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COMMISSION ON HUMAN RIGHTS

SUB-COMMISSION ON THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

Fifty-sixth session

SUMMARY RECORD OF THE 25th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 13 August 2004, at 3 p.m.

Chairperson: Mr. SORABJEE

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- (b) CONTEMPORARY FORMS OF SLAVERY
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COUNTER-TERRORISM (continued)

STATEMENT BY THE CHAIRPERSON

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Any corrections to the records of the public meetings of the Sub-Commission at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

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CLOSURE OF THE SESSION

The meeting was called to order at 3.35 p.m.

SPECIFIC HUMAN RIGHTS ISSUES:

- (a) WOMEN AND HUMAN RIGHTS
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(agenda item 6) (continued)

Draft decision on the prevention of human rights violations committed with small arms and light weapons

1. Ms. HAMPSON said that she wished to introduce a draft decision that was contained in a document that had been distributed in the meeting room without a symbol. It read:

**“Prevention of human rights violations committed
with small arms and light weapons**

At its twenty-fifth meeting, on 13 August 2004, the Sub-Commission on the Promotion and Protection of Human Rights, recalling its resolution 2002/25 of 14 August 2002, decided, without a vote, to express its satisfaction with the progress report of the Special Rapporteur on the prevention of human rights violations committed with small arms and light weapons, Ms. Barbara Frey (E/CN.4/Sub.2/2004/37), and to ask her to present her next report to the Sub-Commission in 2005, taking account of the discussions in the Sub-Commission.”

2. The draft decision was adopted without a vote.

STATEMENT BY THE CHAIRPERSON

3. The CHAIRPERSON expressed his deep regret that, at the current session, as in previous years, some observer and non-governmental organization (NGO) representatives had made personal accusations or insinuations, either orally or in writing, about the integrity and impartiality of certain expert members of the Sub-Commission. He strongly appealed to all observer and NGO representatives to refrain from making such unacceptable claims in the future.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII) (agenda item 2) (continued)

4. Mr. ALFONSO MARTÍNEZ drew the Sub-Commission's attention to a document without a symbol entitled "Informal summary of considerations prepared by the Bureau on item 2 with regard to country situations". He had not been informed by the Bureau of its decision to prepare such a document and would be interested to know why it had been circulated.
5. The CHAIRPERSON said that it was his understanding that the Rapporteur had informally circulated the document at a press conference that afternoon. It had been prepared for information purposes only and was not an official document.
6. Mr. ALFONSO MARTÍNEZ expressed concern that the document falsely gave the impression that the Sub-Commission had disregarded the request by the Commission on Human Rights to refrain from mentioning specific country situations. It should be made very clear that the document did not reflect the views of the Sub-Commission and that those views were not incompatible with any decisions adopted by the Commission.
7. Mr. CHEN said that the document was clearly in breach of the Commission's request that the Sub-Commission should refrain from mentioning specific country situations. It should be withdrawn immediately. He expressed concern that the document had already been distributed to the press.
8. Mr. SATTAR agreed that the document, which was incomplete and informal and had been prepared without the endorsement of the Sub-Commission, should be withdrawn. The Secretariat should circulate a note as soon as possible, indicating that the document was not official.
9. Ms. HAMPSON said that, as far as she understood, the document had been prepared by the Rapporteur. She disagreed with the suggestion that the document went beyond the Commission's terms of reference. The Sub-Commission was not allowed to mention specific countries in its resolutions or decisions. However, it would be clear from the summary records of the meetings whether any comments had been made with regard to specific States during the general debate under agenda item 2. Anyone in the meeting room at the time of the debate would have been in a position to compile such a document. However, she agreed that the document should be withdrawn.
10. Mr. CHEN said that the explanation given by Ms. Hampson did not justify the existence of the document. The Rapporteur had an obligation to seek the authorization of the Sub-Commission before circulating any such document.
11. Mr. ALFONSO MARTÍNEZ said that he had no doubts whatsoever as to the competence of the members of the Bureau or the Rapporteur. He had simply wished to draw the Sub-Commission's attention to a document that had been circulated to the press.

12. After a further discussion in which Ms. MBONU, Ms. O'CONNOR, Mr. KARTASHKIN, Mr. SALAMA and Ms. WARZAZI took part, the CHAIRPERSON suggested that, in order to avoid any potential misunderstandings, the document should be withdrawn and that it should be made very clear that the Sub-Commission had not endorsed it.

13. It was so decided.

DRAFT PROVISIONAL AGENDA AND ADOPTION OF THE REPORT (agenda item 7)

- (a) DRAFT PROVISIONAL AGENDA FOR THE FIFTY-SEVENTH SESSION OF THE SUB-COMMISSION (E/CN.4/Sub.2/2004/L.1)

14. The CHAIRPERSON suggested that the Sub-Commission should take note of the provisional agenda for its fifty-seventh session (E/CN.4/Sub.2/2004/L.1).

15. It was so decided.

- (b) ADOPTION OF THE REPORT ON THE FIFTY-SIXTH SESSION (E/CN.4/Sub.2/2004/L.10 and Add.1-5 and L.11 and Add.1 and 2)

16. Ms. MOTOC, speaking on behalf of the Rapporteur, said that, as in previous years, the draft report would consist of two parts: the compilation of the 30 resolutions and 22 decisions adopted during the current session, contained in documents E/CN.4/Sub.2/2004/L.11 and Add.1 and 2; and proceedings under the various agenda items, contained in documents E/CN.4/Sub.2/2004/L.10 and Add.1-5. Members should submit any corrections to those documents to the Secretariat in writing within three weeks. The proceedings related in the draft report were of a technical, not a substantive, nature. For the content of the discussions, including statements made during voting on draft resolutions and decisions, the summary records of the session (E/CN.4/Sub.2/2004/SR.1-25) should be consulted.

17. Mr. ALFONSO MARTÍNEZ pointed out that the names of the members of the working group on the administration of justice, listed in decision 2004/101, and those of the working group to examine the working methods and activities of transnational corporations, contained in decision 2004/102, had inadvertently been inverted. The draft report should be amended accordingly.

18. The Sub-Commission's report on its fifty-sixth session, as orally revised, was adopted ad referendum.

CLOSURE OF THE SESSION

19. After an exchange of courtesies by the representatives of the various regional groups of States, Ms. HAMPSON said that the Commission on Human Rights should consider holding an emergency session, in view of the serious events unfolding in one part of the world.

20. Ms. JOURDAN (Association of World Citizens), speaking on behalf of NGO observers, expressed her appreciation of the willingness of experts to listen to the concerns of observers. The world's problems were indeed everyone's problems, and diversity was the key to enhancing human dignity.

21. Following a discussion in which Mr. ALFONSO MARTÍNEZ and Mr. YOKOTA took part, the CHAIRPERSON agreed to a request by the Organization of the Islamic Conference to make a statement, provided that no substantive issues were raised during the closure of the session.

22. Mr. TIRIZI (Observer for Pakistan), speaking on behalf of the Organization of the Islamic Conference, praised the high standard of debate during the fifty-sixth session and stressed the importance of the Sub-Commission to the human rights machinery as a whole. Sub-Commission members were elected on the basis of their independence, integrity and impeccable personal and professional credentials. Any personal attack on one member constituted an attack on the Sub-Commission as a whole. He expressed concern over two disturbing trends, namely an increasing number of personal attacks on members, and the dangerous practice of defamation of religions. Nobody's religious beliefs should come under scrutiny for the purpose of political manipulation.

23. The CHAIRPERSON said that, during its fifty-sixth session, the Sub-Commission had adopted 29 resolutions and 22 decisions without a vote, and 1 resolution following a vote. Experts had been requested to prepare a total of 27 reports or working papers before the fifty-seventh session. He welcomed the interactive dialogue that had taken place, involving experts, observers, and guests from other United Nations bodies. Although, inevitably, an element of subjectivity was involved in selecting issues to be studied by the Sub-Commission, a working principle should be the intensity, persistence and extent of human rights violations. In his view, the scourge of discrimination, especially on the basis of gender, together with issues related to the rule of law and independence of the judiciary, should have utmost priority.

24. He announced that several Sub-Commission members had asked for the fifty-seventh session to be held one week later than usual so as to avoid an overlap with the academic year. He had asked the Secretariat to confirm whether such a change would be possible.

25. Mr. ALFONSO MARTÍNEZ said that the dates should not be changed unless members expressed good reasons for such a change in a public meeting.

26. Ms. WARZAZI explained that, by beginning the session one week later, the Swiss national holiday would be avoided. That would ensure that the Sub-Commission had its full complement of meetings. If the usual dates were retained, she expected the Sub-Commission to compensate for the loss of two full meetings owing to the holiday by holding evening or lunchtime meetings.

27. Following a debate in which Mr. ALFONSO MARTÍNEZ, Mr. BOSSUYT and Ms. HAMPSON took part, the CHAIRPERSON said that the fifty-seventh session would remain scheduled from 25 July to 12 August 2005. Members should express their preferences to the Secretary, and all concerned would be notified immediately of any subsequent change to the scheduled dates. He declared the fifty-sixth session of the Sub-Commission on the Promotion and Protection of Human Rights closed.

The meeting rose at 5.10 p.m.