



**Economic and Social  
Council**

Distr.  
GENERAL

E/CN.4/Sub.2/2005/SR.20  
23 August 2005

Original: ENGLISH

---

COMMISSION ON HUMAN RIGHTS

SUB-COMMISSION ON THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

Fifty-seventh session

SUMMARY RECORD OF THE 20th MEETING

Held at the Palais des Nations, Geneva,  
on Thursday, 11 August 2005, at 10 a.m.

Chairperson: Mr. KARTASHKIN

later: Mr. BOSSUYT  
(Vice-Chairperson)

CONTENTS

ECONOMIC, SOCIAL AND CULTURAL RIGHTS (continued)

PREVENTION OF DISCRIMINATION:

(a) RACISM, RACIAL DISCRIMINATION AND XENOPHOBIA

---

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

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

GE.05-15627 (E) 120805 230805

CONTENTS (continued)

- (b) PREVENTION OF DISCRIMINATION AND PROTECTION OF INDIGENOUS PEOPLES
- (c) PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES (continued)

SPECIFIC HUMAN RIGHTS ISSUES:

- (a) WOMEN AND HUMAN RIGHTS
- (b) CONTEMPORARY FORMS OF SLAVERY
- (c) NEW PRIORITIES, IN PARTICULAR TERRORISM AND COUNTER-TERRORISM (continued)

ORGANIZATION OF WORK (continued)

GENERAL DEBATE

The meeting was called to order at 10.10 a.m.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS (agenda item 4) (continued)  
(E/CN.4/Sub.2/2004/L.4)

Draft resolution on housing and property restitution for refugees and displaced persons  
(E/CN.4/Sub.2/2005/L.4)

1. Mr. DECAUX, speaking on behalf of the sponsors, said that a new paragraph should be inserted after paragraph 6:

“Decides to request the Secretariat to transmit the Principles on Housing and Property Restitution for Refugees and Displaced Persons (E/CN.4/Sub.2/2005/17) and the explanatory notes on the Principles (E/CN.4/Sub.2/2005/17/Add.1) to the Committee on the Elimination of Racial Discrimination and other United Nations treaty bodies and to regional human rights organizations in order to ensure their wide dissemination;”.

2. Mr. ALFONSO MARTÍNEZ said that the Committee on the Elimination of Racial Discrimination was not a body which disseminated documents. Perhaps the material should be sent to the Department of Public Information.

3. Mr. PINHEIRO said that it had in fact been the Committee on the Elimination of Racial Discrimination which had requested the Sub-Commission in 1997 to carry out the work now completed. The documents were being transmitted to that Committee for information purposes. They might of course be disseminated by the Committee’s members.

4. The draft resolution, as orally revised, was adopted without a vote.

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

(agenda item 5) (continued) (E/CN.4/Sub.2/2005/L.30, L.37 and L.45)

Draft resolution on discrimination based on work and descent (E/CN.4/Sub.2/2005/L.30)

5. Mr. YOKOTA proposed that paragraph 10 should be deleted. Since the aim was to facilitate further work on the topic, it would be better not to wait for endorsement by the Commission at its 2006 session. At its sixty-first session the Commission had authorized the action mentioned in the draft resolution. There was no need for further endorsement.

6. Mr. ALFONSO MARTÍNEZ supported the proposal but noted that the phrase in paragraph 10 which read “taking into account in particular the comments and suggestions expressed during the fifty-seventh session of the Sub-Commission” was very important.

7. The draft decision, as orally amended, was adopted without a vote.

Draft resolution on the Working Group on Indigenous Population (E/CN.4/Sub.2/2005/L.45)

8. Mr. ALFONSO MARTÍNEZ, speaking on behalf of the sponsors, said it had been agreed that in paragraphs 27 and 28 the words “five working days” should be replaced by “10 working days” and that the words “with particular reference to indigenous peoples” should be added in the last line of paragraph 11 after “environmental reasons”.

9. The CHAIRPERSON drew attention to the statement of financial implications which had been circulated to the Sub-Commission. He announced that Mr. Alfredsson, Mr. Bengoa, Mr. Chen, Ms. Chung, Ms. Koufa, Ms. O'Connor and Ms. Warzazi had become sponsors of the draft resolution.

10. The draft resolution, as orally revised, was adopted without a vote.

Draft resolution on discrimination against leprosy victims and their families (E/CN.4/Sub.2/2005/L.37)

11. Ms. HAMPSON said that she had held consultations with the sponsors, who had agreed to the insertion of an additional paragraph after paragraph 8:

“Requests the Special Rapporteur to enter into dialogue with the relevant United Nations agencies, organs and mandates, including the World Health Organization, the United Nations Educational, Scientific and Cultural Organization, the United Nations Children’s Fund, the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health and the Committee on Economic, Social and Cultural Rights;”.

12. The CHAIRPERSON announced that Mr. Alfonso Martínez, Mr. Alfredsson, Ms. Koufa, Mr. Salama, Mr. Sattar, Mr. Sorabjee, Mr. Tuñón Veilles and Ms. Wadibia-Anyanwu had become sponsors of the draft resolution.

13. The draft resolution, as orally revised, was adopted without a vote.

**SPECIFIC HUMAN RIGHTS ISSUES:**

(a) **WOMEN AND HUMAN RIGHTS**

- (b) CONTEMPORARY FORMS OF SLAVERY
- (c) NEW PRIORITIES, IN PARTICULAR TERRORISM AND COUNTER-TERRORISM

(agenda item 6) (continued) (E/CN.4/Sub.2/2005/L.28, L.29, L.31-L.34, L.38-L.40 and L.44)

Draft resolution on Special Rapporteurs on technical cooperation and capacity-building for the promotion and protection of human rights (E/CN.4/Sub.2/2005/L.28)

14. Mr. BOSSUYT said that he was concerned about the expression “in the field of human rights” after “technical cooperation” in the second preambular paragraph and in paragraphs 1 and 4. Many technical cooperation programmes related to the exercise of economic, social and cultural rights without referring to such rights in their titles. It might therefore be superfluous to refer to the field of human rights. The aim was to target technical cooperation programmes in terms of their content, regardless of their titles.

15. Mr. SALAMA said that it was certainly not the sponsors’ intention to alter the United Nations development cooperation system in any way or to duplicate the work done in other areas. The aim was to focus on the human rights perspective in terms of technical cooperation.

16. The CHAIRPERSON announced that Ms. Hampson, Ms. O’Connor, Mr. Pinheiro and Ms. Wadibia-Anyanwu had become sponsors of the draft resolution.

17. The draft resolution was adopted without a vote.

Draft resolution on the World Programme for Human Rights Education  
(E/CN.4/Sub.2/2005/L.29)

18. The CHAIRPERSON announced that Ms. Hampson had become a sponsor of the draft resolution.

19. The draft resolution was adopted without a vote.

Draft decision on prevention of human rights violations committed with small arms and light weapons (E/CN.4/Sub.2/2005/L.31)

20. Mr. YOKOTA said that he was speaking on behalf of the Special Rapporteur, Ms. Frey, who had suggested that the following words should be inserted after “her study” in the fourth to last line: “and expressing appreciation to those Governments that have responded to the questionnaire and encouraging other Governments to submit their responses to the questionnaire, preferably by 1 November 2005, to enable the Special Rapporteur to complete her work,”.

21. The CHAIRPERSON announced that Ms. Hampson, Ms. O’Connor and Ms. Wadibia-Anyanwu had become sponsors of the draft decision.

22. The draft decision, as orally revised, was adopted without a vote.

Draft resolution on systematic rape, sexual slavery and slavery-like practices during armed conflicts (E/CN.4/Sub.2/2005/L.32)

23. The CHAIRPERSON announced that Mr. Alfonso Martínez had become a sponsor of the draft resolution.

24. The draft resolution was adopted without a vote.

Draft decision on human rights and the human genome (E/CN.4/Sub.2/2005/L.33)

25. The draft decision was adopted without a vote.

Draft decision on human rights and non-State actors (E/CN.4/Sub.2/2005/L.34)

26. Mr. DECAUX, speaking on behalf of the sponsors, said that the words “taking into account the discussion in the Sub-Commission at its fifty-seventh session” should be inserted in subparagraph (b) after “human rights law”.

27. The CHAIRPERSON announced that Ms. Hampson had become a sponsor of the draft decision.

28. The draft decision, as orally revised, was adopted without a vote.

Draft resolution on harmful traditional practices affecting the health of women and the girl child (E/CN.4/Sub.2/2005/L.38)

29. The CHAIRPERSON drew attention to the statement of financial implications which had been circulated to the Sub-Commission. He announced that Ms. Hampson and Mr. Tuñón Veilles had become sponsors of the draft resolution.

30. The draft resolution was adopted without a vote.

Draft resolution on the report of the Working Group on Contemporary Forms of Slavery (E/CN.4/Sub.2/2005/L.39)

31. Mr. BOSSUYT, speaking on behalf of the sponsors, said that in the light of the discussion in the Working Group it would be appropriate to insert the name “Mr. Salama” in paragraph 4 in place of “one of the members of the Working Group”.

32. Ms. WARZAZI said she had the impression from reading the Working Group’s latest report that the Sub-Commission might be moving backwards in relation to some members’ positions on the question of prostitution. That was certainly true of her own position of consistent opposition to any encouragement of prostitution. Mr. Salama should therefore look at all the other reports on the topic which stated opposition to any encouragement of prostitution. On that understanding, she could become a sponsor of the draft resolution.

33. Ms. MOTOC endorsed the comments made by Ms. Warzazi.

34. Ms. HAMPSON said that the sponsors had also agreed to add an additional paragraph 9:

“Requests the Office of the High Commissioner for Human Rights to bring this resolution to the attention of States, international organizations and national human rights institutions with a request that they forward relevant information to the Office of the High Commissioner for Human Rights for the attention of the Working Group.”

35. The CHAIRPERSON announced that Mr. Alfredsson, Mr. Chen, Mr. Cherif, Ms. Chung, Mr. Dos Santos, Ms. Koufa, Ms. Motoc, Mr. Tuñón Veilles, Ms. Wadibia-Anyanwu and Mr. Yokota had become sponsors of the draft resolution.

36. The draft resolution, as orally revised, was adopted without a vote.

Draft resolution on the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery (E/CN.4/Sub.2/2005/L.40)

37. The CHAIRPERSON announced that Mr. Chen, Mr. Cherif, Ms. Chung, Mr. Dos Santos, Mr. Pinheiro, Ms. Rakotoarisoa, Mr. Tuñón Veilles, Ms. Wadibia-Anyanwu and Ms. Warzazi had become sponsors of the draft resolution.

38. The draft resolution was adopted without a vote.

Draft resolution on the working group to elaborate detailed principles and guidelines, with relevant commentary, concerning the promotion and protection of human rights when combating terrorism (E/CN.4/Sub.2/2005/L.44)

39. The CHAIRPERSON announced that Mr. Alfonso Martínez, Mr. Bengoa, Mr. Cherif, Mr. Dos Santos, Mr. Pinheiro, Ms. Warzazi and Mr. Yokota had become sponsors of the draft resolution.

40. The draft resolution was adopted without a vote.

ORGANIZATION OF WORK (agenda item 1) (continued) (E/CN.4/Sub.2/2005/L.3, L.36 and L.48)

Draft resolution on reform of the Sub-Commission on the Promotion and Protection of Human Rights (E/CN.4/Sub.2/2005/L.3)

41. Mr. ALFREDSSON, introducing the draft resolution, said that, as he had stated on previous occasions, the Sub-Commission should take a critical look at itself in the context of the reform of the United Nations human rights machinery. The draft resolution aimed to emphasize the Sub-Commission's role as a think tank. That would mean the deletion of agenda item 2 and its replacement by a general debate for experts, States, intergovernmental organizations and NGOs. Especially if the composition of the Commission was changed, the Sub-Commission was incapable of dealing with the whole range of human rights violations. In its examination of country situations, political factors too often took on overriding importance. The draft resolution also recommended the abolition of the Working Group on Communications, which had become an institutional anomaly, since its work was never presented to the Sub-Commission as a whole.

As for the other paragraphs, he recognized that they might be difficult to accept, but they were valuable in the interests of honest self-appraisal. However, having become a sponsor of the draft decision on the role of an independent expert body within the reform of the United Nations human rights machinery (E/CN.4/Sub.2/2005/L.48), which had incorporated some of the provisions of his draft resolution, though unfortunately not all, he had decided to withdraw the draft resolution. He gave warning, however, that he would return to his proposals at the next session.

42. Mr. YOKOTA said that Mr. Alfredsson had withdrawn the draft resolution because he had been aware that consensus would not be reached. The initiative had, however, been very bold and valuable, because it touched on all the important points that would need to be dealt with in the context of reform of the human rights machinery. The concerns reflected in the draft resolution were shared by many other members. There were, however, some on specific points in the draft resolution which he could not accept. He was, for example, opposed to the abolition of agenda item 2, which gave the opportunity to address human rights situations in many parts of the world. As for the Working Group on Communications, his preference would be for its retention, on the understanding that it should report to the plenary Sub-Commission. The provision that the time available for studies should be reduced to two years was too rigid: the complexity of some topics was such that more time was required. Lastly, while he appreciated the need for new blood, the Sub-Commission had benefited greatly from the experience provided by its long-standing members.

43. Ms. WARZAZI, speaking on a point of order, said that the draft resolution had been withdrawn. Further discussion was therefore redundant.

44. Mr. BENGOA said that, if further discussion were permitted, all members would wish their views reflected in the record concerning a draft resolution that had been withdrawn.

45. The CHAIRPERSON said he took it that the Sub-Commission wished to terminate the debate.

46. It was so decided.

Draft decision on the methods of work of the Sub-Commission (E/CN.4/Sub.2/2005/L.36)

47. Ms. WARZAZI drew attention to the proposed revision of paragraph 1, whereby the phrase “drawing their attention to their competence to refer matters to the Sub-Commission” would be replaced by the phrase “wishing to continue cooperation with those bodies”.

48. Mr. ALFONSO MARTÍNEZ said that the proposed modification was significant. Whereas increased cooperation with the treaty bodies was desirable, the impression should not be given that the Sub-Commission had no independent identity. The proposed wording would ensure that the Sub-Commission maintained its capacity to undertake new studies at its own discretion.

49. The CHAIRPERSON said that Ms. Koufa, Ms. O'Connor and Mr. Alfonso Martínez had become sponsors of the draft resolution.

50. The draft resolution, as orally revised, was adopted without a vote.



Draft decision on the composition of working groups of the Sub-Commission for 2006

51. The CHAIRPERSON drew attention to the draft decision on the composition of working groups of the Sub-Commission for 2006, which had been circulated to members.

52. The draft decision was adopted without a vote.

Draft decision on the role of an independent expert body within the reform of the United Nations human rights machinery (E/CN.4/Sub.2/2005/L.48)

53. Ms. HAMPSON, introducing the draft decision, said that it was a consensus text not only in the sense that it had many sponsors but because it had been drafted with the active participation of most members of the Sub-Commission. She therefore hoped that no attempt would be made to introduce amendments, although she expected that members would wish to express their views. She outlined the provisions of the draft decision, which sought to contribute to the debate about reform of the United Nations human rights machinery by addressing the principles on which the reforms needed to be based and the functions to be performed by the human rights machinery, with special reference to the role of an independent expert body. Those functions - which included policy initiatives; standard-setting; identifying gaps in standards and methods of monitoring; and identifying good practice - were not performed by the treaty bodies, the special procedures or the Office of the United Nations High Commissioner for Human Rights (OHCHR). There was consequently a need for a representative independent expert body that was able to think collectively, free from specialized mandate constraints and political considerations, in order to initiate and pursue new and innovative thinking in human rights standards and implementation. The body should ensure balanced attention to civil and political rights and economic, social and cultural rights. It should listen to as wide a range of civil society as possible, including NGOs, national human rights institutions and intergovernmental institutions. The political standard-setting organs had, in any case, felt the need for an independent expert body for 58 years.

54. Mr. ALFONSO MARTÍNEZ said that it was interesting to interpret the draft decision in the light of the discussion that had started in connection with draft resolution L.3. The two draft texts were by no means comparable. There should be no attempt to link the radical, rigid provisions of draft resolution L.3 with paragraph 11 of draft decision L.48. Mr. Alfredsson had been wise to withdraw his draft resolution, since the ensuing discussion would have had the harmful effect of showing up the radically divided views of members on certain topics. Paragraph 11 of draft decision L.48, on the other hand, gave some flexibility to the discussion and enabled the Sub-Commission gradually to develop its own procedures. Such provisions as paragraph 5 of draft resolution L.3, which had proposed the elaboration of guidelines for the qualifications of candidates for election to the Sub-Commission, would cause enormous difficulties, if doubt were cast on the expert qualifications or the independence of a given candidate. Draft decision L.48 represented a good compromise.

55. Mr. BENGUA proposed that the words “and other groups such as the Social Forum” should be inserted after the words “intersessional working groups” in the fourth sentence of paragraph 9 of draft decision L.48.

56. Mr. CASEY said that he had been so taken by draft resolution L.3 that he was strongly tempted to propose an amendment to draft decision L.48 to eliminate agenda item 2. He would resist the temptation; but Mr. Alfredsson could count on his support if the proposal was reintroduced at the next session. The deletion of the agenda item would have made the Sub-Commission stronger.

57. Mr. CHEN said that the draft decision was the Sub-Commission's formal contribution to the debate on the reform of the United Nations human rights machinery, which would not necessarily be endorsed by other human rights bodies. He had some sympathy with the views expressed by Mr. Alfredsson.

58. Mr. SORABJEE asked what was meant by "specialized mandate constraints" in paragraph 6. The reference to a possible limit on the terms served by members in paragraph 11 (a) did not reflect either Mr. Alfredsson's view, that there should be a strict limit of two terms for each individual, or his own, that there should be no limit at all.

59. Ms. HAMPSON, noting that the draft decision was a consensus document and did not reflect only her own views, said that the "specialized mandate restraints" mentioned in paragraph 6 referred to the fact that that a special rapporteur on torture, for example, could only consider torture, and not concomitant human rights violations such as enforced disappearances. The Sub-Commission was not subject to the same constraints. Paragraph 11 listed a number of issues which the Sub-Commission might wish to take up in future, as Mr. Alfredsson had said he would do in respect of agenda item 2, for example.

60. The CHAIRPERSON announced that Mr. Chen and Mr. Decaux had become sponsors of the draft decision.

61. Mr. LEBAKINE (Secretary of the Sub-Commission) said that Ms. Wadibia-Anyanwu was also a sponsor of the draft decision.

62. The draft decision, as orally amended, was adopted without a vote.

#### GENERAL DEBATE

63. Ms. WARZAZI suggested that the rest of the meeting should be devoted to a general debate, in which members, observers and NGOs could raise any points they had been unable to make earlier because of time constraints.

64. After a procedural discussion in which Mr. BENGUA, Ms. HAMPSON, Mr. BOSSUYT, Mr. SATTAR, Mr. PINHEIRO, Mr. ALFONSO MARTÍNEZ and the CHAIRPERSON took part, Ms. Warzazi's suggestion was adopted.

65. Mr. ZOLLER (International Service for Human Rights) said that his organization, together with Minnesota Advocates for Human Rights, had held a seminar at the beginning of the session to discuss ways in which the Sub-Commission could deal with agenda item 2 in future. It hoped to continue similar briefings at the next session of the Sub-Commission. The debate so far on the reform of the United Nations human rights mechanisms did not give him any great confidence that the proposed new arrangements would provide greater protection against

flagrant violations of human rights. He recalled that, when the Sub-Commission's 1986 session had been cancelled because of a financial crisis, NGOs had organized an alternative session attended by many of the members. If necessary, they would do the same in the coming year.

66. Ms. HAMPSON asked for the views of NGOs and other participants on the best way to ensure that there was a real discussion of the substantive issues involved in the reports and studies prepared by members. It was frustrating that the debate on a report was so often confined to mutual congratulations and a few insubstantive comments. NGO statements were often not relevant to a particular report: would it be easier for them to state their views before a working group, or submit any information related to a particular country in a written statement, which could then be posted on the OHCHR website?

67. Ms. PONCINI (International Federation of University Women) said that there had been little evidence of a gender perspective in the Sub-Commission's work. For example, women's rights had featured prominently in the debate on item 6, but women were still seen as victims of human rights violations, not as potential catalysts for change, and there was little consideration of their economic rights or ways of empowering them.

68. It was a good plan to intersperse NGO statements with the presentation of reports, but it might make it more difficult for NGOs which wished to speak on a particular issue to take the floor at the most appropriate time. NGOs should only speak if they had a substantive contribution to make.

69. Mr. RAJKUMAR (Pax Romana) said that it was important to congratulate an expert on a job well done, but there was no need to exaggerate. He had noted that some reports had received much more attention than others: the Chairperson and other members of the Bureau had a part to play in ensuring that all reports received sufficient attention. The Sub-Commission was obliged by its role as a think tank to produce conceptual studies, but the subsequent debate was often more about the differences in the conceptual frameworks of the various participants than about substantive issues. However, examples with a general application, not specific to any one country, could be useful to everyone.

70. His organization and other NGOs saw some value in agenda item 2, and felt that it should be maintained. However, it was up to NGOs to make the best possible use of their opportunity to speak under that item. Item 2 could perhaps be linked to a general debate similar to the one suggested by Mr. Alfredsson, with the possibility of an urgent-response procedure for emergency situations.

71. Information was available on the OHCHR website - although it should not be assumed that all NGOs could access it easily - but it was often not clear whether a report was preliminary, interim or final in nature. OHCHR could perhaps provide that information for each report, and NGOs could then provide both factual information and conceptual input in written form.

72. There were some issues, such as human rights in the context of humanitarian assistance, or remedial justice, which were of general interest and should be considered by the Sub-Commission. There were others, such as self-determination (as opposed to separatism or

the issue of successor States) which members of the Sub-Commission were reluctant to take up because of their controversial political implications. Some studies had been prematurely interrupted and now required updating.

73. Mr. KAUL (Himalayan Research and Cultural Foundation) said that, despite the many valuable contributions made by NGOs some concentrated excessively on the situation in one country. They should try to deal with thematic issues more often. The Sub-Commission pressed NGOs to contribute to its work, but their contributions often stayed at OHCHR for many months before they were passed on to the correct expert or working group. It should be possible to contact members directly. The Working Group on Minorities had addressed the issue of self-determination, but more work was needed.

74. Ms. PARKER (Minnesota Advocates for Human Rights) thanked the Sub-Commission for giving her a further opportunity to express her organization's views. She appreciated Ms. Hampson's desire to improve the way NGOs participated in the work of the Sub-Commission, but it was important not to restrict their freedom of speech, particularly in working groups. NGOs wanted to play a greater role and have more input into working papers and studies. It would be very helpful if papers and studies were submitted on schedule, so that they could be translated into all the working languages: smaller NGOs might not be able to comment adequately on a document provided only in its original language. Not all NGOs were in a position to download large volumes of material from the OHCHR website. The documents desk at the Palais des Nations did not distribute documents before the debate on the relevant agenda item was opened, which made it very difficult for NGOs to study the documents in advance and formulate relevant comments. For subsidiary bodies like the working group on the administration of justice, which met on the very first afternoon of the session, NGOs needed to have access to conference room papers and other documents in advance in order to make a proper contribution.

75. She was gratified that NGOs had been allowed to participate in the debate on agenda item 1, dealing with the working methods of the Sub-Commission, and hoped that that practice would continue in the future.

76. Mr. Bossuyt, Vice-Chairperson, took the Chair.

77. Ms. CHUNG said that there were too many questions to be discussed under item 6, which was an important agenda item for discovering emerging issues. At the current session more than 50 NGOs had made statements on a variety of issues and, given the limited time, she had not found an opportune moment to present statements she had prepared, on the human rights of ageing people, for example, which might have appeared out of context. New methods of approaching item 6 therefore needed to be considered, such as discussing it during the earlier part of the session.

78. Mr. SALAMA said that, despite the lack of time, the current session had been one of the Sub-Commission's best in terms of the quality of the papers and debates. There was clearly a problem of methodology, which was why the proposed paper by Mr. Decaux was crucial. Combined with that was a more political problem, in that certain members, States and NGOs had set agendas, and, regardless of emerging issues and the changing order of priorities, made statements on subjects they knew well.

79. The Sub-Commission must try to act as the link between the rest of the human rights system and the NGO community, which would require a more proactive approach from the Secretariat. Topics which deserved attention should be discussed in advance so that the Sub-Commission was aware of other bodies which were dealing with similar issues and could complement their work. However, that would not restrict the freedom of States or members to discuss matters not on the advance list of issues.

80. The comments made by Mr. Alfredsson and Mr. Casey with regard to the abolition of item 2 reflected the need for the Sub-Commission to adapt its treatment of that item. It would be helpful if NGOs could move from the factual to the thematic, which was a very difficult exercise. The Sub-Commission did not have the power to do anything institutionally or legally unless specific cases were translated into the identification of a gap in standards or norms. There was a constant requirement for standard-setting.

81. He had been disappointed to note that a number of important working papers had received little attention because NGOs had not had the time to read them. NGOs should therefore receive advance copies of papers, or contact experts directly to make an input early in the drafting process.

82. Mr. DECAUX said it was unfortunate that much of the Sub-Commission's constructive work was carried out in closed session. Regarding relations with NGOs, he pointed out that in resolution E/CN.4/Sub.2/2005/L.36, it was recommended that the official United Nations website should be developed to facilitate the exchange of information, which would encourage transparency, dialogue and consultation among all stakeholders. He would be willing to meet with NGOs when preparing his revised report.

83. Bearing in mind the time constraints under which the Sub-Commission was working, it would be useful to have a four-week session. Given that item 6 was generally sacrificed when time was limited, even though it could be considered one of the most important agenda items, it might be necessary to restructure the agenda to allow new issues to be discussed. In addition to the current thematic classification, perhaps there could be a methodological approach, allocating a slot to special rapporteurs appointed by the Commission or to the discussion of new issues, either in plenary or in working group meetings.

84. Mr. CHERIF said that, although the contribution of NGOs was very useful, it was still insufficient, particularly with regard to the content of reports by members of the Sub-Commission. It would be helpful for NGOs to submit written comments directly to the author of the report, which would not prevent them from participating in the debate. It would also be useful for special rapporteurs to send questionnaires to NGOs specialized in a particular area, following the example of questionnaires sent to States. NGOs could suggest subjects for studies to be conducted by members of the Sub-Commission alone or in collaboration with NGOs.

85. It would be useful to establish a list of priority issues, proposed by NGOs and members, to form the basis of studies. Interaction between the Sub-Commission and NGOs could be improved, and the Sub-Commission could carry out its role of think tank more effectively.

86. Mr. YOKOTA said that previously there had been up to 14 agenda items, but it had become clear that it was necessary to focus on a smaller number of important matters, and the agenda had been rearranged. As a result of that rationalization, it was not always clear under which item a particular issue should be discussed. Agenda item 2 was very useful and sufficiently broad to embrace issues not specifically mentioned elsewhere, and should therefore be maintained.

87. Regarding the participation of NGOs, they provided useful information, and although the Sub-Commission did not necessarily agree with the views expressed, it was an important starting point. Certain more inexperienced NGOs were not familiar with the procedures and requirements for participation, and consequently did not express themselves properly or violated rules of procedure. NGOs should consult the rules of procedure on the website in advance of the session, or perhaps a meeting could be organized at the beginning of the session between members of the Secretariat and NGOs to brief them on how to participate and organize seminars, for example.

88. Ms. PONCINI (International Federation of University Women) said that NGOs responded to the papers presented by Sub-Commission members, and if the gender perspective was not included in each agenda item, statements by NGOs involved in women's rights all fell under item 6, which explained why there had been so many speakers. Although she agreed with Mr. Salama that NGOs should introduce thematic issues, given that NGOs essentially provided factual information, the Sub-Commission should share the responsibility of providing the theoretical framework.

89. Ms. WARZAZI said that NGOs should be allocated more time to make their statements, on condition that they avoided repetition. They should meet before the session to draw up a code of conduct. The year before, for example, a document had been prepared by an NGO on the modalities of NGO participation, and that should be consolidated so that they could be more efficient. Certain NGOs raised the same issues so often that the Sub-Commission experts knew what they were going to say in advance. NGOs should review during the year the papers that had been prepared by members, which would allow them to deal with new information. It would be useful if a list of NGOs, including their main concerns or areas of work, could be distributed to Sub-Commission members so that they knew to which NGO they should address questions on a particular issue. Efforts would be made to prioritize item 6 in the agenda.

The meeting rose at 12.35 p.m.