asma Jahangir (Pakistan) was appointed Special Rapporteur in August 1998. In its resolution 2001/45, the Commission decided to extend the mandate of the Special Rapporteur for three years. The Economic and Social Council, in its decision 2001/266, endorsed that decision.

130. In its resolution 2003/53, the Commission encouraged the Special Rapporteur to continue, within the mandate as defined in Commission resolution 2001/45, to collect information from all concerned, to respond effectively to reliable information that comes before her, to follow up on communications and country visits and to seek the views and comments of Governments and to reflect them as appropriate in the elaboration of her reports. The Commission will have before it the report of the Special Rapporteur (E/CN.4/2004/7 and Add.1-3).

### **Sub-item (c): Freedom of expression**

#### **The right to freedom of opinion and expression**

131. The mandate of the Special Rapporteur on the right to freedom of opinion and expression was established by the Commission in its resolution 1993/45. Mr. Abid Hussain (India) was appointed Special Rapporteur in 1993. He was replaced by Mr. Ambeyi Ligabo (Kenya) in August 2002. In its resolution 2002/48, as endorsed by the Economic and Social Council in its decision 2002/262, the Commission decided to renew the mandate of the Special Rapporteur for a further three years.

132. In its resolution 2003/42, the Commission requested the Special Rapporteur to submit to the Commission at its sixtieth session a report covering activities relating to his mandate, including the issue of security and protection of media professionals, and decided to continue its consideration of this question at that session.

133. The Commission will have before it the report of the Special Rapporteur (E/CN.4/2004/62 and Add.1-3).

### **Sub-item (d): Independence of the judiciary, administration of justice, impunity**

#### **Human rights in the administration of justice, in particular juvenile justice**

134. In its resolution 2002/47, the Commission requested the Secretary-General to submit a report to the Commission at its sixtieth session on practical measures for the implementation of the international standards in the field of human rights in the administration of justice, in particular regarding rebuilding and strengthening structures and capacities for the administration of justice in post-conflict situations, and in juvenile justice, as well as the role of technical assistance of the United Nations system in this regard. The Commission further requested the Secretary-General to make available to the Commission at its sixtieth session his reports on the administration of juvenile justice as well as on the activities of the coordination panel on technical advice and assistance in juvenile justice submitted to the Commission on Crime Prevention and Criminal Justice.

135. The Commission will have before it the report of the Secretary-General (E/CN.4/2004/51).

### **The right to restitution, compensation and rehabilitation for victims of grave violations of human rights and fundamental freedoms**

136. Pursuant to Commission resolution 1998/43, Mr. Charif Bassiouni (Egypt/United States of America) was appointed independent expert to prepare a revised version of the basic principles and guidelines on the right to reparation for victims of [gross] violations of human rights and international humanitarian law (E/CN.4/1997/104, annex) elaborated by Mr. Theo van Boven (Netherlands). At its fifty-sixth session, the Commission had before it the report of the independent expert (E/CN.4/2000/62) and the draft of the “Basic principles and guidelines on the right to a remedy and reparation for victims of violations of international human rights and humanitarian law”, annexed to his report. Pursuant to Commission resolution 2002/44, a consultative meeting was organized by the Office of the High Commissioner for Human Rights in 2002 with a view to finalizing those principles and guidelines (E/CN.4/2003/63).

137. In its resolution 2003/34, the Commission requested the United Nations High Commissioner for Human Rights to hold, with the cooperation of interested Governments, a second consultative meeting for all interested Member States, intergovernmental organizations and non-governmental organizations with a view to finalizing the “Basic principles and guidelines on the right to a remedy and reparation for victims of violations of international human rights and humanitarian law” and, if appropriate, to consider options for the adoption of those principles and guidelines. In the same resolution, the Commission requested the High Commissioner to transmit to the Commission at its sixtieth session the final outcome of the second consultative meeting for its consideration.

138. The Commission will therefore have before it a note by the High Commissioner for Human Rights on the second consultative meeting (E/CN.4/2004/57).

### **Integrity of the judicial system**

139. In its resolution 2003/39, the Commission requested the Special Rapporteur on the independence of judges and lawyers to take full account of that resolution in the discharge of his mandate and in his report to the sixtieth session of the Commission.

### **Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers**

140. The mandate of the Special Rapporteur on the independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers was established by the Commission in its resolution 1994/41. Mr. Param Cumaraswamy (Malaysia) was appointed Special Rapporteur in 1994. He was replaced by Mr. Leandro Despouy (Argentina) in August 2003.

141. In its resolution 2003/43, as endorsed by Economic and Social Council decision 2003/250, the Commission decided to extend the mandate of the Special Rapporteur on the independence of judges and lawyers for a further three years. In the same resolution, the Commission requested the Special Rapporteur to submit a report on the activities relating to his mandate to the Commission at its sixtieth session.

142. The Commission will have before it the report of the Special Rapporteur (E/CN.4/2004/60 and Add.1).

#### **Sub-item (e): Religious intolerance**

##### **Elimination of all forms of religious intolerance**

143. At its forty-second session, in resolution 1986/20, the Commission decided to appoint a special rapporteur to examine incidents and governmental actions which were inconsistent with the provisions of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (General Assembly resolution 36/55).

Mr. Abdelfattah Amor (Tunisia) replaced Mr. Angelo d'Almeida Ribeiro (Portugal) as Special Rapporteur in 1993.

144. In its resolution 2000/33, the Commission decided to change the title of the Special Rapporteur from Special Rapporteur on religious intolerance to Special Rapporteur on freedom of religion or belief. The mandate of the Special Rapporteur was extended for three years by the Commission in its resolution 2001/42, as endorsed by the Economic and Social Council in its decision 2001/264.

145. In its resolution 2003/54, as endorsed by Economic and Social Council decision 2003/252, the Commission requested the Special Rapporteur to submit an interim report to the General Assembly at its fifty-eighth session and to report to the Commission at its sixtieth session.

146. The Commission will have before it the report of the Special Rapporteur (E/CN.4/2004/63 and Add.1 and 2).

#### **Sub-item (f): States of emergency**

147. At its fifty-fourth session, the Commission, in its decision 1998/108, having taken note of the final report and the tenth annual list of States which, since 1 January 1985, had proclaimed, extended or terminated a state of emergency submitted by Mr. Leandro Despouy, the Special Rapporteur of the Sub-Commission (E/CN.4/Sub.2/1997/19 and Add.1), decided to request the Office of the United Nations High Commissioner for Human Rights to submit to the Sub-Commission at its fifty-first session, and every second year thereafter, a list of States in which a state of emergency was proclaimed or was continued during the reporting period. At its fifty-fifth session, the Sub-Commission had before it a list of States which had proclaimed or continued a state of emergency (E/CN.4/Sub.2/2003/39) prepared by the Office of the High Commissioner for Human Rights pursuant to Commission decision 1998/108.

#### **Sub-item (g): Conscientious objection to military service**

148. In its resolution 2002/45, the Commission requested the Office of the United Nations High Commissioner for Human Rights to continue the preparation of its compilation and analysis of best practices in relation to the recognition of the right of everyone to have

conscientious objections to military service, as a legitimate exercise of the right to freedom of thought, conscience and religion, and the provision of alternative forms of service, and to seek such information from Governments, national human rights institutions, the specialized agencies and relevant intergovernmental and non-governmental organizations, and to submit a report containing this compilation and analysis to the Commission at its sixtieth session.

149. The Commission will have before it the report of the Office of the United Nations High Commissioner for Human Rights (E/CN.4/2004/55).

**Item 12. Integration of the human rights of women  
and a gender perspective:**

**(a) Violence against women**

**Integrating the human rights of women into the human rights mechanisms of the United Nations**

150. At its fiftieth session, the Commission adopted resolution 1994/45, entitled “The question of integrating the rights of women into the human rights mechanisms of the United Nations and the elimination of violence against women”, in which, inter alia, it called for intensified effort at the international level to integrate the equal status of women and the human rights of women into the mainstream of United Nations system-wide activity and to address these issues regularly and systematically throughout relevant United Nations bodies and mechanisms.

151. In its resolution 2003/44, the Commission welcomed the report of the Secretary-General on the joint work plan for the year 2003 of the Office of the Special Adviser on Gender Issues and Advancement of Women, the Division for the Advancement of Women and the Office of the High Commissioner (E/CN.4/2003/73-E/CN.6/2003/5), and encouraged the Secretary-General to ensure implementation of the joint work plan, to continue to elaborate this plan, reflecting all aspects of work under way and the lessons learned, to identify obstacles/impediments and areas for further collaboration, and to make it available to the Commission on Human Rights at its sixtieth session and to the Commission on the Status of Women at its forty-eighth session.

152. The Commission will have before it a note by the Secretary-General transmitting the joint work plan for 2004 (E/CN.4/2004/65).

153. In the same resolution, the Commission requested the Secretary-General to report, at its sixtieth session, on the implementation of that resolution including analysing the degree to which the promotion and protection of human rights of women are being integrated into the United Nations system, the work of the Commission and its subsidiary bodies, identifying obstacles and challenges to implementation of the resolution, to make concrete, comprehensive recommendations for action by States and/or by the United Nations system and to bring the report to the attention of the relevant organs, bodies and agencies of the United Nations system, including all human rights bodies.

154. The Commission will have before it the report of the Secretary-General (E/CN.4/2004/64) (see also paragraph 19 above).

### **Sub-item (a): Violence against women**

#### **Elimination of violence against women**

155. The mandate of the Special Rapporteur on violence against women, its causes and consequences was established by the Commission on Human Rights in its resolution 1994/45. Ms. Radhika Coomaraswamy (Sri Lanka) was appointed Special Rapporteur in 1994. She was replaced by Ms. Yakin Ertürk (Turkey) in July 2003.

156. In its resolution 2003/45, as endorsed by Economic and Social Council decision 2003/251, the Commission decided that the mandate of the Special Rapporteur on violence against women should be renewed for a period of three years. The Commission requested the Special Rapporteur to report annually to the Commission, beginning at its sixtieth session, on activities relating to her mandate.

157. In its resolution 2003/77, the Commission invited the Special Rapporteur on violence against women, its causes and consequences to continue to review the situation of women and girls in Afghanistan and to submit a report to the General Assembly and the Commission.

158. The Commission will have before it the report of the Special Rapporteur (E/CN.4/2004/66 and Add.1).

#### **Other matters**

159. In connection with the present agenda item, the attention of the Commission is also drawn to draft decision 8 in chapter I of the report of the Sub-Commission on the Promotion and Protection of Human Rights on its fifty-fifth session (E/CN.4/2004/2-E/CN.4/Sub.2/2003/43), recommended to the Commission on Human Rights for adoption.

### **Item 13. Rights of the child**

#### **Abduction of children in Africa**

160. In its resolution 2003/85, the Commission decided to continue its consideration of this question at its sixtieth session.

#### **Children and armed conflict**

161. At its fifty-first session, the General Assembly, in its resolution 51/77, recommended that the Secretary-General appoint for a period of three years a special representative on the impact of armed conflict on children and requested the special representative to submit to the General Assembly and the Commission on Human Rights an annual report containing

relevant information on the situation of children affected by armed conflict. Mr. Olara Otunnu (Côte d'Ivoire) was subsequently nominated as Special Representative of the Secretary-General for children and armed conflict. At its present session, the Commission will have before it the report of the Special Representative (E/CN.4/2004/70).

### **Special Rapporteur on the sale of children, child prostitution and child pornography**

162. The mandate of the Special Rapporteur on the sale of children, child prostitution and child pornography was established by the Commission in its resolution 1990/68. Subsequently, Mr. Vitit Muntarbhorn (Thailand) was appointed Special Rapporteur. Following the resignation of Mr. Muntarbhorn in October 1994, Ms. Ofelia Calcetas-Santos (Philippines) was appointed Special Rapporteur. Following the resignation of Ms. Calcetas-Santos in April 2001, Mr. Juan Miguel Petit (Uruguay) was appointed Special Rapporteur in June 2001. In its resolution 2001/75, the Commission decided to renew the mandate of the Special Rapporteur for a further three years.

163. In its resolution 2003/86, the Commission requested the Special Rapporteur to submit a report to the Commission at its sixtieth session. The Commission will have before it the report of the Special Rapporteur (E/CN.4/2004/9 and Add.1 and 2).

### **Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography**

164. At its forty-eighth session, in its resolution 1992/74, the Commission adopted the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography. The Commission requested all States to inform the Sub-Commission periodically of measures adopted to implement the Programme of Action and on the efficacy of such measures and requested the Sub-Commission to submit every two years a report to the Commission on the state of implementation of the Programme of Action by all States.

165. At the present session, the Commission will have before it a note by the Secretariat (E/CN.4/2004/69) transmitting the report of the Secretary-General submitted to the Sub-Commission at its fifty-fifth session (E/CN.4/Sub.2/2003/26), containing the replies received from States concerning the implementation of the Programme of Action.

### **Violence against children**

166. In its resolution 2003/86, the Commission welcomed the appointment by the Secretary-General of the independent expert for the study on violence against children and requested the Secretary-General to submit a substantive progress report on the study to the Commission at its sixtieth session and the final in-depth study to the Commission at its sixty-first session for its consideration, with the aim of evaluating all possible complementary measures and future actions.

167. The Commission will have before it the progress report of the Secretary-General on the study on the question of violence against children (E/CN.4/2004/68).



## **Status of the Convention on the Rights of the Child**

168. In its resolution 2003/86, the Commission requested the Secretary-General to submit to the Commission at its sixtieth session a report on the rights of the child, with information on the status of the Convention on the Rights of the Child and on the problems addressed in that resolution.

169. The Commission will have before it the report of the Secretary-General (E/CN.4/2004/67) (see also paragraph 21 above).

### **Item 14. Specific groups and individuals:**

- (a) **Migrant workers;**
- (b) **Minorities;**
- (c) **Mass exoduses and displaced persons;**
- (d) **Other vulnerable groups and individuals**

#### **Sub-item (a): Migrant workers**

### **Violence against women migrant workers**

170. In its resolution 2002/58, the Commission requested the Secretary-General to submit to it at its sixtieth session a comprehensive follow-up report on the problem of violence against women migrant workers, taking into account the views of States and based on all available information from authorities and bodies within the United Nations system, intergovernmental organizations and other sources, including non-governmental organizations. The Commission decided to continue its consideration of the question at its sixtieth session.

171. The Commission will have before it the report of the Secretary-General (E/CN.4/2004/71).

### **Human rights of migrants**

172. The mandate of the Special Rapporteur on the human rights of migrants was established by the Commission in its resolution 1999/44. Ms. Gabriela Rodríguez Pizarro (Costa Rica) was appointed Special Rapporteur in August 1999.

173. In its resolution 2002/62, as endorsed by Economic and Social Council decision 2002/266, the Commission decided to extend for a period of three years the mandate of the Special Rapporteur.

174. In its resolution 2003/46, the Commission requested the Special Rapporteur to submit a report on her activities to the General Assembly at its fifty-eighth session and to the Commission at its sixtieth session.

175. The Commission will have before it the report of the Special Rapporteur (E/CN.4/2004/76 and Add.1-4).

### **International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families**

176. In its resolution 2003/48, the Commission acknowledged with appreciation the entry into force of the Convention on 1 July 2003, requested the Secretary-General to take all necessary measures to convene the initial meeting of States parties to the Convention, to make all the necessary provisions for the timely establishment of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families referred to in article 72 of the Convention, and to provide all facilities and assistance necessary for the active promotion of the Convention, through the World Public Information Campaign for Human Rights and the programme of advisory services in the field of human rights. The Commission also requested the Secretary-General to report to it at its sixtieth session on the status of the Convention and on the efforts made by the Secretariat to promote the Convention and the protection of the rights of migrant workers. As at 1 December 2003, the Convention had been ratified or acceded to by 24 States.

177. The Commission will have before it the report of the Secretary-General (E/CN.4/2004/73).

### **Sub-item (b): Minorities**

#### **Tolerance and pluralism as indivisible elements in the promotion and protection of human rights**

178. In its resolution 2002/55, the Commission called upon the High Commissioner for Human Rights and her Office to include details of activities undertaken by the Office to implement that resolution in her report to the Commission at its sixtieth session and decided to consider the question at its sixtieth session.

179. The Commission will have before it the report of the High Commissioner submitted under item 4 of the provisional agenda (E/CN.4/2004/12/Add.2) (see also paragraph 22 above).

#### **Rights of persons belonging to national or ethnic, religious and linguistic minorities**

180. In its resolution 49/192, the General Assembly called upon the Commission on Human Rights to examine, as a matter of priority, ways and means to promote and protect effectively the rights of persons belonging to minorities as set out in the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities.

181. In its resolution 2003/50, the Commission requested the High Commissioner for Human Rights to examine existing mechanisms with a view to enhancing their cooperation and effectiveness and to identify possible gaps in the protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities and to report thereon to the Commission at its sixtieth session.

182. In the same resolution, the Commission called upon the Secretary-General to make available, at the request of Governments concerned, qualified expertise on minority issues, including the prevention and resolution of conflicts, to assist in existing or potential situations involving minorities and to report to the Commission at its sixtieth session on concrete projects and activities in this regard. The Commission also requested the Secretary-General to report to the Commission at its sixtieth session on the implementation of that resolution.

183. The Commission will have before it the report of the High Commissioner (E/CN.4/2004/75).

### **Sub-item (c): Mass exoduses and displaced persons**

#### **Internally displaced persons**

184. The mandate of the Representative of the Secretary-General on internally displaced persons was established by the Commission on Human Rights in its resolution 1992/73. Mr. Francis Deng (Sudan) was appointed Representative of the Secretary-General in 1992. Pursuant to Commission resolution 2001/54, the mandate of the Representative of the Secretary-General was extended for a further three years.

185. In its resolution 2003/51, the Commission encouraged the Representative of the Secretary-General to continue to seek the contribution of States, relevant organizations and institutions in order to put his work on a more stable basis and to report on his activities to the General Assembly and to the Commission.

186. The Commission will have before it the report of the Representative of the Secretary-General on internally displaced persons (E/CN.4/2004/77 and Add.1-4).

### **Sub-item (d): Other vulnerable groups and individuals**

#### **Contemporary forms of slavery**

187. In its resolution 1999/46, the Commission requested the Secretary-General to transmit to Governments an appeal for contributions to the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery. The Commission will have before it the report of the Secretary-General on the financial situation of the Fund (E/CN.4/2004/78 and Add.1).

#### **Missing persons**

188. In its resolution 2002/60, the Commission requested the Secretary-General to report to the Commission at its sixtieth session on the progress made in the implementation of that resolution. The Commission also decided to remain seized of the matter at its sixtieth session.

189. The Commission will have before it the report of the Secretary-General (E/CN.4/2004/72).

### **Human rights of persons with disabilities**

190. In its resolution 2003/49, the Commission called upon the Office of the High Commissioner for Human Rights to report to the Commission on Human Rights at its sixtieth session on progress in the implementation of the recommendations contained in the study on human rights and disability and on the programme of work of the Office in relation to the human rights of persons with disabilities. The Commission will have before it the report of the Office of the High Commissioner (E/CN.4/2004/74) (see also paragraph 18 above).

### **Other matters**

191. In connection with the present agenda item, the attention of the Commission is also drawn to draft decisions 11, 12 and 13 in chapter I of the report of the Sub-Commission on the Promotion and Protection of Human Rights on its fifty-fifth session (E/CN.4/2004/2-E/CN.4/Sub.2/2003/43), recommended to the Commission on Human Rights for adoption.

## **Item 15. Indigenous issues**

### **Human rights and indigenous issues**

192. The mandate of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people was established by the Commission on Human Rights in its resolution 2001/57, for a three-year period. Mr. Rodolfo Stavenhagen (Mexico) was appointed Special Rapporteur in June 2001.

193. In its resolution 2003/56, the Commission requested the Special Rapporteur to submit a report on his activities to the Commission at its sixtieth session. The Commission will have before it the report of the Special Rapporteur (E/CN.4/2004/80 and Add.1-4).

### **Working Group of the Commission on Human Rights to elaborate a draft declaration in accordance with paragraph 5 of General Assembly resolution 49/214 of 23 December 1994**

194. In its resolution 1995/32, the Commission decided to establish an open-ended intersessional working group of the Commission with the sole purpose of elaborating a draft declaration, considering the draft contained in the annex to Sub-Commission resolution 1994/45, entitled "draft United Nations declaration on the rights of indigenous peoples".

195. In its resolution 2003/57, as endorsed by the Economic and Social Council in its decision 2003/253, the Commission recommended that the Working Group meet for 10 working days prior to the sixtieth session of the Commission, and requested it to submit a progress report for consideration by the Commission at its sixtieth session. The Commission will have before it the report of the working group (E/CN.4/2004/81 and Add.1).

**Working Group on Indigenous Populations of the Sub-Commission on the Promotion and Protection of Human Rights and the International Decade of the World's Indigenous People**

196. The General Assembly, in its resolution 48/163 of 21 December 1993, proclaimed the International Decade of the World's Indigenous People commencing on 10 December 1994. In its resolution 50/157, the Assembly adopted the Programme of Activities for the International Decade of the World's Indigenous People as contained in the annex to the resolution and requested the Secretary-General to report to it on progress made at the national, regional and international levels.

197. In its resolution 2003/58, the Commission requested the High Commissioner for Human Rights, in his capacity as Coordinator of the Decade, to submit an updated annual report reviewing activities within the United Nations system under the Programme of Activities for the Decade to the Commission at its sixtieth session, in accordance with the request by the General Assembly to the Secretary-General. The Commission will have before it the report of the High Commissioner (E/CN.4/2004/79). This report will also contain relevant information on the financial status and activities of the Voluntary Fund for Indigenous Populations and the Voluntary Fund for the International Decade of the World's Indigenous People.

198. In its decision 2003/117, the Commission recommended to the Economic and Social Council that it request the High Commissioner for Human Rights to organize, before the end of the International Decade of the World's Indigenous People, a seminar on treaties, agreements and other constructive arrangements between States and indigenous peoples. In its decision 2003/271, the Council endorsed that decision. The seminar was held from 15 to 17 December 2003, and its report is contained in document E/CN.4/2004/111.

**Other matters**

199. In connection with the present agenda item, the attention of the Commission is drawn to draft decision 9 in chapter I of the report of the Sub-Commission on its fifty-fifth session (E/CN.4/2004/2-E/CN.4/Sub.2/2003/43), recommended to the Commission on Human Rights for adoption.

**Item 16. Report of the Sub-Commission on the Promotion and Protection of Human Rights:**

**(a) Report and draft decisions;**

**(b) Election of members**

**Sub-item (a): Report and draft decisions**

200. The report of the Sub-Commission on its fifty-fifth session is contained in document E/CN.4/2004/2-E/CN.4/Sub.2/2003/43.

201. At its fifty-fifth session, the Sub-Commission adopted 30 resolutions and 17 decisions.

202. Chapter I of the report of the Sub-Commission contains one draft resolution and 14 draft decisions proposed to the Commission for action.

203. It will be recalled that at its fifty-sixth session, the Commission accepted the recommendation of its Bureau and agreed that action on all draft proposals recommended by the Sub-Commission should be taken under the relevant agenda items of the Commission (E/2000/23-E/CN.4/2000/167, para. 19).

204. Annex V to the report of the Sub-Commission contains a list of the resolutions and decisions of the Sub-Commission referring to matters which are brought to the attention of the Commission or on which the Commission is expected to take action.

205. In its resolution 2003/59, the Commission invited the Chairperson of the fifty-fifth session of the Sub-Commission to report to the Commission at its sixtieth session, including an assessment of how recent enhancements of the effectiveness of the Sub-Commission and of its mechanisms have worked in practice.

206. The Commission will have before it the report of the Chairperson of the fifty-fifth session of the Sub-Commission (E/CN.4/2004/83).

#### **Sub-item (b): Election of members**

207. In accordance with Economic and Social Council resolutions 1334 (XLIV) of 31 May 1968 and 1986/35 of 23 May 1986 and decisions 1978/21 of 5 May 1978 and 1987/102 of 6 February 1987, the Commission on Human Rights, at its forty-fourth session in 1988, elected 26 members of the Sub-Commission, as well as their alternates, if any, from nominations of experts made by States Members of the United Nations on the following basis: 7 members from African States; 5 members from Asian States; 3 members from Eastern European States; 5 members from Latin American States; and 6 members from Western European and other States.

208. Pursuant to the procedure established in Council resolution 1986/35, members of the Sub-Commission are elected for a term of four years and half of its membership and the corresponding alternates, if any, are elected every two years.

209. In 2004, when the term of office of half of the membership of the Sub-Commission will expire, the Commission, at its sixtieth session, will elect 13 Sub-Commission members and their alternates, if any, in accordance with the following pattern: 4 members from African States; 2 members from Asian States; 2 members from Eastern European States; 2 members from Latin American and Caribbean States; and 3 members from Western European and other States.

210. At the present session, the Commission will have before it a note by the Secretary-General (E/CN.4/2004/82 and addenda) containing the names and biographical data of the candidates nominated for election by Member States.

211. In its resolution 2003/59, the Commission requested States when nominating and electing members and alternates to the Sub-Commission:

(a) To be conscious of the strong concern to ensure that the body is independent and is seen to be so;

(b) To keep in mind the need for a balanced accommodation of the benefits of continuity and the importance of renewal;

(c) To select members with acknowledged expertise in human rights;

(d) To submit nominations, if possible, at least two months prior to the beginning of the session at which they will be elected, so as to enable the members of the Commission thoroughly to assess the qualifications and the independence of the nominees.

212. The attention of the Commission is also drawn to Economic and Social Council resolution 1983/32, in which the Council decided that, notwithstanding paragraph 2 of article 13 of the rules of procedure of the functional commissions of the Council, certain rules should henceforth apply to the Sub-Commission. Under these rules, the nomination of a candidate for membership of the Sub-Commission may be accompanied by a nomination of an expert of the same nationality, to be elected simultaneously with the candidate for membership, who may serve temporarily as an alternate if the member is unable to attend; the qualifications for alternates are to be the same as for members; and no person may serve as an alternate for a member except the expert so elected.

**Item 17. Promotion and protection of human rights:**

(a) **Status of the International Covenants on Human Rights;**

(b) **Human rights defenders;**

(c) **Information and education;**

(d) **Science and environment**

**Human rights and international solidarity**

213. In its resolution 2002/73, the Commission requested the Sub-Commission on the Promotion and Protection of Human Rights to undertake a study on the implementation of the resolution and to submit an interim study to the Commission at its sixtieth session. The Commission decided to continue its examination of that issue at its sixtieth session.

214. The Commission will have before it a note by the secretariat (E/CN.4/2004/84).

### **Fundamental standards of humanity**

215. In its decision 2002/112, the Commission decided to consider the question at its sixtieth session and to request the Secretary-General, in consultation with the International Committee of the Red Cross, to submit to the Commission at its sixtieth session an analytical report which would consolidate and update previous reports and studies, cover relevant developments, including regional and international case law and the forthcoming study by the International Committee of the Red Cross on customary rules of international humanitarian law, and address the issue of securing implementation.

216. The Commission will have before it the report of the Secretary-General on fundamental standards of humanity (E/CN.4/2004/90).

### **Enhancement of international cooperation in the field of human rights**

217. In its resolution 2003/60, the Commission decided to continue its consideration of this question, as a matter of priority, at its sixtieth session.

### **Promotion of peace as a vital requirement for the full enjoyment of all human rights by all**

218. In its resolution 2003/61, the Commission decided to continue considering the issue at its sixtieth session.

### **Promotion of a democratic and equitable international order**

219. In its resolution 2003/63, the Commission decided to continue consideration of the matter at its sixtieth session.

### **The role of good governance in the promotion of human rights**

220. In its resolution 2003/65, the Commission decided to continue its consideration of the question of the role of good governance in the promotion of human rights at its sixtieth session. The Commission will have before it a note by the secretariat (E/CN.4/2004/92).

### **The question of the death penalty**

221. At its fifty-sixth session, the Commission had before it the sixth quinquennial report of the Secretary-General on capital punishment and implementation of the Safeguards guaranteeing protection of the rights of those facing the death penalty, submitted in accordance with Economic and Social Council resolution 1995/57 (E/2000/3). In its resolution 2003/67, the Commission requested the Secretary-General to submit again to the Commission, at its sixtieth session, in consultation with Governments, specialized agencies and intergovernmental and non-governmental organizations, a yearly supplement on changes in law and practice concerning the death penalty worldwide to his quinquennial report on capital punishment and implementation of the Safeguards guaranteeing protection of the rights of those facing the death penalty, paying special attention to the imposition of the death penalty against persons younger than 18 years of age at the time of the offence.



222. The Commission will have before it the report of the Secretary-General on capital punishment (E/CN.4/2004/86).

### **Protection of human rights and fundamental freedoms while countering terrorism**

223. In its resolution 2003/68, the Commission requested the High Commissioner for Human Rights to submit a report on the implementation of that resolution to the General Assembly at its fifty-eighth session and to the Commission at its sixtieth session.

224. The General Assembly, in its resolution 58/187 of 22 December 2003, requested the United Nations High Commissioner for Human Rights to submit a study, taking into account the views of States, on the extent to which the human rights special procedures and treaty monitoring bodies are able, within their existing mandates, to address the compatibility of national counter-terrorism measures with international human rights obligations in their work, for consideration by States, for strengthening the promotion and protection of human rights and fundamental freedoms while countering terrorism as regards the international human rights institutional mechanisms. The Assembly further requested the High Commissioner to submit the requested study to it at its fifty-ninth session, with an interim report to the Commission on Human Rights at its sixtieth session. The Secretary-General was requested to submit a report on the implementation of that resolution to the Commission at its sixtieth session and to the General Assembly at its fifty-ninth session.

225. The Commission will have before it the report of the Secretary-General (E/CN.4/2004/91) and an interim report of the High Commissioner for Human Rights (E/CN.4/2004/114).

### **Impunity**

226. In its resolution 2003/72, the Commission requested the Secretary-General to commission an independent study, from within existing resources, on best practices, including recommendations, to assist States in strengthening their domestic capacity to combat all aspects of impunity, taking into account the Set of principles for the protection and promotion of human rights through action to combat impunity (E/CN.4/Sub.2/1997/20/Rev.1, annex II) produced by the Sub-Commission and how they have been applied, reflecting recent developments and considering the issue of their further implementation, and also taking into account the information and comments received pursuant to that resolution, and to submit the study to the Commission no later than its sixtieth session.

227. The Commission will have before it the report of the Secretary-General (E/CN.4/2004/88).

### **Postponement of consideration of draft resolution E/CN.4/2003/L.92 and the proposed amendments thereto (E/CN.4/2003/L.106-110)**

228. In its decision 2003/118, the Commission decided to postpone consideration of draft resolution E/CN.4/2003/L.92 entitled "Human rights and sexual orientation" and the proposed amendments thereto (E/CN.4/2003/L.106-110) until its sixtieth session, under the same agenda item.

**Sub-item (a): Status of the International Covenants on Human Rights**

229. In its resolution 2002/78, the Commission requested the Secretary-General to submit to it, at its fifty-ninth and sixtieth sessions, a report on the status of the International Covenant on Economic, Social and Cultural Rights, and on the International Covenant on Civil and Political Rights and its Optional Protocols, including all reservations and declarations. At the present session, the Commission will have before it the report of the Secretary-General (E/CN.4/2004/85).

230. For the text of reservations, declarations, notifications and objections relating to the International Covenant on Economic, Social and Cultural Rights and to the International Covenant on Civil and Political Rights and the Optional Protocols thereto, consult the web sites of the United Nations Office of Legal Affairs, Treaty Section (<http://untreaty.un.org>) and of the Office of the United Nations High Commissioner for Human Rights ([www.ohchr.org](http://www.ohchr.org)).

**Sub-item (b): Human rights defenders**

231. In its resolution 2003/64, as endorsed by the Economic and Social Council in its decision 2003/255, the Commission decided to extend the mandate of the Special Representative of the Secretary-General on the situation of human rights defenders for a further three years and requested the Special Representative to continue to report on her activities to the General Assembly and to the Commission in accordance with her mandate.

232. The Commission will have before it the report of the Special Representative (E/CN.4/2004/94 and Add.1-3).

**Sub-item (c): Information and education**

**United Nations Decade for Human Rights Education**

233. In its resolution 2003/70, the Commission requested the Office of the United Nations High Commissioner for Human Rights to consult with all Member States and to report to the Commission at its sixtieth session on the establishment of a voluntary fund for human rights education, as envisaged in paragraph 51 of the Plan of Action for the Decade. The Commission further requested the Office of the High Commissioner, jointly with the United Nations Educational, Scientific and Cultural Organization, to consult with all Member States on the achievements and shortcomings of the current United Nations Decade for Human Rights Education, taking into consideration the views of the international community already reflected in the Decade midterm evaluation report of the High Commissioner (see A/55/360) and the study of the High Commissioner on follow-up to the Decade, and to report to the Commission at its next session. The High Commissioner was requested to report to the Commission at its sixtieth session on progress made towards the implementation of that resolution.

234. The Commission will have before it the report of the High Commissioner for Human Rights (E/CN.4/2004/93).

**Sub-item (d): Science and environment**

**Human rights and the environment as part of sustainable development**

235. In its resolution 2003/71, the Commission requested the Secretary-General to submit to the Commission at its sixtieth session a report on the consideration being given by States to the possible relationship between the environment and human rights, taking into account the contributions that concerned international organizations and bodies have made, and to transmit a copy of that report to the Commission on Sustainable Development.

236. The Commission will have before it the report of the Secretary-General (E/CN.4/2004/87).

**Other matters**

237. In connection with the present agenda item, the attention of the Commission is drawn to draft decisions 2, 3, 6, 7 and 10 in chapter I of the report of the Sub-Commission on its fifty-fifth session (E/CN.4/2004/2-E/CN.4/Sub.2/2003/43), recommended to the Commission on Human Rights for adoption.

**Item 18. Effective functioning of human rights mechanisms:**

- (a) **Treaty bodies;**
- (b) **National institutions and regional arrangements;**
- (c) **Adaptation and strengthening of the United Nations machinery for human rights**

**Sub-item (a): Treaty bodies**

**Effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights**

238. In its resolution 2002/85, the Commission requested the Secretary-General to report to the Commission at its sixtieth session on measures taken to implement that resolution and obstacles to its implementation and on measures taken or planned to ensure financing and adequate staff and information resources for the effective operation of the human rights treaty bodies. The Commission decided to consider this question on a priority basis at its sixtieth session.

239. The Commission will have before it the report of the Secretary-General (E/CN.4/2004/98).

**Sub-item (b): National institutions and regional arrangements**

**Regional cooperation for the promotion and protection of human rights in the Asian and Pacific region**

240. In its resolution 2003/73, the Commission requested the Secretary-General to submit to the Commission at its sixtieth session a report containing the conclusions of the twelfth Workshop on Regional Cooperation for the Promotion and Protection of Human Rights in the Asian-Pacific Region and information on the progress achieved in the implementation of that resolution. The Commission will have before it the report of the Secretary-General (E/CN.4/2004/89).

**National institutions for the promotion and protection of human rights**

241. In its resolution 2003/76, the Commission requested the Secretary-General to report to the Commission at its sixtieth session on the implementation of the resolution. The Commission will have before it the report of the Secretary-General (E/CN.4/2004/101).

**Sub-item (c): Adaptation and strengthening of the United Nations machinery for human rights**

**Composition of the staff of the Office of the United Nations High Commissioner for Human Rights**

242. In its resolution 2002/80, the Commission requested the Joint Inspection Unit to undertake a comprehensive review of the management and administration of the Office of the High Commissioner, in particular, with regard to its impact on the recruitment policies and the composition of the staff, and to submit a report thereon to the Commission at its sixtieth session containing concrete proposals for the implementation of that resolution.

243. In its resolution 2003/74, the Commission requested the United Nations High Commissioner for Human Rights to submit a comprehensive report on the implementation of the resolution to the Commission at its sixtieth session, which should include:

(a) The composition of the staff of the Office, organized by the five United Nations regional groups established by the General Assembly (African States, Asian States, Latin American and Caribbean States, Western European and Other States and Eastern European States) and reflecting, inter alia, grade, nationality and gender, including with regard to non-regular staff;

(b) Measures adopted to improve the current situation and their results;

(c) Recommendations to improve the current situation.

244. The Commission will have before it the report of the Joint Inspection Unit (E/CN.4/2004/95) and the report of the High Commissioner for Human Rights (E/CN.4/2004/100).

## **Protection of United Nations personnel**

245. In its resolution 2002/81, the Commission requested the Secretary-General to submit to the Commission at its sixtieth session a report on the situation of United Nations and associated personnel carrying out activities in fulfilment of the mandate of a United Nations operation who are imprisoned, missing or held in a country against their will, including an account of the cases in which the perpetrators of crimes against those personnel have not been brought to justice and of new cases that have been successfully settled as they relate to the principles set out in the International Covenants on Human Rights, as well as on the implementation of the measures referred to in that resolution. The Commission will have before it the report of the Secretary-General (E/CN.4/2004/96).

## **Human rights and thematic procedures**

246. In its resolution 2002/84, the Commission requested the Secretary-General:

(a) To issue annually, and sufficiently early, in close collaboration with the thematic special rapporteurs and representatives, experts and working groups, their conclusions and recommendations, so as to enable further discussion of their implementation at subsequent sessions of the Commission;

(b) To present annually a list of all persons currently mandated to carry out the thematic and country procedures, including their country of origin, in an annex to the annotations to the provisional agenda of each session of the Commission.

The Commission decided to continue its consideration of that question at its sixtieth session.

247. The Commission will have before it the report of the Secretary-General (E/CN.4/2004/97). A list of all persons currently mandated to carry out the thematic and country procedures, including their country of origin, is provided in the annex to the present document.

248. In connection with the present item and with item 4 of the provisional agenda, the attention of the Commission is drawn to a note by the High Commissioner for Human Rights transmitting the report of the 10th meeting of special rapporteurs/representatives, experts and chairpersons of working groups of the special procedures of the Commission on Human Rights and of the advisory services programme, held in Geneva from 23 to 27 June 2003 (E/CN.4/2004/4) (see also paragraph 24 above).

## **Enhancement of the functioning of the Office of the United Nations High Commissioner for Human Rights in regard to the operation of the mechanisms of the Commission on Human Rights**

249. In its decision 2003/113, the Commission requested the United Nations High Commissioner for Human Rights to report to the Commission at its sixtieth session on the steps and measures taken to implement the decision.

250. In its resolution 2003/58, the Economic and Social Council:

(a) Decided to postpone any decision on the transmission of communications and their contents between the functional commissions of the Economic and Social Council until the Commission on the Status of Women concludes its consideration of the report of the Secretary-General regarding the future work of the Working Group on Communications on the Status of Women and, in the meantime, to continue with present practice, as set out, notably in its resolution 1983/27 of 26 May 1983;

(b) Confirmed that communications and urgent appeals were to be forwarded to the concerned States under the authorization of the special mechanisms;

(c) Decided that that decision overrides Commission on Human Rights decision 2003/113 of 25 April 2003.

#### **Item 19. Advisory services and technical cooperation in the field of human rights**

251. In its resolution 2002/87, the Commission on Human Rights requested the Secretary-General to submit a further analytical report to the Commission at its sixtieth session on the progress and concrete achievements made, as well as obstacles encountered, in the implementation of the programme of advisory services and technical cooperation in the field of human rights and on the operation and administration of the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights. The Commission decided to continue consideration of this subject at its sixtieth session.

252. The Commission will have before it the report of the Secretary-General (E/CN.4/2004/99).

#### **Situation of human rights in Afghanistan**

253. In its resolution 2003/77, as approved by the Economic and Social Council in its decision 2003/257, the Commission decided to appoint an independent expert for a period of one year to develop, in strict collaboration with the Afghan Transitional Authority, including the Afghan Independent Human Rights Commission, as well as with the Office of the High Commissioner and the Assistance Mission, a programme of advisory services to ensure the full respect and protection of human rights and the promotion of the rule of law and to seek and receive information about and report on the human rights situation in Afghanistan in an effort to prevent human rights violations. The Commission invited the independent expert to be appointed by the Secretary-General to provide a report on the situation of human rights in Afghanistan and on the achievements of the technical assistance in the field of human rights to the General Assembly and the Commission.

254. The Commission will have before it a note by the secretariat (E/CN.4/2004/102).

### **Assistance to Somalia in the field of human rights**

255. The mandate of the independent expert appointed by the Secretary-General on the situation of human rights in Somalia was established by the Commission in its resolution 1993/86. Following the resignation of Mr. Mohammed Charfi (Tunisia) at the end of 1996, Ms. Mona Rishmawi (Jordan) was appointed independent expert. After the resignation of Ms. Rishmawi in September 2000, Mr. Ghanim Alnajjar (Kuwait) was appointed independent expert in May 2001. In its resolution 2003/78, as endorsed by Economic and Social Council decision 2003/258, the Commission decided to extend the mandate of the independent expert on the situation of human rights in Somalia for a further year and requested the independent expert to report to the Commission at its sixtieth session.

256. The Commission will have before it the report of the independent expert (E/CN.4/2004/103).

### **Situation of human rights in Cambodia**

257. In its resolution 2003/79, the Commission requested the Secretary-General to report to the Commission at its sixtieth session on the role and achievements of the Office of the United Nations High Commissioner for Human Rights in assisting the Government and the people of Cambodia in the promotion and protection of human rights and on the recommendations made by the Special Representative of the Secretary-General for human rights in Cambodia on matters within his mandate.

258. Following the resignation of Mr. Thomas Hammarberg (Sweden), Mr. Peter Leuprecht (Austria) was appointed Special Representative of the Secretary-General in August 2000. The Commission will have before it the report of the Secretary-General (E/CN.4/2004/104) and the report of the Special Representative of the Secretary-General (E/CN.4/2004/105).

### **Situation of human rights in Sierra Leone**

259. In its resolution 2003/80, as endorsed by Economic and Social Council decision 2003/259, the Commission requested the High Commissioner for Human Rights to report to the General Assembly at its fifty-eighth session and to the Commission at its sixtieth session on the human rights situation in Sierra Leone, including with reference to reports from the Human Rights Section of the United Nations Mission in Sierra Leone.

260. The Commission will have before it the report of the High Commissioner for Human Rights (E/CN.4/2004/106).

### **Technical cooperation and advisory services in Chad**

261. In its decision 2003/104, the Commission decided to make public the resolution which it adopted relating to its consideration of the human rights situation in Chad under the procedure established in accordance with Economic and Social Council resolution 1503 (XLVIII). In that

resolution, which was reproduced in the annex to decision 2003/104, the Commission decided to discontinue consideration of the situation of the human rights situation in Chad under the confidential procedure governed by Economic and Social Council resolutions 1503 (XLVIII) and 2000/3 and to take up consideration of the matter under the public procedure provided for under agenda item 19.

262. In its resolution 2003/81, the Commission requested the United Nations High Commissioner for Human Rights, in consultation with the Government of Chad, to elaborate a programme of technical assistance and advisory services in the field of human rights. The Commission decided to continue consideration of this matter under the same item at its sixtieth session.

### **Technical cooperation and advisory services in Liberia**

263. In its decision 2003/105, as endorsed by Economic and Social Council decision 2003/263, the Commission recommended that the report on the situation of human rights in Liberia submitted by the independent expert appointed under the confidential procedure regarding communications, established in accordance with Economic and Social Council resolutions 1503 (XLVIII) and 2000/3, be made public so as to encourage assistance to the Government and the people of Liberia in restoring full respect for human rights and fundamental freedoms. The report was subsequently issued in document E/CN.4/2004/8. The Commission also decided to make public the resolution which it adopted relating to its consideration of the human rights situation in Liberia under the procedure established in accordance with Economic and Social Council resolution 1503 (XLVIII). In that resolution, which was reproduced in the annex to decision 2003/105, the Commission decided to discontinue consideration of the human rights situation in Liberia under the confidential procedure governed by Economic and Social Council resolutions 1503 (XLVIII) and 2000/3 and to take up consideration of this matter under the public procedure referred to in agenda item 19. The Commission also recommended the appointment of an independent expert to follow up this new question.

264. In its resolution 2003/82, as endorsed by Economic and Social Council decision 2003/260, the Commission decided to appoint an independent expert for an initial period of three years to facilitate cooperation between the Government of Liberia and the Office of the High Commissioner in the area of the promotion and protection of human rights by providing technical assistance and advisory services. The Commission invited the independent expert to visit Liberia to assess the situation of human rights in the country and to submit in this regard an initial report to the Commission at its sixtieth session. In July 2003, Ms. Charlotte Abaka (Ghana) was appointed independent expert.

265. The Commission will have before it the report of the independent expert (E/CN.4/2004/113).

### **Situation of human rights in Timor-Leste**

266. In the statement made on behalf of the Commission by the Chairperson of the fifty-ninth session on 22 April 2003, the Commission requested the United Nations High Commissioner for Human Rights to develop and implement with the Government of



Timor-Leste a programme of technical cooperation in the field of human rights and to report to the Commission at its sixtieth session on this question under the item on technical cooperation and advisory services.

267. The Commission will have before it the report of the High Commissioner for Human Rights (E/CN.4/2004/107).

#### **Technical cooperation and the situation of human rights in Haiti**

268. The mandate of the independent expert appointed by the Secretary-General on the situation of human rights in Haiti was established by the Commission in its resolution 1995/70. Following the resignation of Mr. Adama Dieng (Senegal) in March 2001, Mr. Louis Joinet (France) was appointed independent expert in March 2002. In the statement made on behalf of the Commission by the Chairperson of the fifty-ninth session on 25 April 2003, the Commission requested the independent expert to submit a further report to the Commission at its sixtieth session.

269. The Commission will have before it the report of the independent expert (E/CN.4/2004/108).

#### **Item 20. Rationalization of the work of the Commission**

270. In its decision 1998/112, the Commission, with a view to enhancing the effectiveness of the mechanisms of the Commission, decided to appoint the Bureau to undertake a review of those mechanisms with a view to making recommendations to the Commission at its fifty-fifth session. At its fifty-fifth session, the Commission had before it the report of the Bureau at its fifty-fourth session (E/CN.4/1999/104 and Corr.1).

271. In a statement made by the Chairperson of the fifty-fifth session on 29 April 1999 and agreed on by consensus by the Commission (E/1999/23-E/CN.4/1999/167, para. 552), the Commission decided to establish an intersessional open-ended working group on enhancing the effectiveness of the mechanisms of the Commission to continue the comprehensive examination of the Bureau report as well as other contributions in this connection. At its fifty-sixth session, the Commission, in its decision 2000/109, decided to approve and implement comprehensively and in its entirety the report of the intersessional open-ended working group on enhancing the effectiveness of the mechanisms of the Commission (E/CN.4/2000/112).

272. At its fifty-eighth session, the Commission adopted decision 2002/114 concerning the expiration of office-holders' terms of appointment under special procedures.

273. The Commission will have before it a note by the secretariat (E/CN.4/2004/115).

274. In connection with the present agenda item, see also paragraphs 13-15 above.

**Item 21. (a) Draft provisional agenda for the sixty-first session of the Commission;**

**(b) Report to the Economic and Social Council on the sixtieth session of the Commission**

**Sub-item (a): Draft provisional agenda for the sixtieth session of the Commission**

275. Rule 9 of the rules of procedure of the functional commissions of the Economic and Social Council provides that, at each session of the Commission, the Secretary-General shall submit a draft provisional agenda for the Commission's subsequent session, indicating in respect of each agenda item the documents to be submitted under that item and the legislative authority for their preparation, in order to enable the Commission to consider the documents from the point of view of their contribution to its work and of their urgency and relevance in the light of the current situation.

276. The Commission will have before it, before the conclusion of the sixtieth session, a note for its consideration containing a draft provisional agenda for its sixty-first session, together with information concerning the corresponding documentation (E/CN.4/2004/L.1).

**Sub-item (b): Report to the Economic and Social Council on the sixtieth session of the Commission**

277. Rule 37 of the rules of procedure provides that the Commission shall submit to the Council a report, which shall normally not exceed 32 pages, on the work of each session containing a concise summary of recommendations and a statement of issues requiring action by the Council. It shall as far as practicable frame its recommendations and resolutions in the form of drafts for approval by the Council.

## **Annex**

### **LIST OF ALL PERSONS MANDATED TO CARRY OUT THE THEMATIC AND COUNTRY-SPECIFIC PROCEDURES OF THE COMMISSION ON HUMAN RIGHTS (PREPARED IN ACCORDANCE WITH COMMISSION RESOLUTION 2002/84)**

#### **Country-specific procedures**

Burundi	Ms. Marie-Thérèse Aïssata Kéita-Bocoum (Côte d'Ivoire)	Special Rapporteur
Cuba	Ms. Christine Chanet (France)	Personal Representative of the High Commissioner for Human Rights
Democratic Republic of the Congo	Ms. Iulia-Antoanella Motoc (Romania)	Special Rapporteur
Iraq	Mr. Andreas Mavrommatis (Cyprus)	Special Rapporteur
Myanmar	Mr. Paulo Sérgio Pinheiro (Brazil)	Special Rapporteur
Palestinian territories occupied since 1967	Mr. John Dugard (South Africa)	Special Rapporteur

#### **Thematic procedures**

Adequate housing	Mr. Miloon Kothari (India)	Special Rapporteur
Contemporary forms of racism, racial discrimination, xenophobia and related intolerance	Mr. Doudou Diène (Senegal)	Special Rapporteur
Education	Ms. Katarina Tomasevski (Croatia)	Special Rapporteur
Extrajudicial, summary or arbitrary executions	Ms. Asma Jahangir (Pakistan)	Special Rapporteur
Extreme poverty	Ms. Anne-Marie Lizin (Belgium)	Independent expert
Freedom of opinion and expression	Mr. Ambeyi Ligabo (Kenya)	Special Rapporteur

Freedom of religion or belief	Mr. Abdelfattah Amor (Tunisia)	Special Rapporteur
Highest attainable standard of physical and mental health	Mr. Paul Hunt (New Zealand)	Special Rapporteur
Human rights and fundamental freedoms of indigenous people	Mr. Rodolfo Stavenhagen (Mexico)	Special Rapporteur
Human Rights Defenders	Ms. Hina Jilani (Pakistan)	Special Representative of the Secretary-General
Human rights of migrants	Ms. Gabriela Rodríguez Pizarro (Costa Rica)	Special Rapporteur
Illicit movement and dumping of toxic waste	Ms. Fatma Zohra Ouhachi-Vesely (Algeria)	Special Rapporteur
Independence of judges and lawyers	Mr. Leandro Despouy (Argentina)	Special Rapporteur
Internally displaced persons	Mr. Francis Deng (Sudan)	Representative of the Secretary-General
Mercenaries	Mr. Enrique Bernales Ballesteros (Peru)	Special Rapporteur
Right to development	Mr. Arjun Sengupta (India)	Independent expert
Right to food	Mr. Jean Ziegler (Switzerland)	Special Rapporteur
Sale of children, child prostitution and child pornography	Mr. Juan Miguel Petit (Uruguay)	Special Rapporteur
Structural adjustment policies and foreign debt	Mr. Bernards Andrew Nyamwaya Mudho (Kenya)	Independent expert
Torture and other cruel, inhuman or degrading treatment or punishment	Mr. Theo C. van Boven (Netherlands)	Special Rapporteur
Violence against women, its causes and consequences	Ms. Yakin Ertürk (Turkey)	Special Rapporteur

Working Group on Arbitrary Detention	Ms. Leila Zerrougui (Algeria)	Current Chairperson
Working Group on Enforced or Involuntary Disappearances	Mr. Diego García-Sayán (Peru)	Current Chairperson
Working Group on People of African Descent	Mr. Peter Lesa Kasanda (Zambia)	Current Chairperson

**Technical cooperation programme**

Afghanistan	To be appointed	Independent expert
Cambodia	Mr. Peter Leuprecht (Austria)	Special Representative of the Secretary-General
Haiti	Mr. Louis Joinet (France)	Independent expert
Liberia	Ms. Charlotte Abaka (Ghana)	Independent expert
Somalia	Mr. Ghanim Alnajjar (Kuwait)	Independent expert

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