



**Economic and Social  
Council**

Distr.  
LIMITED

E/CN.4/Sub.2/2005/L.10  
11 August 2005

Original: ENGLISH

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

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

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

**Rapporteur: Mr. Yozo YOKOTA**

**CONTENTS\***

*Chapter*

*Page*

<b>III.</b>	<b>Organization of work .....</b>
-------------	-----------------------------------

\* E/CN.4/Sub.2/2005/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.2/2005/L.11 and Addenda.

### **III. Organization of work**

#### **A. Opening and duration of the session and number of meetings**

1. The Sub-Commission on the Promotion and Protection of Human Rights held its fifty-seventh session at the United Nations Office at Geneva from 25 July to 12 August 2005. It held 21 meetings (see E/CN.4/Sub.2/2005/SR.1-21), 4 of which were held in closed session (see E/CN.4/Sub.2/2005/SR.2, SR.15, SR.17 and SR.18).
2. The session was opened by Ms. Hampson, Vice-Chairperson of the Sub-Commission on the Promotion and Protection of Human Rights at its fifty-sixth session, who read a statement on behalf of the Chairperson of the fifty-sixth session, Mr. Sorabjee.
3. The High Commissioner for Human Rights, Louise Arbour, addressed the Sub-Commission at its 1st meeting, on 25 July 2005.

#### **B. Attendance**

4. The session was attended by members of the Sub-Commission, by observers for States Members of the United Nations, by observers for non-member States and by observers for intergovernmental organizations, United Nations bodies, specialized agencies, other organizations and non-governmental organizations. The attendance list is given in annex III to the present report.

#### **C. Resolutions and documentation**

5. The Sub-Commission adopted 32 resolutions and took 14 decisions. The texts of these resolutions and decisions appear in chapter II, sections A and B, respectively. Draft decisions for action or consideration by the Commission on Human Rights are set out in chapter I. For a list of the resolutions and decisions adopted by the Sub-Commission, see annex VIII to the present report.
6. Information concerning the administrative and programme budget implications of resolutions and decisions adopted by the Sub-Commission at its fifty-seventh session is provided in annex IV.

7. A list of the resolutions and decisions referring to matters drawn to the attention of the Commission on Human Rights is contained in annex V.
8. A list of studies completed at the fifty-seventh session, of ongoing studies, of working papers entrusted to members and of studies recommended for approval, drawn up in accordance with Commission on Human Rights resolution 1982/23, appears in annex VI.
9. A list of documents for the fifty-seventh session of the Sub-Commission appears in annex VII. Written communications submitted by Governments and non-governmental organizations for circulation at the session are also mentioned in annex VII.

#### **D. Election of officers**

10. At its 1st meeting, on 25 July 2005, the Sub-Commission elected the following officers by acclamation:

*Chairperson:* Mr. Vladimir Kartashkin

*Vice-Chairpersons:* Mr. Marc Bossuyt

Ms. Florizelle O'Connor

Mr. Ibrahim Salama

*Rapporteur:* Mr. Yozo Yokota

#### **E. Adoption of the agenda**

11. At its 1st meeting, on 25 July 2005, the Sub-Commission had before it a note by the Secretary-General containing the provisional agenda for the fifty-seventh session (E/CN.4/Sub.2/2005/1), drawn up in accordance with rule 5 of the rules of procedure of the functional commissions of the Economic and Social Council, on the basis of the draft provisional agenda considered by the Sub-Commission at its fifty-sixth session in accordance with paragraph 3 of Economic and Social Council resolution 1894 (LVII). The annotations to the provisional agenda are contained in documents E/CN.4/Sub.2/2005/1/Add.1 and Corr.1.

12. Statements in connection with the provisional agenda for the fifty-seventh session were made by Mr. Alfonso Martínez, Mr. Decaux, Ms. Hampson, Ms. Motoc, Mr. Pinheiro, Mr. Salama, Ms. Warzazi and Mr. Yokota. At the same meeting, the agenda as contained in document E/CN.4/Sub.2/2005/1 (see annex I) was adopted without a vote.

#### **F. Organization of work and conduct of business**

13. At the same meeting, the Chairperson of the sixty-first session of the Commission on Human Rights, H.E. Ambassador Makarim Wibisono, addressed the Sub-Commission in accordance with Commission resolution 2005/53.

14. The Sub-Commission considered item 1 of the agenda at its 1st, 2nd (closed) and 3rd meetings, on 25 and 26 July, at its 5th meeting, on 28 July, at its 10th meeting, on 4 August, at the closed part of its 15th meeting, on 8 August 2005, and at the closed parts of its 17th and 18th meetings, on 9 and 10 August.

15. In the general debate on agenda item 1, statements were made by members of the Sub-Commission. For the list of speakers, see annex II.

16. At its 1st meeting, on 25 July 2005, and 2nd (closed) meeting, on 26 July 2005, the Sub-Commission considered the organization of its work and conduct of business.

17. Upon the recommendation of its officers, the Sub-Commission decided, without a vote, the following with respect to sessional working groups:

(a) To establish a sessional working group on the administration of justice under agenda item 3 and to nominate the following members of the Sub-Commission as members of the working group: Ms. Hampson, Ms. Motoc, Ms. Rakotoarisoa, Mr. Sattar and Mr. Tuñón Veilles. For the text of the decision, see chapter II, section B, decision 2005/101;

(b) To establish a sessional working group to examine the working methods and activities of transnational corporations under agenda item 4 and to nominate the following members of the Sub-Commission as members of the working group: Mr. Alfonso Martínez, Mr. Alfredsson, Mr. Bíró, Ms. Chung and Ms. Warzazi. For the text of the decision, see chapter II, section B, decision 2005/102;

(c) To establish a sessional working group with a mandate to elaborate detailed principles and guidelines concerning the promotion and protection of human rights when combating terrorism under agenda item 6 (c) and to nominate the following members of the Sub-Commission as members of the working group: Mr. Bíró, Mr. Chen Shiqiu, Ms. Koufa, Ms. O'Connor and Mr. Salama. For the text of the decision, see chapter II, section B, decision 2005/103.

18. The Sub-Commission accepted the recommendations of its officers regarding limitation of the frequency and duration of statements. Members of the Sub-Commission would be entitled to make one or more statements of 10 minutes maximum per item. Observers for non-governmental organizations would be limited to one statement of 7 minutes per item. With regard to joint statements by non-governmental organizations, the following timing was agreed upon: 1 or 2 non-governmental organizations: 7 minutes; 3 to 5 non-governmental organizations: 10 minutes; 6 to 10 non-governmental organizations: 12 minutes; more than 10 non-governmental organizations: 15 minutes. National human rights institutions would be allowed to make statements on the same basis as non-governmental organizations. Government observers would be limited to one statement of 5 minutes per item. That speaking time would also apply to observers for intergovernmental organizations, United Nations bodies, specialized agencies and other organizations.

19. According to the special procedure for the allocation of speaking time and the closure of the list of speakers on the agenda item dealing with violations of human rights which was established by the Sub-Commission in its decision 1994/117, the maximum speaking time under agenda item 2 would be determined, for all observers, by dividing equally the time allocated to observers by the number of speakers who had signed up before the closure of the list. The closure of the list would be set at 6 p.m. on the day before the opening of the debate on that agenda item.

20. The Sub-Commission also accepted the recommendation that special rapporteurs and other experts entrusted with the preparation of reports or working papers should limit their statements to 15 minutes, to be divided between the introduction of the report and the concluding remarks. At the 10th meeting, on 4 August 2005, the Sub-Commission accepted the additional

recommendations of its officers that special rapporteurs and other experts entrusted with the preparation of reports and working papers should limit their statements to 10 minutes, to be divided between the introduction of the report and the concluding remarks. Members of the Sub-Commission, as well as Government observers and observers for non-governmental organizations would be limited to 5 minutes speaking time during the interactive dialogues following such presentations.

21. It was also agreed that Sub-Commission members taking the floor on procedural matters should be as brief as possible and in no case exceed two minutes.

22. It was agreed that, with regard to statements by Government observers equivalent to a right of reply, a limitation to two replies, of three minutes for the first and of two minutes for the second (normally to be exercised at the end of the general debate on any particular agenda item).

23. It was also agreed that the list of speakers would be opened at the beginning of the session for all participants to register to speak on any agenda item. If the list of speakers had not been exhausted during a particular meeting, the remaining speakers would be given the floor, in the same order, as the first speakers at the next meeting. The closure of the list of speakers on any item(s) would be announced by the Chairperson in advance, normally at the beginning of the consideration of that agenda item (except for item 2).

24. It was also agreed that if there were no more speakers on an agenda item at a particular meeting, the Sub-Commission would take up the next item on its calendar, if deemed necessary.

25. It was also agreed that, in order to respect editorial and other requirements, draft resolutions and decisions should be submitted at least three working days before the date on which they were scheduled to be considered. The deadlines for the submission of draft resolutions would be set by the Chairperson in consultation with the Bureau and announced sufficiently in advance.

26. Also at its 2nd (closed) meeting, the Sub-Commission approved the timetable for the consideration of agenda items proposed by the Bureau in the following order: 1, 2, 3, 4, 5, 6 and 7.

27. At the same meeting, the Sub-Commission met with the members of the Expanded Bureau of the sixty-first session of the Commission of Human Rights pursuant to Commission resolution 2005/53, paragraph 9 (a).

28. At the 13th meeting, on 5 August 2005, the Sub-Commission heard statements by representatives of the Office of the High Commissioner for Human Rights on financial and human support provided by the Office to special rapporteurs and other experts entrusted with the preparation of reports and working papers, as well as to working groups. Statements in connection with the presentation were made by Mr. Chen Shiqiu, Ms. Hampson and Ms. Warzazi.

29. At the 15th meeting, on 8 August, 19th meeting, on 10 August, and 20th meeting, on 11 August 2005, representatives of the Administration Section of the Office of the High Commissioner for Human Rights made statements in connection with the programme budget implications of several draft resolutions and decisions considered by the Sub-Commission.

30. At the 20th meeting, on 11 August 2005, the members of the Sub-Commission held an exchange of views with representatives of non-governmental organizations.

#### **G. Other matters**

31. At its 1st meeting, on 25 July 2005, in accordance with decision 1994/103 of the Sub-Commission and at the proposal of the Chairperson, the Sub-Commission observed a minute of silence in honour of the victims of all forms of violations of human rights in all regions of the world.

32. Also at the 1st meeting, Ms. Hampson presented her working paper on the organization, the content and the outcome of the Sub-Commission's work under agenda item 2 (E/CN.4/Sub.2/2005/4). In the interactive dialogue held at the 3rd meeting, on 26 July 2005, statements were made by Mr. Chen Shiqiu, Ms. Chung, Mr. Decaux, Ms. Motoc, Mr. Rivkin, Mr. Salama, Mr. Sattar, Mr. Tuñón Veilles and Mr. Yokota as well as the observer for the non-governmental organization Minnesota Advocates for Human Rights. At that same meeting, Ms. Hampson made her concluding remarks.

33. At the 3rd meeting, on 26 July 2005, Mr. Decaux presented his working paper on the methods of work of the Sub-Commission relating to the choice of subject and the preparation of reports (E/CN.4/Sub.2/2005/5). In the interactive dialogue that followed, statements were made by Mr. Alfredsson, Mr. Cherif, Ms. Hampson, Ms. Motoc, Mr. Rivkin, Mr. Salama, as well as the observers for the following non-governmental organizations: International Commission of Jurists Pax Romana and World Peace Council. At the same meeting, Mr. Decaux made his concluding remarks.

#### **H. Reform of the United Nations, including of the Sub-Commission on the Promotion and Protection of Human Rights**

34. At the 5th meeting, on 28 July, and at the 10th meeting, on 4 August 2005, the members of the Sub-Commission held an exchange of views on issues related to the proposed reform of the United Nations, including of its human rights mechanisms and of the Sub-Commission. Statements in that connection were made by Mr. Alfonso Martínez, Mr. Alfredsson, Mr. Bossuyt, Mr. Chen Shiqiu, Mr. Decaux, Ms. Hampson, Mr. Salama and Mr. Yokota, as well as by the observers for Pakistan (on behalf of the Organization of Islamic Conference) and the Russian Federation.

35. Also in this connection, at the 3rd meeting, on 26 July 2005, a representative of the Office of the High Commissioner for Human Rights made a statement on the Plan of Action of the High Commissioner for Human Rights (A/59/2005/Add.3, annex) entitled “Protection and empowerment”.

#### **Reform of the Sub-Commission on the Promotion and Protection of Human Rights**

36. At the 20th meeting, on 11 August 2005, draft resolution E/CN.4/Sub.2/2005/L.3 was withdrawn by the sponsor, Mr. Alfredsson. The original text of the draft resolution read as follows:

#### **“2005/... Reform of the United Nations Sub-Commission on the Promotion and Protection of Human Rights**

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

*“Recognizing the importance of ongoing reform, beginning at home,*



“*Willing* to meet the challenge issued by the Commission on Human Rights for the Sub-Commission to emphasize the think-tank functions in its work,

“1. *Abolishes* agenda item 2 and replaces it with a general debate for experts, States, intergovernmental organizations and non-governmental organizations to contribute to the think-tank functions of the Sub-Commission, including the use of ‘violations’ as examples only for further thematic study;

“2. *Recommends* the abolishment of the Working Group on Communications, especially as the Working Group no longer reports to the Sub-Commission;

“3. *Reduces* the time available for studies to two years, with a preliminary report leading to a final study;

“4. *Proposes* the introduction of term limits for members of the Sub-Commission, with two terms as a maximum;

“5. *Proposes* the elaboration of guidelines for the qualifications of candidates for election to the Sub-Commission, drawing attention to the need for independence and expertise in think-tank functions;

“6. *Requests* the Chairman of the Sub-Commission to submit the present resolution by letter to all interested parties.”

#### **Methods of work of the Sub-Commission**

37. At the 20th meeting, on 11 August 2005, Ms. Warzazi introduced draft resolution E/CN.4/Sub.2/2005/L.36, sponsored by Mr. Bíró, Mr. Bossuyt, Mr. Chen Shiqiu, Mr. Cherif, Ms. Chung, Mr. Dos Santos, Ms. Hampson, Ms. Motoc, Ms. Rakotoarisoa, Mr. Salama, Mr. Sattar, Mr. Tuñón Veilles, Ms. Wadibia-Anyanwu, Ms. Warzazi and Mr. Yokota. Mr. Alfonso Martínez, Ms. Koufa and Ms. O’Connor subsequently joined the sponsors.

38. Ms. Warzazi orally revised operative paragraph 1 of the draft resolution.

39. A statement in connection with the draft resolution was made by Mr. Alfonso Martínez.

40. The draft resolution, as revised, was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 2005/32.

### **Composition of working groups of the Sub-Commission for 2006**

41. At the same meeting, the Sub-Commission considered a draft decision on the composition of the intersessional and pre-sessional working groups of the Sub-Commission introduced by the Chairperson on behalf of the Bureau of the Sub-Commission.

42. The draft decision was adopted without a vote. For the text of the decision, see chapter II, section B, decision 2005/113.

### **The role of an independent expert body within the reform of the United Nations human rights machinery**

43. At the same meeting, Ms. Hampson introduced draft decision E/CN.4/Sub.2/2005/L.48, sponsored by Mr. Alfonso Martínez, Mr. Alfredsson, Mr. Bíró, Mr. Bossuyt, Mr. Chen Shiqiu, Mr. Cherif, Ms. Chung, Mr. Decaux, Mr. Dos Santos, Ms. Hampson, Ms. Koufa, Ms. Motoc, Ms. O'Connor, Mr. Pinheiro, Ms. Rakotoarisoa, Mr. Salama, Mr. Sattar, Mr. Sorabjee, Mr. Tuñón Veilles, Ms. Wadibia-Anyanwu, Ms. Warzazi and Mr. Yokota. Mr. Bengoa subsequently joined the sponsors.

44. Mr. Bengoa proposed an amendment to paragraph 9 of the document annexed to the draft decision, which was accepted by the sponsors.

45. Statements in connection with the draft decision were made by Mr. Alfonso Martínez, Mr. Casey, Mr. Chen Shiqiu and Mr. Sorabjee.

46. The draft decision, as amended, was adopted without a vote. For the text of the decision, see chapter II, section B, decision 2005/114.

-----