



**Economic and Social  
Council**

Distr.  
GENERAL

E/CN.4/2005/1/Add.1\*  
17 January 2005

Original: ENGLISH

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COMMISSION ON HUMAN RIGHTS  
Sixty-first session  
17 January and 14 March-22 April 2005  
Item 2 of the provisional agenda

**ANNOTATIONS TO THE PROVISIONAL AGENDA**

**Prepared by the Secretary-General**

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\* Document reissued for technical reasons.

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\* Additional information concerning the existing special procedures mandates may be found in document E/CN.4/2005/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 2004/125, as endorsed by Economic and Social Council decision 2004/282, 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, 17 January 2005.

### **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.4/2005/1) 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 sixtieth session, the Commission decided, also in its decision 2004/125, that the sixty-first session of the Commission would be held from 14 March to 22 April 2005.
7. The attention of the Commission is also drawn to Economic and Social Council decision 2004/283, in which the Council, taking note of Commission on Human Rights decision 2004/127 of 23 April 2004, authorized six 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 sixty-first session. The Council, further, requested the Chairperson of the sixty-first 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. 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.
9. In connection with the present item, the Commission will have before it a note by the secretariat transmitting the statistics relating to the sixtieth session of the Commission on Human Rights (E/CN.4/2005/9).

### **Working groups**

10. The session is preceded by meetings of the six open-ended working groups referred to in E/CN.4/2005/1, paragraph 3.

### **Composition of the Commission**

11. The composition of the Commission for 2005 is the following. The term of membership of each State expires on 31 December of the year indicated in brackets.

Argentina (2005), Armenia (2007), Australia (2005), Bhutan (2006), Brazil (2005), Burkina Faso (2005), Canada (2007), China (2005), Congo (2006), Costa Rica (2006), Cuba (2006), Dominican Republic (2006), Ecuador (2007), Egypt (2006), Eritrea (2006), Ethiopia (2006), Finland (2007), France (2007), Gabon (2005), Germany (2005), Guatemala (2006), Guinea (2007), Honduras (2006), Hungary (2006), India (2006), Indonesia (2006), Ireland (2005), Italy (2006), Japan (2005), Kenya (2007), Malaysia (2007), Mauritania (2006), Mexico (2007), Nepal (2006), Netherlands (2006), Nigeria (2006), Pakistan (2007), Paraguay (2005), Peru (2006), Qatar (2006), Republic of Korea (2007), Romania (2007), Russian Federation (2006), Saudi Arabia (2006), South Africa (2006), Sri Lanka (2005), Sudan (2007), Swaziland (2005), Togo (2007), 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**

12. 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.

### **Grave situation in the Occupied Palestinian Territory**

13. In its resolution 2004/1, the Commission decided to remain actively seized of the matter.

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

14. In the statement concerning the situation of human rights in Colombia made on behalf of the Commission by the Chairperson of the sixtieth session on 21 April 2004, the United Nations High Commissioner for Human Rights was requested to submit to the Commission at its sixty-first session a detailed report containing an analysis by her Office of the situation of human rights in Colombia, in accordance with the agreement between the Government of Colombia and her Office, on the operation of the permanent office in Bogotá.

15. The Commission will have before it the report of the High Commissioner for Human Rights (E/CN.4/2005/10).

## **Situation of human rights in the Sudan**

16. In its decision 2004/128, as endorsed by Economic and Social Council decision 2004/229, the Commission adopted a text on the situation of human rights in the Sudan, in which it requested its Chairperson to appoint an independent expert on the situation of human rights in the Sudan for a period of one year and requested the independent expert to submit an interim report to the General Assembly at its fifty-ninth session and to report to the Commission at its sixty-first session. In July 2004, Mr. Emmanuel Akwei Addo (Ghana) was appointed as independent expert.

17. The Commission will have before it the report of the independent expert on the situation of human rights in the Sudan (E/CN.4/2005/11).

## **Other matters**

18. In its resolution 2001/51, as endorsed by Economic and Social Council 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.

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 the 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 2002/92, as endorsed by Economic and Social Council decision 2002/275, and in its resolution 2004/48, the Commission requested the Office of the High Commissioner for Human Rights, United Nations mechanisms, 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. In addition, all relevant human rights mechanisms, in particular special rapporteurs and working groups, within their mandates, were requested to pay attention to the special situation of violence against children, reflecting their experience in the field.

21. In its resolution 2004/51, the Commission invited the human rights treaty monitoring bodies when considering reports submitted by States parties, as well as special procedures of the Commission and relevant United Nations agencies and programmes, to continue to give attention, within their respective mandates, to situations and rights of persons belonging to national or ethnic, religious and linguistic minorities.

22. In its resolution 2004/52, the Commission invited all special rapporteurs, in carrying out their mandates, to take into account the full and equal enjoyment of all human rights by persons with disabilities.

23. The attention of the Commission is also drawn to resolution 2004/76, in which all special procedures were requested, inter alia, to include gender-disaggregated data regularly in their reports and to address the characteristics and practice of human rights violations under their mandates that are specifically or primarily directed against women, or to which women are particularly vulnerable, in order to ensure the effective protection of their human rights. In addition, the special procedures were requested to address also in their reports the characteristics and practice of human rights violations under their mandates that are specifically or primarily directed against children and members of other vulnerable groups, or to which they are particularly vulnerable, in order to ensure the effective protection of their human rights, and if possible, also to include age-disaggregated data.

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

24. 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 her activities, in accordance with her mandate, to the Commission on Human Rights and, through the Economic and Social Council, to the General Assembly.

#### **Strengthening of the Office of the United Nations High Commissioner for Human Rights**

25. In its resolution 2004/2, the Commission recommended that the Economic and Social Council and the General Assembly provide the Office of the High Commissioner with ways and means commensurate with its increasing tasks, as well as more resources for special rapporteurs. In its decision 2004/247, the Economic and Social Council endorsed this recommendation. In the same resolution, the Commission called upon the High Commissioner to include detailed information on the status and use of all voluntary, in particular earmarked, contributions to the budget of the Office in her next annual appeal and annual report. The Commission also invited the High Commissioner to submit information pursuant to that resolution in her annual report to the Commission. The Commission will have before it the annual report of the High Commissioner (E/CN.4/2005/12).

26. At the present session, the Commission will also have before it the reports of the former Acting High Commissioner for Human Rights on the situation of human rights in the Darfur region of the Sudan (E/CN.4/2005/3), and on the present situation of human rights in Iraq (E/CN.4/2005/4). In connection with an initiative of the former High Commissioner for Human Rights (see E/CN.4/2003/14, paras. 14-17), the Commission will also have before it a note by the Secretariat transmitting replies received from Member States to a questionnaire on national protection systems (E/CN.4/2005/126).

27. 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 eleventh 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 21 to 25 June 2004 (E/CN.4/2005/5) (see also paragraph 274 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**

28. In resolution 2004/3, the Secretary-General was requested to transmit that 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 sixty-first session, all information pertaining to its implementation 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.

29. The Commission will have before it the report of the Secretary-General (E/CN.4/2005/13).

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

30. 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. It was extended for another period of three years by Commission resolution 2004/5, as endorsed by Economic and Social Council decision 2004/248. Mr. Enrique Bernales Ballesteros (Peru) was replaced by Ms. Shaista Shameem (Fiji) as Special Rapporteur in July 2004.

31. Also in resolution 2004/5, the Commission requested the Special Rapporteur to circulate and consult with States on the new proposal for a legal definition of a mercenary drafted by Mr. Enrique Bernales Ballesteros (see E/CN.4/2004/15, para. 47) and to report her findings to the Commission. The Special Rapporteur was requested to consult States and intergovernmental and non-governmental organizations in the implementation of that resolution and to report, with specific recommendations, her findings to the Commission at its sixty-first session. The Commission will have before it the report of the Special Rapporteur (E/CN.4/2005/14).

32. In the same resolution, the Commission requested the Office of the High Commissioner for Human Rights to convene a third meeting of experts on traditional and new forms of mercenary activities as a means of impeding the exercise of the right of peoples to self-determination, whose main objectives would be: (a) to give further consideration to the proposed new legal definition of a mercenary as contained in paragraph 47 of the report of the Special Rapporteur (E/CN.4/2004/15); (b) to make proposals on possible means of regulation

and international supervision of the activities of private companies offering military assistance, consultancy and security services on the international market; and (c) to study and evaluate recent activities of mercenaries in Africa. The Commission will have before it the report of the third meeting of experts on mercenaries (E/CN.4/2005/23).

**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**

33. In its resolution 2004/6, the Commission requested the High Commissioner for Human Rights to report to it at its sixty-first session on the implementation of that resolution. It 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 progress report on his findings for consideration by the Commission at its next session. The Commission will have before it the report of the High Commissioner for Human Rights (E/CN.4/2005/15) and the progress report of the Special Rapporteur (E/CN.4/2005/19).

**Inadmissibility of certain practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance**

34. In its resolution 2004/16, the Commission requested the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance to reflect on the issue and to make relevant recommendations in his report to it at its sixty-first session, taking into account the views of Governments as well as non-governmental organizations (see also paragraphs 42 and 43 below).

**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**

35. In its resolution 52/111, the General Assembly decided to convene a world conference against racism, racial discrimination, xenophobia and related intolerance, for which the Commission on Human Rights would serve as the preparatory committee. The World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance was held from 31 August to 8 September 2001 in Durban, South Africa.

36. In its resolution 2002/68, the Commission decided, inter alia, to establish an intergovernmental working group to make recommendations with a view to the effective implementation of the Durban Declaration and Programme of Action adopted by the World Conference (A/CONF.189/12), and to prepare complementary international standards to strengthen and update international instruments against racism, racial discrimination, xenophobia and related intolerance in all their aspects; to establish a working group of five independent

experts on people of African descent; to emphasize the importance of the appointment of the five independent eminent experts by the Secretary-General to follow the implementation of the provisions of the Durban Declaration and Programme of Action, and to keep the mandate of the independent eminent experts under constant review.

37. In its resolution 2003/30, the Commission, bearing in mind the terms of reference entrusted to the independent eminent experts, decided on the readjustment of their terms of reference.

38. The Commission also decided 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.

39. In the same resolution, the Commission decided on the additional mandates of its Working Group of Experts on People of African Descent. The Commission also decided that the Working Group shall convene its future sessions for an initial period of three years.

40. In its resolution 2004/88, the Commission called upon the Office of the High Commissioner for Human Rights to implement all the relevant recommendations of the second session of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action and to submit a progress report in that regard to the Commission at its sixty-first session. In the same resolution, the Commission, taking note of the substantive outcome of the inaugural meeting of the group of independent eminent experts, held at Geneva from 16 to 18 September 2003, requested the High Commissioner for Human Rights to examine the possibility of the development of a racial equality index, as proposed by the group, and to report thereon at its sixty-first session.

41. The Commission will therefore have before it the progress report of the Office of the High Commissioner for Human Rights on the implementation of relevant recommendations of the second session of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action (E/CN.4/2005/16), a note by the High Commissioner for Human Rights on the possibility of the development of a racial equality index (E/CN.4/2005/17), the report of the Intergovernmental Working Group (E/CN.4/2005/20), the report of the Working Group of Experts on People of African Descent (E/CN.4/2005/21), and 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.4/2005/125). The Commission will also have before it a note by the Secretariat transmitting the report of the regional workshop for the Latin American and Caribbean region, held in Brazil on 1-2 December 2004 (E/CN.4/2005/22).

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

42. 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 and extended every three years, most recently by Commission resolution 2002/68. Mr. Maurice Glèlè-Ahanhanzo (Benin) was replaced by Mr. Doudou Diène (Senegal) as Special Rapporteur in July 2002.

43. In resolution 2004/88, as endorsed by Economic and Social Council decision 2004/272, the Commission requested the Secretary-General to provide the Special Rapporteur with all the necessary human and financial assistance to carry out his mandate efficiently, effectively and expeditiously and to enable him to submit an interim report to the General Assembly at its fifty-ninth session and to the Commission at its sixty-first session. The Commission will have before it the report of the Special Rapporteur (E/CN.4/2005/18 and Add.1-6) (see also paragraph 34 above).

#### **Other matters**

44. 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-sixth session (E/CN.4/2005/2-E/CN.4/Sub.2/2004/48), recommended to the Commission on Human Rights for adoption.

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

45. 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.

46. 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 Chairperson 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 the same resolution, the Commission also invited the High Commissioner for Human Rights to present a report to it each year. From 1998 to 2004, Mr. Arjun Sengupta (India) acted as the independent expert on the right to development.

47. In Commission resolution 2003/83, the Sub-Commission on the Promotion and Protection of Human Rights was requested to prepare a concept document establishing options for the implementation of the right to development and their feasibility, inter alia, an international legal standard of a binding nature, guidelines on the implementation of the right to development and principles for development partnership, based on the Declaration on the Right to Development, including issues which any such instrument might address, for submission to the Commission at its sixty-first session for its consideration and determination of the feasibility of those options. In its decision 2004/104, the Sub-Commission, recalling its decision 2003/116 in which it requested Ms. Florizelle O'Connor to submit to its fifty-sixth session a working paper, decided to request Ms. O'Connor to submit, without further delay, to the Sub-Commission at its fifty-seventh session the working paper, so as to allow the Commission to consider and take decisions on this matter at its sixty-second session.

48. In its resolution 2004/7, as endorsed by Economic and Social Council decision 2004/249, the Commission decided to renew the mandate of the Working Group on the Right to Development for one year and to convene its sixth session before its sixty-first session for a period of 10 working days. Of those 10 working days, 5 shall be allocated to the high-level task force established within the framework of the Working Group to hold its meetings and submit its findings and recommendations to the Working Group well in advance of its session; the Working Group in turn would meet for a period of five working days to consider the findings and recommendations of the task force and further initiatives in accordance with its mandate.

49. In the same resolution, the Commission also decided to consider the renewal of the mandate of the independent expert on the right to development and to review the progress of the implementation of that resolution as a matter of priority at its sixty-first session. The High Commissioner for Human Rights was requested, in mainstreaming the right to development, to undertake effectively activities aimed at strengthening the global partnership for development between Member States, development agencies and the international development, financial and trade institutions, and to reflect these activities in detail in her report to the Commission at its sixty-first session.

50. The Commission will have before it the report of the High Commissioner on the right to development (E/CN.4/2005/24) and the report of the Working Group (E/CN.4/2005/25).

#### **Other matters**

51. In connection with the present agenda item, the attention of the Commission is also drawn to draft decision 11 in chapter I of the report of the Sub-Commission on the Promotion and Protection of Human Rights on its fifty-sixth session (E/CN.4/2005/2-E/CN.4/Sub.2/2004/48), recommended to the Commission on Human Rights for adoption.

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

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

52. In its resolution 2004/8, 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 it at its sixty-first session.

53. The Commission will have before it the report of the Secretary-General (E/CN.4/2005/26).

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

54. In its resolution 2004/9, the Commission decided to continue the consideration of this question at its sixty-first session.

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

55. 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 resignations 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.

56. In its resolution 2004/10, as endorsed by Economic and Social Council decision 2004/250, the Commission requested the Special Rapporteur 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, and, in his capacity as a monitoring mechanism, to follow up on the implementation of the recommendations contained in that resolution, and to report thereon to the General Assembly at its fifty-ninth session and to the Commission at its sixty-first session, until the end of the mandate of the Special Rapporteur, as established in Commission resolution 1993/2 A of 19 February 1993.

57. The Commission will have before it the report of the Special Rapporteur (E/CN.4/2005/29 and Add.1).

58. In the same resolution, the Commission requested the Secretary-General to report on the implementation of that resolution by the Government of Israel at its sixty-first session and to provide it with all United Nations reports issued between the sessions of the Commission that deal with the conditions in which the populations of the Palestinian and other occupied Arab territories were living under the Israeli occupation.

59. The Commission will have before it the report of the Secretary-General (E/CN.4/2005/27) and a note by the Secretary-General listing the aforementioned United Nations reports (E/CN.4/2005/28).

**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**

60. 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.

61. 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.

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

62. In its resolution 2002/18, the Commission requested the High Commissioner for Human Rights to take the steps necessary to send a personal representative with a view to cooperation between her Office and the Government of Cuba in the implementation of that resolution. Ms. Christine Chanet (France) was appointed as Personal Representative of the High Commissioner in January 2003. In its resolution 2004/11, the Commission urged the Government of Cuba, within the context of the full exercise of its sovereignty, to cooperate with the Personal Representative of the High Commissioner by facilitating the discharge of her mandate, as other sovereign States must do, in keeping with the purposes and principles set out in the Charter of the United Nations. The Commission decided to consider this matter further at its sixty-first session, under the same agenda item.

63. The Commission will have before it the report of the Personal Representative of the High Commissioner for Human Rights (E/CN.4/2005/33).

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

64. In its resolution 2004/12, the Commission decided to continue its consideration of this question at its sixty-first session.

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

65. In its resolution 2004/13, as endorsed by Economic and Social Council decision 2004/221, the Commission requested its Chairperson, after consultations within the Bureau, to appoint an individual of recognized international standing and expertise in human rights as Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea. The Commission requested the Special Rapporteur to establish direct contact with the Government and with the people of the Democratic People's Republic of Korea, including through visits to the country, and to investigate and report on the situation of human rights in the Democratic People's Republic of Korea and on the Government's compliance with

its obligations under international human rights instruments. It also requested the Special Rapporteur to report his/her findings and recommendations to the General Assembly at its fifty-ninth session and to the Commission at its sixty-first session. In July 2004, Mr. Vitit Muntarbhorn (Thailand) was appointed Special Rapporteur.

66. In the same resolution, the Commission requested the 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 her findings and recommendations to it at its sixty-first session.

67. The Commission will have before it the report of the High Commissioner for Human Rights (E/CN.4/2005/32) and the report of the Special Rapporteur (E/CN.4/2005/34).

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

68. In its resolution 2004/14, as endorsed by Economic and Social Council decision 2004/222, the Commission decided to appoint a special rapporteur, from within existing resources, to establish direct contacts with the Government and with the people of Belarus, with a view to examining the situation of human rights in Belarus and following any progress made towards the elaboration of a programme on human rights education for all sectors of society, in particular law enforcement, the judiciary, prison officials and civil society, and to report to the Commission at its sixty-first session. In July 2004, Mr. Adrian Severin (Romania) was appointed Special Rapporteur. The Commission will have before it the report of the Special Rapporteur (E/CN.4/2005/35).

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

69. In its resolution 2004/15, the Commission invited the Secretary-General to submit to it at its sixty-first 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.

70. The Commission will have before it the report of the Secretary-General (E/CN.4/2005/31).

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

71. The mandate of the Special Rapporteur on the situation of human rights in Myanmar was established by the Commission in its resolution 1992/58. 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 Special Rapporteur in December 2000. In its resolution 2004/61, as endorsed by Economic and Social Council

decision 2004/266, the Commission decided to extend the mandate of the Special Rapporteur for a further year and requested him to submit an interim report to the General Assembly at its fifty-ninth session, to report to the Commission at its sixty-first session and to integrate a gender perspective throughout his work.

72. The Commission will have before it the report of the Special Rapporteur (E/CN.4/2005/36). The Commission will also have before it a report of the Secretary-General prepared pursuant to General Assembly resolution 59/191 (E/CN.4/2005/130).

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

73. At its sixtieth session, the Commission adopted decision 2004/105, in which it decided to defer consideration of draft resolution E/CN.4/2004/L.9, entitled "Human rights situation of the Lebanese detainees in Israel", to its sixty-first session, under the same agenda item.

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

74. 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 2004/126, the Commission decided to retain the sub-item on its agenda and to give it due priority at its sixty-first 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.

75. At its present session, the Commission will have before it the report of the Secretary-General (E/CN.4/2005/30).

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

76. 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 85 countries have been placed before the Commission under the procedure.

77. 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".

78. 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.

79. 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.

80. 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.

81. At the present session, the Commission will have before it the report of the Working Group on Situations (E/CN.4/2005/R.1 and addenda). Replies and observations which may be received from the Governments concerned (to be issued in the E/CN.4/2005/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**

##### **Women's equal ownership, access to and control over land and the equal rights to own property and to adequate housing**

82. In its resolution 2003/22, the Commission requested the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, within his mandate, to submit a report to it at its sixty-first session containing a study on women and adequate housing. The Commission also decided to consider the issue at its sixty-first session under the same agenda item.

83. The Commission will have before it the report of the Special Rapporteur (E/CN.4/2005/43).

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

84. 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, and subsequently extended by the Commission every three years. Ms. Fatma Zohra Ouhachi-Vesely (Algeria) was appointed Special Rapporteur in 1995. The latest decision of the Commission to extend the mandate of the Special Rapporteur is contained in resolution 2004/17, which was endorsed by Economic and Social Council decision 2004/251. In July 2004, Ms. Ouhachi-Vesely was replaced by Mr. Okechukwu Ibeanu (Nigeria) as Special Rapporteur.

85. In the same resolution, the Special Rapporteur was invited, in accordance with his mandate, to include in his report to the Commission at its sixty-first session comprehensive information on:

- (a) Persons killed, maimed or otherwise injured in developing countries through the illicit movement and dumping of toxic and dangerous products and wastes;
- (b) The question of the impunity of the perpetrators of these heinous crimes, including racially motivated discriminatory practices, and to recommend measures to bring them to an end;
- (c) The question of rehabilitation of and assistance to victims;
- (d) The scope of national legislation in relation to transboundary movement and dumping of toxic and dangerous products and wastes;
- (e) The question of fraudulent waste-recycling programmes, the transfer of polluting industries, industrial activities and technologies from the developed to developing countries and their new trends, including e-waste and dismantling of ships, ambiguities in international instruments that allow illegal movement and dumping of toxic and dangerous products and wastes, and any gaps in the effectiveness of the international regulatory mechanisms;

86. The Commission will have before it a note by the Secretariat transmitting the mission report to Turkey by the former Special Rapporteur, Ms. Ouhachi-Vesely (E/CN.4/2005/44), and the report of the current Special Rapporteur, Mr. Okechukwu Ibeanu (E/CN.4/2005/45 and Add.1).

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

87. 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.

88. 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.

89. 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, and 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 as independent expert in November 2001.

90. In its resolution 2003/21, as endorsed by Economic and Social Council 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 it, on an annual basis, on the implementation of that resolution. 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.

91. In its resolution 2004/18, the Commission requested the independent expert to explore further, in his analytical annual report to it, the interlinkages with trade and other issues, including HIV/AIDS, when examining the impact of structural adjustment and foreign debt and also to contribute, as appropriate, to the process entrusted with the follow-up to the International Conference on Financing for Development, with a view to bringing to its attention the issue of the effects of structural adjustment and foreign debt on the enjoyment of human rights, particularly economic, social and cultural rights.

92. In the same resolution, the Commission requested the independent expert, in the discharge of his mandate, to draft general guidelines to be followed by States and by private and public, national and international financial institutions in the decision-making and execution of debt repayments and structural reform programmes, including those arising from foreign debt relief, to ensure that compliance with the commitments derived from foreign debt will not undermine the obligations for the realization of fundamental economic, social and cultural rights, as provided for in the international human rights instruments, and to present a preliminary draft on this matter to the Commission at its sixty-first session and a final draft at its sixty-second session.

93. The Commission will therefore have before it, as a consolidated document, the analytical report of the independent expert on the effects of structural adjustment policies and foreign debt on the full enjoyment of human rights and the report of the independent expert containing the preliminary draft general guidelines (E/CN.4/2005/42 and Add.1).

### **The right to food**

94. 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 Economic and Social Council decision 2003/244, the Commission extended the mandate of the Special Rapporteur for a further three years.

95. In resolution 2004/19, as endorsed by Economic and Social Council decision 2004/252, the Special Rapporteur was requested to submit a report to the General Assembly at its fifty-ninth session and to report to the Commission at its sixty-first session on the implementation of that resolution. The Commission will have before it the report of the Special Rapporteur (E/CN.4/2005/47 and Add.1-2).

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

96. In resolution 2004/20, the Commission requested once again the High Commissioner for Human Rights to consult States and intergovernmental and non-governmental organizations on the possibility of establishing a thematic procedure 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 sixty-first session. The Commission will have before it the report of the High Commissioner (E/CN.4/2005/40).

### **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 Economic and Social Council decision 2003/245, the Commission decided to renew the mandate of the Special Rapporteur for a period of three years. In its resolution 2004/21, the Commission requested the Special Rapporteur, within the limits of his mandate, to submit a report to it at its sixty-first and sixty-second sessions.

99. The Commission will have before it the report of the Special Rapporteur (E/CN.4/2005/48 and Add.1-3).

### **Human rights and unilateral coercive measures**

100. In Commission resolution 2004/22, the Secretary-General was requested to bring that 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 sixty-first session. The Commission also decided to examine this question, on a priority basis, at its sixty-first session under the same agenda item.

101. The Commission will have before it the report of the Secretary-General (E/CN.4/2005/37).

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

102. 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, and subsequently extended every two years. Ms. Anne-Marie Lizin (Belgium) was appointed as independent expert in

August 1998. The latest decision of the Commission to extend the mandate of the independent expert is contained in resolution 2004/23, as endorsed by Economic and Social Council decision 2004/253. The independent expert was requested to report to the Commission at its sixty-first session. In July 2004, Ms. Lizin was replaced by Mr. Arjun Sengupta (India).

103. The Commission will have before it the report of the independent expert (E/CN.4/2005/49).

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

104. In its resolution 2004/24, the Commission requested the High Commissioner for Human Rights, taking fully into account that resolution and in cooperation with the United Nations Conference on Trade and Development, the World Trade Organization and other relevant international financial and economic institutions, to study and clarify the fundamental principle of participation and its application at the global level, with a view to recommending measures for its integration and effective implementation in the debate on the process of globalization, and to submit a comprehensive analytical study on the subject to the Commission at its sixty-first session.

105. The Commission will have before it the comprehensive analytical study of the High Commissioner (E/CN.4/2005/41).

### **The right to education**

106. 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. In its resolution 2004/25, as endorsed by Economic and Social Council decision 2004/254, the Commission decided to extend the mandate of the Special Rapporteur for a period of three years and requested the Special Rapporteur to report to it at its sixty-first session. In July 2004, Ms. Tomasevski was replaced by Mr. Vernor Muñoz Villalobos (Costa Rica) as Special Rapporteur.

107. The Commission will have before it the report of the Special Rapporteur (E/CN.4/2005/50).

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

108. In Commission resolution 2004/26, the Secretary-General was requested 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 sixty-first session. The Commission will have before it the report of the Secretary-General (E/CN.4/2005/38).

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

109. 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.

110. In its resolution 2004/27, as endorsed by Economic and Social Council decision 2004/255, the Special Rapporteur was requested 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.4/2005/51 and Add.1-4).

### **Prohibition of forced evictions**

111. In its resolution 2004/28, the Commission decided to consider this issue at its sixty-first session under the same agenda item.

### **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**

112. In its resolution 2004/29, as endorsed by Economic and Social Council decision 2004/256, the Commission decided to renew the mandate of the open-ended Working Group, established pursuant to Commission resolution 2002/24 of 22 April 2002, for a period of two years to consider options regarding the elaboration of an optional protocol to the International Covenant on Economic, Social and Cultural Rights. The Working Group was authorized to meet for 10 working days prior to the sixty-first and the sixty-second sessions of the Commission and was requested to report to the Commission at its sixty-first session.

113. In the same resolution, the Secretary-General was requested to submit to the Commission at its sixty-first session a report on the implementation of that resolution.

114. The Commission will therefore have before it the report of the Secretary-General (E/CN.4/2005/39) and the report of the Working Group (E/CN.4/2005/52).

## **Other matters**

115. In connection with the present agenda item, the attention of the Commission is also drawn to draft decisions 1, 2 and 3 in chapter I of the report of the Sub-Commission on the Promotion and Protection of Human Rights on its fifty-sixth session (E/CN.4/2005/2-E/CN.4/Sub.2/2004/48), 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.**

## **Human rights and forensic science**

116. In its resolution 2003/33, the Commission requested the Secretary-General to provide appropriate resources, from within existing overall United Nations resources, to fund the activities of the Office of the High Commissioner in implementing that resolution, including a revision of the *Manual on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions*. It also requested the Office of the High Commissioner to report to the Commission at its sixty-first session on progress made in this matter.

117. The Commission will have before it the report of the Office of the High Commissioner for Human Rights (E/CN.4/2005/56).

## **Interdependence between democracy and human rights**

118. In its resolution 2003/36, the Commission requested the Office of the High Commissioner for Human Rights to prepare a compilation of documents or texts adopted and used by various intergovernmental, international, regional and subregional organizations aimed at promoting and consolidating democracy and to report to the Commission at its sixty-first session. The Commission will therefore have before it the report of the Office of the High Commissioner for Human Rights (E/CN.4/2005/57).

119. In the same resolution, the Commission also called upon the Office of the High Commissioner for Human Rights to organize a second expert seminar, in 2004, to examine further the interdependence between democracy and human rights, with the topic of "Democracy and the rule of law", to be funded by voluntary contributions, and to include observers from

interested Governments, experts of the United Nations specialized agencies, funds and programmes, other relevant intergovernmental organizations and interested non-governmental organizations. It also requested the Office to report on the conclusions of the expert seminar to the Commission at its sixty-first session (E/CN.4/2005/58).

### **Enhancing the role of regional, subregional and other organizations and arrangements in promoting and consolidating democracy**

120. In its resolution 2004/30, the Commission called upon the Office of the High Commissioner for Human Rights to stimulate the dialogue and interaction within the United Nations system and between the United Nations system and interested intergovernmental regional, subregional and other organizations and arrangements on the ways and means of promoting democratic values and principles, based on that resolution and other relevant resolutions of the General Assembly and of the Commission, and, to this end, to invite, inter alia, the Electoral Assistance Division, the Department of Political Affairs, the Department of Economic and Social Affairs, the United Nations Development Programme, the International Labour Organization, the United Nations Educational, Scientific and Cultural Organization and regional organizations to inform the Commission, at its next session, of actions undertaken to promote and consolidate democracy. It urged the Office of the High Commissioner to report on its work in pursuance of that resolution to the Commission at its sixty-first session.

121. The Commission will have before it the report of the Office of the High Commissioner for Human Rights (E/CN.4/2005/127).

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

122. In its resolution 2004/31, the Commission decided to continue consideration of this issue at its sixty-first session, under the same agenda item.

### **Incompatibility between democracy and racism**

123. In its resolution 2004/38, the Commission decided to continue consideration of the matter at its sixty-first session under the same agenda item.

### **Human rights and terrorism**

124. In its resolution 2004/44, the Commission urged all relevant human rights mechanisms and procedures, as appropriate, to address the consequences of the acts, methods and practices of terrorist groups in their forthcoming reports to the Commission. The Commission reiterated the request made in its resolution 2003/37 to the Secretary-General to give the Special Rapporteur on terrorism and human rights of the Sub-Commission on the Promotion and Protection of Human Rights all the necessary assistance for the finalization of her report. It also decided to remain seized of the matter at its sixty-first session.

125. The Commission will have before it a note by the Secretariat transmitting to the Commission the final report of the Special Rapporteur on human rights and terrorism, Ms. Kalliopi Koufa, submitted to the fifty-sixth session of the Sub-Commission on the Promotion and Protection of Human Rights (E/CN.4/2005/67).

## **Other matters**

126. In connection with the present agenda item, the attention of the Commission is also drawn to draft decision 9 in chapter I of the report of the Sub-Commission on the Promotion and Protection of Human Rights on its fifty-sixth session (E/CN.4/2005/2-E/CN.4/Sub.2/2004/48), recommended to the Commission on Human Rights for adoption.

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

#### **Arbitrary detention**

127. 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. The Working Group's mandate was subsequently extended by the Commission every three years, most recently in resolution 2003/31, as endorsed by Economic and Social Council decision 2003/247.

128. In resolution 2004/39, the Working Group on Arbitrary Detention was requested to submit to the Commission at its sixty-first 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.

129. The Commission will have before it the report of the Working Group (E/CN.4/2005/6 and Add.1-4).

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

##### *Special Rapporteur on the question of torture*

130. The mandate of the Special Rapporteur to examine questions relevant to torture was established by the Commission in its resolution 1985/33 and subsequently extended every three years, most recently in its resolution 2004/41, as endorsed by Economic and Social Council decision 2004/261. Following the resignation of Sir Nigel S. Rodley (United Kingdom of Great Britain and Northern Ireland) in November 2001, and Mr. Theo C. van Boven (Netherlands) in October 2004, Mr. Manfred Nowak (Austria) was appointed Special Rapporteur in November 2004.

131. Also in its resolution 2004/41, the Commission, recalling the Special Rapporteur's study on the situation of trade in and production of equipment that is specifically designed to inflict torture or other cruel, inhuman or degrading treatment (E/CN.4/2003/69), requested the Special Rapporteur to report on the best ways to prohibit such trade and production and to combat its proliferation. The Commission also invited the Special Rapporteur to submit an interim report to the General Assembly at its fifty-ninth session on the overall trends and developments with regard to his mandate and a full report to the Commission at its sixty-first session, including as addenda all replies sent by Governments that are received in any of the official languages of the United Nations.

132. The Commission will have before it the report of the former Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Mr. Theo C. van Boven (E/CN.4/2005/62 and Add.1-2). A study on the policy to control the trade, production and proliferation of torture technology is included in that document.

*United Nations Voluntary Fund for Victims of Torture*

133. 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.

134. In its resolution 2004/41, the Commission took note of the reports of the Secretary-General on the United Nations Voluntary Fund for Victims of Torture (A/58/284 and E/CN.4/2004/53 and Add.1), welcomed the initiation of the independent evaluation of the functioning of the Fund as mandated by the Commission in its resolution 2003/32, and looked forward to considering the final evaluation report at its sixty-first session. It also called upon the Board of Trustees of the Fund to report to it at its sixty-first session. The Commission will therefore have before it the report of the Secretary-General on the operations of the Fund (E/CN.4/2005/54 and Add.1), and a note by the Secretariat transmitting the final evaluation report on the function of the Fund (E/CN.4/2005/55).

*Status of the Convention against Torture*

135. In the same resolution, the Commission requested the Secretary-General 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.4/2005/53).

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

**Extrajudicial, summary or arbitrary executions**

136. 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. Following the resignation of Mr. Amos Wako (Kenya) in March 1982 and Mr. Bacre W. N'diaye (Senegal) in May 1998, Ms. Asma Jahangir (Pakistan) was appointed Special Rapporteur in August 1998.

137. In its resolution 2004/37, as endorsed by Economic and Social Council decision 2004/259, the Commission decided to extend the mandate of the Special Rapporteur for three years.

138. In the same resolution, the Commission encouraged the Special Rapporteur to continue, within the framework of the mandate, to collect information from all concerned, to respond effectively to information that comes before him, 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 his reports. In July 2004, Ms. Jahangir was replaced by Mr. Philip Alston (Australia).

139. The Commission will have before it the report of the Special Rapporteur (E/CN.4/2005/7 and Add.1-2).

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

#### *Working Group on Enforced or Involuntary Disappearances*

140. 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.

141. In its resolution 2004/40, as endorsed by Economic and Social Council decision 2004/260, the Commission decided to extend the mandate of the Working Group for three years. The Working Group was requested to report on its activities to the Commission at its sixty-first session and was encouraged in the execution of its mandate to, inter alia, continue its deliberations on its working methods and to include these aspects in its report to the Commission. The Commission will have before it the report of the Working Group (E/CN.4/2005/65 and Add.1).

#### *Working Group on a draft legally binding normative instrument for the protection of all persons from enforced disappearance*

142. In its resolution 2001/46, as endorsed by Economic and Social Council 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 adopted by the General Assembly.

143. In resolution 2004/40, as endorsed by Economic and Social Council decision 2004/260, the intersessional working group was requested to meet for a period of 15 working days in two formal sessions before the sixty-first session of the Commission, with one session of 10 working days and one session of 5 working days, the latter held from within existing resources, with a view to the prompt completion of its work, and to report to the Commission at its sixty-first session. The Commission will have before it the report of the intersessional working group (E/CN.4/2005/66).

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

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

144. 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 and was replaced by Mr. Ambeyi Ligabo (Kenya) in August 2002. In its resolution 2002/48, as endorsed by Economic and Social Council decision 2002/262, the Commission decided to renew the mandate of the Special Rapporteur for a further three years.

145. In its resolution 2004/42, the Commission requested the Special Rapporteur to submit to it at its sixty-first session a report covering activities relating to his mandate. The Commission will have before it the report of the Special Rapporteur (E/CN.4/2005/64 and Add.1-5).

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

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

146. In its resolution 2004/32, 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 its sixty-first session.

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

147. 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. The mandate, now using the short title "Special Rapporteur on the independence of judges and lawyers", was extended for a further three years by resolution 2003/43, as endorsed by Economic and Social Council decision 2003/250. Mr. Param Cumaraswamy (Malaysia) was appointed Special Rapporteur in 1994 and was replaced by Mr. Leandro Despouy (Argentina) in August 2003.

148. In resolution 2004/33, the Special Rapporteur was requested to submit a report on the activities relating to his mandate to the Commission at its sixty-first session (see also paragraph 146 above).

149. The Commission will have before it the report of the Special Rapporteur (E/CN.4/2005/60 and Add.1-3).

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

150. Pursuant to Commission resolution 1998/43, Mr. Charif Bassiouni (Egypt) was appointed as 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 resolutions 2002/44 and 2003/34, two consultative meetings were organized by the Office of the High Commissioner for Human Rights in 2002 and 2003, respectively, with a view to finalizing those principles and guidelines (E/CN.4/2003/63 and E/CN.4/2004/57).

151. In its resolution 2004/34, as endorsed by Economic and Social Council decision 2004/257, the Commission requested the High Commissioner for Human Rights to hold, with the cooperation of interested Governments, a third consultative meeting for all interested Member States, intergovernmental organizations and non-governmental organizations in consultative status with the Council, using available resources, 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 all options for the adoption of those principles and guidelines. The High Commissioner for Human Rights was requested to transmit to the Commission at its sixty-first session the outcome of the process for its consideration.

152. The Commission will therefore have before it a note by the High Commissioner for Human Rights on the third consultative meeting (E/CN.4/2005/59).

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

153. In its resolution 2004/43, the Commission requested the Secretary-General to submit a report to it at its sixty-third session on system-wide practical measures taken and planned activities to assist countries in strengthening their systems of administration of justice, in particular juvenile justice, including in post-conflict situations, with special focus on the need to strengthen the role of judges. It also requested the Secretary-General to make available to it at its sixty-third 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. The Commission decided to consider this question at its sixty-third session.

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

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

154. 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.

155. 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.

156. In its resolution 2004/36, as endorsed by Economic and Social Council decision 2004/258, the Commission decided to extend the mandate of the Special Rapporteur for three years. The Commission requested the Special Rapporteur to submit an interim report to the General Assembly at its fifty-ninth session and to report to the Commission at its sixty-first session. Mr. Amor was replaced by Ms. Asma Jahangir (Pakistan) as Special Rapporteur in July 2004.

157. The Commission will have before it the report of the Special Rapporteur (E/CN.4/2005/61 and Add.1).

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

158. 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 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 pursuant to Commission decision 1998/108.

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

159. In its resolution 2004/35, the Commission requested the Office of the High Commissioner for Human Rights to prepare an analytical report which would provide supplementary information on best practices in relation to conscientious objection to military service, drawing on all appropriate sources, and to submit this report to it at its sixty-second session.

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

#### **(a) Violence against women**

##### **Trafficking in women and girls**

160. In its resolution 2004/45, the Commission invited the High Commissioner for Human Rights, in cooperation with participating organizations of the Intergovernmental Organization Contact Group on Human Trafficking and Migrant Smuggling, to brief delegations and other interested parties on the Office of the High Commissioner's Trafficking Programme and the activities of the Contact Group during the sixty-second session of the Commission. The Commission also decided to continue its consideration of this question at its sixty-second session under the appropriate agenda item.

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

161. 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.

162. In its decision 2004/108, the Commission decided to consider the issue on a biennial basis at its sixty-first session, taking into account the outcome of the review and appraisal of gender mainstreaming that was to be undertaken at the coordination segment of the substantive session of the Economic and Social Council in July 2004, and, accordingly, decided to request the Secretary-General to update his report (E/CN.4/2004/64) submitted under Commission resolution 2003/44.

163. The Commission will have before it the updated report of the Secretary-General (E/CN.4/2005/68). The Commission will also have before it the report of the Secretary-General transmitting the joint work plan of the Division for the Advancement of Women and the Office of the High Commissioner for Human Rights (E/CN.4/2005/69) (see also paragraphs 19 and 23 above).

## **Special Rapporteur on trafficking in persons, especially women and children**

164. In its decision 2004/110, as endorsed by Economic and Social Council decision 2004/228, the Commission decided to appoint, for a period of three years, a Special Rapporteur, whose mandate will focus on the human rights aspects of the victims of trafficking in persons, especially women and children. The Special Rapporteur was requested to submit an annual report, commencing with its sixty-first session, together with recommendations, on measures required to uphold and protect the human rights of the victims.

165. The Commission also decided that the Special Rapporteur may, as appropriate, and in line with current practice, respond effectively to reliable information on possible human rights violations with a view to protecting the human rights of actual or potential victims of trafficking. It requested the Special Rapporteur to cooperate fully with other relevant special rapporteurs, in particular the Special Rapporteur on violence against women, its causes and consequences, and to take full account of their contributions to the issue. In October 2004, Ms. Sigma Huda (Bangladesh) was appointed Special Rapporteur.

166. The Commission will have before it the report of the Special Rapporteur (E/CN.4/2005/71).

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

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

167. The mandate of the Special Rapporteur on violence against women, its causes and consequences, was established by the Commission in its resolution 1994/45. 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 Special Rapporteur was requested to report annually to the Commission, beginning at its sixtieth session, on activities relating to her mandate. Ms. Radhika Coomaraswamy (Sri Lanka) was appointed Special Rapporteur in 1994 and was replaced by Ms. Yakin Ertürk (Turkey) in July 2003.

168. In its resolution 2004/46, the Commission decided to continue consideration of the question as a matter of high priority at its sixty-first session.

169. The Commission will have before it the report of the Special Rapporteur (E/CN.4/2005/72 and Add.1-5).

### **Other matters**

170. In connection with the present agenda item, the attention of the Commission is also drawn to draft decision 10 in chapter I of the report of the Sub-Commission on the Promotion and Protection of Human Rights on its fifty-sixth session (E/CN.4/2005/2-E/CN.4/Sub.2/2004/48), recommended to the Commission on Human Rights for adoption.

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

### **Programme of Action for the Elimination of the Exploitation of Child Labour**

171. At its forty-ninth session, in its resolution 1993/79, the Commission adopted the Programme of Action for the Elimination of the Exploitation of Child Labour. It requested all States periodically to report to the Sub-Commission on the Promotion and Protection of Human Rights on measures adopted to implement the Programme of Action and on the effectiveness of such measures, and requested the Sub-Commission to submit to the Commission every two years a progress report on the implementation of the Programme of Action by all States. The Commission decided to consider the question of the implementation of the Programme of Action every two years in order to evaluate the progress made in eliminating the exploitation of child labour.

172. At the present session, the Commission will have before it a note by the Secretary-General (E/CN.4/2005/76) transmitting the report of the Secretary-General submitted to the Sub-Commission at its fifty-sixth session (E/CN.4/Sub.2/2004/34) containing the replies received from States concerning the implementation of the Programme of Action.

### **Special Representative of the Secretary-General for children and armed conflict**

173. 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.4/2005/77).

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

174. In its resolution 2004/47, the Commission requested the High Commissioner for Human Rights to submit to it at its sixty-first session a report on the abduction of children in Africa.

175. The Commission will have before it the report of the High Commissioner (E/CN.4/2005/74).

### **Rights of the child**

176. In its resolution 2004/48, the Commission decided to request the Secretary-General to submit to it at its sixty-first 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. The Commission will have before it the report of the Secretary-General (E/CN.4/2005/73) (see also paragraphs 20 and 23 above).

#### *Study on violence against children*

177. In the same resolution, the Commission welcomed the establishment of a secretariat for the Secretary-General's study on the question of violence against children in collaboration with the Office of the High Commissioner for Human Rights, the United Nations Children's Fund and the World Health Organization, and requested the Secretary-General to submit a substantive progress report on the study to the Commission at its sixty-first session and the final in-depth study at its sixty-second session for its consideration, with the aim of evaluating all possible complementary measures and future actions. The Commission will therefore have before it the substantive progress report of the Secretary-General (E/CN.4/2005/75).

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

178. 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. Following the resignation of Mr. Vitit Muntarbhorn (Thailand) in October 1994 and Ms. Ofelia Calcetas-Santos (Philippines) in April 2001, Mr. Juan Miguel Petit (Uruguay) was appointed Special Rapporteur in June 2001. In its decision 2004/285, the Economic and Social Council decided to renew the mandate of the Special Rapporteur for a further three years.

179. In its resolution 2004/48, the Commission requested the Special Rapporteur to submit a report to it at its sixty-first session. The Commission will have before it the report of the Special Rapporteur (E/CN.4/2005/78 and Add.1-3).

**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**

180. In its resolution 2004/49, the Commission decided to continue its consideration of this question at its sixty-second session under the appropriate agenda item.

**Human rights of migrants**

181. 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.

182. 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.

183. In Commission resolution 2004/53, as endorsed by Economic and Social Council decision 2004/262, the Commission requested the Special Rapporteur to submit a report on her activities to the General Assembly at its fifty-ninth session and to the Commission at its sixty-first session.

184. The Commission will have before it the report of the Special Rapporteur (E/CN.4/2005/85 and Add.1-4).

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

185. In its resolution 2004/56, the Commission requested the Secretary-General to report to it at its sixty-second 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.

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

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

186. 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.

187. In its resolution 2004/51, the Commission requested the High Commissioner for Human Rights to study options for the timely identification of minority issues and pertaining measures through the compilation of the views of Member States, of all relevant parts of the United Nations system, as well as of regional and international intergovernmental and non-governmental organizations regarding their analysis of the activities of the Working Group on Minorities and its results achieved, taking into account the assessment and recommendations by the Working Group, as well as the proposals contained in the report of the High Commissioner (E/CN.4/2004/75), and the need to avoid duplication and to make the best use of all available resources, and to report thereon to the Commission at its sixty-first session. The Commission also requested the High Commissioner to report to it at its sixty-first session on the implementation of that resolution. The Commission will therefore have before it the report of the High Commissioner for Human Rights (E/CN.4/2005/81) (see also paragraph 21 above).

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

#### **Human rights and mass exoduses**

188. In its resolution 2003/52, the Commission requested the High Commissioner for Human Rights to prepare and submit to it at its sixty-first session an analytical report on measures taken to implement that resolution and obstacles to its implementation, including information on measures taken by the Office of the High Commissioner and other relevant United Nations bodies, taking into account information and comments provided by Governments, intergovernmental organizations, specialized agencies and non-governmental organizations. It also requested the High Commissioner to include in this report, as an annex, a thematic compilation of relevant reports and resolutions of the Commission and the Sub-Commission.

189. The Commission will have before it the analytical report of the High Commissioner for Human Rights. The thematic compilation is provided in an addendum to that document (E/CN.4/2005/80 and Add.1).

#### **Internally displaced persons**

190. The mandate of the Representative of the Secretary-General on internally displaced persons was established by the Commission 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, and pursuant to resolution 2003/51, the Representative was encouraged to report on his activities to the General Assembly and to the Commission.

191. In its resolution 2004/55, as endorsed by Economic and Social Council decision 2004/263, the Commission requested the Secretary-General, in effectively building upon the work of his Representative, to establish a mechanism that would address the complex problem of internal displacement, in particular by mainstreaming human rights of the internally displaced into all relevant parts of the United Nations system. It recommended that this mechanism work towards strengthening the international response to the complex problem of situations of internal displacement, and engage in coordinated international advocacy and action for improving protection and respect of the human rights of the internally displaced, while continuing and enhancing dialogues with Governments, as well as non-governmental organizations and other relevant actors.

192. In the same resolution, the Commission requested the Secretary-General to review the new mechanism's performance and effectiveness two years after its inception and submit a report thereon, as well as on the details of the mechanism, to the Commission at its sixty-second session. The Secretary-General was also requested to ensure that the mechanism submits annual reports on its activities to the Commission and to the General Assembly, making suggestions and recommendations regarding the human rights of internally displaced persons and engaging in an interactive dialogue thereon.

193. In September 2004, Mr. Walter Kälin (Switzerland) was appointed Representative of the Secretary-General on the human rights of internally displaced persons.

194. Pursuant to resolution 2003/51, the Commission will have before it a note by the Secretary-General transmitting the mission report to Darfur, Sudan, by the former Representative on internally displaced persons, Mr. Francis Deng (E/CN.4/2005/8), and the report of the Inter-Governmental Conference on internal displacement in the Americas (E/CN.4/2005/124). Pursuant to resolution 2004/55, the Commission will have before it the annual report of Representative of the Secretary-General on the human rights of internally displaced persons, Mr. Walter Kälin (E/CN.4/2005/84 and Add.1).

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

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

195. 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.4/2005/86 and Corr.1 and Add.1).

##### **Missing persons**

196. In its resolution 2002/60, the Commission requested the Secretary-General to report to it at its sixtieth session on the progress made in the implementation of that resolution. At its sixtieth session, the Commission had before it a note by the Secretariat (E/CN.4/2004/72) informing it that the report of the Secretary-General would be submitted at its sixty-first session. In its resolution 2004/50, the Commission decided to remain seized of the matter at its sixty-second session.

197. At the present session, the Commission will have the report of the Secretary-General on the progress made in the implementation of its resolution 2002/60 on missing persons (E/CN.4/2005/83).

### **The protection of human rights in the context of human immunodeficiency virus (HIV) and acquired immunodeficiency syndrome (AIDS)**

198. In its resolution 2003/47, 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, the guidelines on HIV/AIDS and human rights and that resolution, and to submit, in consultation with interested parties, a progress report for consideration at its sixty-first session.

199. The Commission will have before it the report of the Secretary-General (E/CN.4/2005/79) (see also paragraph 18 above).

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

200. In its resolution 2004/52, the Commission called upon the Office of the High Commissioner for Human Rights to report to it at its sixty-first session on progress in the implementation of the recommendations contained in the study on human rights and disability, submitted to the Commission at its fifty-eighth session, and on the achievement of the objectives set forth in 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.4/2005/82) (see also paragraph 22 above).

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

201. In its resolution 2004/54, the Commission called upon the High Commissioner to include details of activities undertaken by the Office to implement that resolution in the High Commissioner's report to it at its sixty-second session.

### **Other matters**

202. In connection with the present agenda item, the attention of the Commission is also drawn to draft decision 6 in chapter I of the report of the Sub-Commission on the Promotion and Protection of Human Rights on its fifty-sixth session (E/CN.4/2005/2-E/CN.4/Sub.2/2004/48), recommended to the Commission on Human Rights for adoption.

## **Item 15. Indigenous issues**

### **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**

203. 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.

204. In its resolution 2004/58, the Commission requested the High Commissioner for Human Rights, in her capacity as Coordinator of the Decade, to submit a final report reviewing activities within the United Nations system under the programme of activities for the Decade and evaluating their results, to the Commission at its sixty-first 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.4/2005/87).

**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**

205. 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".

206. In its resolution 2004/59, as endorsed by Economic and Social Council decision 2004/265, the Commission recommended that the Working Group meet for 10 working days prior to its sixty-first session, the cost of the meeting to be met from within existing resources, and requested it to submit a report for consideration by the Commission at its sixty-first session. The Commission will have before it the report of the Working Group (E/CN.4/2005/89).

**Human rights and indigenous issues**

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

208. In its resolution 2004/62, as endorsed by Economic and Social Council decision 2004/267, the Commission decided to extend the mandate of the Special Rapporteur for a further period of three years. The Special Rapporteur was requested to submit a report on his activities to the General Assembly at its fifty-ninth session and to the Commission at its sixty-first session.

209. The Commission will have before it the report of the Special Rapporteur (E/CN.4/2005/88 and Add.1-4).

**Other matters**

210. In connection with the present agenda item, the attention of the Commission is drawn to the draft resolution and draft decisions 4 and 7 in chapter I of the report of the Sub-Commission on its fifty-sixth session (E/CN.4/2005/2-E/CN.4/Sub.2/2004/48), 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**

211. The report of the Sub-Commission on its fifty-sixth session is contained in document E/CN.4/2005/2-E/CN.4/Sub.2/2004/48. Chapter I of the report of the Sub-Commission contains one draft resolution and 11 draft decisions proposed to the Commission for action. 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.

212. 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).

213. At its fifty-sixth session, the Sub-Commission adopted 30 resolutions and 23 decisions.

**The work of the Sub-Commission on the Promotion and Protection of Human Rights**

214. In its resolution 2004/60, the Commission invited the Chairperson of the fifty-sixth session of the Sub-Commission to report to it at its sixty-first session, including an assessment of how recent enhancements of the effectiveness of the Sub-Commission and of its mechanisms have worked in practice. The Commission will have before it the report of the Chairperson of the fifty-sixth session of the Sub-Commission (E/CN.4/2005/90).

**Responsibilities of transnational corporations and related business enterprises with regard to human rights**

215. In its decision 2004/116, as endorsed by Economic and Social Council decision 2004/279, the Commission requested the Office of the High Commissioner for Human Rights to compile a report setting out the scope and legal status of existing initiatives and standards relating to the responsibility of transnational corporations and related business enterprises with regard to human rights, inter alia, the draft norms contained in the above-mentioned document, and, identifying outstanding issues, to consult with all relevant stakeholders in compiling the report, including States, transnational corporations, employers' and employees' associations, relevant international organizations and agencies, treaty monitoring bodies and non-governmental organizations, and to submit the report to the Commission at its sixty-first session in order for it to identify options for strengthening standards on the responsibilities of transnational corporations and related business enterprises with regard to human rights and possible means of implementation.

216. The Commission will have before it the report of the Office of the High Commissioner for Human Rights (E/CN.4/2005/91).

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

217. 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, 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.

218. 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.

219. In 2004, when the term of office of half of the membership of the Sub-Commission had expired, the Commission, at its sixtieth session, elected 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 (see E/2004/23-E/CN.4/2004/127, chapter XVI (b), paras. 537-539).

220. The next election of the Sub-Commission members and their alternates will be held in 2006, during the sixty-second session of the Commission on Human Rights.

**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**

**Convention on the Prevention and Punishment of the Crime of Genocide**

221. In its resolution 2003/66, the Commission decided to consider this issue at its sixty-first session.

222. At the present session, the Commission will have before it a note by the Secretary-General transmitting the views submitted by States parties to the Convention on the Prevention and Punishment of the Crime of Genocide on the Secretary-General's proposal to consider setting up a Committee on the Prevention of Genocide (E/CN.4/2005/46).

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

223. In its resolution 2004/63, the Commission decided to continue its consideration of this question, as a matter of priority, at its sixty-first session.

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

224. In its resolution 2004/64, the Commission decided to continue consideration of the matter at its sixty-first session.

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

225. In its resolution 2004/65, the Commission decided to continue consideration of the issue at its sixty-first session.

### **Human rights and international solidarity**

226. In its resolution 2002/73, the Commission requested the Sub-Commission to undertake a study on the implementation of that resolution and to submit an interim study to the Commission at its sixtieth session and a complete study to the Commission at its sixty-second session. In its decision 2003/115, the Sub-Commission requested Mr. Rui Baltazar Dos Santos Alves to prepare a working paper on human rights and international solidarity. At its fifty-sixth session, the Sub-Commission had before it the working paper prepared by Mr. Dos Santos Alves (E/CN.4/Sub.2/2004/43). In its decision 2004/111, the Sub-Commission requested Mr. Dos Santos Alves to prepare an expanded version of his working paper for submission to the Sub-Commission at its fifty-seventh session.

227. In its resolution 2004/66, the Commission decided to continue the examination of the issue of human rights and international solidarity at its sixty-second session.

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

228. 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 2004/67, the Commission requested the Secretary-General to submit to it at its sixty-first session his quinquennial report, paying special attention to the imposition of the death penalty against persons younger than 18 years of age at the time of the offence.

229. The Commission will have before it the quinquennial report of the Secretary-General on capital punishment (E/CN.4/2005/94).

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

230. In its resolution 2004/70, the Commission requested the High Commissioner for Human Rights to invite States, national human rights institutions, relevant organs and bodies of the United Nations, other relevant international bodies and relevant national and international

non-governmental organizations to attend a seminar on good governance practices for the promotion of human rights, and to report to the sixty-first session of the Commission on the outcomes of the seminar.

231. The Commission will have before it the report of the High Commissioner for Human Rights (E/CN.4/2005/97).

### **Impunity**

232. In its resolution 2004/72, as endorsed by Economic and Social Council decision 2004/223, the Commission requested the Secretary-General to appoint an independent expert, from within existing resources and for a period of one year, to update 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, to reflect recent developments in international law and practice, including international jurisprudence and State practice, and taking into account the independent study on impunity (E/CN.4/2004/88) and comments received pursuant to that resolution, for consideration by the Commission no later than at its sixty-first session. Ms. Diane Orentlicher (United States of America) was appointed independent expert in September 2004.

233. The Commission will have before it the report of the independent expert; the revised version of the principles on impunity is provided in an addendum to that document (E/CN.4/2005/102 and Add.1).

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

234. In its resolution 2004/87, the Commission requested the High Commissioner for Human Rights, making use of existing mechanisms, to continue: (a) to examine the question of the protection of human rights and fundamental freedoms while countering terrorism, taking into account reliable information from all sources; (b) to make general recommendations concerning the obligation of States to promote and protect human rights and fundamental freedoms while taking actions to counter terrorism; (c) to provide assistance and advice to States, upon their request, on the protection of human rights and fundamental freedoms while countering terrorism, as well as to relevant United Nations bodies. The Commission also requested the High Commissioner, taking into account the views of States, to complete the study requested in General Assembly resolution 58/187 concerning 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 in strengthening the promotion and protection of human rights and fundamental freedoms while countering terrorism, with regard to the international human rights institutional mechanisms. The High Commissioner was requested to submit a report on the implementation of that resolution to the General Assembly at its fifty-ninth session and to the Commission at its sixty-first session.

235. The Commission will have before it the report of the High Commissioner for Human Rights (E/CN.4/2005/100).

236. In the same resolution, as endorsed by Economic and Social Council decision 2004/227, the Commission decided to designate, from within existing resources, for a period of one year, an independent expert to assist the High Commissioner in the fulfilment of the mandate described in paragraphs 8 and 9 of that resolution and, taking fully into account the study requested in General Assembly resolution 58/187, as well as the discussions in the Assembly and the views of States thereon, to submit a report, through the High Commissioner, to the Commission at its sixty-first session on ways and means of strengthening the promotion and protection of human rights and fundamental freedoms while countering terrorism. Mr. Robert K. Goldman (United States of America) was appointed as independent expert in July 2004.

237. The Commission will have before it the report of the independent expert (E/CN.4/2005/103).

#### **Extension of time limit in decision 2003/118**

238. 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.

239. At its sixtieth session, in its decision 2004/104, the Commission decided to defer consideration of the documents referred to in decision 2003/118 to its sixty-first session, under the same agenda item.

#### **Human rights and human responsibilities**

240. In its decision 2004/117, the Commission requested the Office of the High Commissioner for Human Rights to circulate to Member States and to intergovernmental and non-governmental organizations the pre-draft declaration on human social responsibilities (E/CN.4/2003/105, annex I), requesting their views on it, and to submit to the Commission at its sixty-first session a compilation of the essential aspects of the replies received.

241. The Commission will have before it the report of the Office of the High Commissioner for Human Rights containing a compilation of the essential aspects of the replies received on the pre-draft declaration on human social responsibilities (E/CN.4/2005/99).

#### **Fundamental standards of humanity**

242. In its decision 2004/118, the Commission decided to consider the question at its sixty-second session and to request the Secretary-General, in consultation with the International Committee of the Red Cross, to submit to the Commission at its sixty-second 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.

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

243. In its resolution 2004/69, the Commission requested the Secretary-General to submit to it, at its sixty-first and sixty-second 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 note by the Secretariat (E/CN.4/2005/95).

244. 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**

245. The mandate of the Special Representative of the Secretary-General on the situation of human rights defenders was established by the Commission in its resolution 2000/61 and extended for a period of three years by its resolution 2003/64, as endorsed by Economic and Social Council decision 2003/255. In its resolution 2004/68, the Commission requested the Special Representative to continue to report on her activities to the General Assembly and to the Commission in accordance with her mandate. Ms. Hina Jilani (Pakistan) was appointed as Special Representative in August 2000.

246. The Commission will have before it the report of the Special Representative (E/CN.4/2005/101 and Add.1-3).

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

**Development of public information activities in the field of human rights, including the World Public Information Campaign on Human Rights**

247. In its resolution 2003/62, the Commission requested the Secretary-General to submit to it at its sixty-first session a report on public information activities, with special emphasis on activities relating to the World Public Information Campaign on Human Rights, the follow-up activities to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and the technical cooperation projects and field presences of the Office of the High Commissioner. The Commission also decided to continue consideration of this question at its sixty-first session under the same agenda item, in connection with the question of the United Nations Decade for Human Rights Education, 1995-2004.

248. The Commission will have before it the report of the Secretary-General (E/CN.4/2005/92).

## **United Nations Decade for Human Rights Education**

249. In its decision 2004/268, the Economic and Social Council, taking note of Commission resolution 2004/71 and decision 2004/121, endorsed the Commission's recommendation to the Council that at its substantive session of 2004 it recommend to the General Assembly that it proclaim at its fifty-ninth session a world programme for human rights education, to begin on 1 January 2005, structured in consecutive phases, in order to maintain and develop the implementation of human rights education programmes in all sectors. The Council also endorsed the Commission's request to the Office of the High Commissioner for Human Rights to prepare, in cooperation with the United Nations Educational, Scientific and Cultural Organization and other relevant governmental and non-governmental actors, and to submit to the General Assembly at its fifty-ninth session for consideration and adoption, a plan of action for the first phase (2005-2007) of the proposed world programme, focusing on the primary and secondary school systems.

250. Pursuant to the request contained in resolution 2004/71, the Commission will have before it the report of the High Commissioner for Human Rights on progress made towards the implementation of that resolution (E/CN.4/2005/98).

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

#### **Science and the environment**

251. In its decision 2004/119, the Commission, recalling its resolution 2003/71 of 25 April 2003, decided to request the Secretary-General to update the report on the consideration being given to the relationship between the environment and human rights as part of sustainable development, and to continue to consider this question at its sixty-first session under the same agenda item.

252. The Commission will have before it the updated report of the Secretary-General (E/CN.4/2005/96).

#### **Human rights and bioethics**

253. In its resolution 2003/69, the Commission again requested the Sub-Commission on the Promotion and Protection of Human Rights to consider what contribution it could make to the reflections of the International Bioethics Committee on the follow-up to the Universal Declaration on the Human Genome and Human Rights and to report on this matter to the Commission. It also requested the Secretary-General to submit a report based on these contributions for consideration at its sixty-first session.

254. The Commission will have before it the report of the Secretary-General (E/CN.4/2005/93).

255. In its decision 2004/120, as endorsed by Economic and Social Council decision 2004/280, the Commission approved the decision of the Sub-Commission to appoint Ms. Antoanella-Iulia Motoc as Special Rapporteur to undertake a study on human rights and the human genome, based on her working paper (E/CN.4/Sub.2/2003/36), and

requested the Special Rapporteur to submit her preliminary report to the Sub-Commission at its fifty-sixth session and her final report to the Commission at its sixty-first session.

256. In its decision 2004/112, the Sub-Commission decided to request the Special Rapporteur, Ms. Motoc, to submit an interim report to its fifty-seventh session and a final report to its fifty-eighth session.

### **Human rights implications, particularly for indigenous people, of the disappearance of States for environmental reasons**

257. In its decision 2004/122, the Commission decided urgently to call upon the Sub-Commission on the Promotion and Protection of Human Rights to prepare a report on the legal implications of the disappearance of States for environmental reasons, including the implications for the human rights of their residents, with particular reference to the rights of indigenous people.

258. In its resolution 2004/10, the Sub-Commission invited Ms. Françoise Hampson to update her working paper on the human rights situation of indigenous peoples in States and other territories threatened with extinction for environmental reasons (E/CN.4/Sub.2/AC.4/2004/CRP.1), and to submit a further working paper to its fifty-seventh session.

### **Other matters**

259. In connection with the present agenda item, the attention of the Commission is drawn to draft decision 5 in chapter I of the report of the Sub-Commission on its fifty-sixth session (E/CN.4/2005/2-E/CN.4/Sub.2/2004/48), 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**

260. In Commission resolution 2004/78, the Secretary-General was requested to report to the Commission at its sixty-second session on measures taken to implement that resolution and on obstacles to its implementation, including the efforts of the treaty bodies to integrate a gender perspective throughout their work. The Commission decided to consider this question at its sixty-second session.

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

#### **Regional arrangements for the promotion and protection of human rights**

261. In its resolution 2003/75, the Commission requested the Secretary-General to submit to it at its sixty-first session a report on the state of regional arrangements for the promotion and protection of human rights, to formulate concrete proposals and recommendations on ways and means to strengthen cooperation between United Nations and regional arrangements in the field of human rights and to include therein the results of action taken in pursuance of that resolution.

262. The Commission will have before it the report of the Secretary-General (E/CN.4/2005/104).

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

263. In its resolution 2004/74, the Commission requested the Secretary-General to submit to it at its sixty-first session a report containing the conclusions of the thirteenth Workshop on Regional Cooperation for the Promotion and Protection of Human Rights in the Asian and Pacific Region and information on the progress achieved in the implementation of that resolution.

264. The Commission will have before it the report of the Secretary-General (E/CN.4/2005/105).

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

265. In its resolution 2004/75, the Commission requested the Secretary-General to report to it at its sixty-first session on the implementation of that resolution, and on ways and means to enhance participation of national human rights institutions in the work of the Commission, to enable them to continue to contribute substantially to its work by passing on their expert knowledge and practical experience in human rights matters.

266. The Commission will have before it the report of the Secretary-General on national institutions for the promotion and protection of human rights (E/CN.4/2005/106) and the report of the Secretary-General on ways and means to enhance participation of national institutions in the work of the Commission and its subsidiary bodies (E/CN.4/2005/107).

### **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**

267. In its resolution 2004/73, the Commission requested the High Commissioner for Human Rights, inter alia, to submit a comprehensive report on the implementation of that resolution to the Commission at its sixty-first session, which should include:

- (i) 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;
- (ii) The action plan, as well as the measures adopted to implement it, concrete achievements and their results;
- (iii) The measures taken to implement other actions requested by that resolution and their achievements;
- (iv) Any further recommendations to improve the current situation.

268. In its decision 2004/269, the Economic and Social Council drew the attention of the General Assembly to that resolution of the Commission.

269. The Commission will have before it the report of the High Commissioner (E/CN.4/2005/109).

#### **Human rights and special procedures**

270. In its resolution 2004/76, the Commission requested the Secretary-General, inter alia, to: (a) issue annually, and sufficiently early, in close collaboration with the special procedures, their conclusions and recommendations, so as to enable further discussion of their implementation at subsequent sessions of the Commission; and (b) present annually a list of all persons currently mandated to carry out the special procedures mandates, including their country of origin and summaries of their professional background and activities, in an annex to the annotations to the provisional agenda of each session of the Commission.

271. The Commission will have before it the report of the Secretary-General (E/CN.4/2005/108). A list of all persons currently mandated to carry out the special procedures mandates, including their country of origin, is provided in the annex to the present document.

272. In the same resolution, the Commission requested the High Commissioner, inter alia, to include in her report information on the implementation of the recommendations contained in that resolution.

273. The Commission decided to continue its consideration of that question at its sixty-second session.

274. 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 transmitting the report of the eleventh 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 21 to 25 June 2004 (E/CN.4/2005/5) (see also paragraph 27 above).

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

275. In its resolution 2004/81, the Commission requested the Secretary-General, *inter alia*, to continue to provide the necessary administrative assistance for the Board of Trustees of the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights, to arrange meetings of the Board and to ensure that its conclusions are reflected in the annual report to the Commission on technical cooperation in the field of human rights.

276. The Commission will have before it the report of the Secretary-General (E/CN.4/2005/110).

277. In the same resolution, the Commission decided to continue consideration of that subject at its sixty-second session.

**Technical cooperation and advisory services in Cambodia**

278. In its resolution 2004/79, the Commission requested the Secretary-General to report to it at its sixty-first session on the role and achievements of the Office of the 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.

279. 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.4/2005/111) and the report of the Special Representative on the situation of human rights in Cambodia (E/CN.4/2005/116).

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

280. 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) in 1996 and Ms. Mona Rishmawi (Jordan) in 2000, Mr. Ghanim Alnajjar (Kuwait) was appointed as independent expert in May 2001.

281. In its resolution 2004/80, as endorsed by Economic and Social Council decision 2004/270, the Commission decided to extend the mandate of the independent expert for a further year and requested him to report to it at its sixty-first session.

282. The Commission will have before it the report of the independent expert (E/CN.4/2005/117).

**Advisory services and technical cooperation in Burundi**

283. In its resolution 2004/82, as endorsed by Economic and Social Council decision 2004/224, the Commission decided to appoint an independent expert to provide backing for the Government of Burundi in its efforts to improve the human rights situation. It also

requested the independent expert to consider the situation of human rights in Burundi and ensure that the authorities are honouring the commitments they have made, to submit an interim report on the implementation of that resolution to the General Assembly at its fifty-ninth session, and to report to the Commission at its sixty-first session.

284. In July 2004, Mr. Akich Okola (Kenya) was appointed as independent expert. The Commission will have before it the report of the independent expert (E/CN.4/2005/118).

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

285. 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. In July 2003, Ms. Charlotte Abaka (Ghana) was appointed as independent expert.

286. In its resolution 2004/83, the Commission requested the independent expert on the situation of human rights in Liberia to submit a report on the issue at its sixty-first session. The Commission will have before it the report of the independent expert (E/CN.4/2005/119).

#### **Technical cooperation and advisory services in the Democratic Republic of the Congo**

287. In its resolution 2004/84, as endorsed by Economic and Social Council decision 2004/225, the Commission decided to appoint an independent expert to provide assistance to the Government of the Democratic Republic of the Congo in the field of human rights, to study the evolving situation of human rights in the Democratic Republic of the Congo and to verify that its obligations in this field are being fulfilled. It requested the independent expert to submit a progress report on the implementation of that resolution to the General Assembly at its fifty-ninth session, and to report to the Commission at its sixty-first session.

288. In July 2004, Mr. Titinga Frédéric Pacéré (Burkina Faso) was appointed as independent expert. The Commission will have before it the report of the independent expert (E/CN.4/2005/120).

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

289. In its resolution 2004/85, as endorsed by Economic and Social Council decision 2004/226, the Commission decided to appoint an independent expert for an initial period of one year to facilitate cooperation between the Government of Chad and the Office of the High Commissioner in the promotion and protection of human rights and to submit a report to it at its sixty-first session.

290. In July 2004, Ms. Mónica Pinto (Argentina) was appointed as independent expert. The Commission will have before it the report of the independent expert (E/CN.4/2005/121).

#### **Assistance to Sierra Leone in the field of human rights**

291. In its resolution 2004/86, as endorsed by Economic and Social Council decision 2004/271, the Commission requested the High Commissioner for Human Rights to report to the General Assembly at its fifty-ninth session and to the Commission at its sixty-first session on assistance to Sierra Leone in the field of human rights, including with reference to reports from the Human Rights Section of the United Nations Mission in Sierra Leone.

292. The Commission will have before it the report of the High Commissioner for Human Rights (E/CN.4/2005/113).

#### **Technical cooperation in the field of human rights in Afghanistan**

293. The mandate of the independent expert on the situation of human rights in Afghanistan was established by the Commission in its resolution 2003/77. Mr. M. Cherif Bassiouni (Egypt) was appointed as independent expert in April 2004.

294. In the statement concerning technical cooperation in the field of human rights in Afghanistan made on behalf of the Commission by the Chairperson of the sixtieth session on 21 April 2004, as endorsed by Economic and Social Council decision 2004/284, the Commission requested the Secretary-General to extend the mandate of the independent expert for a further year, and requested the independent expert to report on the situation of human rights in Afghanistan and on the achievements of technical assistance in the field of human rights to the General Assembly at its fifty-ninth session and to the Commission at its sixty-first session.

295. The Commission also requested the Secretary-General to remain seized of the matter and to report on it at its sixty-first session.

296. The Commission will have before it a note by the Secretary-General (E/CN.4/2005/112) and the report of the independent expert on the situation of human rights in Afghanistan (E/CN.4/2005/122).

#### **Situation of human rights in Haiti**

297. 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 as independent expert in March 2002. In the statement made on behalf of the Commission by the Chairperson of the sixtieth session on 21 April 2004, the Commission requested the independent expert to continue his work within the framework of his current mandate and invited him to include in his report to the Commission at its sixty-first session information on the progress of the efforts to combat impunity and on the administration of justice and proposals in those respects.

298. The Commission will have before it the report of the independent expert (E/CN.4/2005/123).

#### **Human rights assistance to Nepal**

299. In the statement made on behalf of the Commission by the Chairperson of the sixtieth session on 21 April 2004, the Office of the High Commissioner for Human Rights was requested to submit a report on its activities in Nepal, including technical cooperation, to the Commission at its sixty-first session.

300. The Commission will have before it the progress report of the Office of the High Commissioner for Human Rights (E/CN.4/2005/114).

#### **Technical cooperation and advisory services in Timor-Leste**

301. In the statement made on behalf of the Commission by the Chairperson of the sixtieth session on 21 April 2004, the Commission requested the High Commissioner for Human Rights to report to it at its sixty-first session on technical cooperation in the field of human rights in Timor-Leste.

302. The Commission will have before it the report of the High Commissioner for Human Rights (E/CN.4/2005/115).

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

303. 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).

304. In a statement made by the Chairperson of the fifty-fifth session on 29 April 1999 and agreed on by consensus (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).

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

306. In connection with the present agenda item, see also paragraph 12 above.

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

**(b) Report to the Economic and Social Council on the sixty-first session of the Commission.**

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

307. 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.

308. The Commission will have before it, before the conclusion of the sixty-first session, a note for its consideration containing a draft provisional agenda for its sixty-second session, together with information concerning the corresponding documentation (E/CN.4/2005/L.1).

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

309. 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  
SPECIAL PROCEDURES MANDATES OF THE COMMISSION  
ON HUMAN RIGHTS (PREPARED IN ACCORDANCE WITH  
COMMISSION RESOLUTION 2004/76)**

**Country-specific procedures**

|  |                                       |   |
|--|---------------------------------------|---|
| Belarus  | Mr. Adrian Severin<br>(Romania)       | Special Rapporteur  |
| Cuba   | Ms. Christine Chanet<br>(France)      | Personal Representative of<br>the High Commissioner for<br>Human Rights |
| Democratic People's<br>Republic of Korea       | Mr. Vitit Muntarbhorn<br>(Thailand)   | Special Rapporteur  |
| Myanmar  | Mr. Paulo Sérgio Pinheiro<br>(Brazil) | Special Rapporteur  |
| Palestinian territories<br>occupied since 1967 | Mr. John Dugard<br>(South Africa)     | Special Rapporteur  |
| Sudan  | Mr. Emmanuel Akwei Addo<br>(Ghana)    | Independent expert  |

**Thematic procedures**

|  |   |                    |
|--|---|--------------------|
| Adequate housing   | Mr. Miloon Kothari<br>(India)               | Special Rapporteur |
| Contemporary forms of<br>racism, racial discrimination,<br>xenophobia and related<br>intolerance | Mr. Doudou Diène<br>(Senegal)               | Special Rapporteur |
| Education  | Mr. Vernor Muñoz Villalobos<br>(Costa Rica) | Special Rapporteur |
| Extrajudicial, summary or<br>arbitrary executions  | Mr. Philip Alston<br>(Australia)            | Special Rapporteur |
| Extreme poverty  | Mr. Arjun Sengupta<br>(India)               | Independent expert |

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|--|---|---|
| Freedom of opinion and expression  | Mr. Ambeyi Ligabo<br>(Kenya)                            | Special Rapporteur                                    |
| Freedom of religion or belief  | Ms. Asma Jahangir<br>(Pakistan)                         | Special Rapporteur                                    |
| Highest attainable standard of physical and mental health                      | Mr. Paul Hunt<br>(New Zealand)                          | Special Rapporteur                                    |
| Human rights and fundamental freedoms of indigenous people                     | Mr. Rodolfo Stavenhagen<br>(Mexico)                     | Special Rapporteur                                    |
| Human rights defenders   | Ms. Hina Jilani<br>(Pakistan)                           | Special Representative of the Secretary-General       |
| Human rights of internally displaced persons                                   | Mr. Walter Kälin<br>(Switzerland)                       | Representative of the Secretary-General               |
| Human rights of migrants   | Ms. Gabriela Rodríguez Pizarro<br>(Costa Rica)          | Special Rapporteur                                    |
| Illicit movement and dumping of toxic waste                                    | Mr. Okechukwu Ibeanu<br>(Nigeria)                       | Special Rapporteur                                    |
| Impunity   | Ms. Diane Orentlicher<br><br>(United States of America) | Independent expert appointed by the Secretary-General |
| Independence of judges and lawyers   | Mr. Leandro Despouy<br>(Argentina)                      | Special Rapporteur                                    |
| Mercenaries  | Ms. Shaista Shameem<br>(Fiji)                           | Special Rapporteur                                    |
| Protection of human rights and fundamental freedoms while countering terrorism | Mr. Robert K. Goldman<br>(United States of America)     | Independent expert                                    |
| Right to food  | Mr. Jean Ziegler<br>(Switzerland)                       | Special Rapporteur                                    |

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|---|--|---------------------|
| 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. Manfred Nowak (Austria)                | Special Rapporteur  |
| Trafficking in persons, especially in women and children              | Ms. Sigma Huda (Bangladesh)                | 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. Stephen J. Toope (Canada)              | Current Chairperson |
| Working Group on People of African Descent                            | Mr. Peter Lesa Kasanda (Zambia)            | Current Chairperson |

#### **Technical cooperation programmes**

|             |                               |   |
|-------------|-------------------------------|---|
| Afghanistan | Mr. Cherif Bassiouni (Egypt ) | Independent expert appointed by the Secretary-General |
| Burundi     | Mr. Akich Okola (Kenya)       | Independent expert                                    |
| Cambodia    | Mr. Peter Leuprecht (Austria) | Special Representative of the Secretary-General       |
| Chad        | Ms. Mónica Pinto (Argentina)  | Independent expert                                    |

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| Democratic Republic of the Congo | Mr. Titinga Frédéric Pacéré<br>(Burkina Faso) | Independent expert                                       |
| Haiti                            | Mr. Louis Joinet<br>(France)                  | Independent expert appointed<br>by the Secretary-General |
| Liberia                          | Ms. Charlotte Abaka<br>(Ghana)                | Independent expert                                       |
| Somalia                          | Mr. Ghanim Alnajjar<br>(Kuwait)               | Independent expert appointed<br>by the Secretary-General |

**1503 procedure**

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| Uzbekistan | Mr. Latif Huseynov<br>(Azerbaijan) | Independent expert |
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