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## ANNOTATIONS TO THE PROVISIONAL AGENDA

Prepared by the Secretary-General

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\* This table of contents is based upon the draft provisional agenda for the fifth session of the Human Rights Council (A/HRC/5/1), with the addition of the indicative subheadings for ease of reference.

## **Item 1 - Adoption of the agenda and organization of work**

### **Adoption of the agenda**

1. The Council will have before it the provisional agenda (A/HRC/5/1) proposed by the President of the Human Rights Council as well as the present annotations relating to the items included in the provisional agenda.

### **Organization of the work of the session**

2. At its fourth session, in decision 4/101, the Council decided to convene its fifth session from 11 to 18 June 2007.

3. Rule 99 of the rules of procedure of the General Assembly provides that each committee “shall at the beginning of the session adopt a programme of work indicating, if possible, a target date for the conclusion of its work, the approximate dates of consideration of items and the number of meetings to be allocated to each item” (A/520/Rev.16). Accordingly, the Council will have before it for approval a draft timetable showing the order and distribution of meeting time for each agenda item/segment of its programme of work for the session.

### **Composition of the Human Rights Council**

4. The composition of the Council at the fifth session is the following (the term of membership of each State expires on 18 June of the year indicated in brackets): Algeria (2007); Argentina (2007); Azerbaijan (2009); Bahrain (2007); Bangladesh (2009); Brazil (2008); Cameroon (2009); Canada (2009); China (2009); Cuba (2009); Czech Republic (2007); Djibouti (2009); Ecuador (2007); Finland (2007); France (2008); Gabon (2008); Germany (2009); Ghana (2008); Guatemala (2008); India (2007); Indonesia (2007); Japan (2008); Jordan (2009); Malaysia (2009); Mali (2008); Mauritius (2009); Mexico (2009); Morocco (2007); Netherlands (2007); Nigeria (2009); Pakistan (2008); Peru (2008); Philippines (2007); Poland (2007); Republic of Korea (2008); Romania (2008); Russian Federation (2009); Saudi Arabia (2009); Senegal (2009); South Africa (2007); Sri Lanka (2008); Switzerland (2009); Tunisia (2007); Ukraine (2008); United Kingdom of Great Britain and Northern Ireland (2008); Uruguay (2009); Zambia (2008).

## **Item 2 - Implementation of General Assembly resolution 60/251 of 15 March 2006 entitled “Human Rights Council”**

5. At its first session, in decision 1/102, the Council decided to extend exceptionally for one year, subject to the review to be undertaken by the Council in conformity with General Assembly resolution 60/251, the mandates and the mandate-holders of all the special procedures of the Commission on Human Rights, of the Sub-Commission on the Promotion and Protection of Human Rights as well as the procedure established in accordance with Economic and Social Council resolution 1503 (XLVIII) of 27 May 1970, as listed in the annex to that decision. In the same decision, the Council requested the special procedures, the

Sub-Commission and the procedure established in accordance with Economic and Social Council resolution 1503 (XLVIII) to continue with the implementation of their mandates and the Office of the United Nations High Commissioner for Human Rights to continue to provide the necessary support to them.

6. In its decision 2/102, the Council noted all the reports and studies presented at its second session and the substantive interactive dialogue with mandate-holders and requested the Secretary-General and the High Commissioner for Human Rights to continue with the fulfilment of their activities, in accordance with all previous decisions adopted by the Commission and to update the relevant reports and studies. In the same decision, the Council also took note of the draft decisions transmitted by the Sub-Commission pertaining to previously authorized activities, with a view to allowing their continuation in accordance with Council decision 1/102.

### **Reports of mechanisms and mandates**

#### **Reports of special procedures to be considered at the present session**

7. Pursuant to Council decision 1/105, entitled “Draft framework for a programme of work of the Human Rights Council for the first year”, the Council at its fourth session considered a number of reports of special procedures and held interactive dialogues with special procedures mandate-holders. In its decision 4/101, the Council decided to convene a fifth session during the first year of the holding of its first session, to be held from 11 to 18 June 2007, during which the following reports of special procedures will be considered:<sup>1</sup>

(a) Report of the independent expert appointed by the Secretary-General on the situation of human rights in Haiti, Louis Joinet (A/HRC/4/3);

(b) Report of the independent expert appointed by the Secretary-General on the situation of human rights in Somalia, Ghanim Alnajjar (A/HRC/5/2);

(c) Report of the independent expert appointed by the Secretary-General on the situation of human rights in the Democratic Republic of the Congo, Titinga Frédéric Pacéré (A/HRC/4/7);

(d) Report of the independent expert on human rights and international solidarity, Rudi Muhammad Rizki (A/HRC/4/8);

(e) Report of the independent expert on the question of human rights and extreme poverty, Arjun Sengupta (A/HRC/5/3);

(f) Report of the Personal Representative of the United Nations High Commissioner for Human Rights on the situation of human rights in Cuba, Christine Chanet (A/HRC/4/12);

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<sup>1</sup> The order of the reports of the special procedures in the text of the present annotations is mostly based on the list contained in the annex to Council decision 1/102.

(g) Report of the Special Rapporteur on the situation of human rights in the Sudan, Sima Samar (A/HRC/5/4);

(h) Report of the Special Rapporteur on the situation of human rights in Belarus, Adrian Severin (A/HRC/4/16);

(i) Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, Miloon Kothari (A/HRC/4/18 and Add.1-3);

(j) Report of the Special Rapporteur on the adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights, Okechukwu Ibeanu (A/HRC/5/5 and Add.1);

(k) Report of the Special Rapporteur on trafficking in persons, especially women and children, Sigma Huda (A/HRC/4/23 and Corr.1, and Add.1 and 2);

(l) Report of the Special Rapporteur on the independence of judges and lawyers, Leandro Despouy (A/HRC/4/25 and Add.1-3);<sup>2</sup>

(m) Report of the Special Rapporteur on the right to food, Jean Ziegler (A/HRC/4/30 and Add.1);

(n) Report of the Special Representative of the Secretary-General for human rights in Cambodia, Yash Ghai (A/HRC/4/36).

8. In its decision 2/106, the Council requested the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, within his mandate, when submitting his report to the Council at any session after its fourth session, to include the issue of political participation and representation of groups that are vulnerable to racism, racial discrimination, xenophobia and related intolerance in the decision-making process in national Governments, parties, parliaments and civil society in general, taking into consideration their possible contribution to reinforcing the anti-discrimination perspective in political and social life with a view to strengthening democracy. The Council will have before it the report of the Special Rapporteur (A/HRC/5/10), as well as the summary of cases transmitted to Governments and replies received (A/HRC/4/19/Add.1) and the report on his mission to the Russian Federation (A/HRC/4/19/Add.3).

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<sup>2</sup> In its decision 2/110, the Council requested the Special Rapporteur on the independence of judges and lawyers to take full account of resolution 2005/30 of the Commission on Human Rights of 19 April 2005 and of the relevant resolutions and decisions on the issue of administration of justice through military tribunals of the Sub-Commission on the Promotion and Protection of Human Rights in the discharge of his mandate and in his report to the Council at its fourth session. The report is scheduled for consideration at the present session.

**Other reports and documents to be prepared for the fifth session of the Council under the existing legislative authority**

*Right to the truth*

9. In its decision 2/105, the Council, recalling Commission resolution 2005/66, requested the Office of the High Commissioner to prepare a follow-up report on the study on the right to the truth, which shall include best national and international practices, in particular legislative, administrative or any other measures, as well as individual and societal dimensions of this right, taking into account the views of States and relevant intergovernmental and non-governmental organizations. In the same decision, the Council decided to consider the follow-up report of the High Commissioner (A/HRC/5/7) at its fifth session.

*Human rights and arbitrary deprivation of nationality*

10. In its decision 2/111, the Council, taking note of the report of the Secretary-General (E/CN.4/2006/88), decided to call upon its relevant mechanisms as well as appropriate United Nations treaty bodies to continue to collect information on the question of human rights and arbitrary deprivation of nationality from all relevant sources and to take account of such information, together with any recommendations thereon, in their reports and activities conducted within their respective mandates and encouraged the Office of the High Commissioner for Refugees to do the same. In the same decision, the Council also requested the Secretary-General to collect information on the question of human rights and arbitrary deprivation of nationality from all relevant sources and to make this information available to the Council at its fifth session. In accordance with this decision, the report of the Secretary-General will be submitted to the Council at its present session (A/HRC/5/8).

**Reports to be prepared for subsequent sessions of the Council and activities to be undertaken**

*Reports of special procedures*

11. In its decision 2/108, the Council requested the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, when presenting his report to the Council at any session after its fourth session, to include the possibility of identifying and exploring, bearing in mind the level of development of countries and from the perspective of the right to the highest attainable standard of physical and mental health, the key features of an effective, integrated and accessible health system.

12. In its resolution 4/9, the Council invited the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance to report on all manifestations of defamation of religions and in particular on the serious implications of Islamophobia on the enjoyment of all rights at its sixth session (see also paragraph 33 below).

13. In its resolution 4/10, the Council requested the Special Rapporteur on freedom of religion or belief to report on this issue to the Council at its sixth session (see also paragraph 34 below).

*Reports of intergovernmental working groups and related activities*

14. In its resolution 1/3, the Council decided to extend the mandate of the Open-ended Working Group on an optional protocol to the International Covenant on Economic, Social and Cultural Rights for a period of two years and requested the Chairperson of the Working Group to prepare a first draft optional protocol. In the same resolution, the Council requested the Working Group to meet for 10 working days each year and to report to the Council. The meeting of the Working Group is scheduled to be held from 16 to 27 July 2007.

15. In its resolution 1/5, the Council decided to extend the mandate of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action for a further period of three years. In its decision 3/103, the Council decided to recommend that the Working Group convene the second part of its fifth session in September 2007 and that this session mark the conclusion and closure of the Working Group's debates and deliberations on the question of complementary standards.

16. In its resolution 1/5, the Council also requested the High Commissioner for Human Rights to select, in close consultations with the regional groups, five highly qualified experts to study the content and scope of the substantive gaps in the existing international instruments to combat racism, racial discrimination, xenophobia and related intolerance. In its decision 3/103, the Council welcomed the appointment of the Five Experts on Complementary Standards by the High Commissioner and requested the Five Experts to finalize the report before the end of June 2007. The following personalities have been appointed by the High Commissioner: Jenny Goldschmidt, Dimitrina Petrova, Syafi'I Anwar, Tiya Maluwa and Luis Waldo Villalpando.

17. In its decision 3/103, the Council decided to establish an Ad Hoc Committee of the Human Rights Council on the Elaboration of Complementary Standards and recommended that the Ad Hoc Committee shall convene annual sessions of 10 working days to draw up the requisite legal instruments and hold its first session before the end of 2007 subject to the Working Group having completed its task on complementary standards by that date, and to report regularly to the Council on progress in the actual progress of the elaboration of complementary standards.

18. In its resolution 4/4, the Council decided to renew the mandate of the Working Group on the Right to Development for a period of two years, and that the Working Group shall convene annual sessions of five working days and present its reports to the Council. In the same resolution, the Council also decided to renew the mandate of the high-level task force on the implementation of the right to development for a period of two years, and that the task force will convene annual sessions of seven working days and present its reports to the Working Group on the Right to Development. Moreover, the Council decided to review the progress of the implementation of this resolution as a matter of priority in its future sessions.

*Human rights and access to water*

19. In its decision 2/104, the Council requested the Office of the High Commissioner, taking into account the views of States and other stakeholders, to conduct a detailed study on the scope and content of the relevant human rights obligations related to equitable access to safe drinking

water and sanitation under international human rights instruments, which includes relevant conclusions and recommendations thereon, to be submitted prior to the sixth session of the Council.

*Access to medication in the context of pandemics, such as HIV/AIDS, tuberculosis and malaria*

20. In its decision 2/107, the Council requested the Secretary-General to continue to solicit comments from Governments, United Nations organs, programmes and specialized agencies and international and non-governmental organizations on the steps they have taken to improve access to medication in the context of pandemics such as HIV/AIDS, tuberculosis and malaria and to submit a report thereon to the Council at any session after its fourth session. In the same decision, the Council also requested the Secretary-General to include, when submitting his report to the Council at any session after its fourth session, a study on the exploration of new and innovative financing mechanisms, bearing in mind the existing ones, which can help improve the access to medication that fight those pandemics, from the perspective of human rights, as well as to include an assessment of the impacts of intellectual property rights on access to medication in the context of pandemics such as HIV/AIDS, tuberculosis and malaria from the perspective of human rights, taking into consideration the discussions carried out in the World Health Organization Intergovernmental Working Group on Public Health, Innovation, Essential Health Research and Intellectual Property Rights and in consultations with Governments, United Nations organs, programmes, specialized agencies, intergovernmental and non-governmental organizations and the private sector.

*Technical cooperation in the field of human rights in Afghanistan*

21. In its decision 2/113, the Council requested the High Commissioner to continue, in cooperation with the United Nations Assistance Mission in Afghanistan, to monitor the human rights situation in Afghanistan, provide and expand advisory services and technical cooperation in the field of human rights and the rule of law, and to report regularly to the Council on the situation of human rights in Afghanistan, paying special attention to the rights of women, and on the achievements of technical assistance in the field of human rights.

*Human rights and extreme poverty*

22. In its resolution 2/2, the Council took note of the draft guiding principles on extreme poverty and human rights: the rights of the poor annexed to resolution 2006/9 of the Sub-Commission for the Promotion and Protection of Human Rights. In the same resolution, the Council requested the High Commissioner to circulate the draft guiding principles, in order to obtain the views of States, relevant United Nations agencies, intergovernmental organizations, United Nations treaty bodies, special procedures including the independent expert on the question of human rights and extreme poverty, national human rights institutions, non-governmental organizations, especially those in which people in situations of extreme poverty express their views, and other relevant stakeholders, and to report to the Council at its seventh session.

*Effective implementation of international instruments on human rights*

23. In its resolution 2/5, the Council encouraged the High Commissioner to undertake a study on various options for reforming the treaty body system, and to seek views of States and other stakeholders in this regard and to report thereon to the Council.

*Human rights and unilateral coercive measures*

24. In its decision 4/103, the Council requested the Secretary-General to bring the aforementioned decision to the attention of all States and to seek their views and information on the implications and negative effects of unilateral coercive measures on their populations, and to submit a report thereon to the Council at its sixth session.

*Enhancement of international cooperation in the field of human rights*

25. In its decision 4/104, the Council requested the High Commissioner to consult States, and intergovernmental and non-governmental organizations on ways and means to enhance the international cooperation and dialogue in the United Nations human rights machinery, including the Human Rights Council as recognized in the ninth preambular paragraph of General Assembly resolution 60/251 of 15 March 2006. It also requested the High Commissioner to present a report on the basis of her findings to the Council before the end of 2007.

*Question of the realization in all countries of economic, social and cultural rights*

26. In its resolution 4/1, the Council took note with interest of the report of the Secretary-General on the question of the realization in all countries of economic, social and cultural rights (A/HRC/4/62), submitted pursuant to Council decision 2/102 and Commission on Human Rights resolution 2005/22. In the same resolution, the Council requested the Secretary-General to submit an annual report on its implementation and decided to remain seized of this issue and to consider taking further actions in order to implement the resolution.

*Globalization and its impact on the full enjoyment of all human rights*

27. In its resolution 4/5, the Council decided to consider this issue at a future session.

*Strengthening of the Office of the United Nations High Commissioner for Human Rights*

28. In its resolution 4/6, the Council called upon the High Commissioner to take into account all relevant resolutions of the General Assembly and the Council in planning the activities of the Office and requested her to reflect them appropriately in her annual reports to the Council and the Assembly. In the same resolution, the Council encouraged the Office of the High Commissioner to ensure transparency in its activities and operation through a process of continued dialogue and consultations with Member States. The Council requested the High Commissioner to provide all States with adequate financial and budgetary information on the Office, by, inter alia, holding briefings on voluntary contributions. It also invited the High Commissioner to continue to provide information on cooperation with other United Nations bodies and make available information concerning agreements with other United Nations bodies and their implementation as appropriate.

29. In the same resolution, the Council requested the High Commissioner to take further measures to implement the recommendations of the Joint Inspection Unit with a view to improving the geographic balance of the composition of her Office at all levels.

30. The Council also invited the High Commissioner to submit information pursuant to the above-mentioned resolution in her annual report to the Council and decided to consider the implementation of the resolution at a future session under the relevant agenda item.

*Rectification of the legal status of the Committee on Economic, Social and Cultural Rights*

31. In its resolution 4/7, the Council decided to initiate a process to rectify the legal status of the Committee on Economic, Social and Cultural Rights, with the aim of placing the Committee on a par with all other treaty monitoring bodies. The Council requested the Committee in this context to present a report outlining views, proposals and recommendations on this issue to its last session in 2007. The Council moreover requested the Office of the High Commissioner to seek the views of States and those of all stakeholders on this issue, and to prepare a report containing these views, as well as an input from the Office of Legal Affairs in this regard, for submission to the 2007 last session of the Council.

32. In the same resolution, the Council decided to convene at its last session in 2007 an interactive dialogue highlighting the importance of the principles of universality and indivisibility and the primacy of all human rights, with a view to deciding on the future direction of this process.

*Combating defamation of religions*

33. In its resolution 4/9, the Council requested the High Commissioner to report to the Council on the implementation of the aforementioned resolution at its sixth session (see also paragraph 12 above).

*Elimination of all forms of intolerance and of discrimination based on religion or belief*

34. In its resolution 4/10, the Council decided to continue substantive consideration of this matter at its sixth session (see also paragraph 13 above).

**Institution-building**

35. In its decision 4/101, the Council decided to convene its fifth session from 11 to 18 June 2007, in order to consider in particular the institution-building process.

*Universal periodic review mechanism*

36. In its resolution 60/251, the General Assembly decided, in its paragraph 5 (e), that the Council shall, inter alia, undertake a universal periodic review, based on objective and reliable information, of the fulfilment by each State of its human rights obligations and commitments in a manner which ensures universality of coverage and equal treatment with respect to all States; the review shall be a cooperative mechanism, based on an interactive dialogue, with the full

involvement of the country concerned and with consideration given to its capacity-building needs; such a mechanism shall complement and not duplicate the work of treaty bodies; the Council shall develop the modalities and necessary time allocation for the universal periodic review mechanism within one year after the holding of its first session.

37. At its first session, in decision 1/103, the Council decided to establish an intersessional open-ended intergovernmental working group to develop the modalities of the universal periodic review mechanism and requested the Working Group to report regularly to the Council starting in September 2006 on progress made in the development of modalities and the necessary time allocation for the universal periodic review, as requested by the General Assembly in paragraphs 5 (e) and 9 of its resolution 60/251. The Council also decided that the Working Group shall have at its disposal 10 days (or 20 three-hour meetings) of fully serviced meetings and that it shall allow sufficient time and flexibility for the development of the universal periodic review mechanism.

38. The Working Group on the universal periodic review held three sessions during the periods from 13 to 24 November 2006; 12 to 15 February 2007; and 10 to 26 April 2007, respectively.

*Review of mandates, mechanisms, functions and responsibilities*

39. In its resolution 60/251, the General Assembly decided that the Council shall assume, review and, where necessary, improve and rationalize all mandates, mechanisms, functions and responsibilities of the Commission on Human Rights in order to maintain a system of special procedures, expert advice and a complaint procedure; the Council shall complete this review within one year after the holding of its first session (para. 6).

40. In its decision 1/104, the Council decided to establish an open-ended intergovernmental working group to formulate concrete recommendations on the issue of reviewing and, where necessary, improving and rationalizing all mandates, mechanisms, functions and responsibilities in order to maintain a system of special procedures, expert advice and a complaint procedure, in conformity with General Assembly resolution 60/251, through open-ended, intersessional, transparent, well-scheduled and inclusive consultations, with the participation of all stakeholders.

41. In the same decision, the Council also decided that the Working Group shall have at its disposal 20 days (or 40 three-hour meetings) of fully serviced meetings and that it shall allow sufficient time and flexibility for the fulfilment of its mandate. The Council requested the Working Group to report to it regularly, starting in September 2006, on progress made to allow for the completion of the review, as requested in paragraph 6 of General Assembly resolution 60/251.

42. In its resolution 2/1, the Council requested the Working Group to draft a code of conduct regulating the work of the special procedures, taking into account, inter alia, the suggestions made by the members of the Council during the discussions at the second session on the reports of the special procedures mandate-holders, as well as at previous formal and informal sessions of the Working Group. The Council, moreover, in its resolution 4/3, requested the Working Group to present to the fifth session of the Council the outcome of its deliberations on the code of conduct regulating the work of the special procedures.

43. The Working Group held three sessions in the period 13 to 24 November 2006; 5 to 16 February 2007; and 10 to 26 April 2007 on the review of mandates, expert advice, and the complaint procedure, respectively.

*Agenda and annual programme of work, and methods of work and rules of procedure of the Human Rights Council*

44. In its resolution 60/251, the General Assembly decided that the methods of work of the Human Rights Council shall be transparent, fair and impartial and shall enable genuine dialogue, be results-oriented, allow for subsequent follow-up discussions to recommendations and their implementation and also allow for substantive interaction with special procedures and mechanisms (para. 12).

45. In its resolution 3/4, the Council decided to establish an open-ended intergovernmental intersessional working group to formulate concrete recommendations on its agenda, its annual programme of work, its methods of work as well as its rules of procedure in accordance with General Assembly resolution 60/251, and to undertake transparent, well-scheduled and inclusive consultations, with the participation of all stakeholders.

46. In the same decision, the Council also decided that the Working Group shall have at its disposal 10 days of fully serviced meetings, half of them to be scheduled before the fourth session of the Council and half of them before its fifth session, which shall allow sufficient time and flexibility for the fulfilment of its mandate. The Council requested the Working Group to report to the Council at its fourth session on progress made thereon.

47. The Working Group held two sessions during the period from 15 to 19 January 2007 and 10 to 26 April 2007, respectively, on the agenda and annual programme of work, and on the methods of work and rules of procedure of the Council.

48. Following the final session of the Working Groups on the universal periodic review, on the review of mandates, mechanisms, functions and responsibilities (review of mandates; expert advice and complaint procedure) and the Working Group on the agenda and annual programme of work, and on the methods of work and rules of procedure of the Council, held in the period from 10 to 26 April, the President of the Council took over the institution-building process from the facilitators appointed by him on the various processes. In accordance with the provisions of General Assembly resolution 60/251 relating to institution-building, the Council is expected to complete this process at the present session on the basis of appropriate documentation to be circulated by the President of the Council.

**Follow-up to decisions of the Human Rights Council**

49. In accordance with Council decision 2/103, a segment on "Follow-up to decisions of the Human Rights Council" was added to the programme of work of the Council for the first year as contained in Council decision 1/105. The Council, in its decision 4/101, decided to convene an additional session within the first year.

50. Specific requests by the Council, contained in resolutions or decisions adopted at regular sessions and addressed to special procedures, intergovernmental working groups, the Secretariat or the Office of the High Commissioner have been reflected in the preceding paragraphs under the relevant segments of the programme of work for the fifth session of the Council (see paragraphs 7 to 48 above). Issues not referred to above, in particular those in relation to the implementation of and follow-up to decisions adopted by the Council at its special sessions, are reflected below.

51. In its decision 1/106, the Council decided to incorporate the issue of the human rights violations and implications of the Israeli occupation of Palestine and other occupied Arab territories in following sessions.

52. In resolution S-1/1 adopted at its first special session, the Council decided to dispatch an urgent fact-finding mission headed by the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967. At its third special session, in its resolution S-3/1, the Council decided to dispatch urgently a high-level fact-finding mission, to be appointed by the President of the Human Rights Council, to travel to Beit Hanoun. In resolution 4/2 adopted at its fourth session, the Council requested “the President of the Council and the United Nations High Commissioner for Human Rights to report to the Council at its fifth session on their efforts for the implementation of Council resolutions S-1/1 and S-3/1 and on compliance of Israel, the occupying Power, with these two resolutions”.

53. At its third session, in resolution 3/3, the Council took note of the report of the Commission of Inquiry on Lebanon (A/HRC/3/2) presented pursuant to resolution S-2/1 adopted by the Council at its second special session. In the same resolution, the Council requested the High Commissioner to consult with the Government of Lebanon on the report and its findings and on the relevant recommendations contained therein and to report to the Council at its fourth session. As announced at the 10th meeting of the Council on 16 March 2007 (A/HRC/4/SR.10), the Council will have before it the updated report of the High Commissioner on the follow-up to the report of the Commission of Inquiry on Lebanon (A/HRC/5/9).

54. In decision S-4/101 adopted by the Council at its fourth special session, the Council decided to dispatch a high-level mission to assess the human rights situation in Darfur and the needs of the Sudan in this regard, comprising five highly qualified persons, to be appointed by the President of the Human Rights Council following consultation with the members of the Council; as well as the Special Rapporteur on the situation of human rights in the Sudan. In its resolution 4/8, the Council took note of the report of the High-Level Mission on the situation of human rights in Darfur (A/HRC/4/80).

55. The Council, in its resolution 4/8, also decided to convene a group to be presided over by the Special Rapporteur on the situation of human rights in the Sudan, composed of the Special Representative of the Secretary-General for children and armed conflict, the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Representative of the Secretary-General on the situation of human rights defenders, the Representative of the Secretary-General on the human rights of internally displaced persons, the Special Rapporteur

on the question of torture, and the Special Rapporteur on violence against women, its causes and consequences. The Council, moreover, requested this group to work with the Government of the Sudan, the appropriate human rights mechanisms of the African Union and to closely consult with the Chairman of the Darfur-Darfur Dialogue and Consultation to ensure effective follow-up and to foster the implementation of resolutions and recommendations on Darfur and to report to the Council at its fifth session. In the same resolution, the Council decided to take a decision at its fifth session of any follow-up action that might be required. At its present session, the Council will have before it the report prepared by the group referred to above (A/HRC/5/6).

56. In its resolution 3/2, the Council decided that it will act as the Preparatory Committee for the Durban Review Conference. It noted that the Preparatory Committee shall elect at its organizational sessions, on the basis of equitable geographic representation, a bureau for the Preparatory Committee and that, at the same session, the Preparatory Committee shall decide on all the relevant modalities for the Conference in accordance with the established practice of the General Assembly, including deciding on the objectives of the Review Conference, the level at which the Review Conference shall be convened, regional preparatory activities, date and venue. The Council further decided that the review will concentrate on the implementation of the Durban Declaration and Programme of Action, including further actions, initiatives and practical solutions for combating all the contemporary scourges of racism. The Council decided to retain this priority issue on its programme of work and to report on progress regularly to the General Assembly.

57. In its decision 4/105, the Council decided to take note of the deferral of the following draft proposals to its fifth session:

- A/HRC/2/L.19 entitled “The use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination”;
- A/HRC/2/L.30 entitled “World Programme for Human Rights Education”;
- A/HRC/4/L.3 entitled “The Israeli violations of religious and cultural rights in Occupied East Jerusalem”; and
- A/HRC/4/L.4 entitled “Human rights situation in the Occupied Palestinian Territory”.

58. In the same decision, the Council decided to take note of the deferral of the following draft proposals to one of its coming sessions:

- A/HRC/2/L.33/Rev.1 entitled “Rights of the child”;
- A/HRC/2/L.37 entitled “Sri Lanka”;
- A/HRC/2/L.38/Rev.1 entitled “Impunity”;

- A/HRC/2/L.42/Rev.1 entitled “Freedom of opinion and expression”; and
- A/HRC/2/L.43 entitled “The rights of indigenous peoples”.

**Item 3 - Report to the General Assembly on the fifth session of the Council**

59. As at previous sessions, the Council will have before it for adoption a draft report prepared by the Rapporteur. The report will include decisions taken on any of the topics identified in the present annotated agenda. The report will also contain President’s statements, if any, as well as a technical summary of the proceedings held during the fifth session.

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