



**Economic and Social  
Council**

Distr.  
LIMITED

E/CN.4/Sub.2/2004/L.10/Add.3  
13 August 2004

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS  
Sub-Commission on the Promotion  
and Protection of Human Rights  
Fifty-sixth session  
Agenda item 7 (a)

**ADOPTION OF THE REPORT ON THE FIFTY-SIXTH SESSION**

**Draft report of the Sub-Commission on the Promotion  
and Protection of Human Rights**

**Rapporteur: Mr. Paulo Sérgio Pinheiro**

**CONTENTS\***

<i>Chapter</i>	<i>Page</i>
<b>VI. Economic, social and cultural rights .....</b>	

---

\* E/CN.4/Sub.2/2004/L.10 and Addenda contain the draft chapters of the report relating to the organization of the session and the various items on the agenda. Resolutions and decisions adopted by the Sub-Commission, as well as draft resolutions and decisions for action by, and other matters of concern to, the Commission on Human Rights will be contained in documents E/CN.4/Sub.2/2004/L.11 and Addenda.

## **VI. Economic, social and cultural rights**

1. The Sub-Commission considered agenda item 4 at its 9th and 10th meetings, on 3 August, at its 11th and 12th meetings, on 4 August, at its 13th meeting, on 5 August, at its 18th meeting, on 9 August and at its 23rd meeting, on 12 August 2004.

2. For the list of documents issued under agenda item 4, see annex VII to the present report.

3. At the 9th meeting, on 3 August 2004:

(a) Mr. Guissé, Special Rapporteur on the promotion of the realization of the right to drinking water supply and sanitation, introduced his final report (E/CN.4/Sub.2/2004/20). In the interactive dialogue that followed, statements were made by Mr. Alfonso Martínez, Mr. Alfredsson, Mr. Bengoa, Ms. Chung, Mr. Kartashkin, Mr. Salama, Mr. Wadibia-Anyanwu and Mr. Yokota. At the 13th meeting, Mr. Guissé made his concluding remarks;

(b) Mr. Guissé presented his working paper on the effects of debt on human rights (E/CN.4/Sub.2/2004/27). In the interactive dialogue that followed, statements were made by Mr. Cherif, Mr. Kartashkin, Ms. Motoc, Ms. O'Connor, Mr. Salama, Ms. Warzazi and Mr. Yokota. At the 13th meeting, Mr. Guissé made his concluding remarks;

(c) Mr. Bengoa, as coordinator of the ad hoc group of experts (on behalf also of Mr. Decaux, Mr. Guissé, Ms. Motoc and Mr. Yokota), introduced the progress report on the joint working paper on the need to develop guiding principles on the implementation of existing human rights norms and standards in the context of the fight against extreme poverty (E/CN.4/Sub.2/2004/25 and Add.1). In the interactive dialogue that followed, statements were made by Mr. Chen, Mr. Chung, Mr. Decaux, Mr. Guissé, Ms. Hampson and Ms. Motoc;

(d) Mr. Decaux presented his working paper on non-discrimination as enshrined in article 2, paragraph 2, of the International Covenant on Economic, Social and Cultural Rights (E/CN.4/Sub.2/2004/24). In the interactive dialogue that followed, statements were made by Mr. Guissé, Ms. Hampson, Ms. Koufa, Ms. Wadibia-Anyanwu and Ms. Warzazi. Also at the

10th meeting, statements were made by Mr. Bossuyt, Mr. Cherif, Mr. Guissé, Ms. Motoc, Mr. Pinheiro, Mr. Salama and Ms. Warzazi. At the 12th meeting, Mr. Decaux made his concluding remarks.

4. At the 10th meeting on 3 August 2004, Ms. Mbonu, Special Rapporteur on corruption and its impact on the full enjoyment of human rights, in particular, economic, social and cultural rights, introduced her preliminary report (E/CN.4/Sub.2/2004/23). In the interactive dialogue that followed, statements were made by Mr. Alfredsson, Mr. Chen, Mr. Cherif, Ms. Chung, Mr. Guissé, Ms. Hampson, Mr. Kartashkin, Ms. Motoc, Ms. O'Connor, Ms. Rakotoarisoa, Mr. Salama, Mr. Sattar, Mr. Tuñón Veilles and Ms. Warzazi as well as the observer for Kenya and the observer for the non-governmental organization Voluntary Action Network India. At the 13th meeting, Ms. Mbonu made her concluding remarks.

5. At the 11th meeting, on 4 August 2004:

(a) Mr. Pinheiro, Special Rapporteur on housing and property restitution in the context of the return of refugees and internally displaced persons, introduced his progress report (E/CN.4/Sub.2/2004/22 and Add.1). In the interactive dialogue that followed, statements were made by Mr. Bossuyt, Mr. Decaux, Mr. Guissé, Mr. Kartashkin, Ms. Koufa, Mr. Möller and Mr. Salama. At the same meeting, Mr. Pinheiro made his concluding remarks;

(b) Mr. Bengoa, Chairperson-Rapporteur of the Social Forum, presented the report of the Social Forum on poverty, rural poverty and human rights (E/CN.4/Sub.2/2004/26). In the interactive dialogue that followed, statements were made by Mr. Bíró, Mr. Chen, Mr. Kartashkin, Ms. O'Connor, Mr. Pinheiro and Ms. Mbonu as well as the observers of the following non-governmental organization: International Movement ATD Fourth World and Pax Romana. At the same meeting, Mr. Bengoa made his concluding remarks.

6. At the 12th meeting, on 4 August 2004, Mr. Guissé, Chairperson-Rapporteur of the sessional working group on the working methods and activities of transnational corporations, presented the report of the working group on its sixth session (E/CN.4/Sub.2/2004/21). In the interactive dialogue that followed, a statement was made by Mr. Decaux. At the 13th meeting, Mr. Guissé made his concluding remarks.

7. In the general debate on agenda item 4, statements were made by members of the Sub-Commission and observers for Governments, intergovernmental organizations, United Nations bodies, specialized agencies, other organizations and non-governmental organizations. For the detailed list of speakers, see annex II.

### **Housing and property restitution**

8. At the 18th meeting, on 9 August 2004, Mr. Decaux introduced draft resolution E/CN.4/Sub.2/2004/L.14, sponsored by Mr. Alfonso Martínez, Mr. Decaux, Mr. Dos Santos, Ms. Hampson, Mr. Kartashkin, Mr. Sattar and Ms. Warzazi. Mr. Bengoa, Mr. Bíró, Mr. Chen, Ms. Koufa, Ms. Motoc, Mr. Salama and Mr. Tuñón Veilles subsequently joined the sponsors.

9. The draft resolution was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 2004/2.

### **Duration of the Social Forum**

10. At the same meeting, Mr. Sattar introduced draft resolution E/CN.4/Sub.2/2004/L.15, sponsored by Mr. Alfredsson, Mr. Bíró, Mr. Chen, Mr. Cherif, Ms. Chung, Mr. Decaux, Mr. Guissé, Ms. Motoc, Ms. O'Connor, Mr. Pinheiro, Ms. Rakotoarisoa, Mr. Salama, Mr. Sattar, Mr. Tuñón Veilles, Ms. Warzazi and Mr. Yokota. Mr. Alfonso Martínez, Mr. Dos Santos, Ms. Koufa, Ms. O'Connor and Ms. Wadibia-Anyanwu subsequently joined the sponsors.

11. Ms. Warzazi and Mr. Bengoa orally revised the last paragraph of the draft resolution.

12. The draft resolution, as revised, was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 2004/3.

### **Corruption and its impact on the full enjoyment of human rights, in particular economic, social and cultural rights**

13. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/2004/L.17, sponsored by Mr. Bengoa, Mr. Chen, Mr. Cherif, Ms. Chung, Mr. Dos Santos, Mr. Guissé, Ms. Koufa, Ms. Motoc, Ms. O'Connor, Ms. Rakotoarisoa,

Mr. Salama, Mr. Sattar, Mr. Tuñón Veilles, Ms. Warzazi and Mr. Yokota.

Mr. Alfonso Martínez, Mr. Alfredsson, Mr. Bíró, Mr. Decaux and Mr. Kartashkin subsequently joined the sponsors.

14. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Sub-Commission was drawn to the estimated administrative and programme budget implications of the draft resolution.

15. The draft resolution was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 2004/4.

**Study on non-discrimination as enshrined in article 2, paragraph 2, of the International Covenant on Economic, Social and Cultural Rights**

16. At the same meeting, on the same day, Mr. Bíró introduced draft resolution E/CN.4/Sub.2/2004/L.18, sponsored by Mr. Alfredsson, Mr. Bengoa, Mr. Bíró, Mr. Chen, Ms. Chung, Mr. Decaux, Ms. Hampson, Mr. Kartashkin, Ms. Koufa, Ms. Motoc, Mr. Pinheiro, Mr. Tuñón Veilles and Mr. Yokota.

17. Ms. Warzazi proposed an amendment to paragraph 2 of the draft resolution, which was accepted by the sponsors.

18. Statements in connection with the draft resolution were made by Mr. Alfonso Martínez, Mr. Bengoa, Mr. Decaux, Ms. Hampson, Ms. O'Connor, Ms. Rakotoarisoa, Mr. Salama, Mr. Sattar, Ms. Wadibia-Anyanwu and Ms. Warzazi.

19. The draft resolution, as orally amended, was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 2004/5.

**Promotion of the realization of the right to drinking water and sanitation**

20. At the same meeting, Mr. Guissé introduced draft resolution E/CN.4/Sub.2/2004/L.20, sponsored by Mr. Alfonso Martínez, Mr. Bengoa, Mr. Bíró, Mr. Chen, Mr. Cherif, Ms. Chung, Mr. Decaux, Mr. Dos Santos, Mr. Guissé, Mr. Kartashkin, Ms. O'Connor, Ms. Rakotoarisoa, Mr. Salama, Ms. Wadibia-Anyanwu and Ms. Warzazi. Ms. Hampson, Ms. Motoc, Mr. Sattar and Mr. Tuñón Veilles subsequently joined the sponsors.

21. The draft resolution was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 2004/6.

**Implementation of existing human rights norms and standards in the context of the fight against extreme poverty**

22. At the same meeting, Mr. Bengoa introduced draft resolution E/CN.4/Sub.2/2004/L.21, sponsored by Mr. Bengoa, Mr. Decaux, Mr. Guissé, Ms. Motoc and Mr. Yokota. Mr. Alfonso Martínez, Mr. Alfredsson, Mr. Bíró, Mr. Bossuyt, Mr. Casey, Mr. Chen, Mr. Cherif, Ms. Chung, Mr. Dos Santos, Ms. Hampson, Mr. Kartashkin, Ms. Koufa, Ms. O'Connor, Mr. Pinheiro, Ms. Rakotoariosa, Mr. Salama, Mr. Sattar, Mr. Tuñón Veilles, Ms. Wadibia-Anyanwu and Ms. Warzazi subsequently joined the sponsors.

23. Statements in connection with the draft resolution were made by Mr. Alfonso Martínez, Mr. Bengoa, Ms. Motoc, Mr. Sattar and Ms. Warzazi.

24. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Sub-Commission was drawn to the estimated administrative and programme budget implications of the draft resolution.

25. The draft resolution was adopted unanimously. For the text of the resolution, see chapter II, section A, resolution 2004/7.

**The Social Forum**

26. At the same meeting, Mr. Bengoa introduced draft resolution E/CN.4/Sub.2/2004/L.22, sponsored by Mr. Alfredsson, Mr. Bengoa, Mr. Bíró, Mr. Chen, Ms. Chung, Mr. Guissé, Ms. Motoc, Ms. O'Connor, Mr. Salama, Mr. Sattar, Ms. Wadibia-Anyanwu, Ms. Warzazi and Mr. Yokota. Mr. Alfonso Martínez, Mr. Decaux, Mr. Dos Santos, Ms. Hampson, Mr. Kartashkin, Ms. Koufa, Ms. Rakotoarisoa and Mr. Tuñón Veilles subsequently joined the sponsors.

27. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Sub-Commission was drawn to the estimated administrative and programme budget implications of the draft resolution.

28. The draft resolution was adopted unanimously. For the text of the resolution, see chapter II, section A, resolution 2004/8.

### **The right to development**

29. At the same meeting, Mr. Martínez introduced draft decision E/CN.4/Sub.2/2004/L.24, sponsored by Mr. Alfonso Martínez, Mr. Bengoa, Ms. O'Connor and Mr. Tuñón Veilles. Mr. Bíró, Mr. Chen, Ms. Chung, Mr. Decaux, Mr. Dos Santos, Mr. Guissé, Ms. Hampson, Mr. Kartashkin, Ms. Koufa, Ms. Motoc, Ms. Rakotoarisoa, Mr. Sattar, Ms. Wadibia-Anyanwu, Ms. Warzazi and Mr. Yokota subsequently joined the sponsors.

30. The draft decision was adopted without a vote. For the text of the decision, see chapter II, section B, decision 2004/104.

### **The right to food, and progress in developing international voluntary guidelines for its implementation**

31. At the same meeting, Mr. Bengoa introduced draft decision E/CN.4/Sub.2/2004/L.25, sponsored by Mr. Alfredsson and Mr. Bengoa. Mr. Alfonso Martínez, Mr. Bíró, Mr. Chen, Mr. Cherif, Ms. Chung, Mr. Decaux, Mr. Dos Santos, Mr. Guissé, Ms. Hampson, Mr. Kartashkin, Ms. Koufa, Ms. Motoc, Ms. O'Connor, Ms. Rakotoarisoa, Mr. Salama, Mr. Sattar, Mr. Tuñón Veilles, Ms. Wadibia-Anyanwu, Ms. Warzazi and Ms. Yokota subsequently joined the sponsors.

32. The draft decision was adopted without a vote. For the text of the decision, see chapter II, section B, decision 2004/105.

### **Effects of debt on human rights**

33. At the same meeting, the Sub-Commission considered draft decision E/CN.4/Sub.2/2004/L.31, sponsored by Mr. Bíró, Mr. Chen, Mr. Cherif, Ms. Chung, Mr. Decaux, Mr. Dos Santos, Mr. Guissé, Ms. Motoc, Ms. O'Connor, Ms. Rakotoarisoa, Mr. Salama, Ms. Warzazi and Mr. Yokota. Mr. Alfonso Martínez, Mr. Cherif, Mr. Salama, Mr. Sattar and Mr. Tuñón Veilles subsequently joined the sponsors.

34. The draft decision was adopted without a vote. For the text of the decision, see chapter II, section B, decision 2004/106.

### **The right to drinking water supply and sanitation**

35. At the same meeting, Mr. Guissé introduced draft decision E/CN.4/Sub.2/2004/L.51, sponsored by Mr. Alfonso Martínez, Mr. Bíró, Mr. Chen, Mr. Cherif, Ms. Chung, Mr. Guissé, Mr. Kartashkin, Ms. Mbonu, Ms. Motoc, Ms. O'Connor, Ms. Rakotoarisoa, Mr. Salama, Ms. Warzazi and Mr Yokota. Mr. Alfredsson, Mr. Dos Santos, Ms. Hampson, Ms. Koufa and Mr. Sattar subsequently joined the sponsors.

36. A statement in connection with the draft resolution was made by Mr. Bengoa.

37. The draft decision was adopted without a vote. For the text of the decision, see chapter II, section B, decision 2004/107.

### **The effects of the working methods and activities of transnational corporations on the enjoyment of human rights**

38. At the 23rd meeting, on 12 August 2004, Mr. Guissé introduced draft resolution E/CN.4/Sub.2/2004/L.19, sponsored by Mr. Alfonso Martínez, Mr. Bengoa, Mr. Cherif, Mr. Dos Santos, Mr. Guissé, Ms. Mbonu, Ms. Motoc, Ms. O'Connor, Ms. Rakotoarisoa, Mr. Sattar, Mr. Tuñón Veilles, and Ms. Warzazi. Mr. Chen, Ms. Chung, Mr. Kartashkin, Mr. Pinheiro and Mr. Yokota subsequently joined the sponsors.

39. Mr. Guissé orally revised operative paragraphs 3 and 4.

40. Statements in connection with the draft resolution were made by Mr. Alfredsson, Mr. Casey and Ms. Hampson.

41. The draft resolution, as orally revised, was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 2004/16.



**New agenda sub-item on transnational corporations and other business enterprises**

42. At the same meeting, following the adoption of the draft resolution entitled “The effects of the working methods and activities of transnational corporations on the enjoyment of human rights” (resolution 2004/16), draft decision E/CN.4/Sub.2/2004/L.7, sponsored by Mr. Alfredsson, Mr. Bíró, Mr. Bossuyt, Mr. Chen, Mr. Cherif, Ms. Chung, Mr. Decaux, Ms. Hampson, Ms. Koufa, Mr. Pinheiro, Mr. Salama, Mr. Sattar and Mr. Yokota was withdrawn.

-----