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Sub-Commission on the Promotion
and Protection of Human Rights
Fifty-seventh session

ANNOTATIONS TO THE PROVISIONAL AGENDA*

Prepared by the Secretary-General

* These annotations are based upon the provisional agenda for the fifty-seventh session of the Sub-Commission (E/CN.4/Sub.2/2005/1), with the addition of indicative sub-headings dividing the text of the annotations for ease of reference.

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Item 1. Organization of work

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 Sub-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”.

Adoption of the agenda

2. Rule 7 of the rules of procedure provides that the agenda shall be adopted at the beginning of each session, after the election of officers, on the basis of the provisional agenda. The provisional agenda for the present session of the Sub-Commission is contained in document E/CN.4/Sub.2/2005/1.

3. Pursuant to Sub-Commission resolution 1995/26 (para. 1) and Commission on Human Rights resolution 1995/86, the human rights of women and girl children are to be considered under all items of the agenda.

Organization and methods of work

4. At its forty-sixth session, the Sub-Commission, in its decision 1994/103, decided to observe a minute of silence in honour of victims of all forms of violations of human rights in all regions of the world, at the commencement of its annual sessions.

5. When considering the organization of its work and the conduct of business, the Sub-Commission may wish to refer to the annex to its decision 1999/114 containing the guidelines for the application by the Sub-Commission of the rules of procedure of the functional commissions of the Economic and Social Council and other decisions and practices relating thereto. The attention of the Sub-Commission is also drawn to the decisions it adopted at its fifty-sixth session concerning the organization of its work (see E/CN.4/2005/2-E/CN.4/Sub.2/2004/48, paras. 19-28), in particular those relating to the limitation of the frequency and duration of statements (paras. 20-21), the opening and closure of the list of speakers (paras. 21 and 25) and the submission of draft resolutions (para. 27).

6. In its decision 2000/109, entitled “Enhancing the effectiveness of the mechanisms of the Commission on Human Rights”, the Commission 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 on Human Rights (E/CN.4/2000/112) which was annexed to that decision. Chapter Four of the report of the Working Group (paras. 42-56) relates to the Sub-Commission.

7. At its sixty-first session, the Commission on Human Rights, in its resolution 2005/53, decided that the Sub-Commission could best assist the Commission by providing it with:

(a) Independent expert studies and working papers solely carried out by its members or alternates during their mandate, notwithstanding the completion of currently existing mandates;

(b) Recommendations based on, and after full consideration of, these studies;

(c) Studies, research and expert advice at the request of the Commission, including proposals confirmed by the Commission which have been suggested by treaty bodies or other United Nations human rights bodies.

8. The Commission reiterated and reaffirmed:

(a) Its decision that the Sub-Commission should not adopt country-specific resolutions, decisions or Chairperson's statements and, in negotiating and adopting thematic resolutions or decisions, should refrain from including references to specific countries;

(b) That the Sub-Commission should continue to be able to debate country situations not being dealt with in the Commission, as well as urgent matters involving serious violations of human rights in any country, and that its discussions would be reflected in the summary records of its debates, which should continue to be forwarded to the Commission;

(c) That the Sub-Commission should not undertake any new activity without the Commission's approval, with the exception of the preparation of studies and research;

(d) That the role of the Sub-Commission is that of a "think tank", as confirmed by the Commission in decision 2000/109, and therefore it should not attribute to itself monitoring functions, while reaffirming the content of paragraph 52 of the annex to its decision 2000/109.

9. The Commission recommended that the Sub-Commission continue at its future sessions the successful innovations of the fifty-third session which were confirmed at the fifty-fourth, fifty-fifth and fifty-sixth sessions, in particular by:

(a) Having annual closed meetings with the Expanded Bureau of the sixty-first and subsequent sessions of the Commission, so as to exchange views aimed at improving cooperation between the two organs;

(b) Maintaining a streamlined agenda;

(c) Holding its discussions of its working rules, procedures and timetable in closed meeting;

(d) Drafting as many of its resolutions as possible in closed session, in view of the limited time available;

(e) Using the "question and answer" format and some expert panel discussions.

10. The Commission also recommended that the Sub-Commission further improve its methods of work by:

(a) Focusing on its primary role as an advisory body to the Commission, specifically when its advice is requested by the Commission;

(b) Giving particular attention to the selection of studies specifically recommended by the Commission or proposals confirmed by the Commission which have been suggested by treaty bodies or other United Nations human rights bodies, at the same time focusing on how and when the implementation of existing standards can be improved;

(c) Respecting strictly the highest standards of impartiality and expertise and avoiding acts that would affect confidence in the independence of its members, in particular in situations where they could have a conflict of interest;

(d) Facilitating efficient and effective participation of non-governmental organizations;

(e) Giving full consideration to studies and working papers by special rapporteurs and its members before sending them to the Commission;

(f) Taking further steps to accomplish its work within a three-week session, while making efforts to avoid the scheduling of working groups and plenary sessions concurrently with each other;

(g) Making proposals to the Commission on how it might assist the Sub-Commission in improving its work, and vice versa;

(h) Focusing strictly on questions relating to human rights in accordance with its mandate;

(i) Avoiding duplication of its work with that being carried out by other competent bodies and mechanisms;

(j) Taking fully into account legal opinions addressed to the Sub-Commission by the Legal Counsel of the United Nations.

11. The Commission requested the Office of the High Commissioner for Human Rights to ensure that all initiatives of the Sub-Commission with financial implication for United Nations budgets, including from voluntary sources, are brought before the Commission for consideration. It also requested the Office of the High Commissioner to submit to the Commission at its sixty-second session a comprehensive report on the administrative and programme budget of the Sub-Commission, as well as possible recommendations for strengthening and enhancing the Sub-Commission's budgetary planning and management.

12. The Commission invited the Secretary-General to give support to the Sub-Commission, inter alia by making available documentation in good time before each session in the official languages of the United Nations and assisting the Sub-Commission in requests for information from Governments and intergovernmental and non-governmental organizations, and reiterated that such requests, like all requests for concrete measures, must first have been approved by the Commission.

13. The Commission invited the Chairperson of the sixty-first session to address the Sub-Commission at the opening meeting of its fifty-seventh session and to inform it about that resolution and the debate that had taken place on that subject at the sixty-first session of

the Commission under agenda item 16. The Commission also invited the Chairperson of the fifty-seventh session of the Sub-Commission to report to the Commission at its sixty-second session, including an assessment of how recent enhancements of the effectiveness of the Sub-Commission and of its mechanisms had worked in practice.

Decision with regard to item 2 of the agenda

14. In its decision 2004/120, the Sub-Commission decided to entrust Ms. Françoise Hampson with the preparation of a working paper on the organization, the content and the outcome of the Sub-Commission's work under agenda item 2, taking into account Commission on Human Rights resolution 2004/60 and the discussions that took place at the fifty-sixth session of the Sub-Commission and on the basis of the fullest possible consultation with members of the Sub-Commission. States, national human rights institutions, non-governmental organizations and all interested parties were invited to submit ideas and suggestions to Ms. Hampson. The Sub-Commission requested that the working paper be translated into the official languages of the United Nations, posted on the web site of the Office of the High Commissioner for Human Rights at the earliest opportunity, and sent to each member of the Sub-Commission. Non-governmental organizations, national human rights institutions, the special procedures of the Commission, the Office of the High Commissioner for Human Rights, States and all other interested parties were invited to submit comments no later than the end of June 2005. The Sub-Commission requested Ms. Hampson to take those comments into account in presenting the working paper to the Sub-Commission under agenda item 1 during the 1st meeting of the fifty-seventh session of the Sub-Commission.

15. At the present session, the Sub-Commission will have before it the working paper prepared by Ms. Hampson (E/CN.4/Sub.2/2005/4).

Working paper on methods of work of the Sub-Commission with regard to reports

16. In its decision 2004/121, the Sub-Commission decided to entrust Mr. Emmanuel Decaux with the preparation of a working paper on the methods of work of the Sub-Commission relating to the choice of subject and the preparation of reports, and on how the Sub-Commission should organize its work so as to ensure full consideration of reports by members of the Sub-Commission, non-governmental organizations, national delegations and other interested parties, and requested Mr. Decaux to submit his working paper to the Sub-Commission at its fifty-seventh session.

17. At the present session, the Sub-Commission will have before it the working paper prepared by Mr. Decaux (E/CN.4/Sub.2/2005/5).

Other matters

18. In connection with the present item, the Sub-Commission will have before it a note by the secretariat containing statistics relating to the fifty-sixth session of the Sub-Commission (E/CN.4/Sub.2/2005/2), and a note by the secretariat containing a list of human rights situations currently being considered by the Commission on Human Rights (E/CN.4/Sub.2/2005/3).

In-session working groups of the Sub-Commission

19. At its thirty-fourth and subsequent sessions, the Sub-Commission established a sessional working group to assist it in relation to its annual review of developments concerning the human rights of persons subjected to any form of detention or imprisonment. By its decision 1994/104, the Sub-Commission decided, inter alia, to establish a sessional working group on the administration of justice and the question of compensation in place of a sessional working group on detention (see also paragraphs 28 to 30, 46, 48 and 80 below).

20. At its fiftieth session, the Sub-Commission, in its resolution 1998/8, decided to establish, for a three-year period, a sessional working group composed of five of its members, to examine the working methods and activities of transnational corporations. The mandate of the sessional working group was extended for a period of three years by the Sub-Commission in its resolution 2001/3, and for a further three years in its resolution 2004/16 (see also paragraphs 56 and 57 below).

21. At its fifty-sixth session, the Sub-Commission, in its decision 2004/109, decided to establish at its fifty-seventh session a sessional working group with the mandate to elaborate detailed principles and guidelines concerning the promotion and protection of human rights when combating terrorism (see also paragraphs 121 to 124 below).

22. The attention of the Sub-Commission is drawn to its decision 2004/122 on the composition of the working groups of the Sub-Commission for 2005.

Documentation

23. The attention of the Sub-Commission is drawn to relevant resolutions concerning control and limitation of documentation (inter alia the latest General Assembly resolutions 52/214, 53/208, 54/248, 55/222, 56/242, 58/250 and 59/265).

Item 2. 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)

24. By resolution 8 (XXIII) of 16 March 1967, the Commission on Human Rights decided to give annual consideration to the above item. In paragraph 2 of that resolution, the Commission requested the Sub-Commission to prepare a report containing information on violations of human rights and fundamental freedoms from all available sources for the use of the Commission. In paragraph 6, the Commission invited the Sub-Commission to bring to the attention of the Commission any situation which it had reasonable cause to believe revealed a consistent pattern of violations of human rights and fundamental freedoms in any country, including policies of racial discrimination, segregation and apartheid, with particular reference to colonial and other dependent territories.

25. In its resolution 2005/53, the Commission reiterated and reaffirmed:

(a) Its decision that the Sub-Commission should not adopt country-specific resolutions, decisions or Chairperson's statements and, in negotiating and adopting thematic resolutions or decisions, should refrain from including references to specific countries;

(b) That the Sub-Commission should continue to be able to debate country situations not being dealt with in the Commission, as well as urgent matters involving serious violations of human rights in any country, and that its discussions would be reflected in the summary records of its debates, which should continue to be forwarded to the Commission.

26. In connection with the present item, see also paragraphs 14 and 18 above.

Absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment

27. In its resolution 2004/1, the Sub-Commission decided to continue consideration of this question at its fifty-seventh session.

Item 3. Administration of justice, rule of law and democracy

Sessional working group on the administration of justice

28. At its fifty-sixth session, the Sub-Commission, in its decision 2004/101, established a sessional working group on the administration of justice under agenda item 3. The report of the Working Group was issued as document E/CN.4/Sub.2/2004/6. Should the Sub-Commission decide to establish such a sessional working group at the present session, its report will be issued as document E/CN.4/Sub.2/2005/11.

29. In its resolution 2004/28, the Sub-Commission requested its sessional working group on the administration of justice to examine the question of discrimination against convicted persons who have served their sentence and to suggest types of information that could be collected in order to understand better the extent of that discrimination and the relevant international human rights standards that would apply to such situations (see also paragraph 19 above and paragraphs 46, 48 and 80 below).

30. In its resolution 2004/30, the Sub-Commission invited States, competent bodies of the United Nations, specialized agencies, intergovernmental and non-governmental organizations to provide or continue to provide information to the working group at its future sessions and decided to continue consideration of the question of administration of justice at its fifty-seventh session.

Question of human rights and states of emergency

31. At its fifty-fourth session, the Commission on Human Rights, in its decision 1998/108, noting Sub-Commission resolution 1997/27, 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 had been proclaimed

or was continued during the reporting period. At the present session, the Sub-Commission will have before it the report of the Office of the High Commissioner for Human Rights (E/CN.4/Sub.2/2005/6).

Discrimination in the criminal justice system

32. At its fifty-fourth session, the Sub-Commission, in its resolution 2002/3, decided to appoint Ms. Leïla Zerrougui as Special Rapporteur to conduct a detailed study of discrimination in the criminal justice system with a view to determining the most effective means of ensuring equal treatment in the criminal justice system for all persons without discrimination, particularly vulnerable persons. In its decision 2003/108, the Commission endorsed this decision and approved the request that the Special Rapporteur submit a preliminary report to the Sub-Commission at its fifty-fifth session, a progress report at its fifty-sixth session and a final report at its fifty-seventh session.

33. At its fifty-sixth session, the Sub-Commission, in its resolution 2004/24, recalled that the Special Rapporteur had submitted a preliminary report to it at its fifty-fifth session (E/CN.4/Sub.2/2003/3) and requested the Special Rapporteur to submit her interim report at the fifty-seventh session. At the present session, the Sub-Commission will have before it the interim report of the Special Rapporteur (E/CN.4/Sub.2/2005/7).

Imposition of the death penalty on civilians by military tribunals or by tribunals whose composition includes one or more members of the armed forces

34. In its resolution 2004/25, the Sub-Commission decided to continue the consideration of this matter at its fifty-seventh session under the same agenda item.

The universal implementation of international human rights treaties

35. At its fifty-fifth session, the Sub-Commission, in its resolution 2003/25, welcomed the working paper submitted by Mr. Emmanuel Decaux (E/CN.4/Sub.2/2003/37) on issues and modalities for the effective universality of international human rights treaties. It decided to appoint Mr. Decaux Special Rapporteur with the task of undertaking a detailed study on the universal implementation of international human rights treaties so as to identify international and domestic obstacles to such implementation, to look for effective ways and means in the matter and also to identify the most effective means of ensuring the actual universality of human rights. The Sub-Commission requested the Special Rapporteur to submit a preliminary report to the Sub-Commission at its fifty-sixth session, an interim report at its fifty-seventh session and a final report at its fifty-eight session, and decided that those reports will be considered under the agenda item entitled "Administration of justice, rule of law and democracy". The Commission on Human Rights, in its decision 2004/123, approved the decision of the Sub-Commission.

36. At its fifty-sixth session, the Sub-Commission had before it the preliminary report submitted by Mr. Decaux (E/CN.4/Sub.2/2004/8) and, in its resolution 2004/26, requested the Special Rapporteur to submit an interim report to it at its fifty-seventh session. At the present session, the Sub-Commission will have before it the interim report prepared by Mr. Decaux (E/CN.4/Sub.2/2005/8).

Issue of the administration of justice through military tribunals

37. At its fifty-sixth session, the Sub-Commission, in its resolution 2004/27, welcomed the report submitted by Mr. Emmanuel Decaux on the administration of justice through military tribunals including the draft principles contained therein (E/CN.4/Sub.2/2004/7) and requested Mr. Decaux to continue his work and to submit, at the fifty-seventh session, an updated version of his draft principles governing the administration of justice through military tribunals, taking account of the Sub-Commission's discussions on the topic, with a view to their consideration and adoption.

38. The Commission on Human Rights, in its resolution 2005/30 entitled "Integrity of the judicial system", took note of the relevant sections of the report submitted by the Special Rapporteur and requested him to continue to take account of that resolution in his ongoing work. In its resolution 2005/33 entitled "Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers", the Commission also took note of the above report and noted that the report of Mr. Decaux containing an updated version of the draft principles would be submitted to the Commission for consideration at its sixty-second session.

39. At the present session, the Sub-Commission will have before it the working paper by Mr. Decaux containing an updated version of the draft principles (E/CN.4/Sub.2/2005/9).

The difficulties of establishing guilt and/or responsibilities with regard to crimes of sexual violence

40. In its decision 2003/107, the Sub-Commission decided to request Ms. Lalaina Rakotoarisoa to prepare an expanded working paper on the difficulties of establishing guilt and/or responsibility with regard to crimes of sexual violence.

41. At its fifty-sixth session, the Sub-Commission had before it the expanded working paper submitted by Ms. Rakotoarisoa (E/CN.4/Sub.2/2004/11), and in its resolution 2004/29, decided to appoint her as Special Rapporteur entrusted with preparing a detailed study on the difficulties of establishing guilt and/or responsibilities with regard to crimes of sexual violence, with a view to identifying best practices and developing principles for rules of evidence in this area. In its decision 2005/108, the Commission endorsed this decision and approved the request that the Special Rapporteur submit a preliminary report to the Sub-Commission at its fifty-seventh session, an interim report at its fifty-eighth session and a final report at its fifty-ninth session.

42. At the present session, the Sub-Commission will have before it the preliminary report of the Special Rapporteur (E/CN.4/Sub.2/2005/10).

Women in prison

43. At its fifty-fifth session, the Sub-Commission, in its decision 2003/104, decided to entrust Ms. Florizelle O'Connor with the preparation of a working paper on women in prison, including issues relating to the children of women in prison.

44. At its fifty-sixth session, the Sub-Commission had before it the working paper prepared by Ms. O'Connor (E/CN.4/Sub.2/2004/9), and in its decision 2004/116, decided to request her to prepare an expanded version of her working paper, including issues relating to the children of

women in prison, taking into account the comments and suggestions made at that session, and to submit the expanded working paper to it at its fifty-seventh session. At the present session, the Sub-Commission will have before it the expanded working paper by Ms. O'Connor (E/CN.4/Sub.2/2005/12).

Right to an effective remedy in criminal proceedings

45. In its decision 2004/117, the Sub-Commission decided to entrust Mr. Mohamed Habib Cherif with the preparation of a working paper on the right to an effective remedy in criminal proceedings and to ask him to submit it to the working group on the administration of justice at the fifty-seventh session of the Sub-Commission. The working paper prepared by Mr. Cherif will be issued as document E/CN.4/Sub.2/2005/13 (see also paragraphs 20 and 29 to 31 above).

Working paper on the relationship between human rights law and international humanitarian law

46. In its decision 2004/118, the Sub-Commission decided to ask Ms. Françoise Hampson and Mr. Ibrahim Salama to prepare a working paper on human rights law and international humanitarian law which should address, inter alia, the relationship between human rights law and international humanitarian law, their enforcement systems and the scope of the obligation of States to implement international humanitarian law domestically, all issues being considered from both a State's and a victim's perspective, and to submit this document to the working group on the administration of justice at the fifty-seventh session of the Sub-Commission. The working paper prepared by Ms. Hampson and Mr. Salama will be issued as document E/CN.4/Sub.2/2005/14.

47. The Commission on Human Rights, in its resolution 2005/63, took note with appreciation of that decision and looked forward to the conclusions and recommendations of the working paper.

Working paper on an effective remedy in civil matters against violations of human rights by State agents

48. In its decision 2004/119, the Sub-Commission decided to request Ms. Françoise Hampson to prepare a working paper on the implementation in domestic law of the right to an effective remedy in civil matters against violations of human rights by State agents and to submit it to the working group on the administration of justice at the fifty-seventh session of the Sub-Commission. The working paper prepared by Ms. Hampson will be issued as document E/CN.4/Sub.2/2005/15.

Item 4. Economic, social and cultural rights

The Social Forum

49. At its fiftieth session, the Sub-Commission had before it the final report on the relationship between the enjoyment of human rights, in particular economic, social and cultural rights, and income distribution, submitted by the Special Rapporteur, Mr. José Bengoa

(E/CN.4/Sub.2/1997/9 and E/CN.4/Sub.2/1998/8). In its resolution 1998/14, the Sub-Commission endorsed the conclusions of the final report and especially the recommendation to establish a social forum within the Sub-Commission.

50. At its fifty-fourth session, the Sub-Commission had before it the report of the first session of the Social Forum, held on 2 August 2002 (E/CN.4/Sub.2/2002/18).

51. In its resolution 2002/12, the Sub-Commission requested the Commission on Human Rights to recommend to the Economic and Social Council that it authorize the Sub-Commission to convene in Geneva an annual intersessional forum on economic, social and cultural rights, to be known as the Social Forum, for two days on dates that would permit the possible participation of 10 members of the Sub-Commission, to be appointed by the regional groups of the Sub-Commission. The Commission, in its decision 2003/107, and the Economic and Social Council, in its decision 2003/264, endorsed the above request of the Sub-Commission.

52. At its fifty-fifth session, the Sub-Commission, in its resolution 2003/14, reiterated its decision that the Social Forum shall meet every year with the following mandate:

(a) To exchange information on the enjoyment of economic, social and cultural rights and their relationship with the processes of globalization;

(b) To monitor situations of poverty and destitution throughout the world, bearing in mind that they amount to complete and permanent denial of human rights;

(c) To propose standards and initiatives of a juridical nature, guidelines and other recommendations for consideration by the Commission on Human Rights, the Working Group on the Right to Development, the Committee on Economic, Social and Cultural Rights, the specialized agencies and other organs of the United Nations system;

(d) To monitor the agreements reached at the major world conferences and the Millennium Summit, and to make contributions to forthcoming major international events and discussion of issues related to the mandate of the Social Forum.

53. At its fifty-sixth session, the Sub-Commission, in its resolution 2004/3, recommended that the Commission on Human Rights study the possibility of extending the annual intersessional meeting of the Social Forum.

54. In its resolution 2004/8, the Sub-Commission decided that the theme for the Social Forum in 2005 will be "Poverty and economic growth: challenges to human rights" and that it will be addressed within the context of the five-year assessment of the goals set in the United Nations Millennium Declaration. In the same resolution, the Sub-Commission invited the Social Forum to submit to the Sub-Commission at its fifty-seventh session a separate report containing a comprehensive and detailed summary of the discussions, including recommendations and draft resolutions.

55. At the present session, the Sub-Commission will have before it the report of the Social Forum (E/CN.4/Sub.2/2005/21), scheduled to be held on 21 and 22 July 2005.

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

56. At its fiftieth session, the Sub-Commission had before it the background document on the question of the relationship between the enjoyment of human rights and the working methods and activities of transnational corporations prepared by Mr. El-Hadji Guissé (E/CN.4/Sub.2/1998/6). In its resolution 1998/8, the Sub-Commission decided to establish, for a three-year period, a sessional working group of the Sub-Commission, composed of five of its members, to examine the working methods and activities of transnational corporations. The mandate of the sessional working group was extended for a period of three years by the Sub-Commission in its resolution 2001/3.

57. At its fifty-sixth session, the Sub-Commission had before it the report of the sessional working group (E/CN.4/Sub.2/2004/21). In its resolution 2004/16, the Sub-Commission extended the mandate of the sessional working group for a further three years and requested the working group to submit to it at its fifty-seventh session a report on its seventh session. The report of the sessional working group will be issued as document E/CN.4/Sub.2/2005/22 (see also paragraph 20 above).

58. The attention of the Sub-Commission is also drawn to Commission on Human Rights resolution 2005/69 in which the Commission requested the Secretary-General to appoint a special representative on the issue of human rights and transnational corporations and other business enterprises.

Housing and property restitution

59. In its resolution 1999/47, the Commission encouraged the Sub-Commission to continue its work on the matter of housing and property restitution in the context of the return of refugees and internally displaced persons. At its fifty-fourth session, the Sub-Commission, in its resolution 2002/7, requested the Commission to approve the decision to appoint Mr. Paulo Sérgio Pinheiro as Special Rapporteur with the task of preparing a comprehensive study on housing and property restitution in the context of the return of refugees and internally displaced persons based on his working paper (E/CN.4/Sub.2/2002/17) as well as on the comments made and the discussions that took place at the fifty-fourth session of the Sub-Commission and the fifty-eighth session of the Commission. The Commission, in its decision 2003/109, endorsed the above decision of the Sub-Commission as well as its request to the Special Rapporteur to submit a preliminary report to the Sub-Commission at its fifty-fifth session, a progress report at its fifty-sixth session and a final report at its fifty-seventh session.

60. In its resolution 2004/2, the Sub-Commission welcomed the progress report of the Special Rapporteur, Mr. Paulo Sérgio Pinheiro (E/CN.4/Sub.2/2004/22), which contained the draft principles on housing and property restitution for refugees and displaced persons, as well as the draft commentary to the draft principles (E/CN.4/Sub.2/2004/22/Add.1). It requested the Office of the High Commissioner for Human Rights to circulate the draft principles widely among non-governmental organizations, Governments, specialized agencies and other interested parties for comment, and requested the Special Rapporteur to take those comments into account

in the preparation of his final report to be considered by it at its fifty-seventh session. At the present session, the Sub-Commission will have before it the final report of the Special Rapporteur (E/CN.4/Sub.2/2005/17 and Add.1).

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

61. At its fifty-fifth session, the Sub-Commission, in its resolution 2003/2, taking into account the working paper submitted by Ms. Christy Mbonu (E/CN.4/Sub.2/2003/18), decided to appoint Ms. Mbonu as Special Rapporteur with the task of preparing a comprehensive study on corruption and its impact on the full enjoyment of human rights, in particular economic, social and cultural rights, based on her working paper and the opinions expressed during the debate on this issue during the present session, and requested the Special Rapporteur to submit a preliminary report to the Sub-Commission at its fifty-sixth session, a progress report at its fifty-seventh session and a final report at its fifty-eighth session. In its decision 2004/106, the Commission endorsed the decision of the Sub-Commission.

62. At its fifty-sixth session, the Sub-Commission, in its resolution 2004/4, requested the Secretary-General to facilitate the work of the Special Rapporteur by enabling her to attend the meetings of the “Friends of the Convention”, which take place in Vienna. In its decision 2005/104, the Commission endorsed that request.

63. At the present session, the Sub-Commission will have before it the progress report of the Special Rapporteur (E/CN.4/Sub.2/2005/18).

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

64. At its fifty-fifth session, the Sub-Commission, in its resolution 2003/12, requested Mr. Emmanuel Decaux to prepare a working paper on non-discrimination as enshrined in article 2, paragraph 2, of the International Covenant on Economic, Social and Cultural Rights, taking into account other relevant studies of the Sub-Commission in order to enable it to take a decision at its fifty-sixth session on the feasibility of a study on that subject.

65. In its resolution 2004/5, the Sub-Commission took note of the working paper submitted by Mr. Emmanuel Decaux (E/CN.4/Sub.2/2004/24), and decided to appoint Mr. Marc Bossuyt as Special Rapporteur to undertake a study on non-discrimination as enshrined in article 2, paragraph 2, of the International Covenant on Economic, Social and Cultural Rights, based on the working paper prepared by Mr. Decaux, on the comments received and on the discussion held at the fifty-sixth session of the Sub-Commission in close cooperation with the Committee on Economic, Social and Cultural Rights. In its decision 2005/105, the Commission approved that decision and as well the request that the Special Rapporteur submit a preliminary report to the Sub-Commission at its fifty-seventh session, an interim report at its fifty-eighth session and a final report at its fifty-ninth session. At the present session, the Sub-Commission will have before it the preliminary report of the Special Rapporteur (E/CN.4/Sub.2/2005/19).

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

66. At its fifty-fifth session, the Sub-Commission, in its resolution 2003/13, requested Ms. Iulia-Antoanella Motoc, Mr. Emmanuel Decaux, Mr. Yozo Yokota, Mr. El-Hadji Guissé and Mr. José Bengoa, with Mr. Bengoa as coordinator, to prepare a joint working paper on the basis of the various relevant international instruments, the ongoing work in other forums, the conclusions and recommendations of the Expert Seminar on Human Rights and Extreme Poverty and any other relevant inputs, in particular those received from Governments, guiding principles on the implementation of existing human rights norms and standards in the context of the fight against extreme poverty.

67. In its resolution 2004/7, the Sub-Commission requested Ms. Motoc, Mr. Decaux, Mr. Yokota, Mr. Guissé and Mr. Bengoa, with Mr. Bengoa as coordinator, to prepare a progress report at the fifty-seventh session and a final report at the fifty-eighth session. At the present session, the Sub-Commission will have before it the progress report (E/CN.4/Sub.2/2005/20).

The right to development

68. At its forty-eighth session, the Sub-Commission adopted resolution 1996/22, in which it, inter alia, requested the Secretary-General to invite all relevant United Nations bodies and agencies to step up their action aimed at promoting international cooperation for the realization of the right to development in the context of the United Nations Decade for the Eradication of Poverty (1997-2006) and to provide him with the information thereon, and requested him to transmit annually to the Sub-Commission the information received. The Sub-Commission also decided to review annually the progress in international cooperation towards the implementation of the right to development in the context of human rights and the Decade. At the present session, the Sub-Commission will have before it a report of the Secretary-General (E/CN.4/Sub.2/2005/16) submitted in accordance with the Sub-Commission resolution 1999/9.

69. In its resolution 2003/83, the Commission on Human Rights requested the Sub-Commission on the Promotion and Protection of Human Rights 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; also requested the Sub-Commission in this respect to take into account the outcomes of all major United Nations and other global summits and ministerial meetings in the economic and social fields as well as the agreed conclusions and the report of the Working Group on the Right to Development on its third session (E/CN.4/2002/28/Rev.1); and requested the Office of the United Nations High Commissioner for Human Rights to assist the Sub-Commission in its work on the preparation of the concept document by providing studies on existing bilateral and multilateral programmes and policies, with a view to identifying lessons learnt, best practices and the role that could be played by relevant actors, including national human rights institutions, in the creation and implementation of the development partnership.

70. In its decision 2003/116, the Sub-Commission requested Ms. Florizelle O'Connor to prepare and to submit to the Sub-Commission at its fifty-sixth session a working paper identifying and analysing possible alternatives that will enable the Sub-Commission to respond fully and as effectively as possible to the Commission's request by the date fixed in resolution 2003/83. The Commission, in its resolution 2004/7, took note of decision 2003/116 of the Sub-Commission.

71. In its decision 2004/104, the Sub-Commission, recalling its decision 2003/116, 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.

72. The Commission, in its resolution 2005/4, noted with concern that the Sub-Commission had not submitted the concept document and requested it, without further delay, to submit the concept document at the sixty-second session of the Commission. The Commission took note of Sub-Commission decision 2004/104 and also requested the Office of the High Commissioner to continue to provide all necessary administrative support and financial and human resources to the Sub-Commission in its work on the concept document.

73. At the present session, the Sub-Commission will have before it the working paper prepared by Ms. O'Connor (E/CN.4/Sub.2/2005/23).

Effects of debt on human rights

74. In its decision 2003/109, the Sub-Commission requested Mr. El-Hadji Guissé to prepare a working paper on the effects of debt on human rights for submission to the Sub-Commission at its fifty-sixth session. At that session, the Sub-Commission had before it the working paper by Mr. Guissé (E/CN.4/Sub.2/2004/27), and in its decision 2004/106, decided to request him to prepare an expanded working paper on the effects of debt on human rights and to submit it to it at its fifty-seventh session.

75. At the present session, the Sub-Commission will have before it the expanded working paper by Mr. Guissé (E/CN.4/Sub.2/2005/24).

The right to drinking water and sanitation

76. At its fifty-third session, the Sub-Commission, in its resolution 2001/2, requested the Commission on Human Rights to approve the decision to appoint Mr. El-Hadji Guissé as Special Rapporteur to conduct a detailed study on the relationship between the enjoyment of economic, social and cultural rights and the promotion of the realization of the right to drinking water supply and sanitation, at the national and international levels, taking into account questions related to the realization of the right to development, in order to determine the most effective means of reinforcing activities in this field and defining as accurately and fully as possible the content of the right to drinking water in relation to other human rights, and to endorse the decision to request the Special Rapporteur to submit to the Sub-Commission a preliminary report at its fifty-fourth session, a progress report at its fifty-fifth session and a final report at its fifty-sixth session. At its fifty-eighth session, the Commission on Human Rights, in its decision 2002/105, decided to approve the above requests of the Sub-Commission.

77. At its fifty-sixth session, the Sub-Commission, in its decision 2004/107, welcoming the reports prepared by Mr. Guissé on the relationship between the enjoyment of economic, social and cultural rights and the promotion of the realization of the right to drinking water supply and sanitation (E/CN.4/Sub.2/2002/10, E/CN.4/Sub.2/2003/WP.3 and E/CN.4/Sub.2/2004/20), decided to request the Special Rapporteur to prepare a set of draft guidelines for the realization of the right to drinking water supply and sanitation and to submit them to it at its fifty-seventh session. At the present session, the Sub-Commission will have before it the report of Mr. Guissé (E/CN.4/Sub.2/2005/25).

Item 5. Prevention of discrimination:

- (a) Racism, racial discrimination and xenophobia**
- (b) Prevention of discrimination and protection of indigenous peoples**
- (c) Prevention of discrimination and protection of minorities**

Sub-item (a) Racism, racial discrimination and xenophobia

Discrimination against leprosy victims and their families

78. At its fifty-sixth session, the Sub-Commission, in its resolution 2004/12, requested Mr. Yozo Yokota to prepare a preliminary working paper on discrimination against leprosy victims and their families, to be submitted to the fifty-seventh session of the Sub-Commission under the agenda item entitled “Prevention of discrimination and protection of minorities”.

79. At the present session, the Sub-Commission will have before it the preliminary working paper by Mr. Yokota (E/CN.4/Sub.2/2005/29).

Discrimination against convicted persons who have served their sentence

80. At its fifty-sixth session, the Sub-Commission, in its resolution 2004/28, requested its sessional working group on the administration of justice to examine this question and to suggest types of information that could be collected in order to understand better the extent of discrimination against convicted persons who have served their sentences and the relevant international human rights standards that would apply to such situations. In the same resolution, the Sub-Commission decided to continue consideration of this matter under the item of its agenda entitled “Prevention of discrimination”.

Impact of intolerance on the enjoyment and the exercise of human rights

81. At its fifty-sixth session, the Sub-Commission, in its decision 2004/108, decided to request Mr. Soli Sorabjee to submit a working paper on the impact of intolerance on the enjoyment and the exercise of human rights and measures to counter intolerance to the fifty-seventh session of the Sub-Commission.

82. At the present session, the Sub-Commission will have before it the working paper by Mr. Sorabjee (E/CN.4/Sub.2/2005/31).

Sub-item (b) Prevention of discrimination and protection of indigenous peoples

United Nations Voluntary Fund for Indigenous Populations

83. As recommended by the Sub-Commission in its resolution 1984/35 C, the Commission in its resolution 1985/29 and the Economic and Social Council in its resolution 1985/38, the General Assembly, in resolution 40/131 of 13 December 1985, established the United Nations Voluntary Fund for Indigenous Populations. The purpose of the Fund is to assist representatives of indigenous communities and organizations to participate in the deliberations of the Working Group on Indigenous Populations by providing it with financial assistance, funded by means of voluntary contributions from Governments, non-governmental organizations and other public or private entities. The Board of Trustees held its eighteenth session from 28 February to 4 March 2005 in Geneva.

International Decade of the World's Indigenous People

84. 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 49/214, the Assembly decided that the International Day of Indigenous People should be observed on 9 August every year during the Decade. In its resolution 50/157, the Assembly adopted the programme of activities for the Decade contained in the annex to that resolution. In its resolution 52/108, the Assembly decided to appoint the High Commissioner for Human Rights as coordinator for the Decade.

85. At its fifty-fifth session, the Sub-Commission, in its resolution 2003/30, recommended to its parent bodies that a second international decade of the world's indigenous peoples be proclaimed by the General Assembly. At its fifty-sixth session, the Sub-Commission, in its resolution 2004/14, welcomed Economic and Social Council decision 2004/290 transmitting to the General Assembly the recommendation to proclaim a second international decade of the world's indigenous people to begin in January 2005.

86. The General Assembly, in its resolution 59/174, proclaimed the Second International Decade of the World's Indigenous People, commencing on 1 January 2005, with the goal of further strengthening international cooperation for the solution of problems faced by indigenous people in such areas as culture, education, health, human rights, the environment and social and economic development, by means of action-oriented programmes and specific projects, increased technical assistance and relevant standard-setting activities. Mr. José Antonio Ocampo, Under-Secretary-General for Economic and Social Affairs, was appointed by the Secretary-General as the Coordinator for the Second Decade.

Working Group on Indigenous Populations

87. In its resolution 1982/34, the Economic and Social Council authorized the Sub-Commission to establish annually a working group:

(a) To review developments pertaining to the promotion and protection of human rights and fundamental freedoms of indigenous peoples, including information requested by the Secretary-General to analyse such materials, and to submit its conclusions to the Sub-Commission, bearing in mind the report of the Special Rapporteur of the Sub-Commission, Mr. José R. Martínez Cobo (E/CN.4/Sub.2/1986/7 and Add.1-4, the two final chapters being issued as a United Nations publication, Sales No. E.86.XIV.3);

(b) To give special attention to the evolution of standards concerning the rights of indigenous peoples, taking account of both the similarities and the differences in the situations and aspirations of indigenous peoples throughout the world.

88. In its resolution 2004/15, the Sub-Commission decided that the Working Group shall adopt as principal theme “Indigenous peoples and the international and domestic protection of traditional knowledge” at its twenty-third session. The Sub-Commission also requested the Commission on Human Rights to request the Economic and Social Council to authorize the Working Group to meet for five working days prior to the fifty-seventh session of the Sub-Commission.

89. The Commission on Human Rights, in its resolution 2005/49, endorsed the request of the Sub-Commission. The Commission invited the Working Group to give special attention to its standard-setting activities throughout the Second Decade of the World’s Indigenous People and to submit in due course to the Coordinator for the Second Decade, through the Office of the High Commissioner for Human Rights, a list of activities to be considered for possible inclusion as part of the human rights component of the comprehensive programme of action for the Second Decade that the Secretary-General has been requested to submit to the General Assembly at its sixtieth session.

90. At the present session, the Sub-Commission will have before it the report of the Working Group on its twenty-third session (E/CN.4/Sub.2/2005/26), scheduled to be held from 18 to 22 July 2005 (see also paragraph 92 below).

The legal implications of the disappearance of States and other territories for environmental reasons, including the implications for the human rights of their residents, with particular reference to the rights of indigenous peoples

91. In its resolution 2003/24, the Sub-Commission recommended to the Commission a decision for adoption and decided to continue consideration of this matter at its fifty-sixth session. At its sixtieth session, the Commission adopted decision 2004/122 in which it decided to urgently call upon the Sub-Commission 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.

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

fifty-seventh session of the Sub-Commission and the twenty-third session of the Working Group on Indigenous Populations. The Commission, in its decision 2005/112, endorsed that request.

93. At the present session, the Sub-Commission will have before it the expanded working paper prepared by Ms. Hampson (E/CN.4/Sub.2/2005/28).

Sub-item (c) Prevention of discrimination and protection of minorities

The rights of minorities

94. The General Assembly adopted the Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities in its resolution 47/135. In the same resolution, the Assembly invited the relevant organs and bodies of the United Nations, including treaty bodies and representatives of the Commission and the Sub-Commission, to give due regard to the Declaration within their mandates.

95. The Sub-Commission, in its resolution 2004/13, recommended the nomination of a special representative of the Secretary-General on minority issues, with a particular focus on country fact-finding missions and preventive diplomacy. The Sub-Commission also recommended the preparation of a working paper by one of its members on the advisability of drafting an additional protocol to the International Covenant on Civil and Political Rights containing remedies for violations of minority rights to be presented to the Sub-Commission at its fifty-eighth session.

96. At its sixty-first session, the Commission, in its resolution 2005/79, having recalled Sub-Commission resolution 2004/13 and the recommendations contained therein, requested the United Nations High Commissioner for Human Rights to appoint an independent expert on minority issues for a period of two years (see also paragraph 100 below).

Working Group on Minorities

97. As recommended by the Sub-Commission in its resolution 1994/4, the Commission, in its resolution 1995/24, decided to authorize the Sub-Commission to establish, initially for a three-year period, an intersessional working group consisting of five of its members, to meet each year for five working days in order to promote the rights of persons belonging to national or ethnic, religious and linguistic minorities, as set out in the Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities.

98. As recommended by the Sub-Commission in its resolution 1997/23, the Commission on Human Rights, in its resolution 1998/19, decided to extend the mandate of the Working Group on Minorities with a view to its holding one session of five working days annually.

99. At the present session, the Sub-Commission will have before it the report of the Working Group on its eleventh session (E/CN.4/Sub.2/2005/27), scheduled to be held from 30 May to 3 June 2005.

100. At its sixty-first session, the Commission, in its resolution 2005/79, commended the role of the Working Group on Minorities as an important forum for dialogue with non-governmental organizations and for examining solutions to problems involving minorities, and decided, in the

light of that resolution, to amend the mandate of the Working Group with a view to its holding one session of three working days annually during the time of the annual session of the Sub-Commission, focusing its work on interactive dialogue with relevant non-governmental organizations and on conceptual support of, and dialogue with, the independent expert, who would participate as an observer (see also paragraph 96 above).

Discrimination based on work and descent

101. At its fifty-third session, the Sub-Commission had before it the working paper submitted by Mr. Rajendra Kalidas Wimala Goonesekere on the topic of discrimination based on work and descent (E/CN.4/Sub.2/2001/16).

102. In its decision 2002/108, the Sub-Commission decided to entrust Mr. Asbjørn Eide and Mr. Yozo Yokota with the preparation of an expanded working paper on the topic of discrimination based on work and descent in regions other than those already covered.

103. At the fifty-fifth session, the Sub-Commission, in its resolution 2003/22, welcomed the expanded working paper by Mr. Eide and Mr. Yokota (E/CN.4/Sub.2/2003/24) and decided to entrust them with the task of preparing a further working paper on the topic of discrimination based on work and descent with a view to fulfilling the mandate contained in Sub-Commission resolution 2000/4.

104. At its fifty-sixth session, the Sub-Commission, in its resolution 2004/17, welcomed the expanded working paper by Mr. Eide and Mr. Yokota (E/CN.4/Sub.2/2004/31) and decided to appoint Mr. Yokota and Ms. Chin-Sung Chung as Special Rapporteurs with the task of preparing a comprehensive study on discrimination based on work and descent on the basis of the three working papers submitted on this issue (E/CN.4/Sub.2/2001/16, E/CN.4/Sub.2/2003/24 and E/CN.4/Sub.2/2004/31) as well as the comments made and the discussions that took place during the sessions of the Sub-Commission to which those working papers were submitted. The Sub-Commission also requested the Special Rapporteurs to submit a preliminary report to it at its fifty-seventh session, a progress report at its fifty-eighth session and a final report at its fifty-ninth session. In its decision 2005/109, the Commission endorsed that request.

105. At the present session, the Sub-Commission will have before it the preliminary report of the Special Rapporteurs (E/CN.4/Sub.2/2005/30).

Item 6. Specific human rights issues:

- (a) Women and human rights**
- (b) Contemporary forms of slavery**
- (c) New priorities, in particular terrorism and counter-terrorism**

106. Pursuant to its resolution 5 (XIV), the Sub-Commission, at the present session, will have before it a note by the Secretary-General containing a review of developments between 1 June 2004 and 1 June 2005 in fields with which the Sub-Commission has been or may be concerned (E/CN.4/Sub.2/2005/32).

Sub-item (a) Women and human rights

107. At its forty-ninth session, in resolution 1997/9, the Sub-Commission requested that, where appropriate, future studies submitted to it include gender-disaggregated statistics and discuss ways in which gender affects the various forms of abuse to which women are subjected, the consequences of those abuses, the availability and accessibility of remedies, the relationship between the abuses suffered by women and the subordinate status of women in public and private life, any gaps in existing international standards of protection, and gender-specific recommendations to remedy these violations.

108. In its resolutions 2003/44 and 2005/42, the Commission on Human Rights requested all special procedures and other human rights mechanisms of the Commission on Human Rights and the Sub-Commission on the Promotion and Protection of Human Rights 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 these procedures and mechanisms. The Commission urged the use of gender-inclusive language in the formulation, interpretation and application of human rights instruments, as well as in reports, resolutions and/or decisions of the Commission, the Sub-Commission and the various human rights mechanisms.

Systematic rape, sexual slavery and slavery-like practices

109. The Sub-Commission, in its resolution 2004/22, called upon the High Commissioner for Human Rights to submit an updated report to the Sub-Commission at its fifty-seventh session on the issues of systematic rape, sexual slavery and slavery-like practices during armed conflicts. At the present session, the Sub-Commission will have before it the report of the High Commissioner (E/CN.4/Sub.2/2005/33).

Traditional practices affecting the health of women and the girl child

110. At its fortieth session, the Sub-Commission, in resolution 1988/34, requested Ms. Halima Embarek Warzazi to study recent developments with regard to traditional practices affecting the health of women and children.

111. In its resolution 2003/28, the Sub-Commission decided to renew the mandate of the Special Rapporteur for a further three-year period. In its decision 2004/111, the Commission endorsed that decision.

112. In its resolution 2004/23, the Sub-Commission requested the Special Rapporteur to submit a report to it at its fifty-seventh session. At the present session, the Sub-Commission will have before it the updated report of the Special Rapporteur (E/CN.4/Sub.2/2005/36).

Other matters

113. In its resolution 1987/26, the Sub-Commission requested the Secretary-General to make available to it, at each of its future sessions, the reports of the Committee on the Elimination of Discrimination against Women and of the Commission on the Status of Women. At the present

session, the Sub-Commission will have before it the most recent reports of the Committee on the Elimination of Discrimination against Women and of the Commission on the Status of Women.

Sub-item (b) Contemporary forms of slavery

Working Group on Contemporary Forms of Slavery

114. Basing itself on a recommendation submitted by the Sub-Commission (resolution 7 (XXVI)) and approved by the Commission (decision 5 (XXX) of 6 March 1974), the Economic and Social Council, by its decision 16 (LVI) of 17 May 1974, authorized the Sub-Commission to establish a working group composed of five of its members to meet prior to each session of the Sub-Commission to review developments in the field of slavery and the slave trade in all their practices and manifestations, including the slavery-like practices of apartheid and colonialism, the traffic in persons and the exploitation of the prostitution of others as defined in the Slavery Convention of 1926, the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery of 1956 and the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949. The Sub-Commission established the Working Group on Slavery in its resolution 11 (XXVII) of 21 August 1974. In its resolution 1988/42, the Commission on Human Rights endorsed the recommendation of the Sub-Commission that the name of the Working Group on Slavery be changed to “Working Group on Contemporary Forms of Slavery”.

115. In its resolution 2004/19, the Sub-Commission, *inter alia*, recalled that the Working Group on Contemporary Forms of Slavery decided to assess at its thirtieth session in 2005 its activities since its creation and would focus on a review of the status of ratification of the relevant treaties and the identification of crucial gaps and challenges remaining in areas covered by its mandate.

116. At the present session, the Sub-Commission will have before it the report of the Working Group on its thirtieth session (E/CN.4/Sub.2/2005/34), to be held from 6 to 10 June 2005.

United Nations Voluntary Trust Fund on Contemporary Forms of Slavery

117. In its resolution 46/122, the General Assembly decided to establish a voluntary trust fund on contemporary forms of slavery, the purposes of which should be, first, to assist representatives of non-governmental organizations from different regions, dealing with issues of contemporary forms of slavery, to participate in the deliberations of the Working Group on Contemporary Forms of Slavery by providing them with financial assistance and, second, to extend, through established channels of assistance, humanitarian, legal and financial aid to individuals whose human rights have been severely violated as a result of contemporary forms of slavery. It also decided that the Fund should be administered in accordance with the Financial Regulations and Rules of the United Nations and other relevant provisions, with the advice of a board of trustees composed of five persons with relevant experience in the field of human rights and contemporary forms of slavery in particular, who would serve in their personal capacity; and that the members of the Board of Trustees should be appointed by the Secretary-General for a renewable three-year term in consultation with the current Chairperson of the Sub-Commission and with due regard to equitable geographical distribution.

118. At its fifty-sixth session, the Sub-Commission, in its resolution 2004/20, invited the Board of Trustees of the Fund to continue to promote the participation at the annual sessions of the Working Group on Contemporary Forms of Slavery of individuals and organizations from as large a number of countries as possible, in accordance with the priorities established in the agenda of the Working Group. The Sub-Commission also encouraged members of the Board to attend the next session of the Working Group.

Sub-item (c) New priorities, in particular terrorism and counter-terrorism

World Programme for Human Rights Education

119. In its resolution 2003/5, the Sub-Commission recommended a draft decision to the Commission for adoption. The Commission on Human Rights, in its resolution 2004/71, and the Economic and Social Council, in its decision 2004/268, recommended that the General Assembly proclaim at its fifty-ninth session a world programme for human rights education. In its resolution 59/113, the General Assembly proclaimed the World Programme for Human Rights Education, to begin on 1 January 2005, structured in consecutive phases.

120. In its resolution 2004/18, the Sub-Commission decided to consider the issue of human rights education at its fifty-seventh session under the same agenda item.

Terrorism and human rights

121. At its forty-ninth session, the Sub-Commission had before it a working paper prepared by Ms. Kalliopi K. Koufa on the question of terrorism and human rights (E/CN.4/Sub.2/1997/28). In its resolution 1997/39, the Sub-Commission recommended that the Commission on Human Rights authorize the appointment of Ms. Koufa as Special Rapporteur to conduct a comprehensive study on terrorism and human rights on the basis of her working paper. The Commission, in its decision 1998/107, approved that decision.

122. In its resolution 2003/15, the Sub-Commission decided, with a view to rationalizing the work of the Sub-Commission on the subject, to rename the existing sub-item 6 (c) "New priorities, in particular terrorism and counter-terrorism" in order to study the compatibility of counter-terrorism measures, both legislation and other activities adopted at the national, regional and international levels, particularly those adopted after 11 September 2001, with international human rights standards, giving particular attention to their impact on the most vulnerable groups, with a view to elaborating detailed guidelines. In the same resolution, the Sub-Commission also decided to appoint Ms. Koufa as coordinator, with a mandate to gather the necessary documentation for the effective work of the Sub-Commission, and requested Governments, intergovernmental organizations, national institutions for the promotion and protection of human rights, experts and non-governmental organizations to provide the coordinator and the Sub-Commission with all pertinent and precise information in this respect.

123. At its fifty-sixth session the Sub-Commission had before it the final report of the Special Rapporteur (E/CN.4/Sub.2/2004/40) and, in its resolution 2004/21, requested her to compile all her reports and other documents submitted to it into one study, reflecting all the important points, aspects and recommendations contained in these documents. The Commission

on Human Rights, in its decision 2005/107, approved that decision and recommended to the Economic and Social Council that a compilation of all the reports and documents submitted by the Special Rapporteur be published as a United Nations publication.

Guidelines and principles for the promotion and protection of human rights when combating terrorism

124. In its decision 2004/109, the Sub-Commission decided to establish at its fifty-seventh session a sessional working group with a mandate to elaborate detailed principles and guidelines concerning the promotion and protection of human rights when combating terrorism based, inter alia, on the preliminary framework draft of principles and guidelines contained in the working paper prepared by Ms. Koufa (E/CN.4/Sub.2/2004/47). The report of the sessional working group will be issued as document E/CN.4/Sub.2/2005/39 (see also paragraph 21 above).

Human rights and international solidarity

125. In its resolution 2002/73, entitled “Human rights and international solidarity”, 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 and to submit it to the Sub-Commission at its fifty-sixth session.

126. At its fifth-sixth session, the Sub-Commission, in its decision 2004/111, expressed appreciation for the working paper prepared by Mr. Dos Santos Alves (E/CN.4/Sub.2/2004/43) and requested him to prepare an expanded version of his working paper, taking into account the comments and suggestions made at its fifty-sixth session, and to submit it at its fifty-seventh session. In March 2005, the secretariat was informed by Mr. Dos Santos Alves that he would not be able to submit the expanded working paper.

127. The attention of the Sub-Commission is drawn to resolution 2005/55 adopted by the Commission on Human Rights at its sixty-first session, in which the Commission decided to appoint an independent expert on human rights and international solidarity to study the issue and prepare a draft declaration on the right of peoples to international solidarity.

Human rights and bioethics

128. At its fifty-third session, the Sub-Commission, in its decision 2001/113, taking into account resolution 2001/71 of the Commission on Human Rights, decided to entrust Ms. Antoanella-Iulia Motoc with the preparation of a working paper on the Universal Declaration on the Human Genome and Human Rights as its contribution to the reflections of the International Bioethics Committee on the follow-up to the Universal Declaration.

129. At its fifty-fourth session, the Sub-Commission had before it the working paper submitted by Ms. Motoc (E/CN.4/Sub.2/2002/37), and in its decision 2002/114, decided to request Ms. Motoc to submit an expanded working paper at its fifty-fifth session. At its fifty-fifth session, the Sub-Commission had before it the expanded working paper prepared by Ms. Motoc (E/CN.4/Sub.2/2003/36).

130. In its resolution 2003/4, the Sub-Commission decided to appoint Ms. Motoc as Special Rapporteur to undertake a study on human rights and the human genome based on her working paper, and requested the Special Rapporteur to submit a preliminary report to the Sub-Commission at its fifty-sixth session and her final report to the Commission at its sixty-first session. In its decision 2004/120, the Commission approved the decision of the Sub-Commission.

131. At its fifty-sixth session, the Sub-Commission had before it the preliminary report of the Special Rapporteur (E/CN.4/Sub.2/2004/38), and in its decision 2004/112, requested the Special Rapporteur to submit an interim report to the fifty-seventh session and a final report to the fifty-eighth session. At the present session, the Commission will have before it the interim report of the Special Rapporteur (E/CN.4/Sub.2/2005/38).

Postponement of draft decision E/CN.4/Sub.2/2004/L.47

132. In its decision 2004/113, the Sub-Commission decided to postpone until its fifty-seventh session the draft decision contained in document E/CN.4/Sub.2/2004/L.47, entitled "Recognition of meritorious work done by Dr. Erica-Irene Daes as member of the Sub-Commission on the Promotion and Protection of Human Rights".

Human rights and non-State actors

133. In its decision 2004/114, the Sub-Commission decided to request Mr. Gáspár Bíró and Ms. Antoanella-Iulia Motoc to prepare a working paper on human rights and non-State actors, in order to approach in a systematic way the question of accountability under international human rights law, and to submit it to the Sub-Commission at its fifty-seventh session. At the present session the Sub-Commission will have before it the working paper prepared by Mr. Bíró and Ms. Motoc (E/CN.4/Sub.2/2005/40).

Technical cooperation

134. In its decision 2004/115, the Sub-Commission decided to request Mr. Gudmundur Alfredsson and Mr. Ibrahim Salama to prepare a working paper on the evaluation of the content and delivery of technical cooperation in the field of human rights, for the purpose of seeking possible improvements, and to submit it to the Sub-Commission at its fifty-seventh session. At the present session, the Sub-Commission will have before it the working paper prepared by Mr. Alfredsson and Mr. Salama (E/CN.4/Sub.2/2005/41).

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

135. In its decision 2001/120, the Sub-Commission, deeply concerned at the negative effects upon human rights of the availability and misuse of small arms and light weapons, decided to entrust Ms. Barbara Frey with the task of preparing a working paper on the question of (a) the trade and carrying of small arms and light weapons and (b) the use of such weapons in the context of human rights and humanitarian norms. At its fifty-fourth session, the Sub-Commission had before it the working paper prepared by Ms. Frey (E/CN.4/Sub.2/2002/39).

136. The Sub-Commission, in its resolution 2002/25, decided to appoint Ms. Barbara Frey as Special Rapporteur with the task of preparing a comprehensive study on the prevention of human rights violations committed with small arms and light weapons based on her working paper as well as the comments received and the discussion that took place at the fifty-fourth session of the Sub-Commission and the fifty-eighth session of the Commission, and requested the Special Rapporteur to submit a preliminary report to the Sub-Commission at its fifty-fifth session, a progress report at its fifty-sixth session and a final report at its fifty-seventh session. In its decision 2003/112, the Commission on Human Rights endorsed resolution 2002/25 of the Sub-Commission.

137. At its fifty-sixth session, the Sub-Commission had before it the progress report of the Special Rapporteur (E/CN.4/Sub.2/2004/37), and in its decision 2004/123, decided to ask Ms. Frey to submit her next report to the Sub-Commission at its fifty-seventh session, taking into account the discussions at that session. At the present session, the Sub-Commission will have before it the final report of the Special Rapporteur (E/CN.4/Sub.2/2005/35).

Other matters

138. At its sixty-first session, the Commission on Human Rights, in its resolution 2005/57 on promotion of a democratic and equitable international order, requested the human rights treaty bodies, the Office of the United Nations High Commissioner for Human Rights and the mechanisms of the Commission and the Sub-Commission on the Promotion and Protection of Human Rights to pay due attention, within their respective mandates, to that resolution and to make contributions towards its implementation.

Item 7. Draft provisional agenda and adoption of the report

Sub-item (a) Draft provisional agenda for the fifty-eighth session of the Sub-Commission

139. The Economic and Social Council, in its resolution 1984 (LVII) of 1 August 1974, requested the Secretary-General to submit at each session of a functional commission or subsidiary body of the Council a draft provisional agenda for its following session, together with an indication, in respect of each agenda item, of the documents to be submitted under that item

and the legislative authority for their preparation, with a view to enabling the functional commission or subsidiary body concerned to consider the documents from the point of view of their contribution to the work of the respective bodies.

140. Pursuant to that request, the Secretary-General will submit to the Sub-Commission, towards the end of the fifty-seventh session, a note containing a draft provisional agenda for the fifty-eighth session, together with information concerning the documentation relating thereto (E/CN.4/Sub.2/2005/L.1).

Sub-item (b) Adoption of the report on the fifty-seventh session

141. Under rule 37 of the rules of procedure, the Sub-Commission is to report to the Commission on Human Rights on the work of its session.

Annex

**LIST OF MEMBERS AND ALTERNATES OF THE SUB-COMMISSION ON THE
PROMOTION AND PROTECTION OF HUMAN RIGHTS (2005)**

Note: The year given against the names of the Sub-Commission members and alternates represents the year when the term of office expires; the terms of office expire upon election of members of the Sub-Commission at the sixty-second (2006) session or at the sixty-fourth (2008) session of the Commission on Human Rights.

Mr. Miguel ALFONSO MARTÍNEZ * Mr. Juan Antonio FERNÁNDEZ PALACIOS	(Cuba)	2008
Mr. Gudmundur ALFREDSSON * Mr. Jakob MÖLLER	(Iceland)	2008
Mr. José BENGUA	(Chile)	2006
Mr. Gáspár BÍRÓ	(Hungary)	2008
Mr. Marc BOSSUYT	(Belgium)	2008
Mr. CHEN Shiqiu * Mr. LIU Xinsheng	(China)	2006
Mr. Mohamed Habib CHERIF * Mr. Habib ACHOUR	(Tunisia)	2008
Ms. Chin-Sung CHUNG * Ms. Ji-ah PAIK	(Republic of Korea)	2008
Mr. Emmanuel DECAUX * Ms. Michèle PICARD	(France)	2006
Mr. Rui Baltazar DOS SANTOS ALVES * Mr. Cristiano DOS SANTOS	(Mozambique)	2006
Mr. El-Hadji GUISSÉ	(Senegal)	2006
Ms. Françoise Jane HAMPSON	(United Kingdom of Great Britain and Northern Ireland)	2006

* Alternate.

Mr. Vladimir KARTASHKIN * Mr. Oleg MALGUINOV	(Russian Federation)	2006
Ms. Kalliopi KOUFA * Mr. Nikolaos ZAIKOS	(Greece)	2006
Ms. Antoanella-Iulia MOTOC * Ms. Victoria SANDRU-POPESCU	(Romania)	2008
Ms. Florizelle O'CONNOR	(Jamaica)	2006
Mr. Paulo Sérgio PINHEIRO * Ms. Marília SARDENBERG ZELNER GONÇALVES	(Brazil)	2006
Ms. Lalaina RAKOTOARISOA	(Madagascar)	2006
Mr. David RIVKIN * Mr. Lee A. CASEY	(United States of America)	2008
Mr. Ibrahim SALAMA * Ms. Amani KANDIL	(Egypt)	2008
Mr. Abdul SATTAR * Mr. Khalid Aziz BABAR	(Pakistan)	2006
Mr. Soli Jehangir SORABJEE	(India)	2006
Mr. Janio Iván TUÑÓN VEILLES * Ms. Carmina CASIS CRESPO	(Panama)	2008
Ms. N.U.O. WADIBIA-ANYANWU * Ms. Christy Ezim MBONU	(Nigeria)	2008
Ms. Halima Embarek WARZAZI	(Morocco)	2008
Mr. Yozo YOKOTA * Ms. Yoko HAYASHI	(Japan)	2008
