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COMISIÓN DE DERECHOS HUMANOS

Reunión oficiosa de un día de duración

Martes, 30 de septiembre de 2003

Nota de la Secretaría

Después de finalizado el 59º período de sesiones de la Comisión de Derechos Humanos, la Mesa ampliada de la Comisión celebró varias reuniones posteriores al período de sesiones y realizó una serie de actividades encaminadas a mejorar los métodos de trabajo de la Comisión y la coordinación entre ésta y las diversas partes con miras a fortalecer en general la participación y contribución de éstas a la labor de la Comisión.

En cumplimiento de las directrices establecidas por el Consejo Económico y Social para sus comisiones orgánicas, y siguiendo la práctica establecida, el 4 de junio de 2003 la Mesa ampliada celebró una reunión conjunta en forma de videoconferencia con la Mesa del Consejo Económico y Social. La Mesa ampliada también participó en la décima reunión anual de titulares de mandatos de los procedimientos especiales, celebrada el 24 de junio de 2003, así como en la 15ª reunión anual de presidentes de órganos creados en virtud de tratados de derechos humanos, celebrada el 25 de junio de 2003.

El 23 de julio de 2003 la Presidenta de la Comisión dirigió la palabra al Consejo Económico y Social en el período de sesiones sustantivo de éste para referirse a los proyectos de propuesta presentados por la Comisión al Consejo y a los métodos de trabajo de la Comisión. También asistió a la reunión de presidentes de las comisiones orgánicas del Consejo convocada en Ginebra el 17 de julio de 2003 por el Presidente del Consejo. El objetivo de dicha reunión era mejorar la coordinación entre el Consejo y las comisiones orgánicas y facilitar el intercambio de información entre éstas.

La Presidenta se dirigió a la Subcomisión de Promoción y Protección de los Derechos Humanos en su sesión de apertura celebrada el 28 de julio de 2003. La Mesa ampliada se reunió luego con miembros de la Subcomisión en sesión a puerta cerrada el 29 de julio de 2003. El 4 de agosto de 2003 se celebró una reunión con representantes de organizaciones no gubernamentales a fin de informarlos de las actividades posteriores al período de sesiones de la Mesa ampliada y de escuchar su parecer al respecto.

También se señala a la atención de la Comisión el acta resumida de la segunda sesión del 55º período de sesiones de la Subcomisión (E/CN.4/Sub.2/2003/SR.2), en la que figura la declaración formulada por la Presidenta en nombre de la Mesa de la Comisión.

Lo más desatacado de todas las actividades de la Mesa realizadas en el período comprendido entre mayo y septiembre de 2003, incluidos los resúmenes de las reuniones celebradas por la Mesa después del período de sesiones, se compiló para su utilización por los miembros de la Mesa, según fuera apropiado. A petición de la Presidenta, presentada en consulta con la Mesa ampliada, se señala a la atención de la Comisión la compilación de las actividades de la Mesa, que se adjunta como anexo^{*} a la presente nota a título informativo y como contribución a la labor de la reunión oficiosa de un día de duración de la Comisión de Derechos Humanos en 2003.

^{*} Se reproduce únicamente en inglés, tal y como se recibió.

ANNEX

Summaries of post-sessional meetings and other activities of the Expanded Bureau during the period from May to August 2003

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Expanded Bureau of the 59th session of the Commission on Human Rights

Summary of the first post-session meeting

Thursday, 8 May 2003, 3.00 p.m.
Room VIII, Palais des Nations

Present:

Chairperson, Rapporteur, Vice-Chair (Sri Lanka), Vice-Chair (Peru), Vice-Chair (Australia).
African, Asian, Eastern, GRULAC and Western Group Coordinators.
Secretariat

1. The Chairperson expressed her appreciation to all members of the Expanded Bureau in relation to the work done during the 59th session of the Commission and the support the Bureau had given her in conducting the Chairpersonship.
2. The Secretary also expressed her appreciation and gratitude to the Chairperson on behalf of the Secretariat for the excellent working atmosphere that had prevailed during the session.

A. Appointments

3. The Secretary informed the Expanded Bureau about the three appointments of special procedures to which the Bureau had to give consideration, namely Violence Against Women, Independence of Judges and Lawyers and an Independent Expert on Liberia. The appointment of an Independent Expert on Afghanistan would be an appointment by the Secretary-General.
4. The Chairperson informed the meeting that the deadline for submission of candidates for these positions would be mid-June and by the end of June the Chairperson, in close consultation with the regional groups, would appoint the mandate holders.

B. Working Groups

5. The Secretary informed the Expanded Bureau about the situation of members for two working groups of the Commission. In relation to the Working Group on Enforced or Involuntary Disappearances two issues had been raised:
 - a. the member from the Asian Group (Malaysia) had resigned and the Asian Group was now to nominate a new member; and
 - b. the Secretariat had requested the Office of Legal Affairs to confirm the situation that the two longest serving members are to relinquish their mandates no later than July 2004, in accordance with rules adopted on the length of mandates.
6. In relation to the Working Group on Situations, the regional groups would need to nominate five members from countries that will be members of the Commission in 2004.

C. Calendar of Working Groups (including informal consultations)

7. The Secretary summarized the preliminary calendar of Working Groups' meetings that was distributed and highlighted three issues:
 - a. It would be important to start consultations on nomination of a Chairperson for the Working Group to elaborate an optional protocol to the ICESC as soon as possible;
 - b. The future of the Chairpersonship of the Working Group on the Right to Development;
 - c. The future of the Chairpersonship of the Working Group on the effective implementation of the Durban Declaration and Programme of Action.
8. The Chairperson requested that no meetings of Working Groups take place in March.
9. The Coordinator for the African Group requested further information on the following issues:
 - a. The Working Group on the draft Declaration of Rights of Indigenous Peoples normally meets in December. Why was it now scheduled for September?;
 - b. The nomination of a member from the Western Group to the WG on African Descent;
 - c. The first two weeks of September as well as of October and the month of December could be used for meetings;
 - d. The Working Group on Durban follow-up was already in the calendar for the two last weeks of August 2003;
10. The Coordinator further pointed out that there should be no overlapping of sessions of Working Groups and that the African Group would discuss the issue of the Chairpersonship of the WG on the Right to Development.
11. The Coordinator for GRULAC pointed out that the concentration of Working Groups in January and February was not ideal and requested that other months and dates should also be used. The Coordinator further requested information on the additional week for the Working Group on the legally binding instrument for the protection of persons from enforced disappearances.
12. The Vice Chair (Sri Lanka) was also concerned that Working Groups were concentrated around January-February and requested that overlapping of sessions be avoided.
13. The Coordinator for Western Group informed the meeting that no decision had been taken so far in relation to appointing a member for the Working Group on African Descent.
14. The Secretary further indicated that the dates of the Working Group on the Indigenous Declaration were agreed upon by the Working Group itself during the last session and that the additional week for the Working Group on a legally binding instrument on the protection from enforced disappearances was meant for informal consultations only. The

Secretary further welcomed proposals to have the Working Groups meet as early as possible and also during the month of December.

15. The Chairperson requested the regional groups to come up with proposals for the next meeting of the Bureau and the Secretariat to seek other possible dates with the Conference Services.

D. Calendar of meetings

16. The meeting with Chairpersons of Treaty Bodies and representatives of Special Procedures would take place during the week of the meetings of those bodies, i.e. 23 to 27 June 2003.
17. In relation to future meetings of the Expanded Bureau it was decided that the meetings with the Bureau of the ECOSOC, Sub-Commission and with NGOs would take place grouped together around the end of July.
18. The Chairperson requested the Secretariat to propose dates for those meetings.
19. The meeting with the CSW would take place later in September.

F. AOB

20. The Secretary:
 - a. informed the Expanded Bureau of the new members of the Commission on Human Rights, effective January 2004;
 - b. informed the Expanded Bureau that the date of the Informal one day meeting of the CHR was set for 30 September 2003;
 - c. made an appeal for contributions for the development of a CD-ROM of the 59th session of the Commission; and
 - d. distributed a note for the file on the meeting on the treaty body reform held in Liechtenstein 5 to 7 May 2003.
21. In relation to the decision 2003/116 on the intersessional activities of the Bureau, it was decided that the Secretariat would draw up a list of headings for a discussion, based on the suggestions made during this meeting by the Chairperson, the Vice-Chairpersons (Sri Lanka and Australia) and the Coordinator for Western Group. The list would contain: high level segment, interactive dialogues, rights of replies, time management (including the possibility of clustering items), segment for national human rights institutions, and reform of resolutions (length, bi or tri-annualization etc).
22. The Secretary also informed the meeting that if it was the wish of the Expanded Bureau, the Secretariat would inform the NGO Committee in New York of the second incident (the display of a flag in front of the seat of a delegation) during the 59th session of the Commission. The Chairperson and the Vice-Chair (Sri Lanka) supported such information sharing.

23. The Coordinator for Asian Group inquired if other coordinators had received a letter from the Chairperson of the Voluntary Fund for Victims of Torture regarding contributions to the Fund. The Secretary confirmed that such a letter had been sent out to all regional coordinator but also that such information in the future would go through the Expanded Bureau.
24. The next meeting of the Expanded Bureau was provisionally scheduled for 20 June 2003.

Joint Bureaux Meeting between ECOSOC and Commission on Human Rights

4 June 2003

Summary of the discussions

In opening the meeting, Ambassador Gert Rosenthal, President of ECOSOC, stressed the importance of ensuring good communication between ECOSOC and its subsidiary bodies. He thanked the Expanded Bureau of the Commission on Human Rights for its positive response to this invitation by the Council.

Ambassador Najat Al-Hajjaji, Chairperson of CHR, presented the Expanded Bureau of the Commission and provided **highlights of the work of the 59th session of the Commission**. She stressed the good level of participation: 3,500 people, including representatives of Member States, NGOs, UN Agencies, independent experts and national human rights Institutions. 578 parallel events took place during the session, including briefing by NGOs and national Human Rights Institutions. Time constraints had been a major challenge for the Expanded Bureau, as the speaking time had to be progressively reduced towards the end of the session. Six agenda items also had to be clustered. It was recommended that eight additional fully serviced meetings be allocated for the next session.

The Coordinator for the WEOG presented the reforms introduced in the working methods of the Commission. The election of the Bureau took place on the third Monday in January, to better prepare for the session. The first ever high-level segment, organized following the example of ECOSOC, was a success. The segment enabled a high number of dignitaries (78) to take the floor and to receive a high level of protocol, while reducing disruption of the substantive session. Interactive dialogues with special procedures were introduced, and Chairpersons of treaty bodies had been invited to address the Commission. It was noted that the excellent press releases published during the session had facilitated the work of the Permanent Missions in following the debates.

On the substantive side, the proposal to hold a “special sitting” on Iraq was not accepted by the Commission. New resolutions on human rights situations were adopted, namely on Turkmenistan, Belarus and the Democratic Republic of Korea. The consideration of human rights in Afghanistan and Sierra Leone was moved from item 9 (violations of human rights and fundamental freedoms in any part of the world) to item 19 (technical assistance and advisory services), giving it a more technical nature. The situations in Chad and Liberia were also moved from 1503 procedure to item 19. The Commission decided that the Working Group established to consider the elaboration of an optional protocol to the International Covenant on Economic, Social and Cultural Rights would meet this year, while the Working Group formed in 1999 on economic, social and cultural rights and structural adjustment was terminated. No new thematic mandate was decided, but most were renewed. Two special rapporteurs will relinquish their posts this year.

Amb. Rosenthal stated the importance for ECOSOC to follow-up developments in the work of its subsidiary bodies. He noted that the increased participation of NGOs at the Council's

meeting was a common trend between the two bodies, which called for innovative working methods. He further presented the programme for the forthcoming substantive session of the Council. At its high-level segment, the Council chose a crosscutting theme, i.e. rural development for this year, which was considered with the active involvement of UN agencies and civil society. Closer relationships had also been built with the Bretton Woods Institutions and WTO, particularly in the follow-up provided to the Monterrey consensus. The work of the Commission on economic, social and cultural rights was of great importance to ECOSOC in that respect. At its coordination segment, the Council would consider the integrated and coordinated follow-up to major UN conferences and summits, which was relevant to the follow-up provided to the Vienna and Durban Conferences. At its general segment, the Council would review the reports of its subsidiary bodies, including CHR; informal consultations were held to assimilate these reports and answer to questions raised on them.

Time management of the sessions was deemed a major concern for the running of the intergovernmental process. There was a need to settle down issues as much as possible before the sessions themselves. Little flexibility for additional meetings was left during sessions, and evening meetings were difficult to accommodate for small delegations. ECOSOC could be faced to similar problems when considering the report of the Commission at its forthcoming session. It was stressed that such problems also affected other UN bodies and condemned the system, in view of current financial constraints, to be more efficient.

Amb. Kuchinsky, Vice-President of ECOSOC, raised the issue of the high level of confrontation at the Commission's sessions and of possible ways to reduce it. The Bureau stressed the connection between the level of confrontation and the working methods of the Commission. Initiatives taken this year, such as the high level segment, the possible biennialization of some resolutions and efforts to shorten them, arrangements on holding special debates, regular meetings of the Expanded Bureau with NGOs and the increased involvement of regional groups had contributed to increase transparency and lessen tensions. It was also stressed that while the bulk of the work of the Commission was not confrontational, some of the debates focused on human rights violations denunciation rather than human rights promotion. In addition, politization of the Commission's debates was a consequence of conflicts and other crisis, which created huge human suffering. It was felt that the Commission had to ensure a proper balancing in the issues considered. Important work was carried out on development related matters (i.e. human rights and extreme poverty/globalization/ environment...), which should be further asserted.

As for interaction with other functional Commissions, the chairperson of the Commission on the Status of Women (CSW) had taken part in CHR, both in plenary and at parallel events. For the first time, the chairperson of CHR had taken part in the a CSW session at its 2003 session. She had also planned to attend the Third Committee of the General Assembly later in 2003. Closer relations were established with the Committee on NGOs, whose chairperson attended the CHR for the first time and met with its Expanded Bureau. Amb. Rosenthal referred to the forthcoming meeting of the President of functional commissions, to be held on 17 July as a way to increase synergy among ECOSOC bodies. Amb. Al-Hajjaji looked forward to this new opportunity for interaction with the ECOSOC machinery.

Expanded Bureau of the 59th session of the Commission on Human Rights

Summary of the second post-session meeting

Monday, 23 June 2003, 15.00
Room IX

Present:

Chairperson, Rapporteur, Vice-Chair (Sri Lanka), Vice-Chair (Peru), Vice-Chair (Australia).
African, Asian, Eastern, GRULAC and Western Group Coordinators.
Secretariat
Conference Services

A. Calendar of Working Groups

1. The Chairperson welcomed representatives from Conference Services Geneva to the meeting. The meeting had before it the current calendar of meetings of working groups. The Secretary drew attention to the following points:
 - a. two possibilities exist for dates for the Working Group on a draft legally binding normative instrument for the protection of all persons from enforced disappearance.
 - b. A meeting on the Working Group on a Draft Optional Protocol to the International Covenant on Economic, Social and Cultural Rights has been organized by the Government of Croatia in the first week of September, thus the working group should avoid these dates. The Rapporteur provided further details on this meeting.
 - c. The dates for Working Group on a draft United Nations declaration on the rights of indigenous peoples have been fixed in the relevant resolution.
 - d. The African Group is to inform the Bureau of the chairperson of the Working Group on the Right to Development.
 - e. GRULAC is to inform the Bureau of the chairperson of the Working Group on the effective implementation of the Durban Declaration and Programme of Action.
2. Some participants voiced concern at the number of working groups scheduled for early 2004. The commitments in November (Third Committee) and December (World Information Society Summit) were also noted in this regard.
3. The calendar of working groups was agreed as follows:
 - a. Working Group on a draft United Nations declaration on the rights of indigenous peoples, 15-26 September 2003
 - b. Working Group of Experts on People of African Descent, 29 September – 10 October 2003.
 - c. Working Group on a Draft Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, 13-24 October 2003

- d. Working Group on a draft legally binding normative instrument for the protection of all persons from enforced disappearance, 12-23 January 2004
- e. Working Group on the effective implementation of the Durban Declaration and Programme of Action, 26 January – 6 February 2004
- f. Working Group on Situations, 9-13 February 2004
- g. Working Group on the Right to Development, 9-20 February 2004.

B. Appointments

- 4. The Chairperson indicated that appointments would be made by the end of June. The Coordinator of the Asian Group and the Vice Chair (Sri Lanka) underlined the need for regional balance in the appointments. The Coordinator of the Western Group (supported by the Vice-Chair (Australia)) communicated the group's position that quality and expertise was the first criteria, and regional balance should be considered over time. This could be done by producing a table showing positions to be filled over time.

Working Groups

- 5. The Secretary updated the meeting on the following developments:
 - a. The nomination of an expert from Sweden has completed the Working Group of Experts on People of African Descent. The Coordinator of the Western Group underlined that there was no group endorsement of this nomination.
 - b. One member of the Working Group on Enforced or Involuntary Disappearances will leave in July 2003, another in July 2004.
 - c. There are three nominations for the Working Group on Arbitrary Detention.
 - d. The deadline for nominations is today.
- 6. The Coordinator of the Asian Group indicated that group supports the candidate of Iran for the position on the Working Group on Enforced or Involuntary Disappearances. The Coordinator of the Western Group indicated that there was no consensus proposal from the Group in respect of the Working Group on Arbitrary Detention.

D. Calendar of meetings

- 7. The Secretary informed the meeting of the upcoming meetings with:
 - a. Special Rapporteurs (24 June 2003, at 4.00 pm, Ground Floor conference room, Palais Wilson); and
 - b. Chairpersons of treaty bodies (25 June 2003, at 10.00 am, First Floor conference room, Palais Wilson).

E. AOB

- 8. The Secretary raised the following issues:
 - a. The 17 July meeting of chairs of the functional commissions of ECOSOC with the Council in Geneva.
 - b. The human rights segment of the ECOSOC substantive meeting on 22 July 2003.

- c. The opening of the Sub-Commission on 28 July, and the meeting with the Expanded Bureau in closed session the next day.
- d. The press release of the Secretary-General on the appointment of the five independent eminent experts on the implementation of the Durban Declaration and Programme of Action.

Letter from the PM of the USA

9. The Secretary drew attention to a letter received from the Permanent Mission of the United States of America requesting that its explanation of certain votes during the 59th session to be included in the report of the session. The Rapporteur informed the meeting of a decision taken by the Commission in 1984 (1984/103) that its report would be technical in nature and matters such as explanations of vote would appear in the summary records. It was agreed that the Secretariat would respond in these terms to the Permanent Mission.

Decision 2003/116

10. The Chairperson raised decision 2003/116 which requests the Bureau to continue consideration of how to enhance the work of the Commission. She asked for the matter to be raised in the regional group meetings. The Coordinator of the Eastern European Group set out three issues the group would like discussed in this context:
 - a. Restriction of rights of reply to once per item from the beginning of the session.
 - b. Limit the time for introduction of proposals, and differentiated time depending on whether the proposals has consensus or not.
 - c. Limit the time for explanation of votes.
11. It was agreed that the Secretariat would produce a paper outlining the issues proposed for discussion under decision 116.

Amb Lewalter and Amb Nene

12. The Chairperson noted that the Coordinators of the Western and African Groups were leaving Geneva, that this was their last meeting, and thanked them for their work in the Expanded Bureau.

Expanded Bureau of the 59th session of the Commission on Human Rights

Summary of the meeting between the Expanded Bureau and the 10th Annual meeting of special rapporteurs/representatives, experts and chairpersons of working groups of the special procedures (extract from report)

Wednesday, 25 June 2003, 15.00
Ground Floor Conference Room, Palais Wilson

1. Participants held a meeting with the Expanded Bureau of the 59th session of the Commission on Human Rights. The Chairperson of the Commission, Amb. Najat Al-Hajjaji, opened the meeting and welcomed the opportunity to once again exchange views with rapporteurs. The Chairperson referred to special procedure mechanisms as the 'eyes and ears' of the Commission. On behalf of the Expanded Bureau, the Chairperson made a statement outlining the recent session of the Commission. It was noted that the 59th session was characterized by a high level of time pressure and resource constraints but that better organization, including the establishment of a High Level Segment for dignitaries, the continued use of electronic voting, better time management and the introduction of an interactive dialogue with rapporteurs, had resulted in improvements on which it was possible to build. With respect to the interactive dialogue, the Chairperson emphasized that it had increased the quantity of time devoted to the consideration of the reports of special procedures and the quality of the ensuing dialogue.
2. With respect to other developments in the Commission, the Chairperson highlighted the political backdrop of the events in Iraq and in the occupied Palestinian territories but felt that the level of open confrontation in the Commission had decreased compared to the previous year, although these divisions still remained its principal challenge. The ending of a number of mandates was noted as well as the recommendation for renewal of several others. The substantial improvement in the availability and accessibility of documentation was recognized as being of primary importance.
3. The Chairperson raised a number of issues which she hoped could be discussed during the meeting. The issues included the fine tuning of the interactive dialogue; the consideration of how special procedures can play a role in healing some of the divisions that exist in the Commission; looking at the issue of reporting to the General Assembly; considering ways of better disseminating the work of special procedures and of improving interaction between special procedures and other mechanisms.
4. In response, all participants welcomed the improvements introduced into the Commission, particularly the interactive dialogue. However, some felt that the interactive dialogue could be improved further and that time limitations were still a significant hindrance to their work. In particular, it was felt that less time should be spent on other aspects of the Commission's work, in particular the High Level Segment. Some participants suggested the placing of limitations on the time available to dignitaries.

5. Another matter which was raised by participants related to the production of an annual report or yearbook on human rights. This was in connection with the perception that the Expanded Bureau needed to do more to encourage the dissemination of the work of special procedures. There was no general agreement as to the form which it could take and its precise content, but it was considered that the work of the special procedures mechanisms and the treaty bodies should be at its core.

6. Finally, some rapporteurs expressed concern about the politicization of the work of the Commission and encouraged the Commission to be more vocal in its support for the independence of special procedure mechanisms, to be more active with respect to follow up and in seeking the cooperation of, and the issuance of standing invitations by Member States.

7. In response, members of the Expanded Bureau acknowledged that the Commission had changed significantly in recent years, but stated that this was a product of its success with many non-governmental organizations, national human rights institutions, treaty bodies as well as an increase in the number of Member States wishing to participate in its activities. The Expanded Bureau also considered the fact that many Government dignitaries desired to speak before the Commission was also an indication of its importance and not something that they could restrict. It was necessary to ensure a balance in the time available to all stakeholders and to ensure that time is used carefully and productively. With respect to the creation of a yearbook or report on human rights, concern was expressed that it would be a complex exercise, with resource implications. It was important to ensure that if the idea was pursued that it should lead to more cooperation between special procedure mechanisms and Governments. Members of the Expanded Bureau emphasized their support for maintaining a dialogue with rapporteurs outside of the confines of the Commission.

8. In conclusion the Chairperson spoke strongly in support of special procedures mechanisms.

Expanded Bureau of the 59th session of the Commission on Human Rights

Summary of the meeting between the Expanded Bureau and the fifteenth meeting of chairpersons of human rights treaty bodies (extract from report)

Wednesday, 25 June 2003, 15.00
Ground Floor Conference Room, Palais Wilson

Present:

Chairperson, Rapporteur, Vice-Chair (Sri Lanka), Vice-Chair (Peru), Vice-Chair (Australia).
African, Asian, Eastern, GRULAC and Western Group Coordinators.
Secretariat

1. The Chairperson highlighted some aspects of the fifty-ninth session, and noted the success of strategies to maximize the time available for discussion and the practice of electing the bureau of the Commission in January. She outlined reforms of the Commission's working methods, such as the introduction of the high-level segment for dignitaries and an interactive dialogue between the special procedures mandate-holders and Commission members. She also noted that a number of mandates had been renewed, and that consideration of a number of country situations moved from item 9 (violations) to item 19 (technical assistance). As a working group on an optional protocol to the International Covenant on Economic and Social and Cultural Rights would be convened in 2003, the mandate of the independent expert on that issue had not been renewed.
2. The Chairperson was particularly pleased that the chairpersons of four of the committees (CEDAW, CERD, CRC, HRC) had been able to accept the invitation of the expanded bureau to address the session, as recommended by the chairpersons at their meeting last year. The Commission considered the effective functioning of the treaty bodies at each of its sessions under a specific agenda item, which allowed States and NGOs an opportunity to comment on the committees' work. The Commission had also adopted a number of resolutions calling for a direct or indirect role for the treaty bodies in their implementation.
3. The Chairperson underscored the common aims of the Commission and the treaty bodies in promoting and protecting human rights. Although the Commission was a political body and the treaty bodies were expert bodies, there was considerable scope for cooperation and dialogue, as had been established in recent years.
4. Two of the Vice-Chairpersons of the Commission also expressed the view that close relations between the Commission and the treaty bodies was essential in ensuring consistency in their work. Both indicated that the recommendations of treaty bodies carried great weight with States parties and encouraged constructive criticism.
5. The Chairperson of the Sub-Commission described the work of that body, providing details of the many documents and statements, including from NGOs, that the Sub-Commission had attracted. The Sub-Commission's working paper on reservations to

human rights treaties would be of particular interest to the treaty bodies. He indicated that it was important to find a way of enhancing interaction between the various bodies and of transmitting studies to the treaty bodies. He also underlined the need for a permanent dialogue with Member States as a way of exchanging ideas.

Dialogue session between the Chairpersons of the functional Commissions and ECOSOC on promoting collaboration and cooperation

17 July 2003
Room XIX PN, Geneva

Statement of the Chairperson of the 59th session of the Commission on Human Rights

Amb. Najat Al-Hajjaji

Mr President
Delegates
Fellow-Chairpersons
Ladies and gentlemen

1. It is a pleasure to be with you here this morning. I would like to thank the President of ECOSOC, Amb Rosenthal, for organising this valuable opportunity for dialogue.
2. In this brief intervention, I would like to draw your attention to a number of initiatives and innovations undertaken by the Commission on Human Rights since the last meeting of chairpersons of functional commissions, and particularly during the 59th session of the Commission in March and April this year. I will focus on those innovations which enhance collaboration with the Council and other commissions, as well as changes to working methods which could be of interest to our fellow commissions.

Collaboration with other commissions and the Council

3. Interaction between the Commission on Human Rights and other functional commissions continues to grow and deepen. This year I addressed the 47th session of the Commission on the Status of Women, the first time that a chair of the Commission on Human Rights has done so. As in past years, the Chair of the Commission on the Status of Women addressed the Commission on Human Rights and participated in our work. Similarly, the Commission invites the Special Rapporteur on Disability of the Commission for Social Development to address the annual session.
4. A number of links exist between the Commission, the Sub-Commission on the Promotion and Protection of Human Rights, and the Permanent Forum on Indigenous Issues. In particular, the Commission asked for the Chairperson-Rapporteur of the Sub-Commission's Working Group on Indigenous Populations to attend the second session of the Permanent Forum and to present the Working Group's report.
5. The Commission continues to collaborate with and seek guidance from the Council. In addition to participating in exercises such as today's, the Expanded Bureau of the Commission holds a joint meeting with the Bureau of the Council shortly after the Commission's annual session. The aim is to brief the Council on the session and the assist it to prepare for the consideration of human rights during the Council's substantive

session. The Chairperson of the Commission also addresses the substantive session of the Council.

Working methods

6. The past 12 months have been a particularly productive time in terms of enhancing the effectiveness of the Commission on Human Rights. A detailed set of proposals aimed at the working methods of the Commission was drafted by the Expanded Bureau of the previous session. These proposals were adopted by the 59th session by consensus, and provide a solid basis to further reform the working methods of the Commission. The 59th session saw the introduction a number of groundbreaking changes.
7. The first to mention is the introduction of a High Level Segment. Drawing on the experience of the Council, a High Level Segment was held for three and a half days at the opening of the session. Some idea of the success of the Segment can be gained from the fact that 61 of the 82 dignitaries addressing the session did so during the High Level Segment.
8. A second major innovation was the introduction of interactive dialogues between the Commission's special procedures mandate-holders and its members. There was increasing concern that the Commission was devoting less and less time to considering the work of the various special rapporteurs, independent experts and working groups it has established over the years. In response to this situation, the Expanded Bureau proposed that each mandate-holder be given time for a question and answer session with members of the Commission. The introduction of this idea, based on a successful experience at the Third Committee of the General Assembly, resulted in a great increase in the time devoted to a consideration of the special procedures' work, as well as a qualitative improvement to the consideration of this work.
9. A third development I would like to raise is the decision of the Commission to elect its Bureau in January each year, some two months before the start of the its substantive annual session in March. Previously the new Bureau was elected at the start of the substantive session. This innovation allows the new Bureau to become involved in preparations for the session at an earlier stage.
10. The Expanded Bureau itself continues to play a key role in enhancing transparency in the Commission's work. Among its initiatives in this area, the Expanded Bureau publishes the minutes of its meetings and meets regularly with NGO representatives.
11. These are but a few of the innovations currently being implemented or tested within the Commission on Human Rights. I look forward to being able to share more of our experiences in the Commission on Human Rights during our dialogue today.

Thank you

**Statement of the Chairperson of the 59th session of
the Commission on Human Rights to the Economic and Social Council**

Geneva
23 July 2003

Mr President
Excellencies,
Distinguished Colleagues,
Friends,
Ladies and Gentlemen:

It is an honor for me to address the Council today in my capacity as Chairperson of the fifty-ninth session of the Commission on Human Rights.

Last Thursday, I addressed the Council during its dialogue session with the Chairpersons of the functional commissions. At that time, I outlined the ways in which the Commission collaborates with other functional commissions and with the Council itself. I also highlighted a number of innovations in working methods that the Commission on Human Rights has implemented over the past 12 months. Today I would like to present a brief overview of fifty-ninth session of the Commission, underlining both its achievements and the challenges that lie ahead.

Features

The fifty-ninth session of the Commission was characterized by a number of features.

Time constraints

First, the Commission again operated under quite severe time restraints, as no additional meetings were authorized by the Fifth Committee of the General Assembly. While some forewarning allowed the Expanded Bureau to prepare for the situation, there was an inevitable effect on both the quality of the debate and the space given to members and observers alike.

Iraq

Second, the session took place against the background of events in Iraq, which coincided almost exactly with the opening of the session. A proposal by a number of members to hold a special sitting on events in Iraq was not endorsed by the Commission. Some debate on the issue, however, took place during the consideration of the resolution on the human rights situation in Iraq and during the consideration of the report of the Special Rapporteur on the situation of human rights in Iraq.

Reforms

A third feature was the introduction of a number of innovations in working methods, including a High Level Segment, interactive dialogues with special procedures and an early election of the

Bureau. As I outlined during the dialogue with chairpersons of functional commissions, these innovations had an immediate and - I would say - hugely beneficial effect on the work of the Commission.

Documentation

A fourth issue is that the documentation before the Commission was more focused than in previous years. A strict application of the relevant rules by the Secretariat (in line with an instruction from the Secretary-General) resulted in a lower number of pages of documentation even though the total number of documents was higher than in previous years.

Results

I would turn now to the results of the session. The Commission again adopted a large number of resolutions, decisions and chairpersons statements, a number of which are before the Council for endorsement. I would like to highlight a few of the most notable.

Working Groups

A new working group to consider a possible optional protocol to the International Covenant on Economic, Social and Cultural rights will meet before the sixtieth session to begin work. On the other hand, another working group has been terminated, namely that on the Elaboration of Policy Guidelines on Structural Adjustment Programmes and Economic, Social & Cultural Rights.

Country situations

Turning to country-specific work, this year the Commission considered three new country situations, and terminated one geographic mandate. A trend noted at the fifty-ninth session was the movement of consideration of country situations from item 9 (the item dealing with violations of human rights) to item 19 (the item dealing with technical assistance).

Sub-Commission

The Commission continues to supervise the work of the Sub-Commission on the promotion and protection of human rights. This year a number of important Sub-Commission decisions were endorsed, including that to convene a second Social Forum, and those relating to new studies, such as those on human rights and small arms and discrimination in the criminal justice system.

Intersessional work

The annual session of the Commission is complemented by the growing amount of intersessional work. This year seven working groups will meet intersessionally. In addition the Expanded Bureau will continue prepare for the sixtieth session, as well as guiding the reform process and other intersessional work such as that related to appointments to special procedures.

Challenges

Mr President

Despite the achievements I have outlined today, the Commission on Human Rights still faces a number of significant challenges. As a body, it has suffered a considerable amount of criticism from certain sectors of the media, civil society and member states themselves. While some of these criticisms take into account neither the achievements of the Commission nor the context in which it operates, there remains a perception that the Commission could be more efficient and effective in fulfilling its mandate. The most recent process of reflection on reforming the way in which the Commission does its work started within the Expanded Bureau of the fifty-eighth session, and considered matters such as:

- the level of politicization in the Commission,
- the length and periodicity of its resolutions,
- the Commission's agenda,
- the role of our NGO partners,
- the role of the special procedures,
- the use of limited resources, and
- the question of country-specific work.

This process of reflection will continue under the current Expanded Bureau.

I would like to make two points regarding this process.

The **first** is that the Commission does not just talk about reform but takes action. A review of recent sessions will reveal a long list of solid achievements in enhancing the effectiveness of the Commission's work, be it the introduction of limits on the tenures of special procedures, or the introduction of the High Level Segment, or the innovation of the Bureau working solely in its expanded format. These are achievements in which the Commission can take pride.

My **second** point is that the reform process depends very much on the encouragement, support and guidance of the Council. To this end, the Commission will keep the Council informed of its reform activities, and looks to the Council to support its endeavors when reviewing the Commission's work each year.

I thank you for your attention.

**Statement of the Chairperson of 59th session of
the Commission on Human Rights to the 55th session of the Sub-Commission on the
Promotion and Protection of Human Rights**

Monday 28 July 2003
Room XVIII

*Distinguished members of the Sub-Commission,
ladies and gentlemen*

It is a pleasure to be here with you this morning and to address you as Chairperson of the fifty-ninth session of the Commission on Human Rights. I have been mandated by the Commission to inform you about the resolutions and debate that took place during the fifty-ninth session of the Commission relating to the work of the Sub-Commission.

Introduction

This year the Commission again considered the work of the Sub-Commission, despite the extreme time constraints under which this year's session operated, as I am sure many of you know. The Commission expressed its appreciation and respect for your work and the valuable assistance it provides to the members of the Commission. The Commission reiterated its appreciation for the improvement of working methods achieved by the Sub-Commission, particularly during its past two sessions.

Once again, the Commission operated under quite severe time restraints at its fifty-ninth session. Although not as traumatic as those experienced at the fifty-eighth session, the constraints did result in the clustering of a number of items including item 16 on the Sub-Commission. This was regrettable but absolutely necessary given the circumstances. However, as you will recall, the Commission considers draft proposals emanating from the Sub-Commission under the most relevant agenda items of the Commission, rather than under the item devoted to the report of the Sub-Commission. Thus, the full consideration of your proposals was largely preserved.

Commission action on Sub-Commission proposals

Madame Chairperson

I would first like to address the specific proposals made by the Sub-Commission to the fifty-ninth session of the Commission. During this session, the Commission considered ten proposals by the Sub-Commission on a variety of topics.

Of these, six were adopted as proposed, those on:

- the appointment of a special rapporteur to conduct a study on discrimination in the criminal justice system;
- the appointment of a special rapporteur to conduct a study on housing and property restitution in the context of refugees and other displaced persons;
- the holding of the Social Forum;
- the appointment of a special rapporteur to conduct a study on indigenous peoples' permanent sovereignty over natural resources;
- the international decade of the world's indigenous people; and
- the appointment of a special rapporteur to conduct a study on the prevention on human rights violations caused by the availability and misuse of small arms and light weapons.

A number of other Sub-Commission proposals were subsumed in separate Commission resolutions. Thus, no action was taken on draft decisions 5 and 8 of the Sub-Commission on the *Working Group on Indigenous Populations* in light of the adoption by the Commission of Resolution 2003/55 on the same topic. However, in this resolution the Commission did endorse the Sub-Commission's two decisions. While on the issue of this working group, I should mention that in its resolution 2003/58 the Commission recommended that ECOSOC authorise the Working Group to meet five working days prior to the 55th session of the Sub-Commission.

Similarly, no action was taken on Sub-Commission's draft decision 9 on *Human Rights and Terrorism*, in light of the adoption by the Commission of resolution 2003/37 of the same title. In that resolution, the Commission did, however, endorse Sub-Commission resolution 2002/24.

The Commission adopted a slightly amended version of draft decision 7 of the Sub-Commission on the *Presentation of the report of the Working Group on Indigenous Populations to the Permanent Forum on Indigenous Issues*. The amendment deleted the reference to the third session of the Permanent Forum, in light of the current review by the Economic and Social Council of mechanisms relating to indigenous issues.

Working methods

Madame Chairperson

I have already referred to the question of working methods and the Commission's appreciation for your efforts in this area. As you know, the Commission itself is undertaking a reflection of its own working methods with a view to improving its effectiveness and efficiency. Last year the Expanded Bureau of the fifty-eighth session was able to agree on a number of proposals for reform which were subsequently adopted by the Commission by consensus. This set of proposals forms the basis for our work on reforms leading up to the sixtieth session.

Timing of the Sub-Commission

One issue mentioned in this set of proposals is the desirability of narrowing the gap between the end of the Sub-Commission's session and the session of the Commission. As you know, this issue has come before the Commission over recent years. This year the Commission had before

it a report of the Office of the High Commissioner on the problems created by this gap. The report outlined three proposals:

- First, moving or changing the dates of the Sub-Commission's session;
- Second, early action on Sub-Commission proposals by the Commission at its informal meeting in September; and
- Third, action on Sub-Commission proposals by the Commission at its election meeting in January.

The Commission took note of this report and requested its Bureau to study the proposals and formulate recommendations to present to the sixtieth session. I hope that during our closed meeting tomorrow, your views on these matters will be shared with the Expanded Bureau.

Other working methods issues

A number of other issues relating to the working methods of the Sub-Commission came to the Commission's attention this year. The views of the Commission are reflected in its resolution 2003/59 on the work of the Sub-Commission. The Commission specifically referred to the final working paper on methods of work of the Sub-Commission presented to your fifty-first session. It also specifically endorsed the continued use of "question and answer" format in your work.

I would like to briefly draw your attention to some other new elements in this resolution.

First, the Commission underlined the centrality of the rules of the functional commissions of ECOSOC to the question of the Sub-Commission's working methods. It also introduced a preambular reference to the guidelines for the application of your body's rules as set out in your decision 114 of 1999.

Second, the Commission decided that one of the ways the Sub-Commission can best assist the Commission in its work is for expert studies and working papers to be carried out solely by members or alternates of the Sub-Commission.

Third, the Commission underlined the need for cooperation among the various UN human rights mechanisms by asking the Sub-Commission to undertake studies which the Commission requests after proposals by the UN human rights treaty bodies.

Fourth, the Commission underlined the importance of Sub-Commission members avoiding situations where a conflict of interest might arise.

Fifth, the Commission recommended that the Sub-Commission improve its methods of work by giving appropriate regard to the legal opinions addressed to it.

In arriving at each of these positions, the Commission has in mind the continual improvement not only of the Sub-Commission's working methods, but also the efficiency of its own consideration of your work, and its implementation.

Documentation

Before concluding, I would like to raise the issue of documentation. As you know, the timely provision of documentation in the appropriate languages has been a constant challenge for all stakeholders in the Commission. The handling of documentation at this session of the Commission underwent something of a revolution. It was the first session to benefit from the streamlining of document processing within the Office of the High Commissioner, particularly with the establishment of the Document Processing Unit, and the increased posting of advanced edited versions of documents on the web. It was also the first session at which the initiative of the Secretary-General to strictly enforce existing limitations on length and time of submission was applied. These factors produced remarkable results. Although the number of documents submitted to the Commission this year was again higher than the previous year, the total page count was reduced. These rules are also applied in respect of the Sub-Commission. Despite some inconvenience caused to those producing documents, I am sure you will all agree that the overall benefit is well worth the sacrifice.

Finally, I would also draw your attention to the successful initiative of the previous Expanded Bureau in producing a CDROM containing the report of the 58th session together with a number of other documents including all reports of the special procedures. I am sure that this will render the work of the Commission and its special procedures more accessible to all, including the Sub-Commission.

Conclusion

I would like to conclude by reiterating the commitment of the Commission, and my commitment as Chairperson of the fifty-eighth session, to support your work here in the Sub-Commission.

It is no secret that the Commission is, at present, under pressure. More and more human rights issues arise each year demanding the attention during the session. At the same time, financial constraints are restricting the amount of time we have to conclude our debates. In this scenario, the work of the Sub-Commission becomes ever more valuable. It provides the Commission with the crucial substantive support on human rights issues which it itself has not the time nor, necessarily, the expertise to undertake.

I hope this overview has provided you with a clearer picture of this year's session of the Commission as it related to the Sub-Commission. Your meeting with the Expanded Bureau will allow us to elaborate the details of this year's session and enter into a dialogue with you.

Thank you.

Expanded Bureau of the 59th session of the Commission on Human Rights

Summary of the third post-session meeting

Thursday, 28 July 2003, 15.00
Room XXVII

Present:

Chairperson, Rapporteur, Vice-Chair (Sri Lanka), Vice-Chair (Peru), Vice-Chair (Australia).
African, Asian, Eastern, GRULAC and Western Group Coordinators.
Secretariat

A. Appointments

1. The Secretary updated the meeting on the status of appointments made to date, including those to the Working Group on Arbitrary Detention, the Working Group on Enforced or Involuntary Disappearances, the Special Rapporteur on Violence Against Women, and the Independent Expert on Liberia. The Chairperson informed the meeting that she hoped to appoint the Special Rapporteur on the Independence of Judges and Lawyers before the end of July.

B. Enhancement of working methods

2. The meeting had before it a note from the Secretariat (as requested at the last meeting) setting out the various topics for discussion made by regional groups in the context of decision 2003/116 (on intersessional activities of the Bureau).
3. Participants agreed that a deadline for submissions under decision 2003/116 should be established which would allow regional groups to consider the issues, but which would also not clash with the many commitments of missions in November and December. It was agreed that submissions should be received by the Secretariat no later than 29 September. Thereafter submissions would be considered (as happened in 2002) by members of the Expanded Bureau meeting at the expert level. A document containing points of consensus would then be presented by the expert level group to the Expanded Bureau for consideration at the end of November. The Vice-Chair (Australia) drew attention to the possible usefulness of the document produced in 2002 which contained elements on which no consensus existed at that time.

C. 55th session of the Sub-Commission

4. The Secretary informed the meeting of the upcoming 55th session of the Sub-Commission, and the planned meeting between the Expanded Bureau and members of the Sub-Commission in closed meeting on 29 July 2003.

D. Working Groups

5. The Secretary informed the meeting that:
 - a. the calendar of working groups would need to be changed. Owing to the programme budget implications for the first session of the Working Group on an Optional Protocol to CESCRR discussed at ECOSOC, that working group would need to move to early 2004. In light of Conference Services availability, it was agreed that the Working Group would meet 23 February-5 March 2004.
 - b. Members of the Working Group on Situations are still to be nominated.

E. Substantive session of ECOSOC

6. The Chairperson reported on her participation in the substantive session of ECOSOC, as well as in the dialogue session between the Chairpersons of the functional Commissions and ECOSOC on promoting collaboration and cooperation on 17 July. The Secretary gave an overview on action taken by ECOSOC on Commission proposals. The Vice Chair (Australia) raised the issue of the Chairperson having to address ECOSOC from her delegation rather than from the podium, noting that this was not very satisfactory.

F. AOB

7. The Secretary raised the following issues:
 - a. A letter sent by the Deputy High Commissioner to the Chairperson on the nominations for the Human Rights Prize.
 - b. The upcoming One Day Informal Session of the Commission.
 - c. The continuing work on the CD Rom of the 59th session.
 - d. A letter sent to the Secretary-General informing him of the need to nominate an independent expert on Afghanistan. The Secretariat would welcome names from regional groups.

Expanded Bureau of the 59th session of the Commission on Human Rights

Summary of the fourth, fifth and sixth post-session meetings

Thursday, 21 August 2003, 15.00
Ground Floor Conference Room, Palais Wilson
Tuesday, 26 August 2003, 11.30 a.m.
Ground Floor Conference Room, Palais Wilson
Thursday, 28 August 2003, 11.00 a.m.
Ground Floor Conference Room, Palais Wilson

Present:

Chairperson, Rapporteur, Vice-Chair (Sri Lanka), Vice-Chair (Peru), Vice-Chair (Australia).
African, Asian, Eastern, GRULAC and Western Group Coordinators.
Secretariat

1. At the request of the Chairperson, the Expanded Bureau met to be updated by the Secretariat on events following the bombing of the UN compound in Baghdad, and to consider possible means for the Commission to commemorate those who had died. To this end, a number of issues were discussed, including:
 - a. the private arrangements for the funeral of the High Commissioner;
 - b. the commemorative events organized by OHCHR and by UNOG;
 - c. the one day meeting of the Commission; and
 - d. the role of the Commission in this situation.
2. The Expanded Bureau agreed that the Chairperson should write letters of condolence to the Secretary-General and Mrs. de Mello.
