



# General Assembly

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## Human Rights Council

Advisory Committee

Twenty-third session

22–26 July 2019

Item 1 of the provisional agenda

**Adoption of the agenda and organization of work**

### Provisional agenda and annotations\*

#### Provisional agenda

1. Adoption of the agenda and organization of work.
2. Requests addressed to the Advisory Committee stemming from Human Rights Council resolutions and currently under consideration by the Committee:
  - (a) Integration of a gender perspective;
  - (b) Promotion of a democratic and equitable international order;
  - (c) Integration of the perspective of persons with disabilities;
  - (d) Negative effects of terrorism on the enjoyment of human rights;
  - (e) National policies and human rights;
  - (f) Global call for concrete action for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action;
  - (g) Role of technical assistance and capacity-building in fostering mutually beneficial cooperation in promoting and protecting human rights;
  - (h) Importance of a legally binding instrument on the right to development.
3. Implementation of sections III and IV of the annex to Human Rights Council resolution 5/1 and of section III of the annex to Council resolution 16/21:
  - (a) Review of methods of work;
  - (b) Agenda and annual programme of work, including new priorities;
  - (c) Appointment of members of the Working Group on Communications.
4. Report of the Advisory Committee on its twenty-third session.

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\* Agreement was reached to publish the present report after the standard publication date owing to circumstances beyond the submitter's control.



## Annotations

### 1. Adoption of the agenda and organization of work

#### *Adoption of the agenda*

The Advisory Committee will have before it the provisional agenda and the present annotations relating to the items included in the provisional agenda (A/HRC/AC/23/1).

#### *Organization of work*

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” (see A/520/Rev.17). Accordingly, the Advisory Committee will have before it, for its consideration and approval, a draft timetable prepared by the Secretariat showing the order and distribution of meeting time for each agenda item/segment of its programme of work for the twenty-third session.

#### *Composition of the Advisory Committee*

In its decision 18/121, the Human Rights Council decided that the cycle of the Advisory Committee would be adjusted to run from 1 October to 30 September. The terms of membership will therefore end on 30 September of each year.

The current composition of the Advisory Committee and the term of membership of each expert are as follows:<sup>1</sup> Ibrahim Abdulaziz Alsheddi (Saudi Arabia, 2021); Mohamed Bennani (Morocco, 2020); Lazhari Bouzid (Algeria, 2019); Alessio Bruni (Italy, 2021); Ion Diaconu (Romania, 2020); Karla Hananía de Varela (El Salvador, 2019); Ludovic Hennebel (Belgium, 2020); Mikhail Lebedev (Russian Federation, 2019); José Augusto Lindgren Alves (Brazil, 2021); Xincheng Liu (China, 2019); Ajai Malhotra (India, 2020); Kaoru Obata (Japan, 2019); Mona Omar (Egypt, 2019); Elizabeth Salmón (Peru, 2020); Dheerujlall Seetulsingh (Mauritius, 2020); Changrok Soh (Republic of Korea, 2020); Cheikh Tidiane Thiam (Senegal, 2021); and Jean Ziegler (Switzerland, 2019).

### 2. Requests addressed to the Advisory Committee stemming from Human Rights Council resolutions and currently under consideration by the Committee

#### (a) Integration of a gender perspective

In its resolution 6/30, the Human Rights Council requested the Advisory Committee to regularly and systematically integrate a gender perspective into the implementation of its mandate, including when examining the intersection of multiple forms of discrimination against women, and to include in its reports information on and qualitative analysis of human rights of women and girls.

#### (b) Promotion of a democratic and equitable international order

In its resolutions 8/5 and 18/6, the Human Rights Council requested, inter alia, the Advisory Committee to pay due attention, within its respective mandate, to the resolutions and to make contributions towards their implementation. In its resolution 18/6, the Council also decided to establish, for a period of three years, a new special procedure mandate of Independent Expert on the promotion of a democratic and equitable international order. The mandate has been renewed periodically and lately through Council resolution 36/4. The most recent reports on the mandate are contained in document A/HRC/39/47 and A/73/158.

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<sup>1</sup> The year in which the term of membership expires is shown in parentheses.

**(c) Integration of the perspective of persons with disabilities**

In its resolution 7/9, the Human Rights Council encouraged the Advisory Committee and other mechanisms of the Council to integrate the perspective of persons with disabilities, as appropriate, in carrying out their work and in their recommendations in order to facilitate the inclusion of persons with disabilities in the work of the Council. In its resolution 26/20, the Council decided to establish, for a period of three years, a new special procedure mandate of Special Rapporteur on the rights of persons with disabilities. The mandate has been renewed periodically and lately through Council resolution 35/6. The most recent reports on the mandate are contained in documents A/HRC/40/54 and A/73/161.

**(d) Negative effects of terrorism on the enjoyment of human rights**

In its resolution 34/8, the Human Rights Council requested the Advisory Committee to conduct a study and prepare a report on the negative effects of terrorism on the enjoyment of all human rights and fundamental freedoms, with a particular focus on economic, social and cultural rights, including as a result of diverting foreign direct investment, reducing capital inflows, destroying infrastructure, limiting foreign trade, disturbing financial markets, negatively affecting certain economic sectors and impeding economic growth, to recommend actions to be taken by Governments, United Nations human rights mechanisms, regional and international organizations and civil society organizations in this regard, and to present the report to the Council at its thirty-ninth session. At its thirty-eighth session, the Council decided to extend that deadline to its forty-second session.

At its nineteenth session, the Advisory Committee held discussions on the issue and established a drafting group for the preparation of the said report. The drafting group currently comprises Lazhari Bouzid, Alessio Bruni, Ion Diaconu, Karla Hananía de Varela (Chair), Ludovic Hennebel, Mikhail Lebedev, José Augusto Lindgren Alves, Xinsheng Liu, Ajai Malhotra, Mona Omar (Rapporteur) and Elizabeth Salmón.

At its twenty-second session, the Advisory Committee took note with appreciation of the replies to the questionnaire circulated after the discussion held at its twenty-first session and of the draft report on the negative effects of terrorism on the enjoyment of human rights submitted to it by the drafting group. It also requested the drafting group to finalize the report to the Human Rights Council in the light of the discussion held by the Advisory Committee at its twenty-second session, after circulating it electronically to all members of the Advisory Committee for approval.

The study is contained in document A/HRC/AC/23/CRP.1.

**(e) National policies and human rights**

In its resolution 35/32, the Human Rights Council requested the Advisory Committee to prepare a study that could help States to implement the 2030 Agenda by integrating human rights into national policies on the basis of the compilation prepared by the United Nations High Commissioner for Human Rights, and to submit the report to the Council at its forty-fifth session for its consideration, on the fifth anniversary of the adoption of the 2030 Agenda.

At its nineteenth session, the Advisory Committee held discussions on the topic and established a drafting group to prepare the said study. The drafting group currently comprises Ion Diaconu (Rapporteur), Karla Hananía de Varela, Ludovic Hennebel, Ajai Malhotra, Kaoru Obata, Mona Omar, Elizabeth Salmón, Dheerujlall Seetulsingh, Changrok Soh (Chair) and Cheikh Tidiane Thiam.

At its twenty-second session, the Advisory Committee decided to continue the exchange of views on this subject with external experts and members of the Office of the United Nations High Commissioner for Human Rights (OHCHR), in order to prepare the study in accordance with Human Rights Council resolution 35/32. It also invited the members of the drafting group to continue intersessional discussions and their participation in and contribution to regional consultations on the implementation of the 2030 Agenda for Sustainable Development, and to inform the Advisory Committee at its twenty-third session on their activities related to the preparation of the report to be submitted to the Human

Rights Council for adoption at its forty-fifth session. The Advisory Committee also requested OHCHR to inform it about all documents prepared by United Nations bodies and other international organizations on the different issues concerning the implementation of the 2030 Agenda when they became available.

The preliminary outline report is contained in document A/HRC/AC/23/CRP.2.

**(f) Global call for concrete action for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action**

At its seventy-third session in December 2018, the General Assembly adopted resolution 73/262 on a global call for concrete action for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action, and requested the Human Rights Council to continue to pay attention to the situation regarding racial equality in the world, and in that regard requested the Council, through its Advisory Committee, to prepare a study on appropriate ways and means of assessing the situation, while identifying possible gaps and overlaps. In resolution 73/262, the Assembly also requested the Secretary-General to submit to the General Assembly at its seventy-fourth session a report on the implementation of that resolution.

At its twenty-first session, the Advisory Committee held discussions on this topic and established a drafting group to prepare the said study. The drafting group currently comprises Ion Diaconu, Karla Hananía de Varela, Ludovic Hennebel (Rapporteur), Mikhail Lebedev, José Augusto Lindgren Alves, Ajai Malhotra, Mona Omar, Elizabeth Salmón and Dheerujlall Seetulsingh (Chair).

At its twenty-second session, the Advisory Committee decided to address a note verbale to Member States and other stakeholders, including international organizations, national human rights institutions and non-governmental organizations, in which it requested them to submit, by 30 April 2019, input on appropriate ways and means of assessing the situation regarding racial equality in the world. It also requested the drafting group to submit a preliminary outline of the study to it at its twenty-third session, taking into account the above-mentioned input from stakeholders. The Advisory Committee encouraged stakeholders to contribute to the work already under way.

The preliminary outline of the study is contained in document A/HRC/AC/23/CRP.3.

**(g) Role of technical assistance and capacity-building in fostering mutually beneficial cooperation in promoting and protecting human rights**

At its thirty-seventh session, in March 2018, the Human Rights Council adopted resolution 37/23, in which it requested the Advisory Committee to conduct a study on the role of technical assistance and capacity-building in fostering mutually beneficial cooperation in promoting and protecting human rights, and to submit a report thereon to the Council before its forty-third session.

At its twenty-first session, the Advisory Committee held discussions on this topic and established a drafting group to prepare the said study. The drafting group currently comprises Mohamed Bennani, Lazhari Bouzid (Rapporteur), Alessio Bruni, Ion Diaconu, Ludovic Hennebel, Xinsheng Liu (Chair), Ajai Malhotra, Kaoru Obata, Elizabeth Salmón, Dheerujlall Seetulsingh and Changrok Soh.

At its twenty-second session, the Advisory Committee requested OHCHR to provide an overview of its technical assistance programmes, complete with an oral presentation, at its twenty-third session; and the United Nations Development Programme and the United Nations Office for South-South Cooperation to provide input on the role of technical assistance and capacity-building in fostering mutually beneficial cooperation in promoting and protecting human rights. The Advisory Committee also requested the drafting group to submit a draft study to it at its twenty-third session, taking into account the replies received pursuant to the note verbale sent after the twenty-first session and the discussions held at

the twenty-second session. The Advisory Committee encouraged stakeholders to contribute to the work already under way.

The draft study is contained in document A/HRC/AC/23/CRP.4.

**(h) Importance of a legally binding instrument on the right to development**

At its thirty-ninth session in September 2018, the Human Rights Council adopted resolution 39/9 on the right to development, in which it requested the Advisory Committee, while taking into account the views of Member States, to prepare a research-based report on the importance of a legally binding instrument on the right to development, to present an oral update on the preparation of the report to the Council at its forty-second session, and to present the report to the Council at its forty-fifth session.

At its twenty-second session, the Advisory Committee held discussions on this topic and established a drafting group to prepare the said report. The drafting group currently comprises Lazhari Bouzid, Ion Diaconu, Karla Hananía de Varela, Ludovic Hennebel (Chair), Xinsheng Liu, Ajai Malhotra (Rapporteur), Elizabeth Salmón and Cheikh Tidiane Thiam. The Advisory Committee decided to address a note verbale to Member States and other stakeholders, including international organizations, national human rights institutions and non-governmental organizations, in which it requested them to submit, by 30 April 2019, input on the importance of a legally binding instrument on the right to development. It also requested the drafting group to submit a preliminary outline of the study to it at its twenty-third session, taking into account the replies received pursuant to the above-mentioned note verbale, with a view to presenting an oral update on the preparation of the report to the Human Rights Council at its forty-second session. The Advisory Committee encouraged stakeholders to contribute to the work already under way.

The preliminary outline of the study is contained in document A/HRC/AC/23/CPR.5.

**3. Implementation of sections III and IV of the annex to Human Rights Council resolution 5/1 and of section III of the annex to Council resolution 16/21**

**(a) Review of methods of work**

According to paragraph 77 of the annex to Human Rights Council resolution 5/1, the Advisory Committee may propose within the scope of the work set out by the Council, for the latter's consideration and approval, suggestions for further enhancing its procedural efficiency.

In paragraphs 35 to 39 of section III of the annex to its resolution 16/21, the Human Rights Council made reference to the Advisory Committee. In paragraph 39 of the same resolution, the Council stipulated that the Advisory Committee should endeavour to enhance intersessional work between its members in order to give effect to the provisions of paragraph 81 of the annex to Council resolution 5/1.

At its twenty-third session, the Advisory Committee may therefore address issues related to its methods of work.

**(b) Agenda and annual programme of work, including new priorities**

In paragraph 35 of the annex to Human Rights Council resolution 16/21, the Council stipulated that it should, within existing resources, strengthen its interaction with the Advisory Committee and engage more systematically with it through work formats such as seminars, panels and working groups, and by sending feedback to the inputs of the Committee.

At its fourteenth session, the Advisory Committee decided to produce reflection papers for its own use at each of its sessions, which could be published on the OHCHR website.

At its twenty-second session, the Advisory Committee held a discussion on the following reflection papers and research proposals:

- (i) Digital transformation: the impact of new technologies on human rights (Mr. Soh);

- (ii) Economic, social and cultural rights on the agenda of international jurisdictions (Mr. Diaconu);
- (iii) Mainstreaming gender equality and ensuring gender parity in the Advisory Committee (Ms. Salmón).

At the same session, members of the Advisory Committee presented the following reflection papers and research proposals for consideration by the Committee:

- (i) Refugees and internally displaced persons' human rights (Ms. Omar);
- (ii) Right to a remedy and reparation for victims of gross violations of international human rights law and serious violations of international humanitarian law (Mr. Hennebel).

The Advisory Committee decided to hold discussions on these two topics at its twenty-third session. It was also agreed that follow-up discussions would be held at that session on digital transformation; on economic, social and cultural rights on the agenda of international jurisdictions; and on mainstreaming gender equality. The Advisory Committee may also continue its discussions under item 3, including on new priorities.

**(c) Appointment of members of the Working Group on Communications**

In accordance with paragraphs 91 to 93 of the annex to Human Rights Council resolution 5/1, the Advisory Committee is to appoint five of its members, one from each regional group, with due consideration for gender balance, to constitute the Working Group on Communications. In the event of a vacancy, the Committee should appoint an independent and highly qualified expert from the same regional group from the Committee. Since there is a need for independent expertise and continuity with regard to the examination and assessment of communications received, the independent and highly qualified experts of the Working Group are appointed for three years. Their mandate is renewable once only.

The current members of the Working Group on Communications were appointed by the Advisory Committee at its thirteenth, seventeenth and twenty-first sessions (A/HRC/AC/13/2, paras. 36–37; A/HRC/AC/17/2, para. 26; and A/HRC/AC/21/2, para. 24). At its twenty-third session, the Advisory Committee will make three new appointments to replace the three members of the Working Group whose term expires on 30 September 2019: one from the Group of African States; one from the Group of Latin American and Caribbean States; and one from the Group of Eastern European States.

**4. Report of the Advisory Committee on its twenty-third session**

The Advisory Committee will have before it for adoption a draft report on its twenty-third session, prepared by the Rapporteur.

Pursuant to paragraph 38 of the annex to Human Rights Council resolution 16/21, the annual report of the Advisory Committee will be submitted at the September session of the Council and be the subject of an interactive dialogue with the Committee's Chair. The reports of the Advisory Committee on its twenty-second and twenty-third sessions will be considered at the forty-second session of the Council.