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Agenda item 21 (a)

**DRAFT PROVISIONAL AGENDA FOR THE SIXTY-SECOND SESSION
OF THE COMMISSION****

Note by the Secretary-General

The following draft provisional agenda for the sixty-second session of the Commission is submitted in accordance with the provisions of paragraph 3 of Economic and Social Council resolution 1894 (LVII) and includes an indication for each item of the documents to be prepared in implementation of the relevant Commission decisions. If necessary, the draft provisional agenda will be amended in the light of any decision that the Commission or the Economic and Social Council may take after the preparation of this document.

* This is an advance unedited version of the document which reflects the results of voting as at 4 p.m. on Thursday, 21 April 2005. The document will be finalized following the completion by the Commission of its consideration and action on the remaining draft proposals.

** Reissued for technical reasons.

Draft provisional agenda for the sixty-second session of the Commission

1. *Election of officers.*
2. *Adoption of the agenda.*
3. *Organization of the work of the session.*

Legislative authority: relevant resolutions and decisions of the General Assembly and the Economic and Social Council; Commission decisions 2005/114, 2005/115 and 2005/...; Chairperson's statement of 22 April 2005.

Documentation:

- (a) Report of the United Nations High Commissioner for Human Rights containing an analysis of the situation of human rights in Colombia (statement agreed on by consensus by the Commission and made by the Chairperson on 22 April 2005).
4. *Report of the United Nations High Commissioner for Human Rights and follow-up to the World Conference on Human Rights.*

Legislative authority: General Assembly resolution 48/141; Commission resolutions 1997/69, 2004/2, 2004/54 and 2005/4.

Documentation:

Report of the United Nations High Commissioner for Human Rights (General Assembly resolution 48/141, para. 5; Commission resolutions 1997/69, para. 14; 2004/54, para. 8; and 2005/4, para. 10).

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

Legislative authority: Commission resolutions 2005/1 and 2005/2; Chairperson's statement on the question of Western Sahara of 7 April 2005.

Documentation:

Report of the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination (resolution 2005/2, paras. 14 and 20).

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.*

Legislative authority: Commission resolutions 1993/20, 2003/30, 2005/3, 2005/5 and 2005/64.

Documentation:

- (a) Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (resolutions 1993/20, para. 10, 2005/5, para. 7, and 2005/64, para. 40);
- (b) Report of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action (resolution 2003/30, sect. III, para. 22);
- (c) Report of the Working Group of Experts on People of African Descent (resolution 2003/30, para. 26);
- (d) Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance on the situation of Muslim and Arab peoples in various parts of the world (resolution 2005/3, para. 16);
- (e) Report of the United Nations High Commissioner for Human Rights on the implementation of resolution 2005/3 on combating defamation of religions (para. 17);
- (f) Report of the Office of the United Nations High Commissioner for Human Rights on its efforts to initiate a reinvigorated campaign for universal ratification of the International Convention on the Elimination of All Forms of Racial Discrimination (resolution 2005/64, para. 10);
- (g) Report of the United Nations High Commissioner for Human Rights containing a draft basic document on the development of a racial equality index (resolution 2005/64, para. 29);
- (h) Progress report of the Office of the High Commissioner for Human Rights on the implementation of relevant recommendations of the third session of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action (resolution 2005/64, para. 34).

7. *The right to development.*

Legislative authority: Commission resolution 2005/4.

Documentation:

- (a) Report of the open-ended working group established to monitor and review progress made in the promotion and implementation of the right to development (resolution 2005/4, para. 11);
- (b) Concept document on the right to development to be submitted by the Sub-Commission (resolution 2005/4, para. 7).

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

Legislative authority: Commission resolutions 1993/2, 2005/6, 2005/7 and 2005/8.

Documentation:

- (a) Report of the Special Rapporteur (resolutions 1993/2 A, para. 4, and 2005/7, para. 11);
- (b) Report of the United Nations High Commissioner for Human Rights (resolution 2005/7, para. 4);
- (c) Report of the Secretary-General (resolutions 2005/8, para. 6).

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.*

Legislative authority: Economic and Social Council resolutions 1503 (XLVIII), 1990/41 and 2000/3; Commission resolutions 8 (XXIII), 2005/9, 2005/10, 2005/11, 2005/12 and 2005/13, and Commission decisions 2004/102 and 2005/103.

Documentation:

- (a) Report of the Working Group on Situations (Economic and Social Council resolution 1990/41);
- (b) Report of the Secretary-General on reprisals against persons cooperating with representatives of United Nations human rights bodies (Commission resolution 2005/9, para. 7);
- (c) Report of the Special Rapporteur on the situation of human rights in Myanmar (Commission resolution 2005/10, para. 7 (a));
- (d) Report of the High Commissioner on her findings and recommendations with regard to the human rights situation in the Democratic People's Republic of Korea (Commission resolution 2005/11, para. 9);
- (e) Report of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea (Commission resolution 2005/11, para. 12);

- (f) Report of the Personal Representative of the United Nations High Commissioner for Human Rights on the situation of human rights in Cuba (Commission resolution 2005/12, para. 1);
- (g) Report of the Special Rapporteur on the situation of human rights in Belarus (Commission resolution 2005/13, para. 4);
- (h) Report of the Secretary-General on the question of human rights in Cyprus (Commission decision 2005/103).

10. *Economic, social and cultural rights.*

Legislative authority: Commission resolutions 2003/21, 2004/18, 2004/21, 2005/14, 2005/15, 2005/16, 2005/17, 2005/18, 2005/19, 2005/20, 2005/21, 2005/22, 2005/23, 2005/24 and 2005/25.

Documentation:

- (a) Analytical report of the independent expert on the effects of structural adjustment policies and foreign debt on the full enjoyment of all human rights, in particular economic, social and cultural rights (resolution 2003/21, para. 12, and 2004/18, para. 18);
- (b) Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living (resolution 2004/21, para. 7 (c));
- (c) Report of the Secretary-General on the implications and negative effects of unilateral coercive measures (resolution 2005/14, para. 13 (b));
- (d) Report of the Special Rapporteur on the adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights (resolution 2005/15, paras. 16 and 17);
- (e) Report of the independent expert on the question of human rights and extreme poverty (resolution 2005/16, para. 13);
- (f) Report of the Special Rapporteur on the right to food (resolution 2005/18, para. 16);
- (g) Report of the independent expert on the effects of structural adjustment policies and foreign debt on the full enjoyment of all human rights containing a final draft of 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 (resolution 2005/19, para. 20);
- (h) Report of the United Nations High Commissioner for Human Rights on the results of the consultations requested in paragraph 20 of resolution 2005/20 on the promotion of the enjoyment of the cultural rights of everyone and respect for different cultural identities;

- (i) Report of the Special Rapporteur on the right to education (resolution 2005/21, para. 12);
- (j) Report of the Open-ended working group established with a view to considering options regarding the elaboration of an optional protocol to the International Covenant on Economic, Social and Cultural Rights (resolution 2005/22, para. 15);
- (k) Report of the Secretary-General on the implementation of resolution 2005/22 on the question of the realization in all countries of economic, social and cultural rights (para. 16);
- (l) Report of the Secretary-General on access to medication in the context of pandemics, such as HIV/AIDS, tuberculosis and malaria (resolution 2005/23, para. 23);
- (m) Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health (resolution 2005/24, para. 28);
- (n) Final report of the Special Rapporteur on adequate housing containing the study on women and adequate housing (resolution 2005/25, para. 16).

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.*

Legislative authority: Commission resolutions 2004/35, 2005/27, 2005/28, 2005/29, 2005/30, 2005/31, 2005/34, 2005/36, 2005/38, 2005/39 and 2005/40.

Documentation:

- (a) Analytical report of the Office of the United Nations High Commissioner for Human Rights on best practices in relation to conscientious objection to military service (resolution 2004/35, para. 5);
- (b) Report of the Working Group on Enforced or Involuntary Disappearances (resolution 2005/27, para. 11);

- (c) Report of the Intersessional open-ended working group to elaborate a draft legally binding normative instrument for the protection of all persons from enforced disappearance (resolution 2005/27, para. 13);
- (d) Report of the Working Group on Arbitrary Detention (resolution 2005/28, para. 10);
- (e) Report of the Special Rapporteur on the independence of judges and lawyers (resolutions 2005/33, para. 13, and 2005/30, para. 11);
- (f) Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions (resolution 2005/34, para. 23);
- (g) Updated study by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance on the issue of political platforms which promote or incite racial discrimination (resolution 2005/36, para. 17);
- (h) Report of the Special Rapporteur on the right to freedom of opinion and expression (resolution 2005/38, para. 14);
- (i) Annual report of the Secretary-General on the status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (resolution 2005/39, para. 24);
- (j) Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment (resolution 2005/39, para. 29);
- (k) Report of the Secretary-General on the operations of the United Nations Voluntary Fund for Victims of Torture (resolution 2005/39, para. 34);
- (l) Report of the Special Rapporteur on freedom of religion or belief (resolution 2005/40, para. 21).

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

- (a) *Violence against women.*

Legislative authority: Commission resolutions 1997/44, 2004/45 and 2005/41 and Commission decisions 2004/108 and 2004/110.

Documentation:

- (a) Report of the Special Rapporteur on violence against women, its causes and consequences (resolutions 1997/44, para. 14, and 2005/41);
- (b) Annual report of the Special Rapporteur on trafficking in persons, especially in women and children (decision 2004/110).

13. *Rights of the child.*

Legislative authority: General Assembly resolution 51/77; Commission resolutions 1992/74, 2004/48, 2005/43 and 2005/44.

Documentation:

- (a) Annual report of the Special Representative of the Secretary-General for children and armed conflict (General Assembly resolution 51/77, para. 37);
- (b) Report of the Sub-Commission on the Promotion and Protection of Human Rights on the state of implementation of the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography (Commission resolution 1992/74, sect. I, para. 8);
- (c) Final in-depth study by the Secretary-General on the question of violence against children (Commission resolution 2004/48, sect. II, para. 20);
- (d) Report of the Office of the United Nations High Commissioner for Human Rights on the situation of the abduction of children in Africa (Commission resolution 2005/43, para. 14);
- (e) Report of the Secretary-General (Commission resolution 2004/48, sect. VIII, para. 40 (b));
- (f) Report of the Special Rapporteur on the sale of children, child prostitution and child pornography (Commission resolution 2005/44, sect. V, para. 40 (c)).

14. *Specific groups and individuals:*

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

Legislative authority: Commission resolutions 2004/49, 2004/50, 2004/54, 2004/55, 2004/56, 2005/45, 2005/46, 2005/47, 2005/65 and 2005/79.

Documentation:

- (a) Report of the Secretary-General on the progress made in the implementation of resolution 2004/50 on missing persons (para. 11);
- (b) Report of the Secretary-General on the performance and effectiveness of the new mechanism on internal displacement (resolution 2004/55, para. 27);

- (c) Annual report of the Representative of the Secretary-General on human rights of internally displaced persons (resolutions 2004/55, para. 28, and 2005/46, para. 27);
- (d) Report of the Secretary-General on the status of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (resolution 2004/56, para. 14);
- (e) Report of the Secretary-General on the question of the arbitrary deprivation of nationality (resolution 2005/45, para. 8);
- (f) Report of the Special Rapporteur on the human rights of migrants (resolution 2005/47, para. 30);
- (g) Report of the Office of the United Nations High Commissioner for Human Rights on progress in the implementation of the recommendations contained in the study on human rights and disability (resolution 2005/65, para. 5);
- (h) Annual report of the independent expert on minority issues (resolution 2005/79, para. 7).

15. *Indigenous issues.*

Legislative authority: Commission resolutions 2005/49, 2005/50 and 2005/51.

Documentation:

- (a) Report of the United Nations High Commissioner for Human Rights on the activities undertaken by her Office during the calendar year 2005 relating to indigenous peoples (resolution 2005/49, para. 15);
- (b) Report of the open-ended intersessional working group on a draft United Nations declaration on the rights of indigenous people (resolution 2005/50, para. 10);
- (c) Report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people (resolution 2005/51, para. 18).

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

- (a) *Report and draft decisions;*
- (b) *Election of members.*

Legislative authority: Economic and Social Council resolutions 1334 (XLIV) and 1986/35 and decisions 1978/21 and 1987/102; Commission resolution 2005/53.

Documentation:

- (a) Report of the Sub-Commission on the Promotion and Protection of Human Rights on its fifty-seventh session;
- (b) Comprehensive report of the Office of the United Nations High Commissioner for Human Rights on the administrative and programme budget of the Sub-Commission (resolution 2005/53, para. 13);
- (c) Report of the Chairperson of the fifty-seventh session of the Sub-Commission (resolution 2005/53, para. 17);
- (d) Note by the Secretary-General containing the names and biographical data of the candidates for election to the Sub-Commission (Economic and Social Council resolution 1986/35).

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 the environment.*

Legislative authority: Commission resolutions 2000/61, 2004/69, 2004/78, 2005/54, 2005/55, 2005/56, 2005/57, 2005/59, 2005/61, 2005/62, 2005/63, 2005/66, 2005/67, 2005/68, 2005/69, 2005/70, 2005/80 and 2005/81 and Commission decisions 2004/118 and 2005/111.

Documentation:

- (a) Annual report of the Special Representative of the Secretary-General on the situation of human rights defenders (resolutions 2000/61, para. 6, and 2005/67, para. 19);
- (b) Report of the Secretary-General on the status of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocols thereto, including all reservations and declarations (resolution 2004/69, para. 24);
- (c) Report of the Secretary-General on measures taken to implement resolution 2004/78 on the effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights (para. 26);
- (d) Annual report of the independent expert on human rights and international solidarity (resolution 2005/55, para. 9);

- (e) Yearly supplement to the quinquennial report of the Secretary-General on capital punishment (resolution 2005/59, para. 11);
- (f) Report of the Office of the United Nations High Commissioner for Human Rights on progress made towards the implementation of resolution 2005/61 on the World Programme for Human Rights Education (para. 8);
- (g) Report of the Secretary-General on the implementation of the Five-Point Action Plan and on the activities of the Special Adviser of the Secretary-General on the Prevention of Genocide (resolution 2005/62, para. 9);
- (h) Study by the Office of the United Nations High Commissioner for Human Rights on the right to the truth (resolution 2005/66, para. 6);
- (i) Report of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises (resolution 2005/69, para. 1);
- (j) Report of the United Nations High Commissioner for Human Rights on the outcome of the first annual meeting with senior executives from a particular sector of transnational corporations and other business enterprises (resolution 2005/69, para. 5);
- (k) Study by the Office of the United Nations High Commissioner for Human Rights on human rights and transitional justice activities undertaken by the human rights components of the United Nations system (resolution 2005/70, para. 4);
- (l) Report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism (resolution 2005/80, para. 14);
- (m) Report of the United Nations High Commissioner for Human Rights on the implementation of resolution 2005/80 on the protection of human rights and fundamental freedoms while countering terrorism (para. 17);
- (n) Report of the Secretary-General on the latest developments in international law and practice relevant to combating impunity (resolution 2005/81, para. 25);
- (o) Analytical report of the Secretary-General on fundamental standards of humanity (decision 2004/118);
- (p) Report of Mr. Miguel Alfonso Martínez containing a new initial version of the pre-draft declaration on human social responsibilities (decision 2005/111).

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.*

Legislative authority: Commission resolutions 2004/76, 2004/78, 2005/71, 2005/72 and 2005/74.

Documentation:

- (a) Report of the Secretary-General containing conclusions and recommendations of special procedures (resolution 2004/76, para. 12 (a));
- (b) Report of the Secretary-General on measures taken to implement resolution 2004/78 on the effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights (para. 26);
- (c) Report of the Secretary-General 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 resolution 2005/71 (para. 5);
- (d) Comprehensive report of the United Nations High Commissioner for Human Rights on the implementation of resolution 2005/72 on the composition of the staff of the Office of the United Nations High Commissioner for Human Rights (para. 26 (e));
- (e) Report of the Secretary-General on the implementation of resolution 2005/74 on national institutions for the promotion and protection of human rights (para. 21) and on the process currently utilized by the International Coordinating Committee to accredit national institutions in compliance with the Paris Principles (para. 22).

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

Legislative authority: Commission resolutions 2004/81, 2005/75, 2005/76, 2005/77, 2005/78, 2005/82 and 2005/83; Chairperson's statements of 21 April 2005.

Documentation:

- (a) Analytical report of the Secretary-General on the progress and concrete achievements made, as well as obstacles encountered in the implementation of the programme of advisory services and technical cooperation in the field of human rights (resolution 2004/81, para. 19);

- (b) Report of the independent expert on the situation of human rights in Burundi (resolution 2005/75, para. 27);
- (c) Report of the United Nations High Commissioner for Human Rights on assistance to Sierra Leone in the field of human rights (resolution 2005/76, para. 3 (f));
- (d) Report of the Secretary-General on the role and achievements of the Office of the United Nations High Commissioner for Human Rights in assisting the Government and the people of Cambodia in the promotion and protection of human rights (resolution 2005/77, para. 8);
- (e) Report of the Special Representative of the Secretary-General on the situation of human rights in Cambodia (resolution 2005/77, para. 8);
- (f) Report of the United Nations High Commissioner for Human Rights on the human rights situation and the activities of her Office, including technical cooperation in Nepal (resolution 2005/78, para. 17);
- (g) Report of the Special Rapporteur on the situation of human rights in the Sudan (resolution 2005/82, para. 8);
- (h) Report of the independent expert appointed by the Secretary-General on the situation of human rights in Somalia (resolution 2005/83, para. 13 (a));
- (i) Report of the independent expert on the situation of human rights in the Democratic Republic of the Congo (resolution 2005/85, para. 8 (b));
- (j) Report of the independent expert appointed by the Secretary-General on the situation of human rights in Haiti (statement agreed on by consensus by the Commission, and made by the Chairperson on 21 April 2005, para. 7);
- (k) Report of the United Nations High Commissioner for Human Rights on the situation of human rights in Afghanistan and on the achievements of the technical assistance in the field of human rights (statement agreed on by consensus by the Commission, and made by the Chairperson on 21 April 2005, para. 16 (c)).

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

Legislative authority: Commission decisions 2000/109 and 2005/113.

Documentation:

Report of the United Nations High Commissioner for Human Rights on the implementation of decision 2005/113 on enhancing and strengthening the effectiveness of the special procedures of the Commission on human Rights (para. (e)).

21. (a) *Draft provisional agenda for the sixty-third session of the Commission;*
- (b) *Report to the Economic and Social Council on the sixty-second session of the Commission.*

Legislative authority: Economic and Social Council resolution 1894 (LVII); rule 38 of the rules of procedure of the functional commissions of the Council.

Documentation:

Note by the Secretary-General containing the draft provisional agenda for the sixty-third session of the Commission, together with information concerning documentation relating thereto.
