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HUMAN RIGHTS COUNCIL  
Sub-Commission on the Promotion  
and Protection of Human Rights  
Fifty-eighth session

**ANNOTATIONS TO THE PROVISIONAL AGENDA\*\***

**Prepared by the Secretary-General**

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\* Pursuant to General Assembly resolution 60/251 of 15 March 2006 entitled “Human Rights Council”, all mandates, mechanisms, functions and responsibilities of the Commission on Human Rights, including the Sub-Commission, were assumed, as of 19 June 2006, by the Human Rights Council. Consequently, the symbol series E/CN.4/Sub.2/\_ , under which the Sub-Commission reported to the former Commission on Human Rights, has been replaced by the series A/HRC/Sub.1/\_ as of 19 June 2006.

\*\* These annotations are based upon the provisional agenda for the fifty-eighth session of the Sub-Commission (E/CN.4/Sub.2/2006/1), with the addition of indicative sub-headings dividing the text of the annotations for ease of reference. Pursuant to its decision 2006/102 of 30 June 2006, the Council decided that the final session of the Sub-Commission should be convened “starting 31 July for a period of up to four weeks, if so decided by the Sub-Commission, including its pre-sessional and in-sessional working groups”. The Council also decided that “the working groups and the Social Forum of the Sub-Commission shall be convened to hold their annual sessions in accordance with current practices”.

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## **Item 1. Organization of work**

### **Election of officers**

1. Rule 15 of the guidelines for the application by the Sub-Commission of the rules of procedure of the functional commissions of the Economic and Social Council and other decisions and practices relating thereto (contained in the annex of its decision 1999/114), provides that “at the commencement of the first meeting of a regular session”, the Sub-Commission “shall elect, from among its members, a Chairman, three Vice-Chairmen, without priority, and a Rapporteur”.

### **Adoption of the agenda**

2. Rule 7 of the above-mentioned guidelines provides that the agenda shall be adopted at the beginning of each session, after the election of officers, on the basis of the provisional agenda. The provisional agenda for the present session of the Sub-Commission is contained in document A/HRC/Sub.1/58/1.

3. Pursuant to Sub-Commission resolution 1995/26 (para. 1) and Commission on Human Rights resolution 1995/86, the human rights of women and girl children are to be considered under all items of the agenda.

### **Organization and methods of work**

4. The attention of the Sub-Commission is drawn to General Assembly resolution 60/251 of 15 March 2006, establishing the Human Rights Council. Pursuant to paragraph 6 of that resolution, the Human Rights Council assumed and shall review and where necessary, improve and rationalize, all mandates, mechanisms, functions and responsibilities of the Commission on Human Rights within one year in order to maintain a system of special procedures, expert advice and a complaint procedure. In this connection, the Sub-Commission may wish to refer to its decision 2005/114 on the role of independent expert body within the reform of the United Nations human rights machinery.

5. In its resolution 2006/2, of 22 March 2006, entitled “Implementation of General Assembly resolution 60/251”, the Economic and Social Council requested the Commission to conclude its work at its sixty-second session and decided to abolish the Commission with effect on 16 June 2006.

6. At its sixty-second and final session, the Commission, in its resolution 2006/1 entitled “Closure of the work of the Commission on Human Rights”, decided to refer all reports to the Human Rights Council for further consideration at its first session in June 2006. A list of mechanisms of the Commission, including existing mandates, working groups and other mechanisms of the Sub-Commission, among whose reports are transferred to the Human Rights Council, are included in an annex to that resolution. The Commission also decided to conclude its work in accordance with General Assembly resolution 60/251 and Economic and Social Council resolution 2006/2.

7. With the above-mentioned assumption, by the Human Rights Council, of the Sub-Commission and its existing mandates, working groups and other mechanisms, pursuant to General Assembly resolution 60/251, and in view of the short and procedural nature of its sixty-second session, the Commission did not take action on the draft decisions recommended by the Sub-Commission at its fifty-seventh session. Those draft decisions, which are reflected in the present document, remain pending further to any consideration and action by the Council. The Commission also did not hold elections for the 13 Sub-Commission members and their alternates whose terms of office were to expire in 2006, pursuant to the procedure established in Economic and Social Council resolution 1986/35. See annex below.

8. In its decision 2006/102 of 30 June 2006, the Human Rights 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 the Sub-Commission. The Council, in this regard, requested the Sub-Commission to continue with the implementation of its mandate. The Council also decided that the final session of the Sub-Commission should be convened “starting 31 July for a period of up to four weeks, if so decided by the Sub-Commission, including its pre-sessional and in-sessional working groups, and shall give due priority to preparing:

- (i) A paper on the Sub-Commission’s record that gives its own vision and recommendations for future expert advice to the Council, to be submitted to the Council in 2006;
- (ii) A detailed list describing the status of all the Sub-Commission’s ongoing studies as well as an overall review of its activities, to be submitted to the Council in 2006.”

It further decided that “the working groups and the Social Forum of the Sub-Commission shall be convened to hold their annual sessions in accordance with current practices”.

9. The Sub-Commission, when considering the organization of its work and the conduct of business, may wish to refer to the decisions it adopted at its fifty-seventh session concerning the organization of its work (see E/CN.4/2006/2-E/CN.4/Sub.2/2005/44, paras. 17-26 and 31), in particular those relating to the limitation of the frequency and duration of statements (paras. 18-22), the opening and closure of the list of speakers (paras. 19 and 23), the submission of draft resolutions (para. 25), and the order of consideration of agenda items for the fifty-eighth session (para. 31). The Sub-Commission may also wish to refer to Commission on Human Rights resolution 2005/53 on the work of the Sub-Commission and its decision 2000/109, entitled “Enhancing the effectiveness of the mechanisms of the Commission on Human Rights”, containing the report of the Intersessional open-ended working group on enhancing the effectiveness of the mechanisms of the Commission on Human Rights (E/CN.4/2000/112), which was annexed to that decision. Chapter 4 of the report of the Working Group (paras. 42-56) relates to the Sub-Commission.

10. At its forty-sixth session, the Sub-Commission, in its decision 1994/103, decided to observe a minute of silence in honour of victims of all forms of violations of human rights in all regions of the world, at the commencement of its annual sessions.

### **Working paper on the methods of work of the Sub-Commission**

11. At its fifty-sixth session, the Sub-Commission, in its decision 2004/121, decided to entrust Mr. Emmanuel Decaux with the preparation of a working paper on the methods of work of the Sub-Commission relating to the choice of subjects and the preparation of reports, and on how the Sub-Commission should organize its work so as to ensure full consideration of reports by its members, non-governmental organizations, national delegations and other interested parties. The Sub-Commission requested Mr. Decaux to submit his working paper at its fifty-seventh session.

12. At its fifty-seventh session, the Sub-Commission had before it the working paper prepared by Mr. Decaux (E/CN.4/Sub.2/2005/5). In its resolution 2005/32, the Sub-Commission decided to request Mr. Decaux to submit a more detailed working paper at its fifty-eighth session, containing recommendations on ways of improving the effectiveness of the Sub-Commission, in particular: (a) the number of studies and working papers that can be prepared and discussed by members of the Sub-Commission; (b) the choice of priorities of the Sub-Commission and the identification of possible gaps in the discussion of certain themes; (c) constructive cooperation with treaty bodies, special procedures and relevant agencies or organizations of the United Nations; and (d) modalities for the preparation of a scientific publication tracing the history of the major studies carried out by the Sub-Commission since its establishment.

13. At the present session, the Sub-Commission will have before it the working paper by Mr. Decaux on the methods of work of the Sub-Commission (E/CN.4/Sub.2/2006/3).

### **Other matters**

14. In connection with the present item, the Sub-Commission will have before it a note by the Secretariat containing statistics relating to the fifty-seventh session of the Sub-Commission (E/CN.4/Sub.2/2006/2).

### **In-session working groups of the Sub-Commission (see paragraph 8 above)**

15. At its thirty-fourth and subsequent sessions, the Sub-Commission established a sessional working group to assist it in relation to its annual review of developments concerning the human rights of persons subjected to any form of detention or imprisonment. By its decision 1994/103, the Sub-Commission decided, inter alia, to establish a sessional working group on the administration of justice and the question of compensation in place of a sessional working group on detention (see also paragraphs 29 to 31 and 83 below).

16. At its fiftieth session, the Sub-Commission, in its resolution 1998/8, decided to establish, for a three-year period, a sessional working group composed of five of its members, to examine the working methods and activities of transnational corporations. The mandate of the sessional working group was extended for a period of three years by the Sub-Commission in its resolution 2001/3, and for a further three years in its resolution 2004/16 (see also paragraphs 53 to 55 below).

17. At its fifty-sixth session, the Sub-Commission, in its decision 2004/109, decided to establish at its fifty-seventh session a sessional working group with the mandate to elaborate detailed principles and guidelines concerning the promotion and protection of human rights when combating terrorism (see also paragraphs 134 to 136 below).

18. In its resolution 2005/79, the Commission on Human Rights, having recalled Sub-Commission resolution 2004/13 and the recommendations contained therein, requested the High Commissioner for Human Rights to appoint an independent expert on minority issues for a period of two years. In the light of that resolution, the Commission decided to amend the mandate of the Working Group on Minorities with a view to its holding one session of three working days annually during the time of the annual session of the Sub-Commission, focusing its work on interactive dialogue with relevant non-governmental organizations and on conceptual support of, and dialogue with, the independent expert, who would participate as an observer (see also paragraphs 102 to 107 below).

19. The attention of the Sub-Commission is drawn to its decision 2005/113 on the composition of the working groups of the Sub-Commission for 2006.

### **Documentation**

20. The attention of the Sub-Commission is drawn to relevant resolutions concerning the control and limitation of documentation (inter alia, the latest General Assembly resolutions 55/222, 56/242, 58/250, 59/265 and 60/236 A and B). The Sub-Commission may also wish to note that all reports and working papers mandated for its fifty-eighth session have been issued with the following footnote: *“Pursuant to General Assembly resolution 60/251 of 15 March 2006 entitled ‘Human Rights Council’, all mandates, mechanisms, functions and responsibilities of the Commission on Human Rights will be assumed as of 19 June 2006 by the Human Rights Council, which will review them as appropriate.”*

### **Item 2. Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation, in all countries, with particular reference to colonial and other dependent countries and territories: report of the Sub-Commission under Commission on Human Rights resolution 8 (XXIII)**

21. By its resolution 8 (XXIII), of 16 March 1967, the Commission on Human Rights decided to give annual consideration to the above item. In paragraph 2 of that resolution, the Commission requested the Sub-Commission to prepare a report containing information on violations of human rights and fundamental freedoms from all available sources for the use of the Commission. In paragraph 6, the Commission invited the Sub-Commission to bring to the attention of the Commission any situation which it had reasonable cause to believe revealed a consistent pattern of violations of human rights and fundamental freedoms in any country, including policies of racial discrimination, segregation and apartheid, with particular reference to colonial and other dependent territories.

22. In its resolution 2005/53, the Commission reiterated and reaffirmed:

(a) Its decision that the Sub-Commission should not adopt country-specific resolutions, decisions or Chairperson's statements and, in negotiating and adopting thematic resolutions or decisions, should refrain from including references to specific countries;

(b) That the Sub-Commission should continue to be able to debate country situations not being dealt with in the Commission, as well as urgent matters involving serious violations of human rights in any country, and that its discussions would be reflected in the summary records of its debates, which should continue to be forwarded to the Commission.

23. In connection with the present item, see also paragraph 10 above.

**Absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment**

24. In its resolution 2005/1, the Sub-Commission decided to continue consideration of this question at its fifty-eighth session.

**Prohibition of military operations directed against medical facilities, transport and personnel entitled to protection during armed conflict**

25. In its resolution 2005/2, the Sub-Commission decided to continue consideration of this question at its fifty-eighth session.

**Attacks on persons entitled to protection as civilians**

26. In its resolution 2005/10, the Sub-Commission decided to continue consideration of this issue at its fifty-eighth session under the same agenda item.

**Request for information from the Office of the United Nations High Commissioner for Human Rights**

27. In its decision 2005/107, the Sub-Commission decided to request the Office of the High Commissioner for Human Rights to make available the following information annually and before the beginning of the Sub-Commission's sessions: (a) a list of countries which have proclaimed a state of emergency; (b) a list of States that have issued a standing invitation to the special procedures; (c) a list of States that have rejected a request by a special procedure to visit; (d) a list of States that are members of the Commission on Human Rights; (e) a list of States that are members of the Commission and that have issued standing invitations; (f) a list of States on the agenda of the Commission on Human Rights; (g) a list of States being considered under agenda item 9 that have been denied access to the special procedures; and (h) a list of States where the special procedures have indicated inadequate or non-existent follow-up to their recommendations.

28. The information requested by the Sub-Commission is available on the website of the Office of the High Commissioner for Human Rights and may also be found in the annotations to the sixty-second session of the Commission on Human Rights (document E/CN.4/2006/1/Add.1).

### **Item 3. Administration of justice, rule of law and democracy**

#### **Sessional working group on the administration of justice**

29. At its fifty-seventh session, the Sub-Commission, in its decision 2005/101, established a sessional working group on the administration of justice under agenda item 3. The report of the working group was issued as document E/CN.4/Sub.2/2005/11. Should the Sub-Commission decide to establish such a sessional working group at the present session, its report will be issued as document E/CN.4/Sub.2/2006/8 (see also paragraphs 8, 15 and 19 above).

30. In its resolution 2005/13, the Sub-Commission welcomed the proposal by some non-governmental organizations to organize, in close consultation with members of the Sub-Commission and the Office of the High Commissioner for Human Rights, a seminar on transitional justice to prepare papers for submission to the next session of the working group on the administration of justice (see also paragraphs 49 to 52 and 83 below).

31. In the same resolution, the Sub-Commission decided to continue consideration of the question of administration of justice at its fifty-eighth session.

#### **The difficulty of establishing responsibility or guilt with regard to sexual violence**

32. At its fifty-fifth session, the Sub-Commission, in its decision 2003/107, decided to request Ms. Lalaina Rakotoarisoa to prepare an expanded working paper on the difficulties of establishing guilt and/or responsibility with regard to crimes of sexual violence.

33. At its fifty-sixth session, the Sub-Commission had before it the expanded working paper submitted by Ms. Rakotoarisoa (E/CN.4/Sub.2/2004/11). In its resolution 2004/29, the Sub-Commission decided to appoint her as Special Rapporteur entrusted with preparing a detailed study on the difficulties of establishing guilt and/or responsibilities with regard to crimes of sexual violence, with a view to identifying best practices and developing principles for rules of evidence in this area. The Commission on Human Rights, in its decision 2005/108, endorsed the decision of the Sub-Commission and approved its request that the Special Rapporteur submit a preliminary report to the Sub-Commission at its fifty-seventh session, an interim report at its fifty-eighth session and a final report at its fifty-ninth session.

34. In its resolution 2005/3, the Sub-Commission took note of the oral presentation made by Ms. Rakotoarisoa at its fifty-seventh session and of the comments of its members, and requested the Special Rapporteur to submit a preliminary report at its fifty-eighth session. At the present session, the Sub-Commission will have before it the preliminary report of the Special Rapporteur (E/CN.4/Sub.2/2006/4).

#### **The universal implementation of international human rights treaties**

35. At its fifty-fifth session, the Sub-Commission, in its resolution 2003/25, welcomed the working paper submitted by Mr. Emmanuel Decaux (E/CN.4/Sub.2/2003/37) on issues and modalities for the effective universality of international human rights treaties. It decided to appoint Mr. Decaux Special Rapporteur with the task of undertaking a detailed study on the universal implementation of international human rights treaties so as to identify international and domestic obstacles to such implementation, to look for effective ways and means in the matter

and also to identify the most effective means of ensuring the actual universality of human rights. The Sub-Commission requested the Special Rapporteur to submit a preliminary report to the Sub-Commission at its fifty-sixth session, an interim report at its fifty-seventh session and a final report at its fifty-eighth session, and decided that those reports will be considered under the agenda item entitled "Administration of justice, rule of law and democracy". The Commission on Human Rights, in its decision 2004/123, approved the decision of the Sub-Commission.

36. In its resolution 2005/4, the Sub-Commission took note of the preliminary report (E/CN.4/Sub.2/2004/8) and the interim report (E/CN.4/Sub.2/2005/8) submitted by Mr. Decaux, and requested the Special Rapporteur to submit a final report at its fifty-eighth session. At the present session, the Sub-Commission will have before it the final report of Mr. Decaux (E/CN.4/Sub.2/2006/5).

### **Discrimination in the criminal justice system**

37. At its fifty-fourth session, the Sub-Commission, in its resolution 2002/3, decided to appoint Ms. Leïla Zerrougui as Special Rapporteur to conduct a detailed study of discrimination in the criminal justice system with a view to determining the most effective means of ensuring equal treatment in the criminal justice system for all persons without discrimination, particularly vulnerable persons. The Commission on Human Rights, in its decision 2003/108, endorsed the decision of the Sub-Commission as well as its request that the Special Rapporteur submit a preliminary report to the Sub-Commission at its fifty-fifth session, a progress report at its fifty-sixth session and a final report at its fifty-seventh session.

38. In its resolution 2005/5, the Sub-Commission thanked the Special Rapporteur for her preliminary report (E/CN.4/Sub.2/2003/3) and her interim report (E/CN.4/Sub.2/2005/7), and requested the Secretary-General to provide the Special Rapporteur with the assistance necessary to enable her to submit her final report at the fifty-eighth session. At the present session, the Sub-Commission will have before it the final report of Ms. Zerrougui (E/CN.4/Sub.2/2006/6).

### **Accountability of international personnel taking part in peace support operations**

39. At its fifty-fourth session, the Sub-Commission, in its decision 2002/104, requested Ms. Françoise Hampson to submit a working paper on the scope of the activities and accountability of armed forces, United Nations civilian police, international civil servants and experts taking part in peace support operations (PSOs).

40. At its fifty-seventh session, the Sub-Commission had before it the working paper prepared by Ms. Hampson (E/CN.4/Sub.2/2005/42). In its resolution 2005/14, the Sub-Commission decided to appoint Ms. Hampson as Special Rapporteur with the task of preparing a comprehensive study on the accountability of international personnel taking part in peace support operations based on her working paper as well as the comments received and the discussions that took place at the fifty-seventh session, and requested the Special Rapporteur to submit a preliminary report to the Sub-Commission at its fifty-eighth session, a progress report at its fifty-ninth session and a final report at its sixtieth session. That decision, among other draft decisions recommended by the Sub-Commission, was not acted upon by the Commission on Human Rights in view of the short and procedural nature of its sixty-second and final session (see also paragraph 7 above).

41. In the same resolution, the Sub-Commission decided that if Ms. Hampson's appointment as Special Rapporteur should not be approved by the Commission on Human Rights or the Economic and Social Council, for whatever reason, to request her to prepare an expanded working paper on the accountability of international personnel taking part in peace support operations, to be submitted to the fifty-eighth session of the Sub-Commission. At the present session, the Sub-Commission will have before it the expanded working paper by Ms. Hampson (E/CN.4/Sub.2/2006/9).

42. The Sub-Commission also decided to continue consideration of this issue at its fifty-eighth session under the same agenda item.

### **Issue of the administration of justice through military tribunals**

43. At its fifty-sixth session, the Sub-Commission, in its resolution 2004/27, welcomed the report submitted by Mr. Emmanuel Decaux on the administration of justice through military tribunals including the draft principles contained therein (E/CN.4/Sub.2/2004/7) and requested Mr. Decaux to continue his work and to submit, at the fifty-seventh session, an updated version of his draft principles governing the administration of justice through military tribunals, taking account of the Sub-Commission's discussions on the topic, with a view to their consideration and adoption.

44. The Commission on Human Rights, in its resolution 2005/30 entitled "Integrity of the judicial system", took note of the relevant sections of the report submitted by the Special Rapporteur and requested him to continue to take account of that resolution in his ongoing work. In its resolution 2005/33 entitled "Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers", the Commission also took note of the above report and noted that the report of Mr. Decaux containing an updated version of the draft principles would be submitted to the Commission for consideration at its sixty-second session.

45. At its fifty-seventh session, the Sub-Commission had before it the report of Mr. Decaux, including the updated draft principles contained therein (E/CN.4/Sub.2/2005/9). In its resolution 2005/15, the Sub-Commission decided to transmit the updated draft principles to the Commission on Human Rights for its consideration, together with the comments of the Sub-Commission during the fifty-seventh session. The Sub-Commission also requested Mr. Decaux to prepare a note taking into account the comments and observations of the Sub-Commission referred to above in order to facilitate the examination by the Commission of the draft principles, and to revise the draft principles.

46. The Commission, due to the short and procedural nature of its sixty-second and final session, did not consider the updated draft principles. Pursuant to its resolution 2006/1, the Commission decided to refer all reports to the Human Rights Council for further consideration at its first session in June 2006. A list of mechanisms of the Commission, including existing mandates, working groups and other mechanisms of the Sub-Commission, among whose reports are transferred to the Human Rights Council, are included in an annex to that resolution.

47. In the same resolution, the Sub-Commission decided to continue consideration of this question at its fifty-eighth session, under the same agenda item.

### **Human rights and State sovereignty**

48. In its decision 2005/105, the Sub-Commission decided to request Mr. Vladimir Kartashkin to prepare a working paper on human rights and State sovereignty that should address, inter alia: the notion of sovereignty not only as a right of States but also as a responsibility; grounds for restriction of State sovereignty; the scope of the obligations of States to respect human rights and fundamental freedoms; State sovereignty and international human rights law; and State sovereignty and international criminal violations of human rights. The Sub-Commission further requested Mr. Kartashkin to submit his working paper to it at its fifty-eighth session. At the present session, the Sub-Commission will have before it the working paper by Mr. Kartashkin (E/CN.4/Sub.2/2006/7).

### **Right to an effective remedy**

49. In its decision 2005/106, the Sub-Commission decided to request Ms. Françoise Hampson and Mr. Mohamed Habib Cherif to prepare an expanded working paper on the implementation in practice of the right to an effective remedy for human rights violations and to submit it to the working group on the administration of justice at the fifty-eighth session of the Sub-Commission. The expanded working paper will be issued as document E/CN.4/Sub.2/2006/31 (see also paragraphs 15, 19 and 29 to 31 above).

### **The relationship between international humanitarian law and human rights law**

50. In its decision 2005/108, the Sub-Commission decided to request Ms. Françoise Hampson to prepare a working paper on the circumstances in which civilians lose their immunity from attack under international humanitarian law and international human rights law; Mr. Ibrahim Salama to prepare a working paper on measures designed to prevent violations in circumstances in which international humanitarian law and international human rights law are both applicable; and Mr. Yozo Yokota to prepare a working paper on the issues of amnesties, impunity and accountability for violations of international humanitarian law and international human rights law, to be submitted to the next session of the working group on the administration of justice.

51. The working papers prepared by Ms. Hampson, Mr. Salama and Mr. Yokota will be issued as documents E/CN.4/Sub.2/2006/32, E/CN.4/Sub.2/2006/33, E/CN.4/Sub.2/2006/34, respectively (see also paragraphs 15, 19 and 29 to 31 above).

### **Transitional justice: investigation mechanisms for truth and reconciliation, with emphasis on Latin America**

52. In its decision 2005/109, the Sub-Commission decided to request Mr. Janio Iván Tuñón Veilles to prepare a working paper on transitional justice and investigation mechanisms for truth and reconciliation, with emphasis on the experiences in Latin America, and to submit it to the sessional working group on the administration of justice at the fifty-eighth session of the Sub-Commission. The working paper prepared by Mr. Tuñón Veilles will be issued as document E/CN.4/Sub.2/2006/35 (see also paragraphs 15, 19 and 29 to 31 above).

#### **Item 4. Economic, social and cultural rights**

##### **The effects of the working methods and activities of transnational corporations on the enjoyment of human rights**

53. At its fiftieth session, the Sub-Commission had before it the background document on the question of the relationship between the enjoyment of human rights and the working methods and activities of transnational corporations prepared by Mr. El-Hadji Guissé (E/CN.4/Sub.2/1998/6). In its resolution 1998/8, the Sub-Commission decided to establish, for a three-year period, a sessional working group of the Sub-Commission, composed of five of its members, to examine the working methods and activities of transnational corporations. The mandate of the sessional working group was extended for a period of three years by the Sub-Commission in its resolution 2001/3, and for a further three years in its resolution 2004/16.

54. In its resolution 2005/6, the Sub-Commission invited members of the working group and of the Sub-Commission to prepare working papers for submission to the Sub-Commission at its fifty-eighth session and to the working group at its eighth session, as follows:

- (a) Mr. Gáspár Bíró: a working paper on the role of States in the guarantee of human rights with reference to the activities of transnational corporations and other business enterprises; and
- (b) Ms. Chin-Sung Chung and Ms. Florizelle O'Connor: a working paper on bilateral and multilateral economic agreements and their impact on the human rights of the beneficiaries.

The working paper prepared by Mr. Bíró will be issued as document E/CN.4/Sub.2/2006/12. The working paper prepared by Ms. Chung and Ms. O'Connor will be issued as document E/CN.4/Sub.2/2006/13.

55. In the same resolution, the Sub-Commission requested the working group to submit the report on its eighth session to the Sub-Commission at its fifty-eighth session. The report of the sessional working group will be issued as document E/CN.4/Sub.2/2006/11 (see also paragraphs 8, 16 and 19 above).

##### **Study on non-discrimination as enshrined in article 2, paragraph 2, of the International Covenant on Economic, Social and Cultural Rights**

56. At its fifty-fifth session, the Sub-Commission, in its resolution 2003/12, requested Mr. Emmanuel Decaux to prepare a working paper on non-discrimination as enshrined in article 2, paragraph 2, of the International Covenant on Economic, Social and Cultural Rights, taking into account other relevant studies of the Sub-Commission in order to enable it to take a decision at its fifty-sixth session on the feasibility of a study on that subject.

57. At its fifty-sixth session, the Sub-Commission had before it the working paper by Mr. Emmanuel Decaux (E/CN.4/Sub.2/2004/24). In its resolution 2004/5, the Sub-Commission decided to appoint Mr. Marc Bossuyt as Special Rapporteur to undertake a study on non-discrimination as enshrined in article 2, paragraph 2, of the International Covenant on Economic, Social and Cultural Rights, based on the working paper prepared by Mr. Decaux, on the comments received and on the discussion held at the fifty-sixth session in close cooperation with the Committee on Economic, Social and Cultural Rights. The Commission on

Human Rights, in its decision 2005/105, approved the decision of the Sub-Commission as well as its request that the Special Rapporteur submit a preliminary report to the Sub-Commission at its fifty-seventh session, an interim report at its fifty-eighth session and a final report at its fifty-ninth session.

58. At its fifty-seventh session, the Sub-Commission, in its resolution 2005/7, took note of the preliminary report of Mr. Bossuyt (E/CN.4/Sub.2/2005/19) and requested the Special Rapporteur to submit an interim report at its fifty-eighth session and a final report at its fifty-ninth session, taking into account the comments received and the discussion held at the fifty-seventh session and in close cooperation with the Committee on Economic, Social and Cultural Rights. In June 2006, the Secretariat was informed by Mr. Bossuyt that he would not be able to submit the interim report.

### **The Social Forum**

59. At its fiftieth session, the Sub-Commission had before it the final report on the relationship between the enjoyment of human rights, in particular economic, social and cultural rights, and income distribution, submitted by the Special Rapporteur, Mr. José Bengoa (E/CN.4/Sub.2/1997/9 and E/CN.4/Sub.2/1998/8). In its resolution 1998/14, the Sub-Commission endorsed the conclusions of the final report and especially the recommendation to establish a social forum within the Sub-Commission.

60. At its fifty-fourth session, the Sub-Commission, in its resolution 2002/12, requested the Commission on Human Rights to recommend to the Economic and Social Council that it authorize the Sub-Commission to convene in Geneva an annual intersessional forum on economic, social and cultural rights, to be known as the Social Forum, for two days on dates that would permit the possible participation of 10 members of the Sub-Commission, to be appointed by the regional groups of the Sub-Commission. The Commission, in its decision 2003/107, and the Economic and Social Council, in its decision 2003/264, endorsed the above request of the Sub-Commission.

61. At its fifty-fifth session, the Sub-Commission, in its resolution 2003/14, reiterated its decision that the Social Forum shall meet every year with the following mandate: (a) to exchange information on the enjoyment of economic, social and cultural rights and their relationship with the processes of globalization; (b) to monitor situations of poverty and destitution throughout the world, bearing in mind that they amount to complete and permanent denial of human rights; (c) to propose standards and initiatives of a juridical nature, guidelines and other recommendations for consideration by the Commission on Human Rights, the Working Group on the Right to Development, the Committee on Economic, Social and Cultural Rights, the specialized agencies and other organs of the United Nations system; and (d) to monitor the agreements reached at the major world conferences and the Millennium Summit, and to make contributions to forthcoming major international events and discussion of issues related to the mandate of the Social Forum.

62. At its fifty-sixth session, the Sub-Commission, in its resolution 2004/3, recommended that the Commission study the possibility of extending the annual intersessional meeting of the Social Forum.

63. In its resolution 2005/8, the Sub-Commission reaffirmed its decision that the Social Forum shall meet every year, with the mandate laid down in previous Sub-Commission resolutions, and decided that the next meeting of the Social Forum will be held during 2006 in Geneva on dates suitable for the participation of Sub-Commission members and of the broadest possible range of other stakeholders. The Sub-Commission also decided that the theme for the Social Forum in 2006 will be “The fight against poverty and the right to participation: the role of women” and that it will be addressed within the context of the preparation of the review of the first United Nations Decade for the Eradication of Poverty (1997-2006).

64. In the same resolution, the Sub-Commission also invited the Social Forum to submit at its fifty-eighth session a separate report containing a comprehensive and detailed summary of the discussions, including recommendations and draft resolutions.

65. At the present session, the Sub-Commission will have before it the working paper prepared by Ms. Chung (E/CN.4/Sub.2/SF/2006/3) and the report of the Social Forum (E/CN.4/Sub.2/2006/15), scheduled to be held from 3 to 4 August 2006.

#### **Implementation of existing human rights norms and standards in the context of the fight against extreme poverty**

66. At its fifty-fifth session, the Sub-Commission, in its resolution 2003/13, requested Ms. Iulia-Antoanella Motoc, Mr. Emmanuel Decaux, Mr. Yozo Yokota, Mr. El-Hadji Guissé and Mr. José Bengoa, with Mr. Bengoa as coordinator, to prepare a joint working paper on the basis of the various relevant international instruments, the ongoing work in other forums, the conclusions and recommendations of the Expert Seminar on Human Rights and Extreme Poverty and any other relevant inputs, in particular those received from Governments, guiding principles on the implementation of existing human rights norms and standards in the context of the fight against extreme poverty.

67. In its resolution 2005/9, the Sub-Commission requested the ad hoc group of experts to prepare a final report containing an assessment of the activities carried out during its work, to be submitted to the Sub-Commission at its fifty-eighth session. At the present session, the Sub-Commission will have before it the final report (E/CN.4/Sub.2/2006/16).

#### **Corruption and its impact on the full enjoyment of human rights, in particular economic, social and cultural rights**

68. At its fifty-fifth session, the Sub-Commission, in its resolution 2003/2, taking into account the working paper submitted by Ms. Christy Mbonu (E/CN.4/Sub.2/2003/18), decided to appoint Ms. Mbonu as Special Rapporteur with the task of preparing a comprehensive study on corruption and its impact on the full enjoyment of human rights, in particular economic, social and cultural rights, based on her working paper and the opinions expressed during the debate on this issue during the present session, and requested the Special Rapporteur to submit a preliminary report to the Sub-Commission at its fifty-sixth session, a progress report at its fifty-seventh session and a final report at its fifty-eighth session. In its decision 2004/106, the Commission on Human Rights endorsed the decision of the Sub-Commission.

69. In its resolution 2005/16, the Sub-Commission requested the Secretary-General to provide the Special Rapporteur with all necessary assistance to enable her to complete her mandate, including study visits to one or two interested countries to enable her to examine obstacles and challenges confronting national mechanisms and best practices to prevent and combat corruption. The above request, among other draft decisions recommended by the Sub-Commission, was not acted upon by the Commission due to the short and procedural nature of its sixty-second and final session (see also paragraph 7 above).

70. In the same resolution, the Sub-Commission decided to continue its consideration of this question at its fifty-eighth session, under the same agenda item. At the present session, the Sub-Commission will have before it the final report of the Special Rapporteur (E/CN.4/Sub.2/2006/17).

### **The right to development**

71. At its forty-eighth session, the Sub-Commission, in its resolution 1996/22, requested the Secretary-General to invite all relevant United Nations bodies and agencies to step up their action aimed at promoting international cooperation for the realization of the right to development in the context of the United Nations Decade for the Eradication of Poverty (1997-2006) and to provide him with the information thereon, and requested him to transmit annually to the Sub-Commission the information received. The Sub-Commission also decided to review annually the progress in international cooperation towards the implementation of the right to development in the context of human rights and the Decade. At the present session, the Sub-Commission will have before it a report of the Secretary-General (E/CN.4/Sub.2/2006/10) submitted in accordance with Sub-Commission resolution 1999/9.

72. In its resolution 2003/83, the Commission on Human Rights requested the Sub-Commission on the Promotion and Protection of Human Rights to prepare a concept document establishing options for the implementation of the right to development and their feasibility, inter alia, an international legal standard of a binding nature, guidelines on the implementation of the right to development and principles for development partnership, based on the Declaration on the Right to Development, including issues which any such instrument might address, for submission to the Commission at its sixty-first session for its consideration and determination of the feasibility of those options. The Commission also requested the Sub-Commission to take into account the outcomes of all major United Nations and other global summits and ministerial meetings in the economic and social fields as well as the agreed conclusions and the report of the Working Group on the Right to Development on its third session (E/CN.4/2002/28/Rev.1). The Commission further requested the Office of the High Commissioner for Human Rights to assist the Sub-Commission in its work on the preparation of the concept document by providing studies on existing bilateral and multilateral programmes and policies, with a view to identifying lessons learned, best practices and the role that could be played by relevant actors, including national human rights institutions, in the creation and implementation of the development partnership.

73. At its fifty-fifth session, the Sub-Commission, in its decision 2003/116, requested Ms. Florizelle O'Connor to prepare and to submit at its fifty-sixth session a working paper identifying and analysing possible alternatives that will enable the Sub-Commission to respond fully and as effectively as possible to the Commission's request by the date fixed in resolution 2003/83. The Commission, in its resolution 2004/7, took note of that decision.

74. At its fifty-sixth session, the Sub-Commission, in its decision 2004/104, decided to request Ms. O'Connor to submit, without further delay, at its fifty-seventh session the working paper, so as to allow the Commission to consider and take decisions on this matter at its sixty-second session. The Commission, in its resolution 2005/4, noted with concern that the Sub-Commission had not submitted the concept document and requested it, without further delay, to submit the concept document at its sixty-second session. The Commission took note of Sub-Commission decision 2004/104 and also requested the Office of the High Commissioner to continue to provide all necessary administrative support and financial and human resources to the Sub-Commission in its work on the concept document.

75. In its resolution 2005/17, the Sub-Commission decided to submit the concept document, together with a summary of the other views and ideas on this subject discussed at the fifty-seventh session to the Commission at its sixty-second session. The Commission, due to the short and procedural nature of its sixty-second and final session, did not consider the concept document. Pursuant to its resolution 2006/1, the Commission decided to refer all reports to the Human Rights Council for further consideration at its first session in June 2006. A list of mechanisms of the Commission, including existing mandates, working groups and other mechanisms of the Sub-Commission, among whose reports are transferred to the Human Rights Council, are included in an annex to that resolution.

76. In the same resolution, the Sub-Commission requested Ms. O'Connor to continue her work and to submit at its fifty-eighth session a working paper, taking into consideration the discussions at the fifty-seventh session and including, if financial and staff support are available from within existing resources, meeting with people in selected geographic areas to hold discussions and obtain local people's views on development programmes in their community. At the present session, the Sub-Commission will have before it the working paper by Ms. O'Connor (E/CN.4/Sub.2/2006/18).

77. Also in the same resolution, the Sub-Commission requested each expert preparing a study or working paper for submission under agenda item 4 of its next session to make observations and recommendations in their reports, where appropriate, pertaining to the right to development. The Sub-Commission also decided to review the progress of the implementation of that resolution at its fifty-eighth session.

## **Other matters**

### *Housing and property restitution*

78. In its resolution 1999/47, the Commission on Human Rights encouraged the Sub-Commission to continue its work on the matter of housing and property restitution in the context of the return of refugees and internally displaced persons. At its fifty-fourth session, the Sub-Commission, in its resolution 2002/7, requested the Commission to approve the decision to

appoint Mr. Paulo Sérgio Pinheiro as Special Rapporteur with the task of preparing a comprehensive study on housing and property restitution in the context of the return of refugees and internally displaced persons based on his working paper (E/CN.4/Sub.2/2002/17) as well as on the comments made and the discussions that took place at that session and at the fifty-eighth session of the Commission. The Commission, in its decision 2003/109, endorsed the above decision of the Sub-Commission as well as its request to the Special Rapporteur to submit a preliminary report to the Sub-Commission at its fifty-fifth session, a progress report at its fifty-sixth session and a final report at its fifty-seventh session.

79. At its fifty-seventh session, the Sub-Commission had before it the final report of the Special Rapporteur (E/CN.4/Sub.2/2005/17), containing the Principles on Housing and Property Restitution for Refugees and Displaced Persons as well as the explanatory notes on the Principles (E/CN.4/Sub.2/2005/17/Add.1). In its resolution 2005/21, the Sub-Commission requested Mr. Pinheiro to compile and update the study on housing and property restitution for refugees and internally displaced persons so that it can be published in one volume as part of Human Rights Study Series, in all the official languages of the United Nations. The above request, among other draft decisions recommended by the Sub-Commission, was not acted upon by the Commission due to the short and procedural nature of its sixty-second and final session (see also paragraph 7 above).

**Item 5. Prevention of discrimination:**

- (a) Racism, racial discrimination and xenophobia**
- (b) Prevention of discrimination and protection of indigenous peoples**
- (c) Prevention of discrimination and protection of minorities**

**Sub-item (a) Racism, racial discrimination and xenophobia**

**Discrimination against leprosy victims and their families**

80. At its fifty-sixth session, the Sub-Commission, in its resolution 2004/12, requested Mr. Yozo Yokota to prepare a preliminary working paper on discrimination against leprosy victims and their families, to be submitted to the fifty-seventh session under the agenda item entitled "Prevention of discrimination and protection of minorities".

81. At its fifty-seventh session, the Sub-Commission had before it the preliminary working paper by Mr. Yokota (E/CN.4/Sub.2/2005/WP.1). In its resolution 2005/24, the Sub-Commission decided to appoint Mr. Yokota as Special Rapporteur with the task of preparing a comprehensive study on discrimination against leprosy victims and their families, and requested the Special Rapporteur to submit a preliminary report at its fifty-eighth session, a progress report at its fifty-ninth session and a final report at its sixtieth session. The above decision, among other draft decisions recommended by the Sub-Commission, was not acted upon by the Commission on Human Rights due to the short and procedural nature of its sixty-second and final session (see also paragraph 7 above).

82. In the same resolution, the Sub-Commission decided to continue consideration of this question at its fifty-eighth session under the same agenda item.

### **Discrimination against convicted persons who have served their sentences**

83. At its fifty-sixth session, the Sub-Commission, in its resolution 2004/28, requested its sessional working group on the administration of justice to examine this question and to suggest types of information that could be collected in order to understand better the extent of discrimination against convicted persons who have served their sentences and the relevant international human rights standards that would apply to such situations. In the same resolution, the Sub-Commission decided to continue consideration of this matter under the item of its agenda entitled "Prevention of discrimination".

### **Sub-item (b) Prevention of discrimination and protection of indigenous peoples**

#### **United Nations Voluntary Fund for Indigenous Populations**

84. As recommended by the Sub-Commission in its resolution 1984/35 C, the Commission in its resolution 1985/29, and the Economic and Social Council in its resolution 1985/38, the General Assembly, in resolution 40/131 of 13 December 1985, established the United Nations Voluntary Fund for Indigenous Populations. The purpose of the Fund is to assist representatives of indigenous communities and organizations to participate in the deliberations of the Working Group on Indigenous Populations by providing it with financial assistance, funded by means of voluntary contributions from Governments, non-governmental organizations and other public or private entities. The Board of Trustees held its nineteenth session from 13 to 17 February 2006 in Geneva.

#### **International Decade of the World's Indigenous People**

85. The General Assembly, in its resolution 48/163 of 21 December 1993, proclaimed the International Decade of the World's Indigenous People, commencing on 10 December 1994. In its resolution 49/214, the Assembly decided that the International Day of Indigenous People should be observed on 9 August every year during the Decade. In its resolution 50/157, the Assembly adopted the programme of activities for the Decade contained in the annex to that resolution. In its resolution 52/108, the Assembly decided to appoint the High Commissioner for Human Rights as coordinator for the Decade.

86. At its fifty-fifth session, the Sub-Commission, in its resolution 2003/30, recommended to its parent bodies that a second international decade of the world's indigenous people be proclaimed by the General Assembly. At its fifty-sixth session, the Sub-Commission, in its resolution 2004/14, welcomed Economic and Social Council decision 2004/290 transmitting to the General Assembly the recommendation to proclaim a second international decade of the world's indigenous people to begin in January 2005.

87. The General Assembly, in its resolution 59/174, proclaimed the Second International Decade of the World's Indigenous People, commencing on 1 January 2005, with the goal of further strengthening international cooperation for the solution of problems faced by indigenous people in such areas as culture, education, health, human rights, the environment and social and

economic development, by means of action-oriented programmes and specific projects, increased technical assistance and relevant standard-setting activities. Mr. José Antonio Ocampo, Under-Secretary-General for Economic and Social Affairs, was appointed by the Secretary-General as the Coordinator for the Second Decade.

88. In its resolution 2005/19, the Sub-Commission endorsed the list of activities recommended by the working group on indigenous populations to the Coordinator for the Second Decade of the World's Indigenous People for possible inclusion in the programme of action of the Second Decade (E/CN.4/Sub.2/2005/26, annex IV), compiled in compliance with Commission on Human Rights resolution 2005/49. The Sub-Commission also requested its Working Group on Indigenous Populations to follow closely the activities carried out as part of the human rights component of the programme of action of the Second Decade on the basis of information to be submitted regularly by the Office of the High Commissioner for Human Rights to the members of the Working Group, so as to be able to contribute to the mid-term and end-term reviews of the Second Decade, to be carried out by the General Assembly in 2010 and 2015.

### **Working Group on Indigenous Populations**

89. In its resolution 1982/34, the Economic and Social Council authorized the Sub-Commission to establish annually a working group: (a) To review developments pertaining to the promotion and protection of human rights and fundamental freedoms of indigenous peoples, including information requested by the Secretary-General to analyse such materials, and to submit its conclusions to the Sub-Commission, bearing in mind the report of the Special Rapporteur of the Sub-Commission, Mr. José R. Martínez Cobo (E/CN.4/Sub.2/1986/7 and Add.1-4, the two final chapters being issued as a United Nations publication, Sales No. E.86.XIV.3); and (b) To give special attention to the evolution of standards concerning the rights of indigenous peoples, taking account of both the similarities and the differences in the situations and aspirations of indigenous peoples throughout the world.

90. In its resolution 2005/23, the Sub-Commission decided that the Working Group, at its twenty-fourth session, shall adopt as the principal theme "Utilization of indigenous peoples' lands by non-indigenous authorities, groups or individuals for military purposes". The Sub-Commission also requested the Commission on Human Rights to request the Economic and Social Council to authorize 10 meetings for the Working Group prior to the fifty-eighth session of the Sub-Commission. The above request, among other draft decisions recommended by the Sub-Commission, was not acted upon by the Commission on Human Rights due to the short and procedural nature of its sixty-second and final session (see also paragraph 7 above).

91. In its resolution 2005/19 the Sub-Commission recommended that the celebration of the International Day of the World's Indigenous People continue to be held in Geneva, as usual, on the fourth day of the annual session of the Working Group on Indigenous Populations, in order to ensure as large a participation as possible of representatives of indigenous peoples, Governments, intergovernmental and non-governmental organizations, as well as of staff of United Nations bodies and the specialized agencies.

92. The report of the Working Group on its twenty-fourth session will be issued as document E/CN.4/Sub.2/2006/22 (see also paragraphs 8, 19 and 88 above, and 98 below).

**The legal implications of the disappearance of States and other territories for environmental reasons, including the implications for the human rights of their residents, with particular reference to the rights of indigenous peoples**

93. In its resolution 2003/24, the Sub-Commission recommended to the Commission on Human Rights a decision for adoption and decided to continue consideration of this matter at its fifty-sixth session. In its decision 2004/122, the Commission decided to urgently call upon the Sub-Commission to prepare a report on the legal implications of the disappearance of States for environmental reasons, including the implications for the human rights of their residents, with particular reference to the rights of indigenous peoples.

94. At its fifty-sixth session, the Sub-Commission had before it a working paper on the human rights situation of indigenous peoples in States and territories threatened with extinction for environmental reasons prepared by Ms. Françoise Hampson (E/CN.4/Sub.2/AC.4/2004/CRP.1). In its resolution 2004/10, the Sub-Commission invited Ms. Hampson to update her working paper and to submit a further working paper to the fifty-seventh session and to the twenty-third session of the Working Group on Indigenous Populations. The Commission, in its decision 2005/112, endorsed that request.

95. At its fifty-seventh session, the Sub-Commission, in its resolution 2005/20, welcomed the expanded working paper by Ms. Hampson (E/CN.4/Sub.2/2005/28) and decided to appoint her as Special Rapporteur with the task of preparing a comprehensive study on the legal implications of the disappearance of States and other territories for environmental reasons, including the implications for the human rights of their residents, with particular reference to the rights of indigenous peoples, based on her expanded working paper as well as the comments received and the discussions that took place at the fifty-seventh session and the results of the questionnaires endorsed by the Commission in its decision 2005/112. The above request, among other draft decisions recommended by the Sub-Commission, was not acted upon by the Commission on Human Rights due to the short and procedural nature of its sixty-second and final session (see also paragraph 7 above).

96. In the same resolution, the Sub-Commission decided that if for whatever reason Ms. Hampson's appointment is not endorsed by the Commission on Human Rights or the Economic and Social Council, to request her to prepare an expanded working paper on the legal implications of the disappearance of States and other territories for environmental reasons, including the implications for the human rights of their residents, with particular reference to the rights of indigenous peoples to be submitted to the Working Group on Indigenous Populations at its twenty-fourth session and to the Sub-Commission at its fifty-eighth session.

97. The Sub-Commission also decided to continue consideration of this issue at its fifty-eighth session under the same agenda item.

98. At the present session, the Sub-Commission will have before it the expanded working paper by Ms. Hampson (E/CN.4/Sub.2/2006/20).

## **Indigenous peoples' permanent sovereignty over natural resources**

99. At its fifty-fourth session, the Sub-Commission had before it a working paper prepared by Ms. Erica-Irene A. Daes (E/CN.4/Sub.2/2002/23) on indigenous peoples' permanent sovereignty over natural resources. In its resolution 2002/15, the Sub-Commission decided to appoint Ms. Daes as Special Rapporteur to undertake a study based on her working paper, and requested her to submit a preliminary report at its fifty-fifth session and a final report at its fifty-sixth session. The Commission on Human Rights, in its decision 2003/110, endorsed the above recommendation of the Sub-Commission.

100. At its fifty-sixth session, the Sub-Commission had before it the final report of the Special Rapporteur (E/CN.4/Sub.2/2004/30 and Add.1). In its resolution 2004/9, the Sub-Commission recommended that the Commission on Human Rights and the Economic and Social Council authorize the Office of the High Commissioner for Human Rights to convene an expert seminar to which representatives of indigenous communities and Governments as well as the Special Rapporteur would be invited, in order to give further attention to and to discuss in detail the many political, legal, economic, social and cultural aspects and matters relating to the above study as well as the other relevant study of the Special Rapporteur entitled "Indigenous peoples and their relationship to land" (E/CN.4/Sub.2/2001/21).

101. At the present session, the Sub-Commission will have before it the report of the expert seminar (E/CN.4/Sub.2/AC.4/2006/3).

### **Sub-item (c) Prevention of discrimination and protection of minorities**

#### **Working Group on Minorities**

102. The General Assembly adopted the Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities in its resolution 47/135. In the same resolution, the Assembly invited the relevant organs and bodies of the United Nations, including treaty bodies and representatives of the Commission and the Sub-Commission, to give due regard to the Declaration within their mandates.

103. As recommended by the Sub-Commission in its resolution 1994/4, the Commission, in its resolution 1995/24, decided to authorize the Sub-Commission to establish, initially for a three-year period, an intersessional working group consisting of five of its members, to meet each year for five working days in order to promote the rights of persons belonging to national or ethnic, religious and linguistic minorities, as set out in the Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities. As recommended by the Sub-Commission in its resolution 1997/23, the Commission on Human Rights, in its resolution 1998/19, decided to extend the mandate of the Working Group on Minorities with a view to its holding one session of five working days annually.

104. In its resolution 2004/13, the Sub-Commission recommended the nomination of a special representative of the Secretary-General on minority issues, with a particular focus on country fact-finding missions and preventive diplomacy. The Sub-Commission also recommended the

preparation of a working paper by one of its members on the advisability of drafting an additional protocol to the International Covenant on Civil and Political Rights containing remedies for violations of minority rights to be presented to the Sub-Commission at its fifty-eighth session.

105. In its resolution 2005/79, the Commission on Human Rights, having recalled Sub-Commission resolution 2004/13 and the recommendations contained therein, requested the High Commissioner for Human Rights to appoint an independent expert on minority issues for a period of two years. The Commission commended the role of the Working Group on Minorities as an important forum for dialogue with non-governmental organizations and for examining solutions to problems involving minorities, and decided, in light of that resolution, to amend the mandate of the Working Group with a view to its holding one session of three working days annually during the time of the annual session of the Sub-Commission, focusing its work on interactive dialogue with relevant non-governmental organizations and on conceptual support of, and dialogue with, the independent expert, who would participate as an observer.

106. In its resolution 2005/18, the Sub-Commission requested the Commission on Human Rights to request the Economic and Social Council to authorize the Working Group on Minorities to meet for five working days prior to the fifty-eighth and subsequent sessions of the Sub-Commission. The above request, among other draft decisions recommended by the Sub-Commission, was not acted upon by the Commission on Human Rights due to the short and procedural nature of its sixty-second and final session (see also paragraph 7 above).

107. At the present session, the Sub-Commission will have before it the report of the Working Group on its twelfth session (E/CN.4/Sub.2/2006/19) (see also paragraphs 8, 18 and 19 above).

#### **Discrimination based on work and descent**

108. At its fifty-third session, the Sub-Commission had before it the working paper submitted by Mr. Rajendra Kalidas Wimala Goonesekere on the topic of discrimination based on work and descent (E/CN.4/Sub.2/2001/16).

109. At its fifty-fourth session, the Sub-Commission, in its decision 2002/108, decided to entrust Mr. Asbjørn Eide and Mr. Yozo Yokota with the preparation of an expanded working paper on the topic of discrimination based on work and descent in regions other than those already covered.

110. At its fifty-fifth session, the Sub-Commission, in its resolution 2003/22, welcomed the expanded working paper by Mr. Eide and Mr. Yokota (E/CN.4/Sub.2/2003/24) and decided to entrust them with the task of preparing a further working paper on the topic of discrimination based on work and descent with a view to fulfilling the mandate contained in Sub-Commission resolution 2000/4.

111. At its fifty-sixth session, the Sub-Commission, in its resolution 2004/17, welcomed the expanded working paper by Mr. Eide and Mr. Yokota (E/CN.4/Sub.2/2004/31) and decided to appoint Mr. Yokota and Ms. Chin-Sung Chung as Special Rapporteurs with the task of preparing a comprehensive study on discrimination based on work and descent on the basis of the three working papers submitted on this issue (E/CN.4/Sub.2/2001/16, E/CN.4/Sub.2/2003/24 and

E/CN.4/Sub.2/2004/31) as well as the comments made and the discussions that took place during the sessions of the Sub-Commission to which those working papers were submitted. The Sub-Commission also requested the Special Rapporteurs to submit a preliminary report at its fifty-seventh session, a progress report at its fifty-eighth session and a final report at its fifty-ninth session. In its decision 2005/109, the Commission endorsed that request.

112. In its resolution 2005/22, the Sub-Commission welcomed the preliminary report of the Special Rapporteurs (E/CN.4/Sub.2/2005/30) and approved their proposal to send the questionnaire annexed to that report, with improvements to be made taking into account in particular the comments and suggestions expressed during the discussions at the fifty-seventh session, to Governments, national human rights institutions, relevant United Nations bodies and specialized agencies and non-governmental-organizations. The Sub-Commission also requested the Special Rapporteurs to reflect the results of the questionnaire, the general consultation and the regional workshops, as well as of their analyses in the progress report to be submitted to the Sub-Commission at its fifty-eighth session.

113. In the same resolution, the Sub-Commission requested the Special Rapporteurs to continue to work on the drafting of a set of principles and guidelines for the effective elimination of discrimination based on work and descent, addressing all relevant actors, including Governments, local authorities, private sector entities, schools, religious institutions and the media, based on existing applicable standards and best practices and taking into account the framework proposed in the expanded working paper on discrimination based on work and descent submitted by Asbjørn Eide and Yozo Yokota. The Sub-Commission also decided to continue consideration of this question at its fifty-eighth session under the same agenda item.

114. At the present session, the Sub-Commission will have before it the progress report of the Special Rapporteurs (E/CN.4/Sub.2/2006/21).

**Item 6. Specific human rights issues:**

- (a) Women and human rights**
- (b) Contemporary forms of slavery**
- (c) Terrorism and counter-terrorism**
- (d) New priorities**

**Sub-item (a) Women and human rights**

115. At its forty ninth session, the Sub-Commission, in its resolution 1997/9, requested that, where appropriate, future studies submitted to it include gender-disaggregated statistics and discuss ways in which gender affects the various forms of abuse to which women are subjected, the consequences of those abuses, the availability and accessibility of remedies, the relationship between the abuses suffered by women and the subordinate status of women in public and private life, any gaps in existing international standards of protection, and gender-specific recommendations to remedy these violations.

116. In its resolutions 2003/44 and 2005/42, the Commission on Human Rights requested all special procedures and other human rights mechanisms of the Commission on Human Rights and the Sub-Commission on the Promotion and Protection of Human Rights regularly and systematically to integrate a gender perspective into the implementation of their mandates and to include in their reports information on and qualitative analysis of the human rights of women and girls, and encouraged the strengthening of cooperation and coordination between these procedures and mechanisms. The Commission urged the use of gender-inclusive language in the formulation, interpretation and application of human rights instruments, as well as in reports, resolutions and/or decisions of the Commission, the Sub-Commission and the various human rights mechanisms.

### **Systematic rape, sexual slavery and slavery-like practices**

117. In its resolution 2005/27, the Sub-Commission called upon the High Commissioner for Human Rights to submit an updated report to it at its fifty-eighth session on the issues of systematic rape, sexual slavery and slavery-like practices during armed conflicts. The Sub-Commission also decided to continue consideration of the issue at its fifty-eighth session under the same agenda item. At the present session, the Sub-Commission will have before it the report of the High Commissioner (E/CN.4/Sub.2/2006/23).

### **Traditional practices affecting the health of women and the girl child**

118. At its fortieth session, the Sub-Commission, in its resolution 1988/34, requested Ms. Halima Embarek Warzazi to study recent developments with regard to traditional practices affecting the health of women and children. In its resolution 2003/28, the Sub-Commission decided to renew the mandate of the Special Rapporteur for a further three-year period. In its decision 2004/111, the Commission endorsed that decision.

119. In its resolution 2005/28, the Sub-Commission welcomed the ninth report of the Special Rapporteur (E/CN.4/Sub.2/2005/36) and took note with deep regret that it was her final report on the subject.

120. In the same resolution, the Sub-Commission decided to continue to give consideration to this issue at its fifty-eighth session under the relevant agenda item.

### **Other matters**

121. In its resolution 1987/26, the Sub-Commission requested the Secretary-General to make available to it, at each of its future sessions, the reports of the Committee on the Elimination of Discrimination against Women and of the Commission on the Status of Women. At the present session, the Sub-Commission will have before it the most recent reports of the Committee on the Elimination of Discrimination against Women and of the Commission on the Status of Women.

### **Sub-item (b) Contemporary forms of slavery**

#### **Working Group on Contemporary Forms of Slavery**

122. Basing itself on a recommendation submitted by the Sub-Commission (resolution 7 (XXVI)) and approved by the Commission (decision 5 (XXX) of 6 March 1974), the Economic and Social Council, by its decision 16 (LVI) of 17 May 1974, authorized the Sub-Commission to establish a working group composed of five of its members to meet prior to each session of the Sub-Commission to review developments in the field of slavery and the slave trade in all their practices and manifestations, including the slavery-like practices of apartheid and colonialism, the traffic in persons and the exploitation of the prostitution of others as defined in the Slavery Convention of 1926, the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery of 1956 and the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949. The Sub-Commission established the Working Group on Slavery in its resolution 11 (XXVII) of 21 August 1974. In its resolution 1988/42, the Commission on Human Rights endorsed the recommendation of the Sub-Commission that the name of the Working Group on Slavery be changed to “Working Group on Contemporary Forms of Slavery”.

123. In its resolution 2005/29, the Sub-Commission noted the decision of the Working Group to select as the thematic focus for the thirty-first session the human rights dimensions of prostitution, and the need to strengthen international cooperation to suppress international transfers of profits from the exploitation of the prostitution of others and trafficking in persons.

124. In the same resolution, the Sub-Commission requested Mr. Ibrahim Salama to draft a working paper examining the feasibility of a study on the human rights dimension of prostitution, taking into account the latest developments in this matter.

125. At the present session, the Sub-Commission will have before it the working paper by Mr. Salama (E/CN.4/Sub.2/2006/24) and the report of the Working Group on its thirty-first session (E/CN.4/Sub.2/2006/25) (see also paragraphs 8 and 19 above).

#### **United Nations Voluntary Trust Fund on Contemporary Forms of Slavery**

126. In its resolution 46/122, the General Assembly decided to establish a voluntary trust fund on contemporary forms of slavery, the purposes of which should be, first, to assist representatives of non-governmental organizations from different regions, dealing with issues of contemporary forms of slavery, to participate in the deliberations of the Working Group on Contemporary Forms of Slavery by providing them with financial assistance and, second, to extend, through established channels of assistance, humanitarian, legal and financial aid to individuals whose human rights have been severely violated as a result of contemporary forms of slavery. It also decided that the Fund should be administered in accordance with the Financial Regulations and Rules of the United Nations and other relevant provisions, with the advice of a board of trustees composed of five persons with relevant experience in the field of human rights and contemporary forms of slavery in particular, who would serve in their personal capacity; and that the members of the Board of Trustees should be appointed by the Secretary-General for a renewable three-year term in consultation with the current Chairperson of the Sub-Commission and with due regard to equitable geographical distribution.

127. In its resolution 2005/30, the Sub-Commission invited the Board of Trustees of the Fund to continue to promote the participation at the annual sessions of the Working Group on Contemporary Forms of Slavery of individuals and organizations from as large a number of countries as possible, in accordance with the priorities established in the agenda of the working group. The Sub-Commission also encouraged members of the Board to attend the next session of the Working Group.

### **Sub-item (c) Terrorism and counter-terrorism**

#### **Terrorism and human rights**

128. At its forty-ninth session, the Sub-Commission had before it a working paper prepared by Ms. Kalliopi K. Koufa on the question of terrorism and human rights (E/CN.4/Sub.2/1997/28). In its resolution 1997/39, the Sub-Commission recommended that the Commission on Human Rights authorize the appointment of Ms. Koufa as Special Rapporteur to conduct a comprehensive study on terrorism and human rights on the basis of her working paper. The Commission, in its decision 1998/107, approved that recommendation.

129. In its resolution 2003/15, the Sub-Commission decided, with a view to rationalizing the work of the Sub-Commission on the subject, to rename the existing sub-item 6 (c) "New priorities, in particular terrorism and counter-terrorism" in order to study the compatibility of counter-terrorism measures, both legislation and other activities adopted at the national, regional and international levels, particularly those adopted after 11 September 2001, with international human rights standards, giving particular attention to their impact on the most vulnerable groups, with a view to elaborating detailed guidelines. In the same resolution, the Sub-Commission also decided to appoint Ms. Koufa as coordinator, with a mandate to gather the necessary documentation for the effective work of the Sub-Commission, and requested Governments, intergovernmental organizations, national institutions for the promotion and protection of human rights, experts and non-governmental organizations to provide the coordinator and the Sub-Commission with all pertinent and precise information in this respect.

130. At its fifty-sixth session, the Sub-Commission had before it the final report of the Special Rapporteur (E/CN.4/Sub.2/2004/40) and, in its decision 2004/109, decided to establish at its fifty-seventh session a sessional working group with a mandate to elaborate detailed principles and guidelines concerning the promotion and protection of human rights when combating terrorism based, inter alia, on the preliminary framework draft of principles and guidelines contained in the working paper prepared by Ms. Koufa (E/CN.4/Sub.2/2004/47).

131. In its resolution 2005/31, the Sub-Commission endorsed all the recommendations contained in the report of the sessional working group (E/CN.4/Sub.2/2005/39), including the request to Ms. Koufa to update her preliminary framework draft of principles and guidelines based on the discussions in the working group. The Sub-Commission also decided to reconvene the working group at the fifty-eighth session.

132. At the present session, the Sub-Commission will have before it the updated framework draft of principles and guidelines (E/CN.4/Sub.2/2006/30) and the report of the working group (E/CN.4/Sub.2/2006/26) (see also paragraphs 8, 17 and 19 above).

### **Sub-item (d) New priorities**

#### **Technical cooperation and capacity-building for the promotion and protection of human rights**

133. In its decision 2004/115, the Sub-Commission decided to request Mr. Gudmundur Alfredsson and Mr. Ibrahim Salama to prepare a working paper on the evaluation of the content and delivery of technical cooperation in the field of human rights, for the purpose of seeking possible improvements, and to submit it to the Sub-Commission at its fifty-seventh session.

134. In its resolution 2005/25, the Sub-Commission, taking into account the working paper by Mr. Alfredsson and Mr. Salama (E/CN.4/Sub.2/2005/41), decided to appoint them as Special Rapporteurs with the task of preparing a comprehensive study with a focus on how best to include economic, social and cultural rights in international, regional and bilateral technical cooperation in the field of human rights. The above decision, among other draft decisions recommended by the Sub-Commission, was not acted upon by the Commission on Human Rights due to the short and procedural nature of its sixty-second and final session (see also paragraph 7 above).

#### **World Programme for Human Rights Education**

135. In its resolution 2003/5, the Sub-Commission recommended a draft decision to the Commission for adoption. The Commission on Human Rights, in its resolution 2004/71, and the Economic and Social Council, in its decision 2004/268, recommended that the General Assembly proclaim at its fifty-ninth session a world programme for human rights education. In its resolution 59/113, the General Assembly proclaimed the World Programme for Human Rights Education, to begin on 1 January 2005, structured in consecutive phases.

136. In its resolution 2005/26, the Sub-Commission welcomed the proclamation by the General Assembly and decided to consider the issue of human rights education at its fifty-eighth session under the same agenda item.

#### **Prevention of human rights violations committed with small arms and light weapons**

137. In its decision 2001/120, the Sub-Commission, deeply concerned at the negative effects upon human rights of the availability and misuse of small arms and light weapons, decided to entrust Ms. Barbara Frey with the task of preparing a working paper on the question of (a) the trade and carrying of small arms and light weapons, and (b) the use of such weapons in the context of human rights and humanitarian norms. At its fifty-fourth session, the Sub-Commission had before it the working paper prepared by Ms. Frey (E/CN.4/Sub.2/2002/39).

138. In its resolution 2002/25, the Sub-Commission decided to appoint Ms. Barbara Frey as Special Rapporteur with the task of preparing a comprehensive study on the prevention of human rights violations committed with small arms and light weapons based on her working paper as well as the comments received and the discussion that took place at the fifty-fourth session of the

Sub-Commission and the fifty-eighth session of the Commission, and requested the Special Rapporteur to submit a preliminary report to the Sub-Commission at its fifty-fifth session, a progress report at its fifty-sixth session and a final report at its fifty-seventh session. In its decision 2003/112, the Commission on Human Rights endorsed the above decision.

139. In its decision 2005/110, the Sub-Commission, taking note of the Special Rapporteur's request for additional time for further collection and evaluation of responses from Governments, national human rights institutions and non-governmental organizations to her questionnaire, decided to request the Special Rapporteur to submit her final report at its fifty-eighth session, taking into account the discussion at the fifty-seventh session. At the present session, the Sub-Commission will have before it the final report of the Special Rapporteur (E/CN.4/Sub.2/2006/27).

### **Human rights and bioethics**

140. At its fifty-third session, the Sub-Commission, in its decision 2001/113, taking into account resolution 2001/71 of the Commission on Human Rights, decided to entrust Ms. Antoanella-Iulia Motoc with the preparation of a working paper on the Universal Declaration on the Human Genome and Human Rights as its contribution to the reflections of the International Bioethics Committee on the follow-up to the Universal Declaration.

141. At its fifty-fourth session, the Sub-Commission had before it the working paper submitted by Ms. Motoc (E/CN.4/Sub.2/2002/37), and in its decision 2002/114, decided to request Ms. Motoc to submit an expanded working paper at its fifty-fifth session.

142. At its fifty-fifth session, the Sub-Commission had before it the expanded working paper prepared by Ms. Motoc (E/CN.4/Sub.2/2003/36). In its resolution 2003/4, the Sub-Commission decided to appoint Ms. Motoc as Special Rapporteur to undertake a study on human rights and the human genome based on her working paper, and requested the Special Rapporteur to submit a preliminary report to the Sub-Commission at its fifty-sixth session and her final report to the Commission at its sixty-first session. In its decision 2004/120, the Commission approved the decision of the Sub-Commission.

143. At its fifty-seventh session, the Sub-Commission had before it the interim report of the Special Rapporteur (E/CN.4/Sub.2/2005/38), and in its decision 2005/111, requested the Special Rapporteur to submit a final report to the fifty-eighth session. At the present session, the Commission will have before it the final report of the Special Rapporteur (E/CN.4/Sub.2/2006/28).

### **Human rights and non-State actors**

144. In its decision 2004/114, the Sub-Commission decided to request Mr. Gáspár Bíró and Ms. Antoanella-Iulia Motoc to prepare a working paper on human rights and non-State actors, in order to approach in a systematic way the question of accountability under international human rights law, and to submit it to the Sub-Commission at its fifty-seventh session.

145. At its fifty-seventh session, the Sub-Commission had before it the working paper by Mr. Bíró and Ms. Motoc (E/CN.4/Sub.2/2005/40). In its decision 2005/112, the Sub-Commission requested Mr. Bíró, Ms. Motoc, Mr. David Rivkin and Mr. Ibrahim Salama to prepare an expanded working paper on human rights and non-State actors in order to approach, in a systematic way, the question of accountability under international human rights law and to submit the working paper at its fifty-eighth session, taking into account the discussions at its fifty-seventh session. At the present session, the Sub-Commission will have before it the expanded working paper (E/CN.4/Sub.2/2006/29).

### **Other matters**

146. In its resolution 2005/57 on promotion of a democratic and equitable international order, the Commission on Human Rights requested the human rights treaty bodies, the Office of the United Nations High Commissioner for Human Rights and the mechanisms of the Commission and the Sub-Commission on the Promotion and Protection of Human Rights to pay due attention, within their respective mandates, to that resolution and to make contributions towards its implementation.

### **Item 7. Draft provisional agenda and adoption of the report**

#### **Sub-item (a) Draft provisional agenda for the fifty-ninth session of the Sub-Commission**

#### **Sub-item (b) Adoption of the report on the fifty-eighth session**

147. The Economic and Social Council, in its resolution 1984 (LVII) of 1 August 1974, requested the Secretary-General to submit at each session of a functional commission or subsidiary body of the Council a draft provisional agenda for its following session, together with an indication, in respect of each agenda item, of the documents to be submitted under that item and the legislative authority for their preparation.

148. Under rule 37 of the above-mentioned guidelines, the Sub-Commission is to report to the Commission on Human Rights on the work of its session.

149. In view of the assumption, by the Human Rights Council, of the Sub-Commission and its existing mandates, working groups and other mechanisms, pursuant to General Assembly resolution 60/251, and the conclusion of the work of the Commission on Human Rights pursuant to its resolution 2006/1 and to Economic and Social Council resolution 2006/2, as well as paragraph 3 (b) of Human Rights Council decision 2006/102, by which the Council decided that the final session of the Sub-Commission should be convened starting 31 July 2006, the draft provisional agenda for the fifty-ninth session, together with information concerning the documentation relating thereto, will not be submitted to the Sub-Commission this year. Further, the report of the Sub-Commission on its fifty-eighth session will be submitted to the Human Rights Council when appropriate.

## Annex

### LIST OF MEMBERS AND ALTERNATES OF THE SUB-COMMISSION ON THE PROMOTION AND PROTECTION OF HUMAN RIGHTS (2006)

*Note:* The year given against the names of the Sub-Commission members and alternates represents the year when the term of office expires. With the assumption, by the Human Rights Council, of the Sub-Commission and its existing mandates, working groups and other mechanisms, pursuant to General Assembly resolution 60/251, and in view of the short and procedural nature of its sixty-second session, the Commission on Human Rights did not hold elections for the 13 Sub-Commission members and their alternates whose terms of office were to expire in 2006 (see paragraph 7 above). Pursuant to its decision 2006/102, by which the Council decided to extend exceptionally for one year, subject to the review to be undertaken in conformity with General Assembly resolution 60/251, the mandates and mandate-holders of the Sub-Commission, those members and their alternates, if any, will continue to exercise their functions during this period. Their names are therefore reflected in the list below.

Mr. Miguel ALFONSO MARTÍNEZ * Mr. Juan Antonio FERNÁNDEZ PALACIOS	(Cuba)	2008
Mr. Gudmundur ALFREDSSON * Mr. Jakob MÖLLER	(Iceland)	2008
Mr. José BENGEOA	(Chile)	2006
Mr. Gáspár BÍRÓ	(Hungary)	2008
Mr. Marc BOSSUYT	(Belgium)	2008
Mr. CHEN Shiqiu * Mr. LIU Xinsheng	(China)	2006
Mr. Mohamed Habib CHERIF * Mr. Habib ACHOUR	(Tunisia)	2008
Ms. Chin-Sung CHUNG * Ms. Ji-ah PAIK	(Republic of Korea)	2008
Mr. Emmanuel DECAUX * Ms. Michèle PICARD	(France)	2006
Mr. Rui Baltazar DOS SANTOS ALVES * Mr. Cristiano DOS SANTOS	(Mozambique)	2006

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\* Alternate.

Mr. El-Hadji GUISSÉ	(Senegal)	2006
Ms. Françoise Jane HAMPSON	(United Kingdom of Great Britain and Northern Ireland)	2006
Mr. Vladimir KARTASHKIN * Mr. Oleg MALGUINOV	(Russian Federation)	2006
Ms. Kalliopi KOUFA * Mr. Nikolaos ZAIKOS	(Greece)	2006
Ms. Antoanella-Iulia MOTOC * Ms. Victoria SANDRU-POPESCU	(Romania)	2008
Ms. Florizelle O'CONNOR	(Jamaica)	2006
Mr. Paulo Sérgio PINHEIRO * Ms. Marília SARDENBERG ZELNER GONÇALVES	(Brazil)	2006
Ms. Lalaina RAKOTOARISOA	(Madagascar)	2006
Mr. David RIVKIN * Mr. Lee A. CASEY	(United States of America)	2008
Mr. Ibrahim SALAMA * Ms. Amani KANDIL	(Egypt)	2008
Mr. Abdul SATTAR * Mr. Khalid Aziz BABAR	(Pakistan)	2006
Mr. Soli Jehangir SORABJEE	(India)	2006
Mr. Janio Iván TUÑÓN VEILLES * Ms. Carmina CASIS CRESPO	(Panama)	2008
Ms. N.U.O. WADIBIA-ANYANWU * Ms. Christy Ezim MBONU	(Nigeria)	2008
Ms. Halima Embarek WARZAZI	(Morocco)	2008
Mr. Yozo YOKOTA * Ms. Yoko HAYASHI	(Japan)	2008

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