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COMMISSION ON HUMAN RIGHTS  
Sub-Commission on the Promotion  
and Protection of Human Rights

**REPORT OF THE SUB-COMMISSION ON THE PROMOTION  
AND PROTECTION OF HUMAN RIGHTS ON ITS  
FIFTY-SEVENTH SESSION**

**Geneva, 25 July-12 August 2005**

**Rapporteur: Mr. Yozo Yokota**

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**I. DRAFT DECISIONS RECOMMENDED TO THE COMMISSION  
ON HUMAN RIGHTS FOR ADOPTION\***

**1. Accountability of international personnel  
taking part in peace support operations**

The Commission on Human Rights, taking note of Sub-Commission on the Promotion and Protection of Human Rights resolution 2005/14 of 10 August 2005, decides to endorse the decision of the Sub-Commission to appoint Françoise 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 (E/CN.4/Sub.2/2005/42) as well as the comments received and the discussions that took place at the fifty-seventh session of the Sub-Commission, and requests 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. The Commission also decides to endorse the request to the Secretary-General to provide the Special Rapporteur with all the assistance necessary to enable her to accomplish her task, including the possibility of visiting United Nations Headquarters and distributing a questionnaire to States that contribute troops to peace support operations.

[See chap. II, sect. A, resolution 2005/14,  
and chap. V.]

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

The Commission on Human Rights, taking note of Sub-Commission on the Promotion and Protection of Human Rights resolution 2005/16 of 10 August 2005, decides to approve the request of the Sub-Commission that the Secretary-General provide the Special Rapporteur with all the 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.

[See chap. II, sect. A, resolution 2005/16,  
and chap. VI.]

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\* Pursuant to resolution 2005/53 of the Commission on Human Rights, "all initiatives of the Sub-Commission with financial implications for the United Nations budgets, including from voluntary sources" are reflected in annex V for consideration by the Commission. Annex V also contains a list of resolutions and decisions referring to matters which are drawn to the Commission's attention or on which the Commission is requested to take action.

**3. 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**

The Commission on Human Rights, taking note of the Sub-Commission on the Promotion and Protection of Human Rights resolution 2005/20 of 10 August 2005, decides to endorse the decision of the Sub-Commission to appoint Françoise Hampson 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 (E/CN.4/Sub.2/2005/28) as well as the comments received and the discussions that took place at the fifty-seventh session of the Sub-Commission and the results of the questionnaires endorsed by the Commission in its decision 2005/112 of 20 April 2005, and its request to 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. The Commission also decides to endorse the request to the Secretary-General to provide the Special Rapporteur with all the assistance necessary to enable her to accomplish her task.

[See chap. II, sect. A, resolution 2005/20,  
and chap. VII.]

**4. Housing and property restitution for refugees and displaced persons**

The Commission on Human Rights, recalling its decision 2003/109 of 24 April 2003 on housing and property restitution in the context of the return of refugees and internally displaced persons, recalling also its resolution 2004/28 of 16 April 2004 on prohibition of forced evictions, and taking note of resolution 2005/21 of 11 August 2005 of the Sub-Commission on the Promotion and Protection of Human Rights, endorses the request by the Sub-Commission that Paulo Sérgio Pinheiro compile and update the study on housing and property restitution for refugees and internally displaced persons, and that the full study, entitled “The right to housing and property restitution for refugees and other displaced persons”, be published as part of the Human Rights Study Series, in all the official languages of the United Nations.

[See chap. II, sect. A, resolution 2005/21,  
and chap. VI.]

**5. Working Group on Indigenous Populations**

The Commission on Human Rights, taking note of resolution 2005/23 of 11 August 2005 of the Sub-Commission on the Promotion and Protection of Human Rights, endorses the

Sub-Commission's request that the Economic and Social Council authorize 10 meetings for the Working Group on Indigenous Populations prior to the fifty-eighth session of the Sub-Commission in 2006.

[See chap. II, sect. A, resolution 2005/23,  
and chap. VII.]

## **6. Discrimination against leprosy victims and their families**

The Commission on Human Rights, taking note of resolution 2005/24 of 11 August 2005 of the Sub-Commission on the Promotion and Protection of Human Rights, approves the decision of the Sub-Commission to appoint Yozo Yokota Special Rapporteur with the task of preparing a comprehensive study on discrimination against leprosy victims and their families, on the basis of his preliminary working paper (E/CN.4/Sub.2/2005/WP.1) and the comments made during the fifty-seventh session of the Sub-Commission, and 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.

The Commission also approves the proposal endorsed by the Sub-Commission to organize, if funding is available, regional seminars to hear the views and experiences directly from the former patients and their families as well as doctors, social workers, experts, non-governmental organizations and governmental officials concerned.

The Commission further approves the request that the Secretary-General and the United Nations High Commissioner for Human Rights provide the Special Rapporteur with all the assistance necessary to enable him to accomplish this task.

[See chap. II, sect. A, resolution 2005/24,  
and chap. VII.]

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

The Commission on Human Rights, taking note of resolution 2005/25 of 11 August 2005 of the Sub-Commission on the Promotion and Protection of Human Rights, decides to endorse the decision of the Sub-Commission to appoint Gudmundur Alfredsson and Ibrahim Salama as Special Rapporteurs on economic, social and cultural rights in technical cooperation in the field of human rights, based on their working paper (E/CN.4/Sub.2/2005/41) and the comments made thereon at the fifty-seventh session of the Sub-Commission. The Commission also endorses the request to the Secretary-General to provide the Special Rapporteurs with the necessary assistance as well as the request to relevant actors in the United Nations system to respond to queries from the Special Rapporteurs.

[See chap. II, sect. A, resolution 2005/25,  
and chap. VIII.]

## II. RESOLUTIONS AND DECISIONS ADOPTED BY THE SUB-COMMISSION AT ITS FIFTY-SEVENTH SESSION

### A. Resolutions

#### 2005/1. Absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment

*The Sub-Commission on the Promotion and Protection of Human Rights,*

*Bearing in mind* article 5 of the Universal Declaration of Human Rights, which states that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment,

*Recalling* the provisions of article 7 of the International Covenant on Civil and Political Rights as well as other relevant international instruments, in particular the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol adopted by the General Assembly in its resolution 57/199 of 18 December 2002,

*Recalling also* its resolution 2004/1 of 9 August 2004 and taking note of General Assembly resolution 59/182 of 20 December 2004 and Commission on Human Rights resolution 2005/39 of 19 April 2005,

*Stressing* that the prohibition of torture and cruel, inhuman or degrading treatment is absolute and is applicable in all circumstances, in time of war and in time of peace,

*Alarmed* at the many acts of torture that have recently been disclosed and the attempts to make such practices commonplace or to justify such practices, including in situations of armed conflict, against persons protected by the principles of international humanitarian law,

*Referring* to the relevant international instruments on medical ethics and the responsibility of health personnel, in particular the Principles of Medical Ethics relevant to the Role of Health Personnel, particularly Physicians, in the Protection of Prisoners and Detainees against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the General Assembly in its resolution 37/194 of 18 December 1982,

1. *Recalls* that all forms of torture and other cruel, inhuman or degrading treatment or punishment constitute violations of the peremptory norms of international law;
2. *Encourages* the entry into force, in the near future, of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which was opened for signature on 4 February 2003;
3. *Urges* all States to ratify, as soon as possible, the Convention and its Optional Protocol;

4. *Commends* the activities of the Special Rapporteur of the Commission on Human Rights on the question of torture and invites all States to issue an open invitation to him to visit their country;

5. *Deplores* acts of torture and ill-treatment involving the complicity of medical personnel, and recommends that the Secretary-General disseminate widely the Principles of Medical Ethics adopted by the General Assembly and that he inform the Sub-Commission to this effect in a note to its fifty-eighth session;

6. *Recommends* that all States develop independent and effective domestic mechanisms as concrete means of combating torture and other cruel, inhuman or degrading treatment or punishment;

7. *Hopes* that independent and effective investigations and judicial proceedings will make it possible to establish the facts, ensure reparation for damages suffered by the victims and punish all persons responsible, at whatever level, and that measures will be taken to put an end to such acts;

8. *Decides* to continue consideration of this question at its fifty-eighth session.

*15th meeting  
8 August 2005*

[Adopted without a vote. See chap. IV.]

**2005/2. Prohibition of military operations directed against medical facilities,  
transport and personnel entitled to protection during armed conflict**

*The Sub-Commission on the Promotion and Protection of Human Rights,*

*Guided* by the Charter of the United Nations, the Universal Declaration of Human Rights, the Geneva Conventions, of 12 August 1949, the Additional Protocols thereto of 1977 and all other relevant instruments and principles of human rights and humanitarian law,

*Bearing in mind* that the purpose of the Geneva Conventions is to protect, inter alia, medical facilities, transport and personnel during armed conflict,

*Alarmed* by direct and overt attacks on medical facilities, transport and personnel in a number of current armed conflicts,

*Acutely aware* that such attacks threaten the very viability of the Geneva Conventions themselves,

*Recalling* its resolution 2004/1 of 9 August 2004,

1. *Expresses concern* about military operations directed at medical facilities, transport and personnel;

2. *Invites* the Special Rapporteur of the Commission on Human Rights on the right of everyone to the highest attainable standard of physical and mental health to address the issue of the protection of medical facilities, transport and personnel in situations of both international and internal armed conflicts as one of great urgency;

3. *Decides* to continue consideration of this question at its fifty-eighth session.

*15th meeting  
8 August 2005*

[Adopted without a vote. See chap. IV.]

### **2005/3. The difficulty of establishing responsibility or guilt with regard to sexual violence**

*The Sub-Commission on the Promotion and Protection of Human Rights,*

*Recalling* its resolution 2004/29 of 12 August 2004,

*Taking note* of Commission on Human Rights decision 2005/108 of 19 April 2005, by which the Commission approved the decision of the Sub-Commission to appoint Lalaina Rakotoarisoa as Special Rapporteur entrusted with preparing a detailed study on the difficulties of establishing guilt or responsibility with regard to crimes of sexual violence,

*Taking note also* of the oral presentation made by Ms. Rakotoarisoa at the fifty-seventh session of the Sub-Commission and of the comments of its members,

1. *Requests* the Secretary-General to provide the Special Rapporteur with any assistance she may require to carry out her mandate, in particular in her contacts with member States, national institutions for the promotion and protection of human rights, and international governmental and non-governmental organizations;

2. *Requests* the Special Rapporteur to submit a preliminary report to the Sub-Commission at its fifty-eighth session.

*15th meeting  
8 August 2005*

[Adopted without a vote. See chap. V.]

### **2005/4. The universal implementation of international human rights treaties**

*The Sub-Commission on the Promotion and Protection of Human Rights,*

*Recalling* its resolution 2004/26 of 12 August 2004,

*Taking note* of Commission on Human Rights decision 2004/123 of 21 April 2004, by which the Commission approved the decision of the Sub-Commission to appoint Emmanuel Decaux special rapporteur to conduct a detailed study of the universal implementation of international human rights treaties based on his working paper (E/CN.4/Sub.2/2003/37),

*Taking note also* 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,

1. *Thanks* the Special Rapporteur for his interim report;
2. *Requests* the Secretary-General to provide the Special Rapporteur with the necessary assistance to enable him to carry out his mandate, particularly in his contacts with States, national institutions for the protection and promotion of human rights and international governmental and non-governmental organizations, by enabling him to send them a questionnaire at the appropriate time to help in the preparation of his final report;
3. *Requests* the Special Rapporteur to submit a final report to the Sub-Commission at its fifty-eighth session.

*15th meeting*  
*8 August 2005*

[Adopted without a vote. See chap. V.]

### **2005/5. Discrimination in the criminal justice system**

*The Sub-Commission on the Promotion and Protection of Human Rights,*

*Recalling* its resolution 2002/3 of 12 August 2002,

*Also recalling* Commission on Human Rights decision 2003/108 of 23 April 2003 by which the Commission approved the decision of the Sub-Commission to appoint 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,

*Bearing in mind* its resolution 2004/24 of 12 August 2004,

1. *Thanks* the Special Rapporteur on discrimination in the criminal justice system, for her preliminary report (E/CN.4/Sub.2/2003/3) and her interim report (E/CN.4/Sub.2/2005/7) and welcomes the interactive debate that took place at its fifty-seventh session;

2. *Requests* 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 of the Sub-Commission.

*15th meeting  
8 August 2005*

[Adopted without a vote. See chap. V.]

**2005/6. The effects of the working methods and activities of transnational corporations on the enjoyment of human rights**

*The Sub-Commission on the Promotion and Protection of Human Rights,*

*Recalling* that, under the Charter of the United Nations, one of the purposes of the United Nations is to achieve international cooperation in solving international problems of an economic, social, cultural or humanitarian character, and in promoting and encouraging respect for human rights for all,

*Reaffirming* the Declaration on Social Progress and Development adopted by the General Assembly in its resolution 2542 (XXIV) of 11 December 1969, the Declaration and Programme of Action on the Establishment of a New International Economic Order adopted by the General Assembly in its resolutions 3201 (S-VI) and 3202 (S-VI) of 1 May 1974, the Charter of Economic Rights and Duties of States proclaimed by the General Assembly in its resolution 3281 (XXIX) of 12 December 1974, the Declaration of the Principles of International Cultural Cooperation adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization in 1966, General Assembly resolution 1803 (XVII) of 14 December 1962, entitled “Permanent sovereignty over natural resources”, and General Assembly resolution 2625 (XXV) of 24 October 1970, entitled “Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations”,

*Mindful* that, in the Vienna Declaration and Programme of Action, the World Conference on Human Rights reaffirmed the right to development as a universal and inalienable right and an integral part of all fundamental human rights, reaffirmed that the human person was the central subject of development and underlined the need for a concerted effort to ensure recognition of economic, social and cultural rights at the national, regional and international levels,

*Noting* that lasting progress towards the implementation of the right to development requires effective development policies at the national level, as well as equitable economic relations and a favourable economic environment at the international level,

*Deeply concerned* at the preponderance of transnational corporations in all spheres of life and at the impact of their activities and working methods on human rights,

*Bearing in mind* the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy adopted by the Governing Body of the International Labour Organization in November 1977,



*Recognizing* that the activities of the various United Nations organizations should be closely interrelated and that it is necessary to draw on all the efforts made in the various disciplines relating to the human person in order to promote all human rights effectively,

*Recalling in particular* its previous resolutions on the subject, the most recent being resolution 2004/16 of 12 August 2004,

*Recalling* the relevant resolutions of the Commission on Human Rights concerning the right to development and economic, social and cultural rights, the most recent being resolution 2005/4 of 12 April 2005 and resolution 2005/22 of 15 April 2005,

*Recognizing* the work done by the sessional working group on the effects of the working methods and activities of transnational corporations on the enjoyment of human rights and by the Sub-Commission, including its draft “Norms on the Responsibilities of Transnational Corporations and Other Business Enterprises with regard to Human Rights” (E/CN.4/Sub.2/2003/12/Rev.2),

*Taking note* of Commission resolution 2005/69 of 20 April 2005 on human rights and transnational corporations and other business enterprises,

*Taking note also* of the report of the United Nations High Commissioner on Human Rights on the responsibilities of transnational corporations and related business enterprises with regard to human rights (E/CN.4/2005/91),

*Noting with appreciation* the appointment by the Secretary-General of John Ruggie as his Special Representative on the issue of human rights and transnational corporations and other business enterprises,

*Taking into account* the background document prepared by the Secretary-General (E/CN.4/Sub.2/1995/11), the report of the Secretary-General (E/CN.4/Sub.2/1996/12 and Corr.1) and the background document prepared by El-Hadji Guissé (E/CN.4/Sub.2/1998/6) concerning transnational corporations and the draft “Norms on the Responsibilities of Transnational Corporations and Other Business Enterprises with regard to Human Rights”,

1. *Thanks* the Chairperson of the seventh session of the sessional working group on the working methods and activities of transnational corporations, Halima Embarek Warzazi;

2. *Invites* 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) 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;

(b) Chin-Sung Chung and Florizelle O’Connor: a working paper on bilateral and multilateral economic agreements and their impact on the human rights of the beneficiaries;

3. *Decides*, in view of the discussions that will take place at the first meeting of the working group during the fifty-eighth session of the Sub-Commission to invite the International Monetary Fund, the World Bank, the World Trade Organization, the United Nations Conference on Trade and Development, the United Nations Development Programme, the International Labour Organization, the United Nations Research Institute for Social Development and other relevant agencies to participate;

4. *Decides* that the agenda of the eighth session of the working group will be the following:

(a) Review of developments related to the responsibilities of business with regard to human rights;

(b) Consideration of possible situations where business may facilitate or generate human rights violations in different kinds of societies;

(c) Consideration of possible ways and means of protecting individuals or groups from harm caused by business activities; and

(d) Identification of appropriate responses in the case of specific violations of human rights;

5. *Requests* the working group to submit the report on its eighth session to the Sub-Commission at its fifty-eighth session.

*15th meeting  
8 August 2005*

[Adopted without a vote. See chap. VI.]

**2005/7. Study on non-discrimination as enshrined in article 2,  
paragraph 2, of the International Covenant on  
Economic, Social and Cultural Rights**

*The Sub-Commission on the Promotion and Protection of Human Rights,*

*Recalling* its resolution 2004/5 of 9 August 2004,

*Taking note* of Commission on Human Rights decision 2005/105 of 15 April 2005, in which the Commission decided to approve the decision of the Sub-Commission to appoint 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,

*Taking note also* of the preliminary report (E/CN.4/Sub.2/2005/19) submitted by Mr. Bossuyt,

1. *Expresses its appreciation* to the Special Rapporteur for his preliminary report;

2. *Requests* the Special Rapporteur to submit to the Sub-Commission 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 discussions held at the fifty-seventh session of the Sub-Commission, and in close cooperation with the Committee on Economic, Social and Cultural Rights;

3. *Requests* the Secretary-General to provide the Special Rapporteur with all the necessary assistance to enable him to carry out his mandate.

*15th meeting  
8 August 2005*

[Adopted without a vote. See chap. VI.]

### **2005/8. The Social Forum**

*The Sub-Commission on the Promotion and Protection of Human Rights,*

*Recalling* the Universal Declaration of Human Rights and the indivisibility, interdependence and interrelated nature of economic, social and cultural rights and civil and political rights,

*Recalling also* the reports and studies on the realization of economic, social and cultural rights submitted by several special rapporteurs to the Sub-Commission and the Commission on Human Rights, in particular those submitted by Danilo Türk, Asbjørn Eide, Mustapha Mehedi, Leandro Despouy, El-Hadji Guissé, Joseph Oloka-Onyango, Deepika Udagama, David Weissbrodt and José Bengoa,

*Recalling further* Commission on Human Rights decision 2001/103 of 25 April 2001 authorizing the Sub-Commission to hold the Social Forum and decision 2003/107 of 22 April 2003 recommending 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”, and Economic and Social Council decision 2003/264 of 23 July 2003,

*Aware* of the increasing feminization of poverty and the fact that women are the main actors in organizations combating poverty and social exclusion,

*Bearing in mind* that the reduction of poverty and the elimination of extreme poverty remain an ethical and moral imperative of humankind, based on respect for human dignity, and noting the report of the Chairman-Rapporteur of the third Social Forum, held on 21 and 22 July 2005, which focused on “Poverty and economic growth: challenges to human rights”,

1. *Expresses its satisfaction* at the holding of the third Social Forum on 21 and 22 July 2005 and welcomes the report of its Chairman-Rapporteur (E/CN.4/Sub.2/2005/21);

2. *Draws special attention* to the significant contribution made to the debate by individuals with experience of extreme poverty and individuals who live and work alongside them on a daily basis;

3. *Takes note with satisfaction* of the conclusions and recommendations of the 2005 Social Forum and of the innovative nature of many of them, and calls upon States, international organizations - in particular those with a mandate for poverty eradication - non-governmental organizations, civil society organizations, trade unions and other relevant actors, to take them into account when designing and implementing poverty eradication programmes and strategies;

4. *Reaffirms* the unique nature within the United Nations of the Social Forum, which makes possible a dialogue and an exchange between the representatives of people living in poverty, Member States, civil society and intergovernmental organizations, and stresses that the current reform of the United Nations should take into account the contribution of the Social Forum as a space for dialogue that can be found nowhere else in the United Nations human rights system;

5. *Reaffirms also* its decision that the Social Forum shall meet every year, with the mandate laid down in previous Sub-Commission resolutions, and decides 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, and decides 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);

6. *Reiterates* its invitation to participate in and contribute to the Social Forum to non-governmental organizations in consultative status with the Economic and Social Council and other non-governmental organizations outside Geneva, and in particular newly emerging actors, such as small groups and rural and urban associations from the North and the South, anti-poverty groups, peasants' and farmers' organizations and their national and international associations, voluntary organizations, youth associations, community organizations, trade unions and associations of workers, representatives of the private sector, United Nations organizations and specialized agencies, the regional economic commissions, intergovernmental organizations - in particular the World Bank, the International Monetary Fund and the World Trade Organization - regional banks, financial institutions and international development agencies;

7. *Requests* the Office of the United Nations High Commissioner for Human Rights to seek effective means of ensuring consultation and the broadest possible participation in the Social Forum, including by establishing partnerships with non-governmental organizations, the private sector and international organizations;

8. *Requests* Chin-sung Chung to prepare a working paper on “The challenges of women’s participation in policies and strategies to combat poverty and extreme poverty”, and to submit it for consideration at the 2006 Social Forum;

9. *Invites* the Chairperson of the Committee on the Elimination of Discrimination against Women to take part in the next session of the Social Forum and make a presentation on the theme chosen for the 2006 session;

10. *Invites* the Social Forum to submit to the Sub-Commission at its fifty-eighth session a separate report containing a comprehensive and detailed summary of the discussions, including recommendations and draft resolutions;

11. *Requests* the Secretary-General to adopt the appropriate measures to disseminate information about the Social Forum, invite the relevant individuals and organizations to the Social Forum and take all practical measures required for the success of this initiative.

*15th meeting  
8 August 2005*

[Adopted without a vote. See chap. VI.]

#### **2005/9. Implementation of existing human rights norms and standards in the context of the fight against extreme poverty**

*The Sub-Commission on the Promotion and Protection of Human Rights,*

*Recalling* that the General Assembly, in its resolution 59/186 of 20 December 2004, reaffirmed (a) that extreme poverty and exclusion from society constitute a violation of human dignity and that urgent national and international action is therefore required to eliminate them; (b) that it is essential for States to foster participation by the poorest people in the decision-making process in the societies in which they live, in the promotion of human rights and in efforts to combat extreme poverty; and (c) that it is necessary to continue to give appropriate attention to the links between human rights and extreme poverty,

*Recalling also* that, in its resolution 2002/30 of 22 April 2002, the Commission on Human Rights emphasized that a better understanding is needed of what is endured by people living in poverty, including women and children, and that thought must be given to the subject, drawing on the experience and ideas communicated by the poorest themselves and by those committed to working alongside them,

*Recalling further* that the Sub-Commission, in its resolution 2001/8 of 15 August 2001, requested an ad hoc expert group (a) to prepare a joint working paper on the need to develop guiding principles on the implementation of existing human rights norms and standards in the context of the fight against extreme poverty and (b) to submit recommendations to contribute to the formulation of a draft declaration on extreme poverty and human rights,

*Taking into account*, on the one hand, the report submitted by the ad hoc group of experts (E/CN.4/Sub.2/2005/20 and Add.1) on consultations with persons living in extreme poverty conducted at regional seminars organized at Bangkok and São Paulo, and, on the other hand, the report of the independent expert on the question of human rights and extreme poverty, Arjun Sengupta (E/CN.4/2005/49), which draws attention to the exclusion from society experienced in every country by persons in situations of extreme poverty,

*Aware* of the need to apply human rights norms and standards in the context of the fight against extreme poverty,

1. *Reaffirms* that extreme poverty places men, women, children and entire population groups in a situation involving violation of their fundamental rights and freedoms in both industrialized and developing countries, that it might, in some situations, constitute a threat to the right to life, and that its immediate alleviation and eventual eradication must remain a high priority for the international community;
2. *Requests* the ad hoc group of experts to prepare, without financial implications, 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;
3. *Also requests* the ad hoc group to continue extensive consultations with regional and international intergovernmental organizations, non-governmental organizations, local associations, academics and other competent persons, and, through regional seminars, to ensure in particular the involvement of persons living in extreme poverty;
4. *Calls upon* the Commission on Human Rights to replace the ad hoc group by a new ad hoc group of the Sub-Commission comprising five of its members, with a specific mandate to continue consideration of the subject, taking into account the results already attained.

*15th meeting  
8 August 2005*

[Adopted without a vote. See chap. VI.]

### **2005/10. Attacks on persons entitled to protection as civilians**

*The Sub-Commission on the Promotion and Protection of Human Rights,*

*Guided* by the Charter of the United Nations and the Universal Declaration of Human Rights,

*Mindful* of the International Covenant on Civil and Political Rights, the Geneva Conventions, of 12 August 1949, and the Additional Protocols thereto of 8 June 1977,

*Mindful also* of the Rome Statute of the International Criminal Court,

*Noting* Commission on Human Rights resolution 2005/63 of 20 April 2005 on protection of the human rights of civilians in armed conflicts,

*Reaffirming* that the intentional killing of persons entitled to protection as civilians is prohibited by customary international criminal law,

*Stressing* the importance of combating impunity for perpetrators of international crimes,

1. *Strongly emphasizes* that no alleged ground, political, philosophical, religious or military, justifies attacks against persons entitled to protection as civilians;
2. *Confirms* that anyone, including members of the police or security forces of a State, who participates in an intentional attack against persons entitled to protection as civilians, which is prohibited by customary international criminal law, is guilty of an international crime;
3. *Confirms also* that anyone who attempts intentionally to attack persons entitled to protection as civilians, which is prohibited by customary international criminal law, is guilty of an international crime;
4. *Confirms further* that anyone who incites intentional attacks against persons entitled to protection as civilians, which is prohibited by customary international criminal law, is guilty of an international crime;
5. *Confirms* that anyone who knowingly finances an intentional attack or an attempted intentional attack on persons entitled to protection as civilians, which is prohibited by customary international criminal law, is guilty of an international crime;
6. *Decides* to consider this issue at its fifty-eighth session under the same agenda item.

*19th meeting  
10 August 2005*

[Adopted without a vote. See chap. IV.]

## **2005/11. Issuance of standing invitations to special procedures**

*The Sub-Commission on the Promotion and Protection of Human Rights,*

*Recalling* the recommendations concerning special procedures contained in the Vienna Declaration and Programme of Action,

*Recalling also* resolutions of the Commission on Human Rights, in particular, resolutions 2002/20 of 22 April 2002, 2002/84 of 26 April 2002, 2002/68 of 25 April 2002, 2003/77 of 25 April 2003 and 2004/76 of 21 April 2004, which recommend the issuance of standing invitations,

*Noting with satisfaction* that a growing number of Governments have announced that they will always accept requests to visits from special procedures of the Commission on Human Rights,

*Emphasizing* that special procedures serve as an early-warning mechanism for the rest of the international system and that they also help to prevent recurrent patterns of human rights violations, rather than reacting to them after they occur,

*Recalling* that thematic special procedures should have a right to visit any Member State,

*Requests* the Commission on Human Rights that in cases where the termination of a mandate of a country-specific special procedure is thought to be justified, it should consider making that termination conditional, inter alia, upon the issuance of standing invitations to thematic special procedures by the countries concerned.

*19th meeting  
10 August 2005*

[Adopted without a vote. See chap. IV.]

## **2005/12. Transfer of persons**

*The Sub-Commission on the Promotion and Protection of Human Rights,*

*Guided* by articles 5, 6, 7, 8, 9 and 10 of the Universal Declaration of Human Rights,

*Guided also* by the non-derogable prohibition of torture in international law,

*Recalling* in particular article 7 of the International Covenant on Civil and Political Rights, article 3 of the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment, the Geneva Conventions of 12 August 1949, and the Additional Protocols thereto of 1977,

*Recalling also* the principle of non-refoulement as enshrined in the 1951 Convention Relating to the Status of Refugees, its 1967 Protocol and customary international refugee law,

*Referring* to general comment No. 1 (1996) of the Committee against Torture and the jurisprudence of the Committee against Torture, general comment No. 20 (1992), general comment No. 31 (2004) and the concluding observations of the Human Rights Committee and general comment No. 6 (2005) of the Committee on the Rights of the Child,

*Referring also* to the recommendations of the Special Rapporteur on the question of torture as well as his interim report to the General Assembly (A/59/324) and the joint statement of special rapporteurs of 27 June 2003 (E/CN.4/2004/4, annex I),

*Mindful* that in both General Assembly resolution 57/219 of 18 December 2002 and Commission on Human Rights resolution 2003/68 of 25 April 2003 the United Nations High Commissioner on Human Rights is requested to make general recommendations concerning the obligation of States to promote and protect human rights and fundamental freedoms while taking action to counter-terrorism,



1. *Declares* that the present resolution refers to any involuntary transfer from the territory of one State to that of another, or from the authorities of one State to those of another, whether effected through extradition, other forms of judicially sanctioned transfer or through non-judicial means;
2. *Emphasizes* that States must respect and ensure the human rights of everyone within the power or effective control of that State even if he or she is not situated within the territory of that State and notes that this entails the obligation not to extradite, deport, expel or otherwise remove a person from their territory or their control, where there are substantial grounds for believing that there is a real risk of irreparable harm, either in the country to which removal is to be effected or in any country to which the person may be subsequently removed;
3. *Concludes* therefore that the transfer of a person to a State where that person faces a real risk of being subjected to torture, cruel, inhuman or degrading treatment or extrajudicial killing would be a breach of customary international law;
4. *Confirms* that where torture or cruel, inhuman or degrading treatment is widespread or systematic in a particular State, especially where such practice has been determined to exist by a human rights treaty body or a special procedure of the Commission on Human Rights, there is presumption that any person subject to transfer would face a real risk of being subjected to such treatment and recommends that, in such circumstances, the presumption shall not be displaced by any assurance, undertaking or other commitment made by the authorities of the State to which the individual is to be transferred;
5. *Also confirms* that in other cases, where a real risk of torture is determined to exist in a particular case, in no circumstances shall a transfer of the individual be effected;
6. *Strongly recommends* that, in situations where there is a real risk of torture or cruel, inhuman or degrading treatment in a particular case, no transfer shall be carried out unless:
  - (a) The State authorities effecting the transfer seek and receive credible and effective assurances, undertakings or other binding commitments from the State to which the person is to be transferred that he or she will not be subjected to torture or cruel, inhuman or degrading treatment;
  - (b) Provision is made, in writing, for the authorities of the transferring State to be able to make regular visits to the person transferred in his/her normal place of detention, with the possibility of medical examination, and for the visits to include interviews in private during which the transferring authorities shall ascertain how the person who has been transferred is being treated;
  - (c) The authorities of the transferring State undertake, in writing, to make the regular visits referred to;
7. *Calls upon* any State that has abolished the death penalty or suspended its operation in practice not to transfer an individual suspected of having committed a crime to a State that continues to use the death penalty unless it has previously received assurances, in

writing, from the competent authorities that the death penalty will be neither sought nor applied; in order to constitute competent authorities, the authorities in question must themselves be capable of guaranteeing that the assurances will be respected;

8. *Recommends* that no person should be transferred to a State where there is a real risk of indefinite detention without trial or of any proceedings which may be brought against the person transferred being conducted in flagrant violation of international due process standards;

9. *Emphasizes* that such measures of protection against transfer of persons should not lead to impunity, and therefore recommends that whenever the transfer to another State of a person suspected of having committed a serious crime is precluded, that State shall provide all necessary judicial cooperation to enable the prosecution of the person to take place in the State in which that person is present, and that the latter State shall ensure that its domestic law allows for the prosecution of nationals and foreigners for serious crimes committed abroad; serious crimes, for these purposes, means genocide, war crimes, crimes against humanity and acts which, if they had been committed as part of a widespread or systematic attack against the civilian population, would have constituted a crime against humanity;

10. *Considers* that the relevant judicial and administrative authorities involved in any manner in the transfer of persons should be made aware of the need to ensure compliance with international human rights and refugee law and that a potential transferee should be given the possibility to raise human rights concerns and to challenge effectively the legality of transfer measures.

*19th meeting*

*10 August 2005*

[Adopted by a roll-call vote of 21 to 1,  
with 2 abstentions. See chap. IV.]

### **2005/13. Sessional working group on the administration of justice**

*The Sub-Commission on the Promotion and Protection of Human Rights,*

*Firmly convinced* that the rule of law is an essential factor in the protection of human rights, as stressed in the Universal Declaration of Human Rights, and should continue to attract the attention of the international community,

*Convinced* that, through their own national legal and judicial systems, States must provide appropriate civil, criminal and administrative remedies for violations of human rights,

*Convinced also* that international tribunals and national judicial systems can work in a complementary manner to provide appropriate remedies for violations of human rights,

*Recalling* the numerous international standards in the field of the administration of justice,

*Emphasizing* that the right to access to justice as contained in applicable international human rights instruments forms an important basis for strengthening the rule of law through the administration of justice,

*Mindful* of the importance of ensuring respect for the rule of law and human rights in the administration of justice as a crucial contribution to ensuring peace and justice and ending impunity,

*Recalling* the recommendation of the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, that a comprehensive programme should be established within the United Nations with a view to helping States in the task of building and strengthening adequate national structures that have a direct impact on the overall observance of human rights and the maintenance of the rule of law,

*Recalling* the United Nations Millennium Declaration of 8 September 2000 which, inter alia, called upon States to strengthen respect for the rule of law in international as well as in national affairs, to consider signing and ratifying the Rome Statute of the International Criminal Court and to ensure implementation, by States parties, of treaties in areas such as international humanitarian law and human rights law,

1. *Takes note with interest* of the report of the sessional working group on the administration of justice and takes note of its discussions on the subjects of international criminal justice, women and children in prison, the right to an effective remedy, and transitional justice;
2. *Notes with interest* the increasing number of States, non-governmental organizations and other observers actively participating in the sessional working group;
3. *Reaffirms* the importance of the full and effective implementation of all United Nations standards on human rights in the administration of justice;
4. *Reiterates* the call to Member States to spare no effort in providing for effective legislative and other mechanisms and procedures, as well as adequate resources, to ensure the full implementation of those standards;
5. *Reaffirms* the importance of combating impunity as a fundamental obstacle to the observance of human rights and welcomes Commission on Human Rights resolution 2005/35 of 19 April 2005 by which it adopted the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, annexed to the resolution, and also welcomes the efforts of States and the United Nations international criminal tribunals to work in a complementary manner to ensure that violations of human rights do not go unpunished;
6. *Emphasizes* the importance and urgency of national and international efforts to restore justice and the rule of law in conflict and post-conflict situations and, where relevant, in the context of the transition process, to ensure accountability and justice, to promote and achieve reconciliation and to restore confidence in the institutions of the State, in accordance with international human rights standards and the principle of non-discrimination;

7. *Notes with interest* Commission on Human Rights resolution 2005/70 of 20 April 2005 on human rights and transitional justice and the report of the Secretary-General on the rule of law and transitional justice in conflict and post-conflict societies (S/2004/616), including relevant recommendations contained therein;

8. *Welcomes* the proposal by some non-governmental organizations to organize, in close consultation with members of the Sub-Commission and the Office of the United Nations 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;

9. *Invites* States, competent bodies of the United Nations, specialized agencies and intergovernmental and non-governmental organizations, as well as national human rights institutions, to provide or continue to provide information to the working group at its future sessions;

10. *Decides* to continue consideration of the question of administration of justice at its fifty-eighth session.

*19th meeting  
10 August 2005*

[Adopted without a vote. See chap. V.]

#### **2005/14. Accountability of international personnel taking part in peace support operations**

*The Sub-Commission on the Promotion and Protection of Human Rights,*

*Guided* by the Charter of the United Nations and the Universal Declaration of Human Rights,

*Recognizing* the importance of accountability as an end in itself and, in particular, in the context of international personnel taking part in peace support operations,

*Concerned* about the allegations of criminal behaviour and other misconduct by military and civilian personnel in peace support operations,

*Recalling* its decision 2002/104 of 12 August 2002 in which the Sub-Commission decided to entrust Françoise Hampson with the task of drafting, without financial implications, 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,

*Recalling also* the subsequent discussions during its fifty-fifth and fifty-sixth sessions, in which the scope of the peace support operations for the purposes of the paper was clarified,

*Taking into account* the working paper on the accountability of international personnel taking part in peace support operations submitted by Ms. Hampson at its fifty-seventh session (E/CN.4/Sub.2/2005/42),

1. *Endorses* the conclusions and recommendations contained in the working paper;
2. *Decides* to appoint Françoise 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 of the Sub-Commission, and requests 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;
3. *Requests* 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;
4. *Requests* the Secretary-General to provide the Special Rapporteur with all the assistance necessary to accomplish this task, including the possibility of visiting United Nations Headquarters and distributing a questionnaire to States that contribute troops to peace support operations;
5. *Decides*, 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;
6. *Recommends* the following draft decision to the Commission on Human Rights for adoption:  

[For the text, see chap. I, draft decision 1.]
7. *Decides* to continue consideration of this issue at its fifty-eighth session under the same agenda item.

*19th meeting  
10 August 2005*

[Adopted without a vote. See chap. V.]

### **2005/15. Issue of the administration of justice through military tribunals**

*The Sub-Commission on the Promotion and Protection of Human Rights,*

*Recalling* its resolution 2003/8 of 13 August 2003 and its decisions 2001/103 of 10 August 2001 and 2002/103 of 12 August 2002,

*Mindful* of articles 3, 5, 8, 9 and 10 of the Universal Declaration of Human Rights and articles 2, 4, 7, 10, 14, 15 and 26 of the International Covenant on Civil and Political Rights,

*Mindful also* of the Basic Principles on the Independence of the Judiciary, the Basic Principles on the Role of Lawyers and the Guidelines on the Role of Prosecutors,

*Recalling* Commission on Human Rights resolutions 2002/37 of 22 April 2002, 2003/39 of 23 April 2003 and 2004/32 of 19 April 2004, and taking note of resolutions 2005/30 of 19 April 2005 and 2005/33 of 19 April 2005, in which the Commission took note of the report of Emmanuel Decaux (E/CN.4/Sub.2/2004/7 and Corr.1 and Add.1),

*Recalling also* general comment No. 29 on derogations during a state of emergency (article 4 of the Covenant) adopted by the Human Rights Committee, and stressing that only a court of law may try and convict a person for a criminal offence,

*Reaffirming* that every person is entitled in full equality to a fair and public hearing by a competent, independent and impartial tribunal, in the determination of his or her rights and obligations and the justice of any criminal charge laid against him or her,

*Reaffirming also* that everyone has the right to be tried by ordinary courts or tribunals using established legal procedures and that tribunals that do not use procedures duly established under the law shall not be created to displace the jurisdiction belonging to the ordinary courts,

*Convinced* that the independence and impartiality of judges should be respected in all circumstances and that an independent and impartial judiciary is an essential prerequisite for protecting human rights and ensuring that there is no discrimination in the administration of justice,

*Stressing* that the composition, operation and procedures of military courts should comply with the international standards and rules providing for a fair and just trial,

*Stressing also* the need to develop principles and guidelines on the administration of justice through military tribunals,

1. *Welcomes* the report on the administration of justice through military tribunals (E/CN.4/Sub.2/2005/9) submitted by Mr. Decaux, including the updated draft principles governing the administration of justice through military tribunals contained therein;
2. *Thanks* Mr. Decaux for having undertaken extensive consultations with relevant bodies, regional intergovernmental organizations and non-governmental organizations in order to update the draft principles;
3. *Expresses its appreciation* to Mr. Decaux for having submitted, in time for the Sub-Commission's consideration at its fifty-seventh session, an updated version of the draft principles;

4. *Decides* 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 present session;

5. *Requests* Mr. Decaux to prepare, without financial implications, a note, taking into account the comments and observations of the Sub-Commission referred to in the previous paragraph, in order to facilitate the examination by the Commission of the draft principles, and to revise the draft principles;

6. *Expresses the wish* that, under the auspices of the Office of the United Nations High Commissioner for Human Rights, a second seminar of military and other experts on the issue of the administration of justice through military tribunals be organized and encourages other such initiatives;

7. *Decides* to continue consideration of this question at its fifty-eighth session, under the same agenda item.

*19th meeting  
10 August 2005*

[Adopted without a vote. See chap. V.]

**2005/16. Corruption and its impact on the full enjoyment of human rights,  
in particular economic, social and cultural rights**

*The Sub-Commission on the Promotion and Protection of Human Rights,*

*Guided by* the Charter of the United Nations and the Universal Declaration of Human Rights, the United Nations Convention against Transnational Organized Crime, as well as other relevant human rights instruments,

*Deeply concerned* that the enjoyment of human rights, be they economic, social and cultural or civil and political, is seriously undermined by the phenomenon of corruption,

*Taking account* of standards adopted against corruption at the national, regional and international levels, in particular the United Nations Convention against Corruption adopted by the General Assembly in its resolution 58/4 of 31 October 2003,

*Convinced* that corruption has become a major international concern, taking many forms, from routine cases of bribery or petty abuse of power to the amassing of personal wealth through embezzlement or other dishonest means,

*Deeply concerned* that serious corruption in the private sector has led to the collapse of many healthy companies, thereby violating the rights of many, and at the high-level corruption engendered by some transnational corporations in countries in which they operate,

*Taking into account* the progress report (E/CN.4/Sub.2/2005/18) submitted by the Special Rapporteur, Christy Mbonu, and very lively and interactive debate the report elicited among participants,

1. *Expresses its warm appreciation* to the Special Rapporteur for her progress report and endorses the conclusions and recommendations contained therein;
2. *Notes* the obstacles and challenges confronting States that have introduced national mechanisms to prevent and combat corruption and welcomes the achievements and success recorded by these mechanisms;
3. *Urges* States that have not done so to introduce national mechanisms to prevent and combat corruption through the adoption and implementation of specific anti-corruption legislation;
4. *Encourages* political leaders in their respective countries to be national examples of probity, integrity and self-esteem;
5. *Notes* that many States have signed the United Nations Convention against Corruption, and encourages States that have signed the Convention and have not ratified it to do so;
6. *Encourages* States to aggressively combat and eliminate corruption, particularly among law enforcement agencies and the judiciary;
7. *Calls upon* civil society, particularly the media and non-governmental organizations, to become more involved in the prevention and punishment of corruption;
8. *Requests* 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;
9. *Recommends* the following draft decision to the Commission on Human Rights for adoption:

[For the text, see chap. I, draft decision 2.]

10. *Decides* to continue its consideration of this question at its fifty-eighth session, under the same agenda item.

*19th meeting*  
*10 August 2005*

[Adopted without a vote. See chap. VI.]



## **2005/17. The right to development**

*The Sub-Commission on the Promotion and Protection of Human Rights,*

*Recalling* the Declaration on the Right to Development adopted by the General Assembly in its resolution 41/128 of 4 December 1986, which confirmed the right to development as an inalienable human right and that equality of opportunity for development is a prerogative both of nations and of individuals who make up nations, and the individual as the central subject and beneficiary of development,

*Recognizing* the valuable work being done by the open-ended Working Group on the Right to Development of the Commission on Human Rights and its high-level task force,

*Noting* the request of the Commission in its resolution 2003/83 of 25 April 2003, reiterated in resolution 2005/4 of 12 April 2005, for the Sub-Commission to submit to the Commission 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, including issues which any such instrument might address,

*Firmly believing* that its work should proceed in a non-duplicative manner, complementing and integrating into the work of other ongoing efforts on the right to development and utilizing the unique aspects of the Sub-Commission's working methods and functions to contribute valuable ideas and concepts to such efforts,

*Welcoming* the concept document on the right to development (E/CN.4/Sub.2/2005/23), submitted by Ms. O'Connor, including the conclusions and recommendations,

1. *Recognizes* that the ongoing work of the Sub-Commission is relevant and important to the work on the right to development and should be integrated into the ongoing activities relating to development and the right to development;
2. *Also recognizes* that there is a need to emphasize the importance of a human rights approach to the right to development;
3. *Firmly believes* that in developing human rights indicators of development, it is important to continuously question the validity and relevance of the indicators that emerge and that there should be an ongoing process to evaluate the appropriateness of the indicators themselves and whether they are adequately measuring the true human rights impacts of the programmes concerned;
4. *Believes* that good governance is important to the successful implementation of the right to development;

5. *Also believes* that concrete funding commitments are important to support the right to development and that this subject requires sensitivity and openness on the part of all interested stakeholders;

6. *Requests* each expert preparing a study or working paper for submission under agenda item 4 of the next session of the Sub-Commission to make observations and recommendations in their reports, where appropriate, pertaining to the right to development;

7. *Requests* Ms. O'Connor to continue her work and to submit to the Sub-Commission at its fifty-eighth session a working paper, taking into consideration the discussions at the present 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;

8. *Decides* to submit the concept document, together with a summary of the other views and ideas on this subject discussed at the present session to the Commission on Human Rights, at its sixty-second session;

9. *Also decides* to review the progress of the implementation of the present resolution at its fifty-eighth session.

*19th meeting  
10 August 2005*

[Adopted without a vote. See chap. VI.]

### **2005/18. Working Group on Minorities of the Sub-Commission on the Promotion and Protection of Human Rights**

*The Sub-Commission on the Promotion and Protection of Human Rights,*

*Recalling* Economic and Social Council resolution 1995/31 of 25 July 1995 on the rights of persons belonging to national or ethnic, religious and linguistic minorities establishing the Working Group on Minorities,

*Recalling* Commission on Human Rights resolution 1998/19 of 9 April 1998, endorsing the Sub-Commission's decision to extend the mandate of the Working Group on Minorities of the Sub-Commission with a view to its holding one session of five working days annually,

*Bearing in mind* the need for the Sub-Commission to maintain the already limited time available for plenary meetings in fulfilment of its think tank functions,

*Concerned* about continued widespread discriminatory practices against persons belonging to minorities in their enjoyment of civil, cultural, economic, political and social rights,

*Aware* that discrimination against minorities continues to constitute potential or real threats to internal and international peace and security,

*Noting with appreciation* that the Working Group on Minorities is the only human rights forum available for dialogue with minorities,

1. *Requests* 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;

2. *Instructs* the Working Group to continue its efforts to identify, study and analyse problems faced by minorities and to encourage dialogues concerning these problems.

*19th meeting*  
*10 August 2005*

[Adopted without a vote. See chap. VII.]

## **2005/19. Second International Decade of the World's Indigenous People**

*The Sub-Commission on the Promotion and Protection of Human Rights,*

*Bearing in mind* that one of the purposes of the United Nations, as set forth in the Charter, is the achievement of international cooperation in solving international problems of an economic, social, cultural or humanitarian character and in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

*Recalling* General Assembly resolutions 48/163 of 21 December 1993 and 59/174 of 20 December 2004, in which the Assembly proclaimed, respectively, the International Decade of the World's Indigenous People and the Second International Decade of the World's Indigenous People,

*Recalling also* that the General Assembly established as the goal of the Second Decade the further strengthening of international cooperation for the solution of problems faced by indigenous people, by means of action-oriented programmes and specific projects, increased technical assistance and relevant standard-setting activities,

*Taking into account* that in resolution 59/174 the General Assembly requested the Secretary-General to appoint the Under-Secretary-General for Economic and Social Affairs as the Coordinator for the Second Decade and to submit a report to the Assembly at its sixtieth session on a comprehensive programme of action for the Second Decade,

*Convinced* that the recently proclaimed Second Decade and its programme of action should bring about positive changes in terms of achieving full respect and implementation of the rights and freedoms of indigenous people and a real improvement in their daily lives, since in spite of important achievements during the first Decade, the Commission on Human Rights, in its resolution 2005/51 of 20 April 2005, expressed its deep concern about the precarious levels of

economic and social development that indigenous peoples continue to endure in many parts of the world and the disparities in their situation in comparison to the overall population and reaffirmed the need to recognize, promote and protect more effectively their rights and freedoms,

*Noting with particular and increased concern* the delay in the work on the elaboration of the draft United Nations declaration on the rights of indigenous peoples, one of the main objectives of the first Decade,

*Stressing* the importance of consultation and cooperation with indigenous peoples and their organizations in planning and implementing the programme of action for the Second Decade, as well as of the need to ensure full cooperation and consultation between the Coordinator for the Second Decade and other relevant bodies and mechanisms of the United Nations system such as the Working Group on Indigenous Populations, as recognized by the Commission on Human Rights in its resolution 2005/49 of 20 April 2005,

*Convinced* that the Working Group on Indigenous Populations is a most valuable forum in which for more than two decades States, indigenous peoples and their organizations and leaders, together with numerous United Nations specialized agencies and a large number of intergovernmental and non-governmental organizations, have fruitfully interacted annually, thus facilitating a growing awareness of international public opinion of the many aspects and real dimension of the difficult situation of indigenous peoples in many parts of the world,

*Welcoming* the invitation extended to the Working Group on Indigenous Populations by the Commission on Human Rights in its resolution 2005/49 to submit to the Coordinator of the Second Decade, through the Office of the High Commissioner for Human Rights, a list of activities to be considered for possible inclusion as part of the human rights component of the comprehensive programme of action for the Second Decade, and the appropriate way in which the Working Group complied with the request at its twenty-third session,

*Having considered* the report of the Working Group on Indigenous Populations on its twenty-third session (E/CN.4/Sub.2/2005/26), in particular annex IV, in which the Working Group suggests to the Coordinator for the Second Decade a list of activities to be undertaken at the international, regional and national levels for possible inclusion in the programme of action for the Second Decade,

1. *Endorses* 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;

2. *Requests* the Office of the High Commissioner for Human Rights to forward, at its earliest convenience, the list mentioned in the preceding paragraph and the present resolution to the Coordinator for the Second Decade;

3. *Reiterates* the need to continue giving particular attention to achieving the effective participation of indigenous peoples in the planning, organization and implementation of the activities of the Second Decade in order to fully realize the Decade's goals;
4. *Requests* the United Nations High Commissioner for Human Rights to take the necessary steps to ensure the participation of her Office in the activities of the human rights component of the programme of action of the Second Decade, in full cooperation with the Coordinator for the Second Decade;
5. *Requests* 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 the information to be submitted regularly by the Office of the High Commissioner 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;
6. *Expresses* its view that the conclusions and recommendations adopted annually by the Working Group and the experience accumulated by this body during its 23 years of continuous work on the most diverse indigenous issues and in the evaluation of the implementation of the programme of action of the first Decade could be of particular value for the successful planning and implementation of the activities to be undertaken within the framework of the Second Decade;
7. *Welcomes* the observance of the International Day of the World's Indigenous People on 21 July 2005;
8. *Recommends* 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;
9. *Recommends* that the Coordinator for the Second Decade appeal to Governments and other possible donors to contribute generously to the Voluntary Fund for the Second International Decade of the World's Indigenous People;
10. *Welcomes* the steps that have been taken and continue to be taken to establish and promote cooperation between the Permanent Forum of Indigenous Issues, the Working Group on Indigenous Populations and the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, as was the case in working to achieve a successful common approach stressing the need for a second international decade.

*19th meeting  
10 August 2005*

[Adopted without a vote. See chap. VII.]

**2005/20. 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**

*The Sub-Commission on the Promotion and Protection of Human Rights,*

*Guided by the Universal Declaration of Human Rights,*

*Recalling* its previous work on the question, in particular decision 2003/24 of 14 August 2003 and resolution 2004/10 of 9 August 2004,

*Taking account* of Commission on Human Rights resolution 2004/122 of 21 April 2004 and decision 2005/112 of 20 April 2005,

*Recognizing* the importance and urgency of addressing, in a comprehensive fashion, the legal implications, including implications for the human rights of their residents, with particular reference to the rights of indigenous peoples, of the unprecedented phenomenon of disappearance of States and other territories,

*Welcoming* the expanded working paper submitted by Françoise Hampson on the human rights situation of indigenous peoples in States and territories threatened with extinction for environmental reasons (E/CN.4/Sub.2/2005/28),

1. *Endorses* the conclusions and recommendations contained in the working paper;
2. *Decides* to appoint Françoise Hampson 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 of the Sub-Commission and the results of the questionnaires endorsed by the Commission in its decision 2005/112;
3. *Requests* 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;
4. *Requests* the Secretary-General to provide the Special Rapporteur with all the assistance necessary to accomplish this task;
5. *Decides*, 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 Ms. Hampson 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;

6. *Recommends* the following draft decision to the Commission on Human Rights for adoption:

[For the text, see chap. I. draft decision 3.]

7. *Decides* to continue consideration of this issue at its fifty-eighth session under the same agenda item.

*19th meeting  
10 August 2005*

[Adopted without a vote. See chap. VII.]

### **2005/21. Housing and property restitution for refugees and displaced persons**

*The Sub-Commission on the Promotion and Protection of Human Rights,*

*Guided* by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights, the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, and other relevant international instruments on human rights and humanitarian law,

*Recalling* its resolution 1998/26 of 26 August 1998 on housing and property restitution in the context of the return of refugees and internally displaced persons, its decision 2001/122 of August 2001 on the return of refugees' or displaced persons' property, its resolution 2002/30 of 15 August 2002 on the right to return of refugees and internally displaced persons, its resolution 2002/7 of 14 August 2002 on housing and property restitution in the context of refugees and other displaced persons, its resolution 2003/17 of 13 August 2003 on prohibition of forced evictions, its resolution 2003/18 of 13 August 2003 on housing and property restitution, and its resolution 2004/2 of 9 August 2004 on housing and property restitution,

*Recalling also* Commission on Human Rights decision 2003/109 of 24 April 2003 on housing and property restitution in the context of the return of refugees and internally displaced persons and resolution 2004/28 of 16 April 2004 on prohibition of forced evictions,

*Convinced* that the right to housing, land and property restitution is essential to the resolution of conflict and to post-conflict peacebuilding, safe and sustainable return and the establishment of the rule of law, and that careful monitoring of restitution programmes by international organizations and affected States is indispensable to ensuring their effective implementation,

1. *Urges* States to ensure the right of all refugees and displaced persons to return and have restored to them any housing, land and/or property of which they were arbitrarily or unlawfully deprived, and to develop effective and expeditious legal, administrative and other procedures to ensure the free and fair exercise of this right, including fair and effective mechanisms designed to implement this right;

2. *Reiterates* that States should neither adopt nor apply laws that prejudice the restitution process, in particular through arbitrary, discriminatory, or otherwise unjust abandonment laws or statutes of limitations;
3. *Affirms* that all refugees and displaced persons have the right to full and effective compensation as an integral component of the restitution process;
4. *Welcomes* the final report of the Special Rapporteur, Paulo Sérgio Pinheiro, on housing and property restitution in the context of the return of refugees and internally displaced persons (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);
5. *Endorses* the Principles on Housing and Property Restitution for Refugees and Displaced Persons and encourages their application and implementation by States, intergovernmental organizations and other relevant actors;
6. *Requests* 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;
7. *Decides* to request the Secretariat to transmit the Principles on Housing and Property Restitution (E/CN.4/Sub.2/2005/17) and the Explanatory Notes to the Principles (E/CN.4/Sub.2/2005/17/Add.1) to the Committee on the Elimination of Racial Discrimination and other United Nations treaty monitoring bodies and to regional human rights bodies, so as to assure their wide dissemination;
8. *Recommends* the following draft decision to the Commission on Human Rights for adoption:

[For the text, see chap. I, draft decision 4.]

*20th meeting  
11 August 2005*

[Adopted without a vote. See chap. VI.]

## **2005/22. Discrimination based on work and descent**

*The Sub-Commission on the Promotion and Protection of Human Rights,*

*Reaffirming* its resolution 2000/4 of 11 August 2000, in which it declared that discrimination based on work and descent is a form of discrimination prohibited by international human rights law,



*Acknowledging* the constitutional, legislative and administrative measures taken by some States to abolish practices of discrimination based on work and descent, as outlined in the expanded working paper on this topic submitted by Asbjørn Eide and Yozo Yokota (E/CN.4/Sub.2/2004/31),

*Concerned* that discrimination based on work and descent affects communities in many regions of the world,

*Noting* the need for further study on this topic, and for the formulation of principles and guidelines for the elimination of discrimination based on work and descent,

1. *Urges* concerned States to ensure that all necessary constitutional, legislative and administrative measures, including appropriate forms of affirmative action and public education programmes, are in place to prevent and redress discrimination based on work and descent, and that such measures are respected and implemented by all State authorities at all levels;

2. *Welcomes* that preliminary report on discrimination based on work and descent (E/CN.4/Sub.2/2005/30) of the Special Rapporteurs, Yozo Yokota and Chin-Sung Chung, which stresses that the practice of discrimination based on work and descent is a serious violation of human rights and human dignity and concludes that in order to eradicate this type of discrimination, it is essential that the Governments concerned (a) acknowledge the existence of such discrimination; (b) conduct a survey to determine the extent and nature of such discrimination; (c) prohibit any act of discrimination based on work and descent; (d) punish offenders; (e) educate and train Government officials, including law enforcement officers; (f) raise public awareness of the issue; (g) provide effective protection and remedies to the victims of this type of discrimination; (h) take other measures, including affirmative action and special budgetary allocations, to eliminate such discrimination;

3. *Approves* the Special Rapporteurs' proposal to send the questionnaire annexed to the preliminary report, with improvements to be made taking into account in particular the comments and suggestions expressed during the discussions at the present session of the Sub-Commission, to Governments, national human rights institutions, relevant United Nations bodies and specialized agencies and non-governmental organizations;

4. *Requests* the recipients of the questionnaire to respond in a timely and constructive manner;

5. *Endorses* the Special Rapporteurs' proposals to hold a general consultation in Geneva in mid-March/April 2006 and to organize, if funding is available, two regional workshops, one in Asia and the other in Africa, sometime before the fifty-eighth session of the Sub-Commission;

6. *Requests* 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;

7. *Also requests* 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;

8. *Encourages* the Special Rapporteurs to undertake this study in cooperation and collaboration with relevant treaty bodies and United Nations organs, agencies and mandates, including the Committee on the Elimination of Racial Discrimination, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, the International Labour Organization and the United Nations Educational, Scientific and Cultural Organization, and in consultation with representatives of affected communities;

9. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide the Special Rapporteurs with all the assistance necessary to enable them to accomplish this task;

10. *Decides* to continue consideration of this question at its fifty-eighth session under the same agenda item.

*20th meeting*

*11 August 2005*

[Adopted without a vote. See chap. VII.]

### **2005/23. Working Group on Indigenous Populations**

*The Sub-Commission on the Promotion and Protection of Human Rights,*

*Reaffirming* the urgent need to recognize, promote and protect more effectively the rights of indigenous peoples, including their human rights and fundamental freedoms,

*Mindful* of the relevant recommendations adopted by the World Conference on Human Rights in 1993, in particular those contained in Part I, paragraph 20, and Part II, paragraphs 28 to 32, of the Vienna Declaration and Programme of Action,

*Mindful also* of the relevant recommendations adopted by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance in 2001,

*Recalling* Economic and Social Council resolution 1982/34 of 7 May 1982, in which the Council authorized the Sub-Commission to establish annually a working group on indigenous populations,

*Taking note with deep appreciation* of the report of the Working Group on Indigenous Populations on its twenty-third session (E/CN.4/Sub.2/2005/26) and, in particular, of its conclusions and recommendations,

*Welcoming* the ample discussions in the Working Group during its twenty-third session under its twofold mandate: the review of developments pertaining to the promotion and protection of human rights and fundamental freedoms of indigenous people, including the main theme, “Indigenous peoples and the international and domestic protection of traditional knowledge”, and standard-setting, as well as on cooperation with other United Nations bodies in the sphere of indigenous issues,

*Stressing its deep concern* at the still visible sequels of the colonial era that continue to adversely affect the living conditions of indigenous peoples in various parts of the world,

*Recalling once again* Commission on Human Rights resolution 1993/30 of 5 March 1993, in which the Commission recommended to all thematic rapporteurs, special representatives, independent experts and working groups to pay special attention, within the framework of their mandates, to the situation of indigenous peoples,

*Taking note* of Commission on Human Rights resolutions 2004/57 and 2004/58 of 20 April 2004 and Economic and Social Council decision 2004/264 of 22 July 2004,

*Noting with disappointment* that the Office of the United Nations High Commissioner for Human Rights could not implement the request in Sub-Commission resolution 2004/15 of 9 August 2004 to organize, if possible in 2005, a workshop on indigenous peoples and conflict resolution and prevention,

*Taking into account*, in the context of the ongoing process of reform of the United Nations human rights bodies recently launched at the initiative of the Secretary-General, the deep interest in the continuation of its Working Group of Indigenous Populations repeatedly expressed by a large number of Governments and the representatives and caucuses of indigenous peoples in a large number of meetings held both within and outside the United Nations system,

*Recalling* its resolutions 2003/29 of 14 August 2003 and 2004/14 and 2004/15 of 9 August 2004,

1. *Expresses its deep appreciation* to all members of the Working Group who attended its twenty-third session for the important and constructive work accomplished during the session and for the new working methods introduced, with the purpose of facilitating a more interactive dialogue during its annual sessions;

2. *Reiterates* its view, in the context of the ongoing process of reform of the United Nations human rights activities, bodies and mechanisms recently initiated by the Secretary-General, that in reviewing the activities, bodies and mechanisms relating to indigenous peoples, account should be taken of the fact that the mandates of the Working Group on Indigenous Populations, the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people and the Permanent Forum on Indigenous Issues are clearly distinct and complementary and that consequently none of these three bodies should be discontinued, and invites its superior bodies to endorse this view in the light of the already established cooperation among the three mechanisms;

3. *Requests* the Secretary-General to transmit the report of the Working Group on its twenty-third session (E/CN.4/Sub.2/2005/26) to the United Nations High Commissioner for Human Rights, indigenous organizations, Governments and concerned intergovernmental and non-governmental organizations, to the Board of Trustees of the United Nations Voluntary Fund for Indigenous Populations, as well as to the Commission on Human Rights at its sixty-second session, all thematic rapporteurs, special representatives, independent experts and working groups existing as special procedures under the authority of the Commission, and to all the treaty bodies;

4. *Reiterates* its invitation to the treaty bodies and all thematic special procedures to advise the Working Group on how they take into account, in their work and in accordance with their respective mandates, the promotion and protection of indigenous peoples' rights and in this context further invites them to take duly into account paragraphs 3 and 4 of Commission on Human Rights resolution 2004/58 of 20 April 2004;

5. *Requests* the current Chairperson-Rapporteur of the Working Group to make an oral presentation to the thirteenth annual meeting of special rapporteurs/representatives, independent experts and Chairpersons of working groups of the special procedures of the Commission of Human Rights to substantiate the need for further cooperation between the special procedures and the Working Group and to propose possible modalities for further developing this much-needed cooperation;

6. *Reiterates its recommendation* that the Working Group, upon request, cooperate as a body of experts in any conceptual clarification or analysis that might assist the open-ended intersessional working group established by the Commission in its resolution 1995/32 of 3 March 1995 to complete as soon as possible the final version of the draft United Nations declaration on the rights of indigenous peoples;

7. *Decides* to authorize the Working Group to make available to the Permanent Forum on Indigenous Issues and the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, upon their specific request, the information provided by representatives of Governments and indigenous peoples during the annual general debate on its agenda item 4 (Review of developments), as a specific step towards further cooperation with other bodies with specific mandates related to the situation of indigenous peoples;

8. *Requests* the Working Group to continue exploring ways and means to further strengthen its cooperation with the Permanent Forum and the Special Rapporteur;

9. *Requests* the Commission on Human Rights to endorse the participation, for one week, of the Chairperson-Rapporteur of the Working Group at the fifth session of the Permanent Forum on Indigenous Issues in 2006, as recommended by the Working Group (see E/CN.4/2005/26, para. 120), to enable him to present the report of the Working Group on its twenty-third session, and to recommend to the Economic and Social Council to approve such participation;

10. *Decides* 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”, and that the Office of the High Commissioner for Human Rights shall invite all relevant organizations and departments of the United Nations system to provide information on this subject and, if possible, to participate actively in the debates on this matter at the Working Group;

11. *Decides* that the Working Group’s agenda for its twenty-fourth session would be as follows: 1. Election of officers; 2. Adoption of the agenda; 3. Organization of work; 4. Review of developments: (a) General debate; (b) Principal theme: “Utilization of indigenous peoples’ lands by non-indigenous authorities, groups or individuals for military purposes”; (c) Indigenous peoples and conflict prevention and resolution; 5. Standard-setting: (a) Future priorities for standard-setting activities; (b) Possible new studies to be undertaken; 6. Other matters: (a) Second International Decade of the World’s Indigenous People; (b) Cooperation with other United Nations bodies; (c) Follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance; (d) State of the Voluntary Fund for Indigenous Populations; (e) The draft United Nations declaration on the rights of indigenous peoples (update); 7. The human rights situation of States and territories threatened with extinction for environmental reasons, with particular reference to indigenous peoples; 8. Adoption of the report;

12. *Requests* the Secretary-General to prepare an annotated agenda for the twenty-fourth session of the Working Group on the basis of paragraph 11 of the present resolution;

13. *Invites* the Office of the High Commissioner for Human Rights, after consultation with the Chairperson-Rapporteur, to inform participants at the twenty-fourth session of the Working Group about the organization of issues under agenda item 4 in advance of the session, in order to facilitate a more active dialogue among the various participants;

14. *Requests* the Working Group to continue to review, if necessary at its twenty-fourth session, under draft agenda item 5, the revised draft principles and guidelines on the heritage of indigenous people elaborated by Erica-Irene Daes (E/CN.4/1995/26, annex) and the issue of free, prior and informed consent;

15. *Calls upon* all States to give specific attention to the promotion and protection of the traditional knowledge of indigenous peoples and to ensure that the principle of free, prior and informed consent is fully applied when protecting their traditional knowledge in their relations with non-indigenous sections of the population;

16. *Requests* Miguel Alfonso Martínez to submit, if possible to the twenty-fourth session of the Working Group under draft agenda item 4 (c), the additional working paper requested by the Sub-Commission in its resolution 2004/15 on the issue of indigenous peoples and conflict prevention and resolution;

17. *Invites* all States to submit to the Working Group at its twenty-fourth session any information they deem fit to provide on the mechanisms for conflict resolution and prevention available to indigenous peoples living under their jurisdiction, in case of existing or potential conflict situations based on the exercise of their rights in their relations with non-indigenous entities or individuals;

18. *Requests* the Office of the High Commissioner for Human Rights to forward, as soon as possible, to the Coordinator for the Second International Decade of the World's Indigenous People annex IV to the Working Group's report containing the list of activities suggested by the Working Group for possible inclusion in the programme of action of the Second Decade, to be submitted to the General Assembly for consideration at its sixtieth session;

19. *Endorses once again* the recommendation of the Working Group to request the Office of the High Commissioner to organize a workshop on indigenous peoples and conflict resolution and prevention and, to this effect, to take the necessary steps to include in the budget for the 2006-2007 biennium the required appropriations so as to secure the holding of such a workshop in Geneva not later than in autumn of 2007;

20. *Decides*, in view of the discussions that took place under the principal theme of its twenty-third session, to invite the Office of the High Commissioner to organize, in the spring of 2006, as a matter of priority and in consultation with the Chairperson-Rapporteur of the Working Group, a second workshop on indigenous peoples, mining and other private sector companies and human rights, with a view to preparing guidelines based on respect for the cultures, traditions and the cultural heritage of indigenous peoples, and for the principle of free, prior and informed consent;

21. *Expresses its deep appreciation* to the Mascwachis Cree Nation's Elders and Chiefs for their formal announcement confirming their hosting of the United Nations seminar referred to in Sub-Commission resolution 2004/15 on possible ways and means to implement treaties, agreements and other constructive arrangements between States and indigenous peoples, to be held from 25 to 27 September 2006 in their traditional lands under Treaty 6 in Canada, in accordance with the invitation extended by them during the twenty-second session and already formally accepted by the Working Group (see E/CN.4/Sub.2/2004/28, para. 118);

22. *Requests* the Office of the High Commissioner to establish as soon as possible the necessary cooperation with the indigenous organizers of this seminar so as to ensure the full organizational and technical preparation as well as the successful holding of this important event;

23. *Welcomes* the invitation extended to the Chairperson-Rapporteur of the Working Group by the United Nations Department of Economic and Social Affairs and the Office for Latin America and the Caribbean of the United Nations Children's Fund to participate in the Workshop on Indigenous Traditional Knowledge recommended by the Permanent Forum at its fourth session, to be held in Panama City from 21 to 23 September 2005, and decides to authorize his participation in representation of the Working Group;

24. *Requests* the Office of the High Commissioner to submit to the Working Group at its twenty-fourth session an updated compilation of all studies, reports and other research work on the situation of the rights of indigenous peoples, including their human rights, that have been carried out and completed since 1982 by the diverse United Nations bodies with a mandate specifically related to indigenous issues, as well as those currently being undertaken by those same bodies; to serve as a point of reference for the Working Group in its future research action, so as to avoid duplication of work;

25. *Requests* Mr. Alfonso Martínez to prepare, without financial implications, a working paper on the present-day sequels of the colonial era that continue to adversely affect the living conditions of indigenous peoples in various parts of the world, to be submitted to the Working Group at its twenty-fifth session and to the Sub-Commission at its fifty-ninth session;

26. *Appeals* to all Governments, indigenous peoples, governmental and non-governmental organizations and other potential donors in a position to do so to contribute generously in 2006 to the United Nations Voluntary Fund for Indigenous Populations and the Voluntary Fund for the Second Decade of the World's Indigenous People;

27. *Requests* the Commission on Human Rights to request the Economic and Social Council to authorize 10 meetings for the Working Group on Indigenous Populations prior to the fifty-eighth session of the Sub-Commission in 2006;

28. *Recommends* to the Commission on Human Rights the following draft decision for adoption:

[For the text, see chap. I, draft decision 5.]

*20th meeting  
11 August 2005*

[Adopted without a vote. See chap. VII.]

#### **2005/24. Discrimination against leprosy victims and their families**

*The Sub-Commission on the Promotion and Protection of Human Rights,*

*Recalling* article 1 of the Universal Declaration of Human Rights, which stipulates that all human beings are born free and equal in dignity and rights,

*Recalling also* article 2 of the Universal Declaration, which provides that everyone is entitled to all the rights and freedoms set forth therein without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

*Recalling further* article 5 of the Universal Declaration, which provides that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment,

*Concerned* that millions of people suffer from discrimination resulting from physical and mental illness or handicap,

*Concerned in particular* that tens of millions of people suffer not only from leprosy as a disease, which is scientifically and medically proven to be curable and manageable, but also from political, legal, economic or social discrimination and isolation as a result of misunderstanding and indifference, and lack of legislative or administrative measures to prohibit such discrimination and to protect and remedy the victims,

1. *Welcomes with appreciation* the preliminary working paper on discrimination against leprosy victims and their families submitted by Yozo Yokota (E/CN.4/Sub.2/2005/WP.1);
2. *Endorses* all the conclusions and recommendations contained in the working paper;
3. *Requests* Governments, if they have not yet done so, to abolish legislation that requires forced institutionalization of leprosy patients and to provide effective, prompt and free treatment to leprosy patients on an outpatient basis if they so wish;
4. *Also requests* Governments to provide appropriate remedies to former patients forcibly hospitalized in a sanatorium, colony, hospital or community;
5. *Further requests* Governments to immediately prohibit discrimination of any type against leprosy victims and their families;
6. *Encourages* Governments to make every effort to include leprosy education in school curricula so as to give correct information about leprosy and leprosy patients and their families and prevent discrimination against them;
7. *Endorses* the proposal to organize, if funding is available, regional seminars to hear the views and experiences directly from former patients and their families as well as doctors, social workers, experts, non-governmental organizations and governmental officials concerned;
8. *Decides* to appoint Yozo Yokota as Special Rapporteur with the task of preparing a comprehensive study on discrimination against leprosy victims and their families, and requests 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;
9. *Requests* the Special Rapporteur to enter into dialogue with the relevant entities, including the World Health Organization, the United Nations Educational, Scientific and Cultural Organization, the United Nations Children's Fund, the Special Rapporteur on the right to the highest attainable standard of physical and mental health and the Committee on Economic, Social and Cultural Rights;



10. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide the Special Rapporteur with all the assistance necessary to enable him to accomplish this task;

11. *Recommends* the following draft decision to the Commission on Human Rights for adoption:

[For the text, see chap. I, draft decision 6.]

12. *Decides* to continue consideration of this question at its fifty-eighth session under the same agenda item.

*20th meeting  
11 August 2005*

[Adopted without a vote. See chap. VII.]

### **2005/25. Technical cooperation and capacity-building for the promotion and protection of human rights**

*The Sub-Commission on the Promotion and Protection of Human Rights,*

*Recognizing* the importance of technical cooperation and capacity-building for the promotion and protection of human rights,

*Seeking* to facilitate and promote the inclusion of economic, social and cultural rights in technical cooperation in the field of human rights,

*Taking into account* the working paper submitted by Gudmundur Alfredsson and Ibrahim Salama (E/CN.4/Sub.2/2005/41) in accordance with Sub-Commission decision 2004/115 of 12 August 2004,

1. *Decides* to appoint Gudmundur Alfredsson and Ibrahim Salama 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;

2. *Requests* the Secretary-General to provide the Special Rapporteurs with all the assistance necessary to accomplish their task;

3. *Requests* the Office of the United Nations High Commissioner for Human Rights, the United Nations Development Programme, the United Nations Children's Fund and other United Nations bodies and specialized agencies to respond favourably to queries from the Special Rapporteurs;

4. *Recommends* the following draft decision to the Commission on Human Rights for adoption:

[For the text, see chap. I, draft decision 7.]

*20th meeting  
11 August 2005*

[Adopted without a vote. See chap. VIII.]

#### **2005/26. World Programme for Human Rights Education**

*The Sub-Commission on the Promotion and Protection of Human Rights,*

*Recalling* its resolutions 2003/5 of 13 August 2003 and 2004/18 of 12 August 2004,

*Reaffirming* article 26 of the Universal Declaration of Human Rights, in accordance with which education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms,

*Convinced* that human rights education is a key to changing attitudes and behaviour based on racism, racial discrimination, xenophobia and related intolerance and to promoting tolerance and respect for diversity in societies,

*Convinced* that human rights education is a long-term and lifelong process by which all people at all levels of development and in all strata of society learn respect for the dignity of others, and that human rights education significantly contributes to promoting equality and sustainable development, preventing conflict and human rights violations and enhancing participation and democratic processes, with a view to developing societies in which all human rights of all are valued and respected,

*Reaffirming* the need for continued actions at the international level to support national efforts to achieve the Millennium Development Goals by the year 2015, in particular universal access to basic education for all, including human rights education, and for human rights education as a means of empowering groups suffering discrimination, particularly women and the poor,

*Recognizing* the invaluable and creative role that non-governmental and community-based organizations play in the promotion and protection of human rights by disseminating public information and engaging in human rights education, especially at the grass-roots level and in remote and rural communities, and taking into account their concern regarding the continuation of activities undertaken during the United Nations Decade for Human Rights Education, 1995-2004,

*Recalling* the views expressed in the report of the United Nations High Commissioner for Human Rights to the Commission on Human Rights on the achievements and shortcomings of the Decade and on future activities in this area (E/CN.4/2004/93), and the views expressed in

the report of the High Commissioner to the Commission on the follow-up to the Decade (E/CN.4/2003/101) as to the need to continue a global framework for human rights education beyond the Decade in order to ensure a priority focus on human rights education within the international agenda, provide a common collective framework for action for all relevant actors, support existing programmes and provide an incentive for the development of new ones, as well as enhance partnership and cooperation at all levels,

*Recalling* General Assembly resolution 58/181 of 22 December 2003, in which the Assembly decided to dedicate a plenary meeting during its fifty-ninth session on the occasion of Human Rights Day, 10 December 2004, to review the achievements of the Decade and to discuss possible future activities for the enhancement of human rights education,

*Recalling also* Commission on Human Rights resolution 2004/71 of 15 April 2004 and Economic and Social Council decision 2004/268 of 22 July 2004 recommending that the General Assembly proclaim at its fifty-ninth session a world programme for human rights education to begin on 1 January 2005, structured in consecutive phases, the first phase of which will focus on primary and secondary school systems on the basis of plan of action to be prepared by the Office of the High Commissioner for Human Rights, in cooperation with the United Nations Educational, Scientific and Cultural Organization and other relevant governmental and non-governmental actors,

*Noting with appreciation* that the overall objective of the world programme, as stated in paragraph 3 of Commission resolution 2004/71, is to maintain and develop the implementation of human rights education programmes in all sectors, and drawing attention to the fact that the development of innovative human rights education strategies in the formal education sector, with, as requested by the Commission, an indication of at least minimum action, should not preclude lasting support for activities carried out in other sectors, in particular programmes developed at grass-roots level and aimed at promoting human rights education for vulnerable groups such as populations involved in post-conflict reconstruction, women and other groups suffering discrimination, and the poor as actors of development and social change,

1. *Welcomes* the proclamation by the General Assembly in its resolution 59/113 of 10 December 2004 of the World Programme for Human Rights Education, structured in consecutive phases, which began on 1 January 2005, and stresses that the United Nations High Commissioner for Human Rights and the United Nations Educational, Scientific and Cultural Organization should continue their work in the field of human rights education;

2. *Also welcomes* General Assembly resolution 59/312 of 14 July 2005, in which the Assembly adopted the revised draft plan of action for the first phase (2005-2007) of the World Programme for Human Rights Education (A/59/525/Rev.1), which focuses on primary and secondary school systems, and encouraged all States to develop initiatives within the World Programme for Human Rights Education and, in particular, within their capabilities, the revised draft plan of action;

3. *Recommends* that the human rights treaty bodies, when examining reports of States parties, devote attention specifically to human rights education, particularly in the framework of the World Programme for Human Rights Education, and that human rights

education be included in the agenda of the annual meeting of the persons chairing the treaty bodies so that they can make recommendations on how human rights education can contribute to national capacity-building aimed at strengthening national human rights protection mechanisms;

4. *Decides* to consider the issue of human rights education at its fifty-eighth session under the same agenda item.

*20th meeting  
11 August 2005*

[Adopted without a vote. See chap. VIII.]

### **2005/27. Systematic rape, sexual slavery and slavery-like practices during armed conflicts**

*The Sub-Commission on the Promotion and Protection of Human Rights,*

*Recalling* its resolution 2004/22 of 12 August 2004,

*Recalling also* Security Council resolution 1325 (2000) of 31 October 2000, which, inter alia, reaffirmed the need to implement fully international humanitarian and human rights law that protects the rights of women and girls during and after conflicts, as well as the report of the Secretary-General on the impact of armed conflict on women and girls, the role of women in peacebuilding and the gender dimensions of peace processes and conflict resolution (S/2002/1154) issued pursuant to that resolution,

*Noting* the reports of the United Nations High Commissioner for Human Rights on systematic rape, sexual slavery and slavery-like practices during armed conflicts (E/CN.4/Sub.2/2000/20, E/CN.4/Sub.2/2001/29, E/CN.4/Sub.2/2002/28, E/CN.4/Sub.2/2003/27 and E/CN.4/Sub.2/2004/35),

*Taking into consideration* resolutions of the Commission on Human Rights, including resolution 2005/41 of 19 April 2005 on the elimination of violence against women and resolution 2005/81 of 21 April 2005 on impunity, and the report of the Special Rapporteur on violence against women, its causes and consequences to the Commission at its sixty-first session (E/CN.4/2005/72 and Corr.1, Add.1 and Corr.1, and Add.2-5),

*Taking also into consideration* the updated Set of Principles for the protection and promotion of human rights through action to combat impunity (E/CN.4/2005/102/Add.1) and the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law annexed to Commission resolution 2005/35 of 19 April 2005,

*Conscious* that, despite legal advances at the international level on the issues of systematic rape and sexual enslavement directed against civilian populations, women continue to face widespread sexual gender-based violence during conflicts,

1. *Welcomes* the work of the Secretary-General and notes with appreciation his report on women, peace and security (S/2002/1154);
2. *Also welcomes* the work of the United Nations High Commissioner for Human Rights on systematic rape, sexual slavery and slavery-like practices and takes note with great appreciation of her report (E/CN.4/Sub.2/2005/33);
3. *Deeply concerned* that systematic rape, sexual slavery and slavery-like practices are still being used to humiliate civilians and military personnel, to destroy society and to diminish prospects for a peaceful resolution of conflicts and that the resulting severe physical and psychological trauma endangers not only personal recovery but post-conflict reconstruction of the whole society, as pointed out in the above-mentioned reports;
4. *Considers* that the verdicts of the International Criminal Tribunal for the Former Yugoslavia, the International Tribunal for Rwanda and the Special Court for Sierra Leone acknowledging that rape and, more recently, sexual enslavement are crimes against humanity, and the special recognition in the Rome Statute of the International Criminal Court that sexual violence and sexual slavery committed in the context of either an internal or an international armed conflict may constitute crimes against humanity, war crimes and genocide falling within the jurisdiction of the Court, represent a significant step in the protection of women's human rights as they challenge widespread acceptance that torture, rape and violence against women are an integral part of war and conflict and hold the perpetrators of such crimes accountable;
5. *Reiterates* that States should provide effective criminal penalties and compensation for unremedied violations in order to end the cycle of impunity with regard to sexual violence committed during armed conflicts;
6. *Encourages* States to promote human rights education on the issues of systematic rape, sexual slavery and slavery-like practices during armed conflicts, ensuring the accuracy of accounts of historical events in the educational curricula, in an effort to prevent the recurrence of such violations and to encourage better understanding among all peoples;
7. *Calls upon* the High Commissioner for Human Rights to submit an updated report to the Sub-Commission at its fifty-eighth session on the issues of systematic rape, sexual slavery and slavery-like practices during armed conflicts;
8. *Decides* to consider the issue at its fifty-eighth session under the same agenda item.

*20th meeting*  
*11 August 2005*  
[Adopted without a vote. See chap. VIII.]

**2005/28. Harmful traditional practices affecting the health of women and the girl child**

*The Sub-Commission on the Promotion and Protection of Human Rights,*

*Recalling* its resolution 2004/25 of 12 August 2004 and Commission on Human Rights decision 2004/111 of 20 April 2004,

*Emphasizing* the importance of the Plan of Action for the Elimination of Harmful Traditional Practices affecting the Health of Women and Children (E/CN.4/Sub.2/1994/10/Add.1 and Corr.1) adopted by the Sub-Commission,

*Noting* the consideration given by the General Assembly to the issue of harmful traditional and customary practices,

*Emphasizing* that all harmful traditional practices affect women and girls first and foremost,

*Noting* that such practices are not exclusively based on specific traditions or cultures, but are also an expression of violence against women and girls,

1. *Welcomes* the ninth report (E/CN.4/Sub.2/2005/36) of the Special Rapporteur, Halima Embarek Warzazi, and shares her concern at the damaging effects of harmful traditional practices and the need to put an end to them;
2. *Takes note with deep regret* of the decision of the Special Rapporteur that the report submitted at its present session will be her final report on the subject;
3. *Welcomes* the progress made in combating harmful traditional practices, including female genital mutilation, through the impetus of non-governmental organizations, in particular the Inter-African Committee on Traditional Practices Affecting the Health of Women and Children, which should be given maximum encouragement;
4. *Regrets*, however, the continuation and further development of existing and new forms of harmful practice;
5. *Invites* the Commission on Human Rights to request its Special Rapporteur on violence against women, its causes and consequences to continue to consider and examine, in a more systematic way, the effects of harmful traditional practices affecting the health of women and girls as an integral part of her mandate;
6. *Invites* the Special Rapporteur on violence against women to cooperate closely with non-governmental organizations working on harmful traditional practices, especially the Inter-African Committee;

7. *Appeals* to all States concerned to intensify efforts to develop awareness of and mobilize national public opinion concerning the harmful effects of all forms of harmful traditional practice, in particular through education, information and training, in order to achieve the total eradication of these practices;

8. *Requests* all non-governmental organizations dealing with women's issues to continue to devote part of their activities to the study of the various harmful practices and ways and means of eradicating them;

9. *Appeals* to the international community to provide material, technical and financial support to the non-governmental organizations and groups working with dedication to achieve the total elimination of practices that are harmful to girl children and women;

10. *Calls upon* all Governments to give their full attention to the implementation of the Plan of Action for the Elimination of Harmful Traditional Practices affecting the Health of Women and Children;

11. *Reiterates* its proposal that three seminars be held in Africa, Asia and Europe in order to review progress achieved since 1985 and to explore ways and means of overcoming the obstacles encountered in the implementation of the Plan of Action, and appeals for funding for these activities;

12. *Requests* the United Nations High Commissioner for Human Rights to assist the issue by raising funds for the organization of the seminars, especially the organization of a first seminar to be held in Europe, in light of disturbing information on the increase of harmful practices in that region;

13. *Welcomes* the adoption by the African Union of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, and urges Governments to ratify this instrument and incorporate it into their domestic legislation;

14. *Also welcomes* the many activities carried out in Africa by Governments and non-governmental organizations, particularly in the context of the International Day of Zero Tolerance of Female Genital Mutilation (6 February);

15. *Further welcomes* the commitment of many States to efforts to combat all harmful traditional practices, and encourages them to intensify their efforts;

16. *Decides* to continue to give consideration to this issue at its fifty-eighth session under the relevant agenda item.

*20th meeting*  
*11 August 2005*  
[Adopted without a vote. See chap. VIII.]

**2005/29. Report of the Working Group on Contemporary Forms of Slavery**

*The Sub-Commission on the Promotion and Protection of Human Rights,*

*Recalling* its resolution 2004/19 of 12 August 2004,

*Taking note* of the report of the Working Group on Contemporary Forms of Slavery on its thirtieth session (E/CN.4/Sub.2/2005/34) and in particular the recommendations contained in chapter V,

*Recalling* that the priority theme of the thirtieth session was the review and assessment of the activities of the Working Group since its establishment,

*Emphasizing* that the sessions of the Working Group provide a unique platform for non-governmental organizations and victims of slavery and slavery-like practices to appear before an international forum, and acknowledging the value of their contributions to international awareness of and debate about slavery-related issues,

1. *Recommends* that States ratify treaties on slavery-related issues, such as the Slavery Conventions of 1926, the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of 1956, the Convention on the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949, the Forced Labour Convention, 1930 (No. 29), the Abolition of Forced Labour Convention, 1957 (No. 105), and the Worst Forms of Child Labour Convention, 1999 (No. 182) of the International Labour Organization, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children supplementing the United Nations Convention against Transnational Organized Crime, and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;

2. *Invites* States to provide information to the Working Group on Contemporary Forms of Slavery concerning the implementation of the human rights standards enshrined in the Slavery Conventions of 1926 and 1956 and the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949;

3. *Recommends* that the human rights treaty bodies and other bodies established under the auspices of specialized agencies duly take into account the obligations under the conventions on slavery in discharging their respective mandates;

4. *Requests* 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;

5. *Notes* the decision of the Working Group that priority thematic issues to be addressed at upcoming sessions of the Working Group include trafficking in persons, the exploitation of prostitution, forced labour, the exploitation of domestic workers, forced marriage and domestic violence;



6. *Also notes* 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;

7. *Welcomes* the decision of the Working Group to recall the recommendations adopted at previous sessions and to draw attention, in particular, to the substantive conclusions and recommendations concerning trafficking in persons and all forms of sexual exploitation, elimination of forced labour, migrant workers and domestic migrant workers, and protection of children against all forms of exploitation;

8. *Welcomes* the participation of the International Labour Organization in the thirtieth session of the Working Group and decides to continue to invite Governments, international organizations, national institutions and non-governmental organizations that have information relating to the agenda of the Working Group to assist the Working Group by providing it with relevant information, preferably in advance of the session;

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

*20th meeting  
11 August 2005*

[Adopted without a vote. See chap. VIII.]

### **2005/30. United Nations Voluntary Trust Fund on Contemporary Forms of Slavery**

*The Sub-Commission on the Promotion and Protection of Human Rights,*

*Recalling* General Assembly resolution 46/122 of 17 December 1991, by which the Assembly established the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery,

*Recalling also* its resolution 2004/20 of 12 August 2004,

*Recalling further* the close relationship between the mandate and the activities of the Working Group on Contemporary Forms of Slavery and those of the Board of Trustees of the Fund and the necessary cooperation between them, and stressing the need for continued and strengthened cooperation,

*Expressing its gratitude* to Governments, organizations, trade unions and individuals, including young students, who have contributed to the Fund and strongly encouraging them to continue doing so,

1. *Considers* that the participation at the thirtieth session of the Working Group of seven representatives of non-governmental organizations working in different countries in Africa, the Americas and Asia financed by the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery, including victims of contemporary forms of slavery, is a valuable contribution to the work of the Working Group on Contemporary Forms of Slavery;
2. *Invites* the Board of Trustees of the Fund to continue to promote the participation at the annual sessions of the Working Group 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;
3. *Welcomes* the participation of a member of the Board of Trustees of the Fund at the thirtieth session of the Working Group and encourages the members of the Board to attend the next session of the Working Group;
4. *Invites* the Board of Trustees to continue to contribute to projects implemented at the grass-roots level and that directly assist victims of contemporary forms of slavery;
5. *Recalls* the appeal made by the General Assembly in its resolution 46/122 of 17 December 1991 to all Governments to respond favourably to requests for contributions to the Fund, urges them and non-governmental organizations, other private or public entities and individuals to contribute to the Fund and encourages them to do so if possible by September 2005, in order to enable the Fund to fulfil its mandate effectively in the year 2006.

*20th meeting*

*11 August 2005*

[Adopted without a vote. See chap. VIII.]

**2005/31. Working group to elaborate detailed principles and guidelines, with relevant commentary, concerning the promotion and protection of human rights when combating terrorism**

*The Sub-Commission on the Promotion and Protection of Human Rights,*

*Reaffirming* the purposes and principles of the Charter of the United Nations,

*Reaffirming also* the fundamental importance, including in response to terrorism and the fear of terrorism, of respecting all human rights and fundamental freedoms and the rule of law,

*Recalling* that States are under the obligation to protect all human rights and fundamental freedoms of all persons,

*Acknowledging* the important contribution of measures at all levels against terrorism, consistent with international law, in particular international human rights, humanitarian and refugee law, for the functioning of democratic institutions, the maintenance of peace and security and thereby to the full enjoyment of human rights, as well as the need to continue this fight, including through international cooperation and the strengthening of the role of the United Nations in this respect,

*Deeply deploring* the occurrence of violations of human rights and fundamental freedoms in the context of the fight against terrorism,

*Recognizing* that the respect for human rights, democracy and the rule of law are interrelated and mutually reinforcing,

*Welcoming* the various initiatives to strengthen the promotion and protection of human rights in the context of counter-terrorism adopted by the United Nations and regional intergovernmental bodies, as well as by States,

*Reaffirming* its unequivocal condemnation of all acts, methods and practices of terrorism, in all their forms and manifestations, wherever and by whomsoever committed, regardless of their motivation, as criminal and unjustifiable, and renewing its commitment to strengthen international cooperation to prevent and combat terrorism,

*Stressing* that everyone is entitled to all the rights and freedoms recognized in the Universal Declaration of Human Rights without distinction of any kind, including on the grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

*Recalling* its decision 2004/109 of 12 August 2004 in which it decided to establish, at its fifty-seventh session, a sessional working group with the mandate to elaborate detailed principles and guidelines, with relevant commentary, 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 Kalliopi Koufa (E/CN.4/Sub.2/2004/47),

1. *Expresses its deep appreciation and thanks* to Ms. Koufa for her comprehensive expanded working paper (E/CN.4/Sub.2/2005/39);
2. *Also express its deep appreciation and thanks* to all those who participated in the first session of the working group of the Sub-Commission mandated to elaborate detailed principles and guidelines, with relevant commentary, concerning the promotion and protection of human rights when combating terrorism;
3. *Reaffirms* the importance of respecting international human rights, humanitarian and refugee law in the fight against terrorism;

4. *Welcomes with satisfaction* the report of the sessional working group and takes note of its discussions and its agreed programme of work;

5. *Endorses* all the recommendations contained in the report of the sessional working group, including the request to Ms. Koufa to update her preliminary framework draft of principles and guidelines based on the discussions in the working group;

6. *Requests* the Office of the United Nations High Commissioner for Human Rights to disseminate, by all appropriate means, to States, organizations and bodies of the United Nations system, the specialized agencies, the treaty bodies and other United Nations human rights mechanisms, including the special procedures of the Commission on Human Rights, regional intergovernmental organizations, national human rights institutions and non-governmental organizations, information about the Sub-Commission's working group and bring to their attention its recommendations;

7. *Invites* those mentioned in the preceding paragraphs to provide information and data to the working group that would assist it in carrying out its mandate;

8. *Decides* to reconvene the working group at the fifty-eighth session of the Sub-Commission.

*20th meeting*  
*11 August 2005*  
[Adopted without a vote. See chap. VIII.]

### **2005/32. Methods of work of the Sub-Commission**

*The Sub-Commission on the Promotion and Protection of Human Rights,*

*Commending* the working paper prepared by Emmanuel Decaux (E/CN.4/Sub.2/2005/5), 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 members of the Sub-Commission, non-governmental organizations, national delegations and other interested parties,

*Welcoming* the in-depth and constructive debate held on the working paper at the fifty-seventh session and the concrete prospects for improving its methods of work that resulted from that debate,

*Reaffirming* the relevance of the guidelines contained in chapter XV of the Guidelines for the application by the Sub-Commission on the Promotion and Protection of Human Rights of the rules of procedure of the functional commissions of the Economic and Social Council and other decisions and practices relating thereto (Sub-Commission decision 1999/114, annex),

*Emphasizing* the need for the Sub-Commission to prepare a regular programme of work, establishing priorities and setting target dates,

*Recommending* the development, on the official website of the Office of the High Commissioner, of pages devoted to the work of the Sub-Commission with a view to facilitating thematic research and exchange of information,

*Encouraging* transparency, dialogue and consultation with respect to all stakeholders, particularly non-governmental organizations,

*Welcoming* the new role that independent national institutions for the promotion and protection of human rights can play in the Sub-Commission,

1. *Requests* the Secretariat to ensure the official transmittal of document E/CN.4/Sub.2/2005/5 to the treaty bodies, and wishes to continue its established cooperation with these bodies;

2. *Decides* to request Mr. Decaux to submit a more detailed working paper to the Sub-Commission 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;

(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.

*20th meeting*  
*11 August 2005*

[Adopted without a vote. See chap. III.]

## **B. Decisions**

### **2005/101. Establishment of a sessional working group on the administration of justice under agenda item 3**

At its 1st meeting, on 25 July 2005, the Sub-Commission on the Promotion and Protection of Human Rights decided, without a vote, to establish a sessional working group on the administration of justice under agenda item 3, composed of the following members: Ms. Hampson, Ms. Motoc, Ms. Rakotoarisoa, Mr. Sattar and Mr. Tuñón Veilles.

[See chap. III.]

### **2005/102. Establishment of a sessional working group to examine the working methods and activities of transnational corporations under agenda item 4**

At its 1st meeting, on 25 July 2005, the Sub-Commission on the Promotion and Protection of Human Rights, recalling its resolution 2004/16 of 12 August 2004, decided, without a vote, to establish a sessional working group to examine the working methods and activities of transnational corporations under agenda item 4, composed of the following members: Mr. Alfonso Martínez, Mr. Alfredsson, Mr. Bíró, Ms. Chung and Ms. Warzazi.

[See chap. III.]

### **2005/103. Establishment of a sessional working group to elaborate detailed principles and guidelines concerning the promotion and protection of human rights when combating terrorism under agenda item 6 (c)**

At its 1st meeting, on 25 July 2005, the Sub-Commission on the Promotion and Protection of Human Rights, recalling its decision 2004/109 of 12 August 2004, decided, without a vote, to establish a sessional working group to elaborate detailed principles and guidelines concerning the promotion and protection of human rights when combating terrorism under agenda item 6 (c), composed of the following members: Mr. Bíró, Mr. Chen Shiqiu, Ms. Koufa, Ms. O'Connor and Mr. Salama.

[See chap. III.]

#### **2005/104. Summary records**

At its 15th meeting, on 8 August 2005, the Sub-Commission on the Promotion and Protection of Human Rights decided, without a vote, to request the Chairperson of the fifty-seventh session of the Sub-Commission to forward to the Commission on Human Rights the summary records of the deliberations of the Sub-Commission under agenda item 2 at the present session, as requested by the Commission in paragraph 8 (b) of resolution 2005/53 of 20 April 2005.

[See chap. IV.]

#### **2005/105. Human rights and State sovereignty**

At its 15th meeting, on 8 August 2005, the Sub-Commission on the Promotion and Protection of Human Rights decided, without a vote, to request Vladimir Kartashkin to prepare, without financial implications, 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.

[See chap. V.]

#### **2005/106. Right to an effective remedy**

At its 15th meeting, on 8 August 2005, the Sub-Commission on the Promotion and Protection of Human Rights decided, without a vote, to request Françoise Hampson and Mohamed Habib Cherif to prepare, without financial implications, 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.

[See chap. V.]

#### **2005/107. Request for information from the Office of the United Nations High Commissioner for Human Rights**

At its 19th meeting, on 10 August 2005, the Sub-Commission on the Promotion and Protection of Human Rights decided, by a roll-call vote of 19 to none, with 2 abstentions, to request the Office of the United Nations High Commissioner for Human Rights to make available the following information to the Sub-Commission, 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 denied access to the special procedures;
- (h) A list of States where the special procedures have indicated inadequate or non-existent follow-up to their recommendations.

[See chap. IV.]

**2005/108. The relationship between international humanitarian law and human rights law**

At its 19th meeting, on 10 August 2005, the Sub-Commission on the Promotion and Protection of Human Rights decided, without a vote, to request Françoise Hampson to prepare, without financial implications, a working paper on the circumstances in which civilians lose their immunity from attack under international humanitarian law and international human rights law; Ibrahim Salama to prepare, without financial implications, 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 Yozo Yokota to prepare, without financial applications, 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.

[See chap. V.]

**2005/109. Transitional justice: investigation mechanisms for truth and reconciliation, with emphasis on Latin America**

At its 19th meeting, on 10 August 2005, the Sub-Commission on the Promotion and Protection of Human Rights decided, without a vote, to request Janio Iván Tuñón Veilles to prepare, without financial implications, 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.

[See chap. V.]



**2005/110. Prevention of human rights violations committed with small arms and light weapons**

At its 20th meeting, on 11 August 2005, the Sub-Commission on the Promotion and Protection of Human Rights, recalling its actions on this question, including resolutions 2001/120 of 16 August 2001 and 2002/25 of 14 August 2002 and decisions 2003/105 of 13 August 2003 and 2004/123 of 13 August 2004, as well as Commission on Human Rights decisions 2003/112 of 25 April 2003 and 2004/124 of 21 April 2004; having received the working paper (E/CN.4/Sub.2/2002/39), two progress reports (E/CN.4/Sub.2/2003/29 and E/CN.4/Sub.2/2004/37 and Add.1) and the draft principles on the prevention of human rights violations committed with small arms (E/CN.4/Sub.2/2005/35) submitted to date by the Special Rapporteur, Barbara Frey; 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 soliciting information in connection with her study; and expressing appreciation to those Governments that have responded to the questionnaire and encouraging other Governments to submit responses to the questionnaire (copy is available on request from the Secretariat) preferably by 1 November 2005 to enable the Special Rapporteur to complete her work; decided, without a vote, to request the Special Rapporteur to submit her final report on the prevention of human rights violations committed with small arms and light weapons for consideration at its fifty-eighth session, taking into account the discussion at the present session.

[See chap. VIII.]

**2005/111. Human rights and the human genome**

At its 20th meeting on 11 August 2005, the Sub-Commission on the Promotion and Protection of Human Rights decided, without a vote:

(a) To express its deep appreciation to the Special Rapporteur, Antoanella-Iulia Motoc, for her interim report on the study on human rights and the human genome (E/CN.4/Sub.2/2005/38) and welcomed the rich discussion that took place thereon;

(b) To request the Special Rapporteur to submit a final report to the fifty-eighth session;

(c) To request the Secretary-General to provide the Special Rapporteur with all necessary assistance to enable her to carry out her mandate, inter alia by facilitating her contacts with States and intergovernmental and non-governmental organizations, and by enabling her to send them a questionnaire at the appropriate time to help in the preparation on her final report.

[See chap. VIII.]

**2005/112. Human rights and non-State actors**

At its 20th meeting on 11 August 2005, the Sub-Commission on the Promotion and Protection of Human Rights decided, without a vote:

(a) To express its deep appreciation to Gáspár Bíró and Antoanella-Iulia Motoc for their working paper on human rights and non-State actors (E/CN.4/Sub.2/2005/40) and to welcome the rich discussion that took place thereon;

(b) To request Mr. Bíró, Ms. Motoc, David Rivkin and Ibrahim Salama to prepare, without financial implications, 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 to the Sub-Commission at its fifty-eighth session, taking into account the discussions at the Sub-Commission at its fifty-seventh session.

[See chap. VIII.]

**2005/113. Composition of working groups of the Sub-Commission for 2006**

At its 20th meeting, on 11 August 2005, the Sub-Commission on the Promotion and Protection of Human Rights decided, without a vote, to approve the following composition of its working groups for 2006, with the understanding that, in view of the forthcoming elections for half of the members of the Sub-Commission, to be held during the sixty-second session of the Commission on Human Rights, the Chairperson of the Sub-Commission, in consultation with the regional groups, would take the necessary action to replace any members of the working groups not re-elected to the Sub-Commission:

<b>Regional group</b>	<b>Minorities</b>	<b>Slavery</b>	<b>Indigenous populations</b>	<b>Communications</b>	<b>Social Forum</b>
Africa	Mr. Cherif	Mr. Salama	Ms. Mbonu	Ms. Warzazi	Ms. Mbonu Mr. Salama
	Ms. Mbonu (alternate)	Ms. Warzazi (alternate)	Mr. Salama (alternate)	Mr. Cherif (alternate)	
Asia	Mr. Sorabjee	Mr. Sattar	Mr. Yokota	Mr. Chen	Ms. Chung Mr. Sattar
	Mr. Sattar (alternate)	Ms. Chung (alternate)	Ms. Hayashi (alternate)	Mr. Liu (alternate)	
Eastern Europe	Mr. Kartashkin	Ms. Motoc	Mr. Bíró	Mr. Kartashkin	Mr. Bíró Ms. Motoc
	Ms. Sandru-Popescu (alternate)	Mr. Bíró (alternate)	Ms. Motoc (alternate)	Mr. Bíró (alternate)	

<b>Regional group</b>	<b>Minorities</b>	<b>Slavery</b>	<b>Indigenous populations</b>	<b>Communications</b>	<b>Social Forum</b>
Latin America	Mr. Bengoa	Mr. Pinheiro	Mr. Alfonso Martínez	Mr. Alfonso Martínez	Ms. O'Connor Mr. Bengoa
	Ms. O'Connor (alternate)	Ms. O'Connor (alternate)	Mr. Tuñón Veilles (alternate)	Mr. Tuñón Veilles (alternate)	Mr. Pinheiro Mr. Tuñón Veilles (alternates)
Western Europe and other States	Mr. Alfredsson	Mr. Bossuyt	Ms. Hampson	Mr. Decaux	Mr. Alfredsson Mr. Bossuyt
	Ms. Koufa (alternate)	Mr. Decaux (alternate)	Ms. Koufa (alternate)	Ms. Hampson (alternate)	

[See chap. III.]

#### **2005/114. Role of an independent expert body within the reform of the United Nations human rights machinery**

At its 20th meeting on 11 August 2005, the Sub-Commission on the Promotion and Protection of Human Rights decided without a vote to request its Chairperson to transmit the document on the role of an independent expert body within the reform of the United Nations human rights machinery annexed to the present decision to:

- (a) The Chairperson of the Commission on Human Rights;
- (b) The United Nations High Commissioner for Human Rights, with the request to distribute it widely, in particular, to the permanent missions of Member States at Headquarters and in Geneva.

#### **Annex**

#### **ROLE OF AN INDEPENDENT EXPERT BODY WITHIN THE REFORM OF THE UNITED NATIONS HUMAN RIGHTS MACHINERY**

#### **Summary**

The present text seeks to contribute to the debate about reform of the United Nations human rights machinery. It addresses the following matters:

- (a) The principles on which the reforms need to be based;
- (b) The functions to be performed, including:
  - (i) Policy initiatives;

- (ii) Standard-setting with regard to:
  - a. New norms;
  - b. Guidelines relating to implementation;
- (iii) Identifying gaps in standards and methods of monitoring;
- (iv) Identifying good practice.

These functions are not performed by the treaty bodies, the special procedures or the Office of the High Commissioner for Human Rights. They can best be performed by an elected, collegial, independent expert body. The body must listen to and work closely with as wide a range of representatives of civil society as possible, including non-governmental organizations, national human rights institutions and intergovernmental organizations.

The document also identifies ways to improve the functioning of the Sub-Commission on the Promotion and Protection of Human Rights.

### **Introduction**

1. The Sub-Commission on the Promotion and Protection of Human Rights wishes to contribute to the discussions regarding reform of the human rights system within the United Nations. Such a reform should:

- Be in conformity with the Charter of the United Nations;
- Protect and enhance the strengths of the current system;
- Improve synergies between components in the human rights system.

#### **I. THE NEED FOR A COLLEGIAL INDEPENDENT EXPERT BODY**

2. **There is a clear need for a collegial independent expert body within the United Nations human rights machinery because certain essential functions within the United Nations human rights machinery can best be fulfilled by such a body.** The activities of the United Nations with regard to the promotion and protection of and respect for human rights must form a coherent whole and require greater clarity in relation to the different types of activities performed by different bodies. The reform should improve coherence in the system.

3. The various activities involved in the promotion of human rights are of a clearly different nature:

(a) The treaty bodies perform important monitoring and enforcement functions when they make findings with regard to violations or when they engage in monitoring by adopting concluding observations. The role of the special procedures is more akin to that of an overseer, gathering evidence and identifying criticisms;<sup>1</sup>

(b) The role that involves the implementation in practice of human rights standards, through law, regulation, policies and practices, is performed principally by the Office of the High Commissioner for Human Rights. The Plan of Action (A/59/2005/Add.3, annex), envisages a greatly enhanced role for the Office, especially through field presences. That would suggest that it will become even more difficult for the Office to be engaged simultaneously in standard-setting, monitoring and implementation;

(c) The first stage in a process that consists in the identification of issues that may require the adoption of certain rules, regulations, policies and practices should be debated by a group of experts considering the implications of any proposals before making specific suggestions. In this initial phase, as wide a range of input as possible from a variety of sources, including civil society, is needed. Specific proposals can then be considered by a political body which gives legitimacy to the proposals adopted by endorsing them. There is a real danger that the “legislation” will be inadequately considered if it has only been considered by the political body. Generally speaking, rules, principles, guidelines and standards should only be adopted after they have been subjected to scrutiny and discussion by an independent expert body.

4. Standard-setting relates to both primary rules, such as those contained in treaties, and secondary rules, which generally take the form of soft law, in which the scope of the primary rules is clarified and operationalized, as the work and the achievements of the Sub-Commission demonstrates. The ongoing need for primary standard-setting emerges in three contexts:

(a) First, there may be an entirely novel development, requiring a new legal regime to take account of the human rights implications of the development;<sup>2</sup>

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<sup>1</sup> Generally speaking special procedures, with the exception of the Working Group on Arbitrary Detention, on account of conflicting evidence, cannot reach a conclusion as to the existence of a violation. In the process of discharging their mandates, they may clarify the scope of a particular norm. That does not represent standard-setting in the usual sense but resembles rather the function of a court in determining the scope of a norm that it is called upon to apply. Peer review represents a very particular form of quasi-judicial function. It is based on obligations as Members of the United Nations, rather than on obligations arising under international law generally.

<sup>2</sup> An example is the current study on the human rights implications of the work on the human genome.

(b) The second context is where the factual situation changes and there is a need to develop standards to address a particular factual situation;<sup>3</sup>

(c) The third situation is when a gap in the current standards or in the methods of monitoring is identified.<sup>4</sup>

There is a significant and ongoing need for secondary standard-setting across the whole spectrum of human rights. An example is the Standard Minimum Rules for the Treatment of Prisoners. Previous authoritative examples initiated by the Sub-Commission include the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law and the Set of Principles for the Protection and Promotion of Human Rights through Action to Combat Impunity. Ongoing studies that operationalize general principles in relation to specific issues include the draft principles governing the administration of justice through military tribunals, the work on the guidelines on discrimination in the criminal justice system and the guiding principles for the implementation of existing human rights norms and standards in the context of extreme poverty, the draft guidelines for the realization of the right to drinking water supply and sanitation and future guidelines on best practices with regard to corruption and its impact on the full enjoyment of human rights.

5. The first stage of the standard-setting process, as identified, can best be performed by such a body:

(a) The Office of the High Commissioner, on account of its role in implementing standards, should not undertake standard-setting functions. It can make proposals with regard to standards but they need to be considered by a body independent of the Office;

(b) The special procedures cannot perform this role because:

- (i) They have specific mandates, and what is required is a body with a general mandate;
- (ii) They can only clarify their mandates and not enlarge them; and
- (iii) One person cannot do the work of a group representing a variety of legal systems, situations and professional disciplines;

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<sup>3</sup> An example is the work on developing guidelines in order to ensure that counter-terrorism measures are in conformity with human rights requirements.

<sup>4</sup> An example is the development of the Principles on Housing and Property Restitution for Refugees and Internally Displaced Persons.

Even if every special procedure were to have the benefit of an advisory group or even if the special procedures were to get together to propose new standards, their experience would remain compartmentalized according to their mandates;

(c) The treaty bodies cannot perform that role because they are limited by the terms of the particular treaty. They can provide guidance as to the scope of particular provisions, for example by means of general comments, but they cannot create detailed guidelines for the implementation or operationalization of the rules.

**6. Consequently, there is a need for a representative independent expert body that is able to think collectively, free from specialized mandate constraints and political considerations, in order to initiate and pursue new and innovative thinking in human rights standards and implementation. It should ensure balanced attention to civil and political rights and economic, social and cultural rights.**

## **II. THE FORM SUCH AN INDEPENDENT EXPERT BODY SHOULD TAKE**

7. The independent expert body must be sufficiently large in number to represent not only different regions but differences within regions. The body should be of sufficient size to represent a variety of legal traditions, professional backgrounds, and regional and national expertise. Experience suggests that the body would function best with a membership of around 25 or 26, perhaps somewhat larger. The members need to be both independent and expert. Membership should be by election, rather than by appointment, in order to ensure the transparency and democratic legitimacy of the body.

## **III. RELATIONSHIP OF THE INDEPENDENT EXPERT BODY WITH OTHER ORGANS AND INSTITUTIONS**

8. The independent expert body needs to have close links with the political body which can adopt standards (the Commission on Human Rights or Human Rights Council) and with special procedures and treaty bodies. The secondary standard-setting on implementation will be of considerable assistance to the treaty bodies and the special procedures, on condition that it takes into account the principles they have already established. It is also important for such a body to coordinate with the International Law Commission, to avoid duplication and to ensure that human rights concerns are taken into account in the work of that Commission.<sup>5</sup>

9. The body should ensure the widest possible access - at least the same as that currently provided - by and the active involvement of civil society in its work. This includes both non-governmental organizations and national human rights institutions.

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<sup>5</sup> Examples of the need for coordination in the current work of the International Law Commission include reservations to treaties, the effect of war on treaties and the responsibility of international organizations.

The current Sub-Commission is generally recognized as providing the best access to non-governmental organizations in the field of human rights activity within the United Nations. The intersessional working groups of the Sub-Commission are particularly important in this regard, as are others, such as the Social Forum. They allow focused, specialized and interactive participation to both non-governmental organizations in consultative status with the Economic and Social Council and other associations and non-governmental organizations. Evolution in practice starts in these working groups.<sup>6</sup>

10. The body should also be in dialogue with the specialized agencies of the United Nations and other international organizations. The current work of the Sub-Commission is followed by many agencies such as the United Nations High Commissioner for Refugees and the United Nations Children's Fund. The representatives of the International Labour Organization, the World Bank, the United Nations Development Programme, the International Monetary Fund and the World Trade Organization, among others, actively contribute to the work of the Social Forum.

#### IV. THE SUB-COMMISSION

11. The Sub-Commission has at its fifty-seventh session continued to prove its willingness to scrutinize its own working methods. Issues requiring examination include:

(a) Consideration should be given to the formulation of guidelines or criteria for membership; the issue of term limits;

(b) The improvement of the prioritization, choice and discussion of working papers and reports;<sup>7</sup>

(c) The examination of how to make more effective use in its work of information on empirical country situations to identify themes, emerging issues and threats to human rights protection as befits a think tank;

(d) Consideration of restoring the role of the plenary Sub-Commission in the 1503 procedure.

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<sup>6</sup> For example, there have been reports jointly authored by non-governmental organizations and members of the Sub-Commission.

<sup>7</sup> Working paper by Mr. Decaux on the methods of work of the Sub-Commission with regard to reports (E/CN.4/Sub.2/2005/5); resolution 2005/32; working paper by Mr. Alfredsson on research and study topic proposals (E/CN.4/Sub.2/2004/46).



## V. CONCLUSION

12. For 58 years, the political standard-setting organs have felt the need for an independent expert body.<sup>8</sup> The need for a think tank and for an independent group of experts to engage in initial standard-setting and the formulation of guidelines and principles to operationalize human rights rules has not disappeared and will increase in the future.

[See chap. III.]

### 2005/115. Draft provisional agenda and order of consideration of agenda items for the fifty-eighth session of the Sub-Commission

At its 21st meeting, on 12 August 2005, the Sub-Commission on the Promotion and Protection of Human Rights decided, without a vote:

(a) To modify item 6 of the draft provisional agenda for the fifty-eighth session of the Sub-Commission to read as follows:

6. Specific human rights issues:
  - (a) Women and human rights;
  - (b) Contemporary forms of slavery;
  - (c) Terrorism and counter-terrorism;
  - (d) New priorities.

(b) To consider agenda items at the fifty-eighth session in the following order:

1, 2, 4, 6, 5, 3, 7

[See chap. IX]

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<sup>8</sup> “Over the years, the Sub-Commission has provided the Commission on Human Rights with insights and ideas, based on expertise and experience of its members (and) helped to identify and develop new areas for further consideration”. Louise Arbour, United Nations High Commissioner for Human Rights, 25 July 2005. “[The Commission on Human Rights] recognized not only the valuable contribution made by this body [the Sub-Commission] to the human rights work of the United Nations over the past 58 years, but also its important contribution to the development of a better understanding of human rights through the study of important issues, the elaboration of international standards and the promotion and protection of human rights throughout the world.” Ambassador Makarim Wibisono, Chairman of the sixty-first session of the Commission on Human Rights, 25 July 2005.

### **III. ORGANIZATION OF WORK**

#### **A. Opening and duration of the session and number of meetings**

1. The Sub-Commission on the Promotion and Protection of Human Rights held its fifty-seventh session at the United Nations Office at Geneva from 25 July to 12 August 2005. It held 21 meetings (see E/CN.4/Sub.2/2005/SR.1-21), 4 of which were held in closed session (see E/CN.4/Sub.2/2005/SR.2, SR.15, SR.17 and SR.18).
2. The session was opened by Ms. Hampson, Vice-Chairperson of the Sub-Commission on the Promotion and Protection of Human Rights at its fifty-sixth session, who read a statement on behalf of the Chairperson of the fifty-sixth session, Mr. Sorabjee.
3. The United Nations High Commissioner for Human Rights, Louise Arbour, addressed the Sub-Commission at its 1st meeting, on 25 July 2005.

#### **B. Attendance**

4. The session was attended by members of the Sub-Commission, by observers for States Members of the United Nations, by observers for non-member States and by observers for intergovernmental organizations, United Nations bodies, specialized agencies, other organizations and non-governmental organizations. The attendance list is given in annex III to the present report.

#### **C. Resolutions and documentation**

5. The Sub-Commission adopted 32 resolutions and took 14 decisions. The texts of these resolutions and decisions appear in chapter II, sections A and B, respectively. Draft decisions for action or consideration by the Commission on Human Rights are set out in chapter I. For a list of the resolutions and decisions adopted by the Sub-Commission, see annex VIII to the present report.
6. Information concerning the administrative and programme budget implications of resolutions and decisions adopted by the Sub-Commission at its fifty-seventh session is provided in annex IV.
7. A list of the resolutions and decisions referring to matters drawn to the attention of the Commission on Human Rights is contained in annex V.
8. A list of studies completed at the fifty-seventh session, of ongoing studies, of working papers entrusted to members and of studies recommended for approval, drawn up in accordance with Commission on Human Rights resolution 1982/23, appears in annex VI.
9. A list of documents for the fifty-seventh session of the Sub-Commission appears in annex VII. Written communications submitted by Governments and non-governmental organizations for circulation at the session are also mentioned in annex VII.

#### **D. Election of officers**

10. At its 1st meeting, on 25 July 2005, the Sub-Commission elected the following officers by acclamation:

Chairperson: Mr. Vladimir Kartashkin

Vice-Chairpersons: Mr. Marc Bossuyt  
Ms. Florizelle O'Connor  
Mr. Ibrahim Salama

Rapporteur: Mr. Yozo Yokota

#### **E. Adoption of the agenda**

11. At the same meeting, the Sub-Commission had before it a note by the Secretary-General containing the provisional agenda for the fifty-seventh session (E/CN.4/Sub.2/2005/1), drawn up in accordance with rule 5 of the rules of procedure of the functional commissions of the Economic and Social Council, on the basis of the draft provisional agenda considered by the Sub-Commission at its fifty-sixth session in accordance with paragraph 3 of Economic and Social Council resolution 1894 (LVII). The annotations to the provisional agenda are contained in documents E/CN.4/Sub.2/2005/1/Add.1 and Corr.1.

12. Statements in connection with the provisional agenda for the fifty-seventh session were made by Mr. Alfonso Martínez, Mr. Decaux, Ms. Hampson, Ms. Motoc, Mr. Pinheiro, Mr. Salama, Ms. Warzazi and Mr. Yokota. At the same meeting, the agenda as contained in document E/CN.4/Sub.2/2005/1 (see annex I) was adopted without a vote.

#### **F. Organization of work and conduct of business**

13. At the same meeting, the Chairperson of the sixty-first session of the Commission on Human Rights, H.E. Ambassador Makarim Wibisono, addressed the Sub-Commission in accordance with Commission resolution 2005/53.

14. The Sub-Commission considered item 1 of the agenda at its 1st, 2nd (closed) and 3rd meetings, on 25 and 26 July, at its 5th meeting, on 28 July, at its 10th meeting, on 4 August, at the closed part of its 15th meeting, on 8 August 2005, and at the closed parts of its 17th and 18th meetings, on 9 and 10 August.

15. In the general debate on agenda item 1, statements were made by members of the Sub-Commission. For the list of speakers, see annex II.

16. At its 1st meeting, on 25 July 2005, and 2nd (closed) meeting, on 26 July 2005, the Sub-Commission considered the organization of its work and conduct of business.

17. Upon the recommendation of its officers, the Sub-Commission decided, without a vote, the following with respect to sessional working groups:

(a) To establish a sessional working group on the administration of justice under agenda item 3 and to nominate the following members of the Sub-Commission as members of the working group: Ms. Hampson, Ms. Motoc, Ms. Rakotoarisoa, Mr. Sattar and Mr. Tuñón Veilles. For the text of the decision, see chapter II, section B, decision 2005/101;

(b) To establish a sessional working group to examine the working methods and activities of transnational corporations under agenda item 4 and to nominate the following members of the Sub-Commission as members of the working group: Mr. Alfonso Martínez, Mr. Alfredsson, Mr. Bíró, Ms. Chung and Ms. Warzazi. For the text of the decision, see chapter II, section B, decision 2005/102;

(c) To establish a sessional working group with a mandate to elaborate detailed principles and guidelines concerning the promotion and protection of human rights when combating terrorism under agenda item 6 (c) and to nominate the following members of the Sub-Commission as members of the working group: Mr. Bíró, Mr. Chen Shiqiu, Ms. Koufa, Ms. O'Connor and Mr. Salama. For the text of the decision, see chapter II, section B, decision 2005/103.

18. The Sub-Commission accepted the recommendations of its officers regarding limitation of the frequency and duration of statements. Members of the Sub-Commission would be entitled to make one or more statements of 10 minutes maximum per item. Observers for non-governmental organizations would be limited to one statement of seven minutes per item. With regard to joint statements by non-governmental organizations, the following timing was agreed upon: 1 or 2 non-governmental organizations: 7 minutes; 3 to 5 non-governmental organizations: 10 minutes; 6 to 10 non-governmental organizations: 12 minutes; more than 10 non-governmental organizations: 15 minutes. National human rights institutions would be allowed to make statements on the same basis as non-governmental organizations. Government observers would be limited to one statement of five minutes per item. That speaking time would also apply to observers for intergovernmental organizations, United Nations bodies, specialized agencies and other organizations.

19. According to the special procedure for the allocation of speaking time and the closure of the list of speakers on the agenda item dealing with violations of human rights which was established by the Sub-Commission in its decision 1994/117, the maximum speaking time under agenda item 2 would be determined, for all observers, by dividing equally the time allocated to observers by the number of speakers who had signed up before the closure of the list. The closure of the list would be set at 6 p.m. on the day before the opening of the debate on that agenda item.

20. The Sub-Commission also accepted the recommendation that special rapporteurs and other experts entrusted with the preparation of reports or working papers should limit their statements to 15 minutes, to be divided between the introduction of the report and the concluding remarks. At the 10th meeting, on 4 August 2005, the Sub-Commission accepted the additional recommendations of its officers that special rapporteurs and other experts entrusted with the preparation of reports and working papers should limit their statements to 10 minutes, to be divided between the introduction of the report and the concluding remarks. Members of the

Sub-Commission, as well as Government observers and observers for non-governmental organizations would be limited to five minutes speaking time during the interactive dialogues following such presentations.

21. It was also agreed that Sub-Commission members taking the floor on procedural matters should be as brief as possible and in no case exceed two minutes.

22. It was agreed that, with regard to statements by government observers equivalent to a right of reply, a limitation to two replies, of three minutes for the first and of two minutes for the second, normally to be exercised at the end of the general debate on any particular agenda item.

23. It was also agreed that the list of speakers would be opened at the beginning of the session for all participants to register to speak on any agenda item. If the list of speakers had not been exhausted during a particular meeting, the remaining speakers would be given the floor, in the same order, as the first speakers at the next meeting. The closure of the list of speakers on any item(s) would be announced by the Chairperson in advance, normally at the beginning of the consideration of that agenda item (except for item 2).

24. It was also agreed that if there were no more speakers on an agenda item at a particular meeting, the Sub-Commission would take up the next item on its calendar, if deemed necessary.

25. It was also agreed that, in order to respect editorial and other requirements, draft resolutions and decisions should be submitted at least three working days before the date on which they were scheduled to be considered. The deadlines for the submission of draft resolutions would be set by the Chairperson in consultation with the Bureau and announced sufficiently in advance.

26. Also at its 2nd (closed) meeting, the Sub-Commission approved the timetable for the consideration of agenda items proposed by the Bureau in the following order: 1, 2, 3, 4, 5, 6 and 7.

27. At the same meeting, the Sub-Commission met with the members of the Expanded Bureau of the sixty-first session of the Commission of Human Rights pursuant to Commission resolution 2005/53, paragraph 9 (a).

28. At the 13th meeting, on 5 August 2005, the Sub-Commission heard statements by representatives of the Office of the High Commissioner for Human Rights on financial and human support provided by the Office to special rapporteurs and other experts entrusted with the preparation of reports and working papers, as well as to working groups. Statements in connection with the presentation were made by Mr. Chen Shiqiu, Ms. Hampson and Ms. Warzazi.

29. At the 15th meeting, on 8 August, 19th meeting, on 10 August, and 20th meeting, on 11 August 2005, representatives of the Administration Section of the Office of the High Commissioner for Human Rights made statements in connection with the programme budget implications of several draft resolutions and decisions considered by the Sub-Commission.

30. At the 20th meeting, on 11 August 2005, the members of the Sub-Commission held an exchange of views with representatives of non-governmental organizations.

31. At the 21st meeting, on 12 August 2005, the members of the Sub-Commission considered the draft agenda and the order of consideration of agenda items for its fifty-eighth session (see chapter IX).

### **G. Other matters**

32. At its 1st meeting, on 25 July 2005, in accordance with decision 1994/103 of the Sub-Commission and at the proposal of the Chairperson, the Sub-Commission observed a minute of silence in honour of the victims of all forms of violations of human rights in all regions of the world.

33. At the same meeting, Ms. Hampson presented her working paper on the organization, content and outcome of the Sub-Commission's work under agenda item 2 (E/CN.4/Sub.2/2005/4). In the interactive dialogue held at the 3rd meeting, on 26 July 2005, statements were made by Mr. Chen Shiqiu, Ms. Chung, Mr. Decaux, Ms. Motoc, Mr. Rivkin, Mr. Salama, Mr. Sattar, Mr. Tuñón Veilles and Mr. Yokota as well as the observer for the non-governmental organization Minnesota Advocates for Human Rights. At that same meeting, Ms. Hampson made her concluding remarks.

34. At the 3rd meeting, on 26 July 2005, Mr. Decaux presented his working paper on the methods of work of the Sub-Commission relating to the choice of subject and the preparation of reports (E/CN.4/Sub.2/2005/5). In the interactive dialogue that followed, statements were made by Mr. Alfredsson, Mr. Cherif, Ms. Hampson, Ms. Motoc, Mr. Rivkin, Mr. Salama, as well as the observers for the following non-governmental organizations: International Commission of Jurists, Pax Romana and World Peace Council. At the same meeting, Mr. Decaux made his concluding remarks.

### **H. Reform of the United Nations, including of the Sub-Commission on the Promotion and Protection of Human Rights**

35. At the 5th meeting, on 28 July, and at the 10th meeting, on 4 August 2005, the members of the Sub-Commission held an exchange of views on issues related to the proposed reform of the United Nations, including of its human rights mechanisms and of the Sub-Commission. Statements in that connection were made by Mr. Alfonso Martínez, Mr. Alfredsson, Mr. Bossuyt, Mr. Chen Shiqiu, Mr. Decaux, Ms. Hampson, Mr. Salama and Mr. Yokota, as well as by the observers for Pakistan (on behalf of the Organization of Islamic Conference) and the Russian Federation.

36. Also in this connection, at the 3rd meeting, on 26 July 2005, a representative of the Office of the United Nations High Commissioner for Human Rights made a statement on the Plan of Action of the High Commissioner for Human Rights entitled "Protection and empowerment" (A/59/2005/Add.3, annex).

## **Reform of the Sub-Commission on the Promotion and Protection of Human Rights**

37. At the 20th meeting, on 11 August 2005, draft resolution E/CN.4/Sub.2/2005/L.3 was withdrawn by the sponsor, Mr. Alfredsson. The original text of the draft resolution read as follows:

### **“2005/... Reform of the Sub-Commission on the Promotion and Protection of Human Rights**

*“The Sub-Commission on the Promotion and Protection of Human Rights,*

*“Recognizing the importance of ongoing reform, beginning at home,*

*“Willing to meet the challenge issued by the Commission on Human Rights for the Sub-Commission to emphasize the think-tank functions in its work,*

*“1. Abolishes agenda item 2 and replaces it with a general debate for experts, States, intergovernmental organizations and non-governmental organizations to contribute to the think-tank functions of the Sub-Commission, including the use of ‘violations’ as examples only for further thematic study;*

*“2. Recommends the abolishment of the Working Group on Communications, especially as the Working Group no longer reports to the Sub-Commission;*

*“3. Reduces the time available for studies to two years, with a preliminary report leading to a final report;*

*“4. Proposes the introduction of term limits for members of the Sub-Commission, with two terms as a maximum;*

*“5. Proposes the elaboration of guidelines for the qualifications of candidates for election to the Sub-Commission, drawing attention to the need for independence and expertise in think-tank functions;*

*“6. Requests the Chairperson of the Sub-Commission to transmit the present resolution by letter to all interested parties.”*

## **Methods of work of the Sub-Commission**

38. At the same meeting, Ms. Warzazi introduced draft resolution E/CN.4/Sub.2/2005/L.36, sponsored by Mr. Bíró, Mr. Bossuyt, Mr. Chen Shiqiu, Mr. Cherif, Ms. Chung, Mr. Dos Santos, Ms. Hampson, Ms. Motoc, Ms. Rakotoarisoa, Mr. Salama, Mr. Sattar, Mr. Tuñón Veilles, Ms. Wadibia-Anyanwu, Ms. Warzazi and Mr. Yokota. Mr. Alfonso Martínez, Ms. Koufa and Ms. O’Connor subsequently joined the sponsors.

39. Ms. Warzazi orally revised operative paragraph 1 of the draft resolution.

40. A statement in connection with the draft resolution was made by Mr. Alfonso Martínez.

41. The draft resolution, as revised, was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 2005/32.

### **Composition of working groups of the Sub-Commission for 2006**

42. At the same meeting, the Sub-Commission considered a draft decision on the composition of the intersessional and pre-sessional working groups of the Sub-Commission introduced by the Chairperson on behalf of the Bureau of the Sub-Commission.

43. The draft decision was adopted without a vote. For the text of the decision, see chapter II, section B, decision 2005/113.

### **Role of an independent expert body within the reform of the United Nations human rights machinery**

44. At the same meeting, Ms. Hampson introduced draft decision E/CN.4/Sub.2/2005/L.48, sponsored by Mr. Alfonso Martínez, Mr. Alfredsson, Mr. Bíró, Mr. Bossuyt, Mr. Chen Shiqiu, Mr. Cherif, Ms. Chung, Mr. Decaux, Mr. Dos Santos, Ms. Hampson, Ms. Koufa, Ms. Motoc, Ms. O'Connor, Mr. Pinheiro, Ms. Rakotoarisoa, Mr. Salama, Mr. Sattar, Mr. Sorabjee, Mr. Tuñón Veilles, Ms. Wadibia-Anyanwu, Ms. Warzazi and Mr. Yokota. Mr. Bengoa subsequently joined the sponsors.

45. Mr. Bengoa proposed an amendment to paragraph 9 of the document annexed to the draft decision, which was accepted by the sponsors.

46. Statements in connection with the draft decision were made by Mr. Alfonso Martínez, Mr. Casey, Mr. Chen Shiqiu and Mr. Sorabjee.

47. The draft decision, as amended, was adopted without a vote. For the text of the decision, see chapter II, section B, decision 2005/114.

### **I. Concluding remarks**

48. At the 21st meeting, on 12 August 2005, concluding remarks were made by the following speakers:

- (a) Mr. Cherif (on behalf of the Group of African States);
- (b) Mr. Sattar (on behalf of the Group of Asian States);
- (c) Mr. Bíró (on behalf of the Group of Eastern European States);
- (d) Mr. Alfonso Martínez (on behalf of the Group of Latin American and Caribbean States);
- (e) Mr. Bossuyt (on behalf of the Group of Western European and Other States).

49. At the same meeting, Mr. Kartashkin made concluding remarks.



**IV. 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)**

50. The Sub-Commission considered agenda item 2 at its 3rd to 5th meetings, on 26, 27 and 28 July, at the public part of its 15th meeting, on 8 August, and at its 19th meeting, on 10 August 2005.

51. For the list of documents issued under agenda item 2, see annex VII to the present report.

52. In the general debate on agenda item 2, statements were made by members of the Sub-Commission and observers for Governments and non-governmental organizations. For the detailed list of speakers, see annex II.

**Summary records**

53. At the 15th meeting, on 8 August 2005, Mr. Decaux introduced draft decision E/CN.4/Sub.2/2005/L.9, sponsored by Mr. Bíró, Mr. Cherif, Ms. Chung, Mr. Decaux, Mr. Dos Santos, Ms. Hampson, Ms. Motoc, Ms. O'Connor, Mr. Pinheiro, Mr. Salama, Mr. Sattar, Ms. Warzazi and Mr. Yokota. Mr. Alfonso Martínez, Mr. Bossuyt, Mr. Tuñón Veilles and Ms. Wadibia-Anyanwu subsequently joined the sponsors.

54. Statements in connection with the draft decision were made by Mr. Alfonso Martínez, Mr. Chen Shiqiu and Mr. Sattar.

55. The draft decision was adopted without a vote. For the text of the decision, see chapter II, section B, decision 2005/104.

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

56. At the same meeting, Mr. Decaux introduced draft resolution E/CN.4/Sub.2/2005/L.13, sponsored by Mr. Bíró, Mr. Bossuyt, Mr. Chen Shiqiu, Ms. Chung, Mr. Decaux, Ms. Hampson, Ms. Koufa, Ms. Motoc, Ms. O'Connor, Mr. Pinheiro, Mr. Salama, Mr. Sattar, Ms. Warzazi and Mr. Yokota. Mr. Alfonso Martínez, Mr. Alfredsson, Mr. Bengoa, Mr. Cherif, Ms. Rakotoarisoa, Mr. Tuñón Veilles and Ms. Wadibia-Anyanwu subsequently joined the sponsors.

57. Mr. Alfonso Martínez proposed an amendment to operative paragraph 4 of the draft resolution, which was accepted by the sponsors.

58. Mr. Sorabjee proposed an amendment to operative paragraph 7 of the draft resolution, which was also accepted by the sponsors.

59. The draft resolution, as amended, was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 2005/1.

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

60. At the same meeting, Mr. Bossuyt introduced draft resolution E/CN.4/Sub.2/2005/L.25, sponsored by Mr. Alfredsson, Mr. Bíró, Mr. Bossuyt, Mr. Chen Shiqiu, Ms. Chung, Mr. Decaux, Ms. Hampson, Ms. Mbonu, Ms. Motoc, Ms. O'Connor, Mr. Pinheiro, Mr. Salama, Mr. Sattar, Mr. Tuñón Veilles, Ms. Warzazi and Mr. Yokota. Mr. Cherif and Ms. Koufa subsequently joined the sponsors.

61. The draft resolution was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 2005/2.

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

62. At the 19th meeting, on 10 August 2005, Ms. Hampson introduced draft resolution E/CN.4/Sub.2/2005/L.6, sponsored by Mr. Bíró, Ms. Chung, Mr. Decaux, Mr. Dos Santos, Ms. Hampson, Ms. Motoc, Ms. O'Connor, Mr. Pinheiro, Mr. Tuñón Veilles and Mr. Yokota. Mr. Bengoa, Mr. Bossuyt, Ms. Rakotoarisoa, Mr. Salama, Mr. Sorabjee and Ms. Warzazi subsequently joined the sponsors.

63. Ms. Hampson orally revised operative paragraphs 1 and 2 of the draft resolution.

64. Mr. Sattar proposed amendments to operative paragraphs 3, 4 and 5 of the draft resolution, which were accepted by the sponsors.

65. Statements in connection with the draft resolution were made by Mr. Alfonso Martínez, Mr. Casey and Ms. Hampson.

66. The draft resolution, as revised and amended, was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 2005/10.

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

67. At the same meeting, Ms. Hampson introduced draft decision E/CN.4/Sub.2/2005/L.7, sponsored by Mr. Bíró, Mr. Cherif, Ms. Chung, Mr. Decaux, Mr. Dos Santos, Ms. Hampson, Ms. Motoc, Ms. O'Connor, Mr. Pinheiro, Mr. Sattar, Ms. Warzazi and Mr. Yokota. Ms. Wadibia-Anyanwu subsequently joined the sponsors.

68. Ms. Hampson orally revised subparagraph (a) of the draft decision.

69. At the request of Mr. Alfonso Martínez, a vote was taken on the draft decision.

70. The draft decision, as revised, was adopted by 19 votes to none, with 2 abstentions. For the text of the decision, see chapter II, section B, decision 2005/107.

### **Issuance of standing invitations to special procedures**

71. At the same meeting, Ms. Hampson introduced draft resolution E/CN.4/Sub.2/2005/L.8, sponsored by Mr. Bíró, Ms. Chung, Mr. Decaux, Mr. Dos Santos, Ms. Hampson, Ms. Motoc, Ms. O'Connor, Mr. Pinheiro, Mr. Sattar and Mr. Yokota. Mr. Bossuyt, Ms. O'Connor, Mr. Sorabjee, Mr. Tuñón Veilles, Ms. Wadibia-Anyanwu and Ms. Warzazi subsequently joined the sponsors.

72. Ms. Hampson orally revised paragraphs 5 and 6 of the draft resolution.

73. A statement in connection with the draft resolution was made by Mr. Alfonso Martínez.

74. The draft resolution, as revised, was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 2005/11.

### **Transfer of persons**

75. At the same meeting, Ms. Hampson introduced draft resolution E/CN.4/Sub.2/2005/L.12, sponsored by Mr. Bíró, Mr. Cherif, Ms. Chung, Mr. Decaux, Mr. Dos Santos, Ms. Hampson, Ms. Motoc, Ms. O'Connor, Mr. Pinheiro, Mr. Sattar, Mr. Tuñón Veilles, Ms. Warzazi and Mr. Yokota. Ms. Koufa, Ms. Rakotoarisoa and Mr. Sorabjee subsequently joined the sponsors.

76. Ms. Hampson orally revised operative paragraphs 5 and 6 of the draft resolution.

77. Mr. Alfonso Martínez proposed an amendment to the draft resolution by deleting operative paragraphs 4, 5, 6 and 7, which was not accepted by the sponsors.

78. Statements in connection with the draft resolution were made by Mr. Bengoa, Ms. Hampson and Ms. Wadibia-Anyanwu.

79. At the request of Mr. Alfonso Martínez, separate votes were taken on operative paragraphs 4 and 6, as revised. Operative paragraph 4 was adopted by 19 votes to 1, with 2 abstentions. Operative paragraph 6, as revised, was adopted by 21 votes to none, with 2 abstentions.

80. At the request of Mr. Casey, a roll-call vote was taken on the draft resolution as a whole, which was adopted, as revised, by 21 votes to 1, with 2 abstentions. The voting was as follows:

*In favour:* Mr. Alfonso Martínez, Mr. Alfredsson, Mr. Bengoa, Mr. Bíró, Mr. Bossuyt, Mr. Chen Shiqiu, Mr. Cherif, Ms. Chung, Mr. Decaux, Mr. Dos Santos, Ms. Hampson, Ms. Koufa, Ms. Motoc, Ms. O'Connor, Mr. Pinheiro, Ms. Rakotoarisoa, Mr. Sattar, Mr. Sorabjee, Mr. Tuñón Veilles, Ms. Warzazi and Mr. Yokota.

*Against:* Mr. Casey.

*Abstaining:* Mr. Salama and Ms. Wadibia-Anyanwu.

81. For the text of the resolution, see chapter II, section A, resolution 2005/12.

## V. ADMINISTRATION OF JUSTICE, RULE OF LAW AND DEMOCRACY

82 The Sub-Commission considered agenda item 3 at its 6th and 7th meetings, on 28 and 29 July, at its 8th and 9th meetings, on 2 and 3 August, at its 14th and the public part of its 15th meeting, on 8 August, and at its 19th meeting, on 10 August 2005.

83. For the list of documents issued under agenda item 3, see annex VII to the present report.

84. At the 6th meeting, on 28 July 2005:

(a) Ms. Rakotoarisoa, Special Rapporteur on the difficulties of establishing guilt and/or responsibilities with regard to crimes of sexual violence, made an oral presentation in connection with her mandate. In the interactive dialogue that followed, statements were made by Ms. Hampson and Ms. O'Connor. At the same meeting, Ms. Rakotoarisoa made her concluding remarks;

(b) Mr. Decaux presented his working paper containing an updated version of the draft principles governing the administration of justice through military tribunals (E/CN.4/Sub.2/2005/9). In the interactive dialogue that followed, statements were made by Mr. Alfredsson, Mr. Cherif, Ms. Hampson, Ms. Koufa, Ms. Motoc, Mr. Rivkin, Mr. Salama, Ms. Sardenberg and Mr. Yokota. At the same meeting, Mr. Decaux made his concluding remarks;

(c) Ms. Hampson presented her 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 (E/CN.4/Sub.2/2005/42). In the interactive dialogue that followed, statements were made by Mr. Alfredsson, Mr. Bossuyt, Ms. Koufa, Ms. Motoc and Mr. Salama. At the same meeting, Ms. Hampson made her concluding remarks.

85. At the 7th meeting, on 29 July 2005, Mr. Decaux, Special Rapporteur on the universal implementation of international human rights treaties, introduced his interim report (E/CN.4/Sub.2/2005/8 and Add.1 and Corr.1). In the interactive dialogue that followed, statements were made by Mr. Alfonso Martínez, Mr. Cherif, Ms. Chung, Mr. Dos Santos, Ms. Hampson, Ms. Koufa, Ms. Mbonu, Ms. Motoc, Ms. O'Connor, Mr. Pinheiro, Ms. Rakotoarisoa, Mr. Rivkin, Mr. Salama, Ms. Sardenberg, Mr. Sattar, Ms. Warzazi and Mr. Yokota, as well as the observers for the following non-governmental organizations: International Association of Democratic Lawyers, Minnesota Advocates for Human Rights and Pax Romana. At the same meeting, Mr. Decaux made his concluding remarks.

86. At the 8th meeting, on 2 August 2005, Leïla Zerrougui, Special Rapporteur on discrimination in the criminal justice system, introduced her interim report (E/CN.4/Sub.2/2005/7). In the interactive dialogue that followed, statements were made by Mr. Chen Shiqui, Mr. Cherif, Mr. Decaux, Ms. Hampson, Ms. Koufa, Ms. Motoc, Ms. O'Connor, Mr. Salama, Ms. Warzazi and Mr. Yokota. At the same meeting, Ms. Zerrougui made her concluding remarks.

87. At the 9th meeting, on 3 August 2005:

(a) Alexandre Sicilianos, Vice-Chairperson of the Committee on the Elimination of Racial Discrimination, made a statement;

(b) Régis de Gouttes, member of the Committee on the Elimination of Racial Discrimination, also made a statement.

In the interactive dialogue that followed, statements were made by Mr. Bengoa, Mr. Decaux, Ms. Hampson, Mr. Yokota and Ms. Zerrougui.

88. At the 14th meeting, on 8 August 2005, Ms. Motoc, Chairperson-Rapporteur of the sessional working group on the administration of justice, presented the report of the working group (E/CN.4/Sub.2/2005/11). In the interactive dialogue that followed, a statement was made by the observer for the non-governmental organization Minnesota Advocates for Human Rights. At the same meeting, Ms. Motoc made her concluding remarks.

89. In the general debate on agenda item 3, statements were made by members of the Sub-Commission and observers for Governments and non-governmental organizations. For the detailed list of speakers, see annex II.

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

90. At the 15th meeting, on 8 August 2005, the Sub-Commission considered draft decision E/CN.4/Sub.2/2005/L.2, sponsored by Mr. Alfredsson, Mr. Bengoa, Mr. Bíró, Mr. Bossuyt, Mr. Chen Shiqiu, Mr. Cherif, Ms. Chung, Mr. Decaux, Mr. Dos Santos, Ms. Motoc, Ms. O'Connor, Mr. Pinheiro, Ms. Rakotoarisoa, Mr. Sattar, Mr. Tuñón Veilles, Ms. Warzazi and Mr. Yokota. Mr. Alfonso Martínez, Mr. Sorabjee and Ms. Wadibia-Anyanwu subsequently joined the sponsors.

91. Ms. Warzazi orally revised the draft decision.

92. Mr. Sorabjee proposed an amendment to the draft decision, which was accepted by the sponsors.

93. The draft decision, as revised and amended, was adopted without a vote. For the text of the decision, see chapter II, section B, decision 2005/105.

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

94. At the same meeting, Ms. Motoc introduced draft decision E/CN.4/Sub.2/2005/L.16, sponsored by Mr. Bíró, Mr. Chen Shiqiu, Mr. Cherif, Ms. Chung, Mr. Decaux, Mr. Dos Santos, Ms. Hampson, Ms. Koufa, Ms. Motoc, Ms. O'Connor, Mr. Pinheiro, Mr. Salama, Mr. Sattar, Mr. Tuñón Veilles, Ms. Warzazi and Mr. Yokota. Mr. Alfonso Martínez, Mr. Sorabjee and Ms. Wadibia-Anyanwu subsequently joined the sponsors.

95. The draft decision was adopted without a vote. For the text of the decision, see chapter II, section B, decision 2005/106.

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

96. At the same meeting, Ms. O'Connor introduced draft resolution E/CN.4/Sub.2/2005/L.17, sponsored by Mr. Bíró, Mr. Bossuyt, Mr. Chen Shiqiu, Mr. Cherif, Mr. Decaux, Mr. Dos Santos, Ms. Koufa, Ms. Mbonu, Ms. Motoc, Ms. O'Connor, Ms. Rakotoarisoa, Mr. Salama, Mr. Sattar, Mr. Tuñón Veilles and Ms. Warzazi. Mr. Alfonso Martínez, Mr. Alfredsson, Ms. Chung, Ms. Hampson, Mr. Pinheiro, Mr. Sorabjee and Mr. Yokota subsequently joined the sponsors.

97. Ms. O'Connor orally revised operative paragraph 2 of the draft resolution.

98. The draft resolution, as revised, was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 2005/3.

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

99. At the same meeting, Ms. Hampson introduced draft resolution E/CN.4/Sub.2/2005/L.19, sponsored by Mr. Bíró, Mr. Bossuyt, Mr. Chen Shiqiu, Ms. Chung, Ms. Hampson, Ms. Koufa, Ms. Mbonu, Ms. Motoc, Mr. Pinheiro, Mr. Salama, Mr. Sattar, Ms. Warzazi and Mr. Yokota. Mr. Alfonso Martínez, Mr. Alfredsson, Mr. Dos Santos, Ms. O'Connor, Ms. Rakotoarisoa, Mr. Sorabjee, Mr. Tuñón Veilles and Ms. Warzazi subsequently joined the sponsors.

100. The draft resolution was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 2005/4.

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

101. At the same meeting, Mr. Decaux introduced draft resolution E/CN.4/Sub.2/2005/L.20, sponsored by Mr. Bossuyt, Mr. Chen Shiqiu, Mr. Cherif, Mr. Decaux, Ms. Hampson, Ms. Koufa, Ms. Motoc, Ms. O'Connor, Mr. Pinheiro, Ms. Rakotoarisoa and Ms. Warzazi. Mr. Alfonso Martínez, Mr. Alfredsson, Mr. Bíró, Ms. Chung, Mr. Dos Santos, Mr. Sattar, Mr. Sorabjee, Mr. Tuñón Veilles, Ms. Wadibia-Anyanwu and Mr. Yokota subsequently joined the sponsors.

102. Mr. Dos Santos proposed to amend the draft resolution by deleting operative paragraph 2, which was accepted by the sponsors.

103. The draft resolution, as amended, was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 2005/5.

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

104. At the 19th meeting, on 10 August 2005, Ms. Motoc introduced draft resolution E/CN.4/Sub.2/2005/L.5, sponsored by Mr. Alfredsson, Mr. Bengoa, Mr. Bíró, Mr. Chen Shiqiu, Ms. Hampson, Ms. Koufa, Ms. O'Connor, Ms. Rakotoarisoa and Mr. Tuñón Veilles. Mr. Cherif, Ms. Motoc, Mr. Pinheiro, Mr. Sorabjee and Ms. Wadibia-Anyanwu subsequently joined the sponsors.

105. Mr. Decaux proposed an amendment to operative paragraph 8 of the draft resolution, which was accepted by the sponsors.

106. Ms. Koufa proposed a revision to operative paragraph 1, which was not accepted by the other sponsors. The text of the proposed revision read as follows:

“1. *Welcomes with satisfaction* the report of the sessional working group on the administration of justice;

“2. *Takes note* of its discussions on the subjects of international criminal justice, women and children in prison, the right to an effective remedy, and transitional justice.”

107. Ms. Warzazi proposed an amendment to operative paragraph 1, as well as the introduction of a new operative paragraph 8 to the draft resolution, which were accepted by the sponsors.

108. Mr. Alfredsson and Mr. Chen Shiqiu subsequently withdrew from the sponsors.

109. Statements in connection with the draft resolution were made by Mr. Alfonso Martínez, Mr. Bengoa, Mr. Bossuyt, Mr. Chen Shiqiu, Mr. Decaux, Ms. Hampson, Ms. Motoc, Mr. Pinheiro, Mr. Sattar, Mr. Sorabjee, Mr. Tuñón Veilles and Ms. Warzazi.

110. The draft resolution, as amended, was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 2005/13.

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

111. At the same meeting, Ms. O'Connor introduced draft resolution E/CN.4/Sub.2/2005/L.14, sponsored by Mr. Bíró, Mr. Chen Shiqiu, Ms. Chung, Mr. Decaux, Mr. Dos Santos, Ms. Hampson, Ms. Koufa, Ms. Motoc, Ms. O'Connor, Mr. Pinheiro, Mr. Salama, Mr. Sattar, Ms. Warzazi and Mr. Yokota. Mr. Alfredsson, Mr. Bossuyt, Mr. Casey, Mr. Cherif, Ms. Rakotoarisoa and Ms. Wadibia-Anyanwu subsequently joined the sponsors.

112. Ms. O'Connor orally revised operative paragraphs 3, 4, 5 and 6 of the draft resolution.

113. Statements in connection with the draft resolution were made by Mr. Alfonso Martínez, Mr. Casey, Ms. Hampson and Mr. Yokota.

114. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Sub-Commission was drawn to the estimated administrative and programme budget implications of the draft resolution.

115. The draft resolution, as revised, was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 2005/14.

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

116. At the same meeting, Mr. Yokota introduced draft decision E/CN.4/Sub.2/2005/L.15, sponsored by Mr. Bíró, Mr. Cherif, Ms. Chung, Mr. Decaux, Mr. Dos Santos, Ms. Hampson, Ms. Motoc, Mr. Pinheiro, Mr. Salama, Mr. Tuñón Veilles and Mr. Yokota.

117. Mr. Yokota proposed to extensively revise the draft decision on the basis of a document which he had circulated among the members. The proposed revision was not accepted by the other sponsors.

118. Mr. Yokota subsequently orally revised the draft decision.

119. Statements in connection with the draft decision were made by Mr. Alfonso Martínez, Mr. Chen Shiqiu, Mr. Decaux, Mr. Sattar, Mr. Sorabjee, Ms. Wadibia-Anyanwu and Ms. Warzazi.

120. The draft decision, as revised, was adopted without a vote. For the text of the decision, see chapter II, section B, decision 2005/108.

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

121. At the same meeting, Mr. Pinheiro introduced draft resolution E/CN.4/Sub.2/2005/L.18, sponsored by Mr. Bíró, Mr. Bossuyt, Mr. Chen Shiqiu, Ms. Chung, Ms. Hampson, Ms. Koufa, Ms. Mbonu, Ms. Motoc, Ms. O'Connor, Mr. Pinheiro, Mr. Salama, Mr. Sattar, Ms. Warzazi and Mr. Yokota. Ms. Rakotoarisoa subsequently joined the sponsors.

122. Mr. Decaux proposed amendments to the fourth preambular paragraph and to operative paragraphs 1, 2, 3 and 5 of the draft resolution, which were accepted by the sponsors.

123. Mr. Pinheiro orally revised operative paragraph 6 of the draft resolution.

124. The draft resolution, as amended and revised, was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 2005/15.

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

125. At the same meeting, Ms. Motoc introduced draft decision E/CN.4/Sub.2/2005/L.23, sponsored by Mr. Bengoa, Mr. Bíró, Mr. Decaux, Mr. Dos Santos, Ms. Hampson, Ms. Mbonu, Ms. Motoc, Ms. O'Connor, Ms. Rakotoarisoa, Mr. Sattar and Ms. Warzazi.

126. Mr. Alfonso Martínez proposed an amendment to the draft decision, which was accepted by the sponsors.

127. The draft decision, as amended, was adopted without a vote. For the text of the decision, see chapter II, section B, decision 2005/109.



## VI. ECONOMIC, SOCIAL AND CULTURAL RIGHTS

128. The Sub-Commission considered agenda item 4 at its 9th to 12th meetings, on 3, 4 and 5 August, at the public part of its 15th meeting, on 8 August 2005, at its 19th meeting, on 10 August, and at its 20th meeting, on 11 August 2005.

129. For the list of documents issued under agenda item 4, see annex VII to the present report.

130. At the 9th meeting, on 3 August 2005:

(a) Mr. Bossuyt, Special Rapporteur on non-discrimination as enshrined in article 2, paragraph 2, of the International Covenant on Economic, Social and Cultural Rights, introduced his preliminary report (E/CN.4/Sub.2/2005/19 and Corr.1 and 2). In the interactive dialogue that followed, statements were made by Mr. Alfredsson, Mr. Bíró, Mr. Cherif, Mr. Decaux, Ms. Hampson, Ms. Koufa, Ms. Mbonu, Ms. Motoc, Mr. Salama and Mr. Sattar. At the same meeting, Mr. Bossuyt made his concluding remarks;

(b) Ms. Mbonu, Special Rapporteur on corruption and its impact on the full enjoyment of human rights, introduced her progress report (E/CN.4/Sub.2/2005/18). In the interactive dialogue that followed, statements were made by Mr. Alfredsson, Mr. Chen Shiqiu, Ms. Chung, Ms. Motoc and Mr. Salama. In the interactive dialogue that continued at the 10th meeting, on 4 August, statements were made by Mr. Bíró, Mr. Chen Shiqiu, Mr. Cherif, Ms. Koufa, Ms. Rakotoarisoa, Mr. Sattar, Ms. Warzazi and Mr. Yokota, as well as the observer for Nigeria. At the same meeting, Ms. Mbonu made her concluding remarks.

131. At the 10th meeting, on 4 August 2005:

(a) Mr. Pinheiro, Special Rapporteur on housing and property restitution in the context of the return of refugees and internally displaced persons, introduced his final report (E/CN.4/Sub.2/2005/17 and Add.1). In the interactive dialogue that followed, statements were made by Ms. Chung, Ms. Hampson, Ms. Koufa and Mr. Sattar. At the same meeting, Mr. Pinheiro made his concluding remarks;

(b) Ms. O'Connor presented her working paper on the right to development (E/CN.4/Sub.2/2005/23). In the interactive dialogue that followed, statements were made by Mr. Alfredsson, Mr. Bíró, Mr. Bengoa, Mr. Chen Shiqiu, Mr. Cherif, Ms. Chung, Mr. Decaux, Mr. Dos Santos, Ms. Koufa, Ms. Mbonu, Ms. Motoc, Ms. Rakotoarisoa, Mr. Salama and Mr. Sattar, as well as the observer for the non-governmental organization New Humanity. At the same meeting, Ms. O'Connor made her concluding remarks;

(c) Mr. Bengoa, as coordinator, also on behalf of Mr. Decaux, Mr. Guissé, Ms. Motoc and Mr. Yokota, introduced the progress report on the joint working paper on the need to develop guiding principles on the implementation of existing human rights norms and standards in the context of the fight against extreme poverty (E/CN.4/Sub.2/2005/20 and Add.1). In the interactive dialogue that followed, statements were made by Mr. Decaux, Ms. Hampson, Ms. Motoc and Mr. Salama. At the same meeting, Mr. Bengoa made his concluding remarks.

132. At the 11th meeting, on 4 August 2005, Mr. Cherif, on behalf of Mr. Guissé, introduced the report containing the draft guidelines for the realization of the right to drinking water and sanitation (E/CN.4/Sub.2/2005/25).

133. At the 12th meeting, on 5 August 2005:

(a) Mr. Bengoa, Chairperson-Rapporteur of the Social Forum, presented the report of the Social Forum on its third session (E/CN.4/Sub.2/2005/21). In the interactive dialogue that followed, statements were made by Mr. Chen Shiqiu, Ms. Mbonu, Ms. O'Connor, Mr. Salama and Mr. Sattar, as well as the observer for Costa Rica and the observer for the non-governmental organization Minnesota Advocates for Human Rights. At the same meeting, Mr. Bengoa made his concluding remarks;

(b) Ms. Warzazi, Chairperson-Rapporteur of the sessional working group on the working methods and activities of transnational corporations, presented the report of the working group on its seventh session (E/CN.4/Sub.2/2005/22). In the interactive dialogue that followed, statements were made by Mr. Bengoa, Mr. Chen Shiqiu, Mr. Decaux and Mr. Salama. At the same meeting, Ms. Warzazi made her concluding remarks.

134. In the general debate on agenda item 4, statements were made by members of the Sub-Commission and observers for Governments, intergovernmental organizations, United Nations bodies, specialized agencies, other organizations and non-governmental organizations. For the detailed list of speakers, see annex II.

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

135. At the 15th meeting, on 8 August 2005, Ms. Chung introduced draft resolution E/CN.4/Sub.2/2005/L.22, sponsored by Mr. Bengoa, Mr. Bíró, Mr. Cherif, Ms. Chung, Mr. Dos Santos, Ms. Mbonu, Ms. Motoc, Ms. O'Connor, Ms. Rakotoarisoa, Mr. Sattar, Mr. Tuñón Veilles, Ms. Warzazi and Mr. Yokota. Mr. Alfonso Martínez and Mr. Chen Shiqiu subsequently joined the sponsors.

136. The draft resolution was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 2005/6.

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

137. At the same meeting, Mr. Decaux introduced draft resolution E/CN.4/Sub.2/2005/L.26, sponsored by Mr. Alfredsson, Mr. Bíró, Mr. Chen Shiqiu, Ms. Chung, Mr. Decaux, Ms. Hampson, Ms. Koufa, Ms. Mbonu, Ms. Motoc, Ms. O'Connor, Mr. Pinheiro, Mr. Salama, Mr. Sattar, Mr. Tuñón Veilles, Ms. Warzazi and Mr. Yokota. Mr. Alfonso Martínez and Mr. Cherif subsequently joined the sponsors.

138. The draft resolution was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 2005/7.

## **The Social Forum**

139. At the same meeting, Mr. Bengoa introduced draft resolution E/CN.4/Sub.2/2005/L.35, sponsored by Mr. Bengoa, Mr. Bossuyt, Ms. Chung, Ms. Mbonu, Ms. Motoc, Ms. O'Connor and Mr. Sattar. Mr. Alfonso Martínez, Mr. Alfredsson, Mr. Bíró, Mr. Chen Shiqiu, Mr. Cherif, Mr. Decaux, Mr. Dos Santos, Ms. Hampson, Ms. Koufa, Mr. Pinheiro, Ms. Rakotoarisoa, Mr. Sorabjee, Ms. Warzazi and Mr. Yokota subsequently joined the sponsors.

140. The draft resolution was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 2005/8.

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

141. At the same meeting, Mr. Bengoa introduced draft resolution E/CN.4/Sub.2/2005/L.41, sponsored by Mr. Bengoa, Mr. Decaux, Ms. Motoc, Ms. Warzazi and Mr. Yokota. Mr. Alfredsson, Mr. Bíró, Mr. Chen Shiqiu, Ms. Chung, Mr. Dos Santos, Ms. Hampson, Ms. Koufa, Ms. O'Connor, Mr. Pinheiro, Mr. Sattar, Mr. Sorabjee, Mr. Tuñón Veilles and Ms. Wadibia-Anyanwu subsequently joined the sponsors.

142. Ms. O'Connor proposed an amendment to operative paragraph 1 of the draft resolution, which was accepted by the sponsors.

143. The draft resolution, as amended, was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 2005/9.

## **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**

144. At the same meeting, draft decision E/CN.4/Sub.2/2005/L.42 was withdrawn by Ms. Chung in view of the adoption of resolution 2005/6. The text of draft decision E/CN.4/Sub.2/2005/L.42, sponsored by Mr. Alfonso Martínez, Mr. Alfredsson, Mr. Bengoa, Mr. Bíró, Mr. Bossuyt, Mr. Casey, Mr. Chen Shiqiu, Mr. Cherif, Ms. Chung, Mr. Dos Santos, Ms. O'Connor, Ms. Rakotoarisoa, Mr. Salama, Mr. Sattar, Mr. Tuñón Veilles, Ms. Warzazi and Mr. Yokota, read as follows:

### **“2005/... Working paper on the role of States in the guarantee of human rights with reference to activities of transnational corporations and other business enterprises**

“At its ... meeting, on ... August 2005, the Sub-Commission on the Promotion and Protection of Human Rights decided to ask Gáspár Bíró to prepare, without financial implications, a working paper on the role of States in the guarantee of human rights with reference to activities of transnational corporations and other business enterprises and to present this document to the sessional working group on the working methods and activities of transnational corporations on the enjoyment of human rights at the fifty-eighth session of the Sub-Commission.”

### **Working paper on bilateral and multilateral economic agreements and their impact on human rights of the beneficiaries**

145. At the same meeting, draft decision E/CN.4/Sub.2/2005/L.43 was withdrawn by Ms. Chung in view of the adoption of resolution 2005/6. The original text of draft decision E/CN.4/Sub.2/2005/L.43, sponsored by Mr. Alfonso Martínez, Mr. Alfredsson, Mr. Bengoa, Mr. Bíró, Mr. Bossuyt, Mr. Casey, Mr. Chen Shiqiu, Mr. Cherif, Ms. Chung, Mr. Dos Santos, Ms. O'Connor, Ms. Rakotoarisoa, Mr. Salama, Mr. Sattar, Mr. Tuñón Veilles, Ms. Warzazi and Mr. Yokota, read as follows:

#### **“2005/... Working paper on bilateral and multilateral economic agreements and their impact on human rights of the beneficiaries**

“At its ... meeting, on ... August 2005, the Sub-Commission on the Promotion and Protection of Human Rights decided to ask Chin-Sung Chung and Florizelle O'Connor to prepare, without financial implications, a working paper on bilateral and multilateral economic agreements and their impact on human rights of the beneficiaries and to submit this document to the sessional working group on the working methods and activities of transnational corporations on the enjoyment of human rights at the fifty-eighth session of the Sub-Commission.”

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

146. At the 19th meeting, on 10 August 2005, Ms. Warzazi introduced draft resolution E/CN.4/Sub.2/2005/L.24/Rev.1, sponsored by Mr. Alfredsson, Mr. Bengoa, Mr. Bíró, Mr. Bossuyt, Mr. Chen Shiqiu, Mr. Cherif, Ms. Chung, Mr. Decaux, Ms. Koufa, Ms. Motoc, Ms. O'Connor, Mr. Pinheiro, Ms. Rakotoarisoa, Mr. Salama, Mr. Sattar, Mr. Tuñón Veilles, Ms. Wadibia-Anyanwu, Ms. Warzazi and Mr. Yokota. Mr. Dos Santos and Mr. Sorabjee subsequently joined the sponsors.

147. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Sub-Commission was drawn to the estimated administrative and programme budget implications of the draft resolution.

148. The draft resolution was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 2005/16.

### **The right to development**

149. At the same meeting, Mr. Bengoa introduced draft resolution E/CN.4/Sub.2/2005/L.21, sponsored by Mr. Bengoa, Mr. Bíró, Ms. Chung, Mr. Dos Santos, Ms. Koufa, Ms. Rakotoarisoa, Mr. Tuñón Veilles, Ms. Wadibia-Anyanwu and Ms. Warzazi. Mr. Alfonso Martínez, Mr. Cherif, Mr. Decaux, Ms. Hampson, Ms. O'Connor, Mr. Pinheiro, Mr. Sorabjee and Mr. Yokota subsequently joined the sponsors.

150. Mr. Bengoa orally revised operative paragraph 2 and deleted operative paragraph 7 of the draft resolution.

151. A statement in connection with the draft resolution was made by Mr. Salama.

152. The draft resolution, as revised, was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 2005/17.

### **Housing and property restitution for refugees and displaced persons**

153. At the 20th meeting, on 11 August 2005, Mr. Decaux introduced draft resolution E/CN.4/Sub.2/2005/L.4, sponsored by Mr. Bengoa, Mr. Decaux, Ms. Hampson and Mr. Pinheiro. Mr. Bíró, Mr. Cherif, Ms. Chung, Mr. Dos Santos, Ms. Koufa, Ms. Motoc, Ms. O'Connor, Ms. Rakotoarisoa, Mr. Sattar, Mr. Sorabjee, Mr. Tuñón Veilles, Ms. Wadibia-Anyanwu and Mr. Yokota subsequently joined the sponsors.

154. Mr. Decaux orally revised the draft resolution, introducing a new operative paragraph 7.

155. Statements in connection with the draft resolution were made by Mr Alfonso Martínez and Mr. Pinheiro.

156. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Sub-Commission was drawn to the estimated administrative and programme budget implications of the draft resolution.

157. The draft resolution, as revised, was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 2005/21.

## VII. 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**

158. The Sub-Commission considered agenda item 5 at its 12th and 13th meetings, on 5 August, its 14th meeting, on 8 August, its 19th meeting, on 10 August, and at its 20th meeting, on 11 August 2005.

159. For the list of documents issued under agenda item 5, see annex VII to the present report.

160. At the 12th meeting, on 5 August 2005, Mr. Yokota presented his preliminary working paper on discrimination against leprosy victims and their families (E/CN.4/Sub.2/2005/WP.1). In the interactive dialogue that followed, statements were made by Mr. Casey, Ms. Chung, Ms. Hampson, Ms. Mbonu, Mr. Pinheiro and Mr. Sattar. At the same meeting, Mr. Yokota made his concluding remarks.

161. At the 13th meeting, on 5 August 2005:

(a) Mr. Bengoa, Chairperson-Rapporteur of the Working Group on Minorities, presented the report of the Working Group on its eleventh session (E/CN.4/Sub.2/2005/27). In the interactive dialogue that followed, statements were made by Mr. Bíró, Mr. Bossuyt, Mr. Decaux, Ms. Hampson, Ms. Motoc and Mr. Salama. At the same meeting, Mr. Bengoa made his concluding remarks;

(b) Ms. Chung and Mr. Yokota, Special Rapporteurs on discrimination based on work and descent, introduced their preliminary report (E/CN.4/Sub.2/2005/30). In the interactive dialogue that followed, statements were made by Ms. Hampson, as well as the observer for the non-governmental organization Lutheran World Federation (also on behalf of Anti-Slavery International, Franciscans International, Human Rights Watch, International Federation of Human Rights Leagues, International Movement Against All Forms of Discrimination and Racism, Minority Rights Group International, Pax Romana, Robert F. Kennedy Memorial). At the same meeting, Mr. Yokota made concluding remarks;

(c) Ms. Hampson presented her expanded working paper on the human rights situation of indigenous peoples in States and other territories threatened with extinction for environmental reasons (E/CN.4/Sub.2/2005/28). In the interactive dialogue that followed, statements were made by Mr. Decaux and Mr. Tuñón Veilles, as well as the observers for the

following non-governmental organizations: Earthjustice, Foundation for Aboriginal and Islander Research Action and Minnesota Advocates for Human Rights. At the same meeting, Ms. Hampson made her concluding remarks.

162. At the 14th meeting, on 8 August 2005, Mr. Alfonso Martínez, the Chairperson-Rapporteur of the Working Group on Indigenous Populations, presented the report of the Working Group on its twenty-third session (E/CN.4/Sub.2/2005/26). In the interactive dialogue that followed, statements were made by Mr. Bengoa and Mr. Chen Shiqiu, as well as the observer for the non-governmental organization Indian Law Resource Centre. At the same meeting, Mr. Alfonso Martínez made his concluding remarks.

163. In the general debate on agenda item 5, statements were made by members of the Sub-Commission and observers for Governments, intergovernmental organizations, United Nations bodies, specialized agencies, other organizations and non-governmental organizations. For the detailed list of speakers, see annex II.

### **Working Group on Minorities of the Sub-Commission on the Promotion and Protection of Human Rights**

164. At the 19th meeting, on 10 August 2005, Mr. Bengoa introduced draft resolution E/CN.4/Sub.2/2005/L.27, sponsored by Mr. Alfonso Martínez, Mr. Alfredsson, Mr. Bengoa, Mr. Bíró, Mr. Bossuyt, Mr. Chen Shiqiu, Mr. Cherif, Ms. Chung, Mr. Decaux, Mr. Dos Santos, Ms. Koufa, Ms. Motoc, Ms. O'Connor, Ms. Rakotoarisoa, Mr. Sattar, Mr. Tuñón Veilles, Ms. Warzazi and Mr. Yokota. Mr. Pinheiro and Ms. Wadibia-Anyanwu subsequently joined the sponsors.

165. Statements in connection with the draft resolution were made by Mr. Alfonso Martínez and Ms. Hampson.

166. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Sub-Commission was drawn to the estimated administrative and programme budget implications of the draft resolution.

167. The draft resolution was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 2005/18.

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

168. At the same meeting, Mr. Alfonso Martínez introduced draft resolution E/CN.4/Sub.2/2005/L.46, sponsored by Mr. Alfonso Martínez, Mr. Bíró and Ms. Hampson. Mr. Chen Shiqiu, Ms. Chung and Ms. Wadibia-Anyanwu subsequently joined the sponsors.

169. The draft resolution was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 2005/19.

**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**

170. At the same meeting, Mr. Alfonso Martínez introduced draft resolution E/CN.4/Sub.2/2005/L.47, sponsored by Mr. Alfonso Martínez, Mr. Bíró and Ms. Hampson. Mr. Alfredsson, Mr. Chen Shiqiu, Ms. Chung, Mr. Decaux, Mr. Dos Santos, Ms. Koufa, Ms. O'Connor, Ms. Wadibia-Anyanwu and Ms. Warzazi subsequently joined the sponsors.

171. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Sub-Commission was drawn to the estimated administrative and programme budget implications of the draft resolution.

172. The draft resolution was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 2005/20.

**Discrimination based on work and descent**

173. At the 20th meeting, on 11 August 2005, Mr. Yokota introduced draft resolution E/CN.4/Sub.2/2005/L.30, sponsored by Mr. Alfredsson, Mr. Bengoa, Mr. Bíró, Mr. Bossuyt, Mr. Chen Shiqiu, Mr. Cherif, Ms. Chung, Mr. Decaux, Mr. Dos Santos, Ms. Koufa, Ms. Motoc, Ms. O'Connor, Mr. Pinheiro, Ms. Rakotoarisoa, Mr. Sattar, Mr. Tuñón Veilles, Ms. Warzazi and Mr. Yokota. Ms. Hampson, Mr. Sorabjee and Ms. Wadibia-Anyanwu subsequently joined the sponsors.

174. Mr. Yokota orally revised the draft resolution by deleting operative paragraph 10.

175. A statement in connection with the draft resolution was made by Mr. Alfonso Martínez.

176. The draft resolution was adopted, as revised, without a vote. For the text of the resolution, see chapter II, section A, resolution 2005/22.

**Working Group on Indigenous Populations**

177. At the same meeting, Mr. Alfonso Martínez introduced draft resolution E/CN.4/Sub.2/2005/L.45, sponsored by Mr. Alfonso Martínez, Mr. Bíró and Ms. Hampson. Mr. Alfredsson, Mr. Bengoa, Mr. Chen Shiqiu, Mr. Cherif, Ms. Chung, Ms. Koufa, Ms. O'Connor, Mr. Tuñón Veilles, Ms. Wadibia-Anyanwu and Ms. Warzazi subsequently joined the sponsors.

178. Mr. Alfonso Martínez orally revised operative paragraphs 11, 27 and 28 of the draft resolution.

179. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Sub-Commission was drawn to the estimated administrative and programme budget implications of the draft resolution.



180. The draft resolution was adopted, as revised, without a vote. For the text of the resolution, see chapter II, section A, resolution 2005/23.

### **Discrimination against leprosy victims and families**

181. At the same meeting, Mr. Yokota introduced draft resolution E/CN.4/Sub.2/2005/L.37, sponsored by Mr. Bengoa, Mr. Casey, Mr. Chen Shiqiu, Mr. Cherif, Ms. Chung, Mr. Dos Santos, Ms. O'Connor, Ms. Rakotoarisoa, Ms. Wadibia-Anyanwu, Ms. Warzazi and Mr. Yokota. Mr. Alfonso Martínez, Mr. Alfredsson, Ms. Koufa, Mr. Salama, Mr. Sattar, Mr. Sorabjee and Mr. Tuñón Veilles subsequently joined the sponsors.

182. Ms. Hampson proposed amending the draft resolution by introducing a new operative paragraph after operative paragraph 8, which was accepted by the sponsors.

183. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Sub-Commission was drawn to the estimated administrative and programme budget implications of the draft resolution.

184. The draft resolution was adopted, as amended, without a vote. For the text of the resolution, see chapter II, section A, resolution 2005/24.

## VIII. SPECIFIC HUMAN RIGHTS ISSUES:

- (a) **Women and human rights;**
- (b) **Contemporary forms of slavery;**
- (c) **New priorities, in particular terrorism and counter-terrorism**

185. The Sub-Commission considered agenda item 6 at its 12th meeting, on 5 August, its 14th meeting, on 8 August, at its 16th meeting and at the public part of its 17th meeting, on 9 August, at its 18th meeting, on 10 August, and at its 20th meeting, on 11 August 2005.

186. For the list of documents issued under agenda item 6, see annex VII to the present report.

187. At the 12th meeting, on 5 August 2005, Barbara Frey, Special Rapporteur on the prevention of human rights violations committed with small arms and light weapons, introduced her report (E/CN.4/Sub.2/2005/35). In the interactive dialogue that followed, statements were made by Mr. Bengoa, Mr. Casey, Mr. Decaux, Ms. Hampson and Mr. Pinheiro, as well as the observer for the non-governmental organization Pax Romana. At the same meeting, Ms. Frey made her concluding remarks.

188. At the 14th meeting, on 8 August 2005, Ms. Warzazi, Special Rapporteur on traditional practices affecting the health of women and the girl child, introduced her updated report (E/CN.4/Sub.2/2005/36). In the interactive dialogue that followed, statements were made by Mr. Bossuyt, Mr. Cherif, Mr. Decaux, Mr. Pinheiro, Mr. Sorabjee, Ms. Wadibia-Anyanwu and Mr. Yokota.

189. At the 16th meeting, on 9 August 2005:

(a) Mr. Bossuyt, Chairperson-Rapporteur of the Working Group on Contemporary Forms of Slavery, presented the report of the Working Group on its thirtieth session (E/CN.4/Sub.2/2005/34). In the interactive dialogue that followed, statements were made by Mr. Bengoa, Mr. Chen Shiqu, Mr. Salama and Mr. Sattar, as well as by observers from the following non-governmental organizations: Dominicans for Justice and Peace and International Fellowship of Reconciliation. At the same meeting, Mr. Bossuyt made his concluding remarks;

(b) Ms. Motoc, Special Rapporteur on human rights and the human genome, introduced her interim report (E/CN.4/Sub.2/2005/38). In the interactive dialogue that followed, statements were made by Mr. Decaux, as well as the observer for the non-governmental organization Pax Romana. At the same meeting, Ms. Motoc made her concluding remarks;

(c) Mr. Alfredsson and Mr. Salama presented their joint working paper on the evaluation of the content and delivery of technical cooperation in the field of human rights (E/CN.4/Sub.2/2005/41). In the interactive dialogue that followed, statements were made by Mr. Sattar and Mr. Sorabjee, as well as by observers for the following non-governmental organizations: Minnesota Advocates for Human Rights and Pax Romana. At the same meeting, Mr. Alfredsson and Mr. Salama made their concluding remarks;

(d) Mr. Bíró and Ms. Motoc presented their joint working paper on human rights and non-State actors (E/CN.4/Sub.2/2005/40). In the interactive dialogue that followed, statements were made by Ms. Hampson and Mr. Salama, as well as the observer for the non-governmental organization Indian Law Resource Centre. At the same meeting, Mr. Bíró and Ms. Motoc made their concluding remarks.

190. At the 18th meeting, on 10 August 2005, Ms. Koufa, Chairperson-Rapporteur of the sessional working group to elaborate detailed guidelines and principles for the promotion and protection of human rights when combating terrorism, presented the report of the working group (E/CN.4/Sub.2/2005/43). In the interactive dialogue that followed, statements were made by Mr. Casey, Mr. Chen Shiqiu, Ms. O'Connor, Mr. Sattar, Mr. Sorabjee and Ms. Wadibia-Anyanwu, as well as the observer for the non-governmental organization International Educational Development. At the same meeting, Ms. Koufa made her concluding remarks.

191. In the general debate on agenda item 6, statements were made by members of the Sub-Commission and observers for Governments, intergovernmental organizations, United Nations bodies, specialized agencies, other organizations and non-governmental organizations. For the detailed list of speakers, see annex II.

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

192. At the 20th meeting, on 11 August 2005, Mr. Alfredsson introduced draft resolution E/CN.4/Sub.2/2005/L.28, sponsored by Mr. Alfonso Martínez, Mr. Alfredsson, Mr. Bengoa, Mr. Bíró, Mr. Bossuyt, Mr. Chen Shiqiu, Mr. Cherif, Ms. Chung, Mr. Decaux, Mr. Dos Santos, Ms. Koufa, Ms. Motoc, Ms. Rakotoarisoa, Mr. Salama, Mr. Sattar, Mr. Tuñón Veilles, Ms. Warzazi and Mr. Yokota. Ms. Hampson, Ms. O'Connor, Mr. Pinheiro and Ms. Wadibia-Anyanwu subsequently joined the sponsors.

193. Statements in connection with the draft resolution were made by Mr. Bossuyt and Mr. Salama.

194. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Sub-Commission was drawn to the estimated administrative and programme budget implications of the draft resolution.

195. The draft resolution was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 2005/25.

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

196. At the same meeting, Mr. Yokota introduced draft resolution E/CN.4/Sub.2/2005/L.29, sponsored by Mr. Alfredsson, Mr. Bengoa, Mr. Bíró, Mr. Bossuyt, Mr. Chen Shiqiu, Mr. Cherif, Ms. Chung, Mr. Decaux, Mr. Dos Santos, Ms. Koufa, Ms. Motoc, Ms. O'Connor, Mr. Pinheiro, Ms. Rakotoarisoa, Mr. Salama, Mr. Sattar, Mr. Tuñón Veilles, Ms. Wadibia-Anyanwu, Ms. Warzazi and Mr. Yokota. Ms. Hampson subsequently joined the sponsors.

197. The draft resolution was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 2005/26.

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

198. At the same meeting, Mr. Yokota introduced draft decision E/CN.4/Sub.2/2005/L.31, sponsored by Mr. Bengoa, Mr. Bíró, Mr. Chen Shiqiu, Mr. Cherif, Ms. Chung, Mr. Decaux, Mr. Dos Santos, Ms. Koufa, Ms. Rakotoarisoa, Ms. Warzazi and Mr. Yokota. Ms. Hampson, Ms. O'Connor and Ms. Wadibia-Anyanwu subsequently joined the sponsors.

199. Mr. Yokota orally revised the draft decision.

200. The draft decision, as revised, was adopted without a vote. For the text of the decision, see chapter II, section B, decision 2005/110.

### **Systematic rape, sexual slavery and slavery-like practices during armed conflicts**

201. At the same meeting, Ms. Chung introduced draft resolution E/CN.4/Sub.2/2005/L.32, sponsored by Mr. Alfredsson, Mr. Bengoa, Mr. Bíró, Mr. Bossuyt, Mr. Chen Shiqiu, Mr. Cherif, Ms. Chung, Mr. Decaux, Mr. Dos Santos, Ms. Koufa, Ms. Mbonu, Ms. Motoc, Ms. O'Connor, Mr. Pinheiro, Ms. Rakotoarisoa, Mr. Salama, Mr. Sattar, Mr. Tuñón Veilles, Ms. Warzazi and Mr. Yokota. Mr. Alfonso Martínez subsequently joined the sponsors.

202. The draft resolution was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 2005/27.

### **Human rights and the human genome**

203. At the same meeting, Ms. Koufa introduced draft decision E/CN.4/Sub.2/2005/L.33, sponsored by Mr. Alfonso Martínez, Mr. Alfredsson, Mr. Bengoa, Mr. Bíró, Mr. Bossuyt, Mr. Chen Shiqiu, Mr. Cherif, Ms. Chung, Mr. Decaux, Mr. Dos Santos, Ms. Hampson, Ms. Koufa, Ms. Mbonu, Ms. O'Connor, Ms. Rakotoarisoa, Mr. Salama, Mr. Sattar, Mr. Tuñón Veilles, Ms. Warzazi and Mr. Yokota.

204. The draft decision was adopted without a vote. For the text of the decision, see chapter II, section B, decision 2005/111.

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

205. At the same meeting, Mr. Decaux introduced draft decision E/CN.4/Sub.2/2005/L.34, sponsored by Mr. Alfonso Martínez, Mr. Alfredsson, Mr. Bengoa, Mr. Bíró, Mr. Bossuyt, Mr. Cherif, Ms. Chung, Mr. Decaux, Mr. Dos Santos, Ms. Koufa, Ms. Motoc, Ms. O'Connor, Ms. Rakotoarisoa, Mr. Salama, Mr. Sattar, Mr. Tuñón Veilles, Ms. Wadibia-Anyanwu, Ms. Warzazi and Mr. Yokota. Ms. Hampson subsequently joined the sponsors.

206. Mr. Decaux orally revised subparagraph (b) of the draft decision.

207. The draft decision, as revised, was adopted without a vote. For the text of the decision, see chapter II, section B, decision 2005/112.

### **Harmful traditional practices affecting the health of women and the girl child**

208. At the same meeting, Ms. O'Connor introduced draft resolution E/CN.4/Sub.2/2005/L.38, sponsored by Mr. Alfonso Martínez, Mr. Alfredsson, Mr. Bengoa, Mr. Bíró, Mr. Bossuyt, Mr. Casey, Mr. Chen Shiqiu, Mr. Cherif, Ms. Chung, Mr. Decaux, Mr. Dos Santos, Ms. Koufa, Ms. Mbonu, Ms. Motoc, Ms. O'Connor, Ms. Rakotoarisoa, Mr. Salama, Mr. Sattar and Mr. Yokota. Ms. Hampson and Mr. Tuñón Veilles subsequently joined the sponsors.

209. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Sub-Commission was drawn to the estimated administrative and programme budget implications of the draft resolution.

210. The draft resolution was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 2005/28.

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

211. At the same meeting, Mr. Bossuyt introduced draft resolution E/CN.4/Sub.2/2005/L.39, sponsored by Mr. Alfonso Martínez, Mr. Bengoa, Mr. Bíró, Mr. Bossuyt, Mr. Decaux, Ms. Hampson, Mr. Salama and Mr. Sattar. Mr. Alfredsson, Mr. Chen Shiqiu, Mr. Cherif, Ms. Chung, Mr. Dos Santos, Ms. Koufa, Ms. Motoc, Mr. Tuñón Veilles, Ms. Wadibia-Anyanwu, Ms. Warzazi and Mr. Yokota subsequently joined the sponsors.

212. Mr. Bossuyt orally revised operative paragraph 4 of the draft resolution.

213. Ms. Hampson proposed revising the draft resolution by introducing a new operative paragraph 9, which was accepted by the other sponsors.

214. Statements in connection with the draft resolution were made by Mr. Alfonso Martínez, Ms. Hampson, Ms. Motoc and Ms. Warzazi.

215. The draft resolution, as revised, was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 2005/29.

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

216. At the same meeting, Mr. Bossuyt introduced draft resolution E/CN.4/Sub.2/2005/L.40, sponsored by Mr. Alfonso Martínez, Mr. Bengoa, Mr. Bíró, Mr. Bossuyt, Mr. Decaux, Ms. Hampson, Mr. Salama, Mr. Sattar and Ms. Warzazi. Mr. Chen Shiqiu, Mr. Cherif, Ms. Chung, Mr. Dos Santos, Ms. Koufa, Ms. Motoc, Ms. O'Connor, Mr. Pinheiro, Ms. Rakotoarisoa, Mr. Sattar, Mr. Tuñón Veilles, Ms. Wadibia-Anyanwu and Mr. Yokota subsequently joined the sponsors.

217. The draft resolution was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 2005/30.

**Working group to elaborate detailed principles and guidelines, with relevant commentary, concerning the promotion and protection of human rights when combating terrorism**

218. At the same meeting, Ms. Koufa introduced draft resolution E/CN.4/Sub.2/2005/L.44, sponsored by Mr. Alfredsson, Mr. Bíró, Mr. Casey, Mr. Chen Shiqiu, Ms. Chung, Mr. Decaux, Ms. Hampson, Ms. Koufa, Ms. Mbonu, Ms. Motoc, Ms. O'Connor, Ms. Rakotoarisoa, Mr. Salama, Mr. Tuñón Veilles and Ms. Warzazi. Mr. Alfonso Martínez, Mr. Bengoa, Mr. Cherif, Mr. Dos Santos, Mr. Pinheiro and Mr. Yokota subsequently joined the sponsors.

219. The draft resolution was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 2005/31.

## **IX. DRAFT PROVISIONAL AGENDA AND ADOPTION OF THE REPORT:**

- (a) Draft provisional agenda for the fifty-eighth session of the Sub-Commission;**
- (b) Adoption of the report on the fifty-seventh session**

220. The Sub-Commission considered agenda item 7 at its 21st meeting, on 12 August 2005.

### **Draft provisional agenda for the fifty-eighth session of the Sub-Commission**

221. In accordance with paragraph 3 of the Economic and Social Council resolution 1894 (LVII) of 1 August 1974, the Sub-Commission had before it document E/CN.4/Sub.2/2005/L.1 containing the draft provisional agenda for the fifty-eighth session of the Sub-Commission.

222. The draft provisional agenda reads as follows:

1. *Organization of work*

Legislative authority: Commission on Human Rights decision 2000/109 (annex, chap. 4) and resolution 2005/53; Sub-Commission resolution 2005/32 and decisions 1999/114 and 2005/113.

Documentation:

- (a) Working paper by Mr. Decaux on the methods of work of the Sub-Commission (resolution 2005/32).

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)*

Legislative authority: Commission on Human Rights resolution 2005/53 (para. 8 (a) and (b)) and decision 2000/109 (annex, paras. 51-53); Sub-Commission resolutions 2005/1, 2005/2 and 2005/10 and decision 2005/107.

Documentation:

- (a) Report of the Office of the United Nations High Commissioner for Human Rights containing information requested in Sub-Commission decision 2005/107 (decision 2005/107).

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

Legislative authority: Sub-Commission resolutions 2005/3, 2005/4, 2005/5, 2005/13, 2005/14 and 2005/15 and decisions 2005/105, 2005/106, 2005/108 and 2005/109.

Documentation:

- (a) Preliminary report by Ms. Rakotoarisoa, Special Rapporteur on the difficulties of establishing guilt and/or responsibilities with regard to crimes of sexual violence (resolution 2005/3, para. 2);
- (b) Final report of Mr. Decaux, Special Rapporteur on universal implementation of international human rights treaties (resolution 2005/4, para. 3);
- (c) Final report of Ms. Zerrougui, Special Rapporteur on discrimination in the criminal justice system (resolution 2005/5, para. 2);
- (d) Report of the sessional working group on the administration of justice (resolution 2005/13 and decisions 2005/106, 2005/108 and 2005/109);
- (e) Preliminary report of Ms. Hampson, Special Rapporteur on the accountability of international personnel taking part in peace support operations (resolution 2005/14, para. 3);
- (f) Working paper by Mr. Kartashkin on human rights and State sovereignty (decision 2005/105).

4. *Economic, social and cultural rights*

Legislative authority: Sub-Commission resolutions 1999/9, 2005/6, 2005/7, 2005/8, 2005/9, 2005/16 and 2005/17.

Documentation:

- (a) Annual report of the Secretary-General on the realization of the right to development (resolution 1999/9);
- (b) Report of the sessional working group on the working methods and activities of transnational corporations (resolution 2005/6, para. 5);
- (c) Working paper by Mr. Bíró on the role of States in the guarantee of human rights with reference to the activities of transnational corporations and other business enterprises (resolution 2005/6, para. 2 (a));



- (d) Working paper by Ms. Chung and Ms. O'Connor on bilateral and multilateral economic agreements and their impact on the human rights of the beneficiaries (resolution 2005/6, para. 2 (b));
- (e) Interim report of Mr. Bossuyt, Special Rapporteur on non-discrimination as enshrined in article 2, paragraph 2, of the International Covenant on Economic, Social and Cultural Rights (resolution 2005/7, para. 2);
- (f) Report of the Social Forum (resolution 2005/8, para. 10);
- (g) Final report of the ad hoc group of experts on the implementation of existing human rights norms and standards in the context of the fight against extreme poverty (resolution 2005/9, para. 2);
- (h) Final report of Ms. Mbonu, Special Rapporteur on corruption and its impact on the full enjoyment of human rights (resolution 2005/16, para. 8);
- (i) Working paper by Ms. O'Connor on the right to development (resolution 2005/17, para. 7).

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.*

Legislative authority: Economic and Social Council resolution 1982/34; Commission on Human Rights resolution 2005/79; Sub-Commission resolutions 2005/18, 2005/20, 2005/22, 2005/23 and 2005/24.

Documentation:

- (a) Report of the Working Group on Minorities on its twelfth session (Commission resolution 2005/79; Sub-Commission resolution 2005/18);
- (b) Preliminary report of Ms. Hampson, Special Rapporteur on the legal implications of disappearance of States and other territories for environmental reasons (resolution 2005/20, para. 3);
- (c) Progress report of Mr. Yokota and Ms. Chung, Special Rapporteurs on discrimination based on work and descent (resolution 2005/22, para. 6);

- (d) Report of the Working Group on Indigenous Populations on its twenty-fourth session (Economic and Social Council resolution 1982/34; Sub-Commission resolution 2005/23);
- (e) Preliminary report of Mr. Yokota, Special Rapporteur on discrimination against leprosy victims and their families (resolution 2005/24, para. 8).

6. *Specific human rights issues:*

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

Legislative authority: Economic and Social Council decisions 16 and 17 (LVI); Sub-Commission resolutions 5 (XIV), 2003/15, 2005/25, 2005/26, 2005/27, 2005/28, 2005/29 and 2005/31 and decisions 2005/110, 2005/111 and 2005/112.

Documentation:

- (a) Report of the Working Group on Contemporary Forms of Slavery on its thirtieth session (Economic and Social Council decisions 16 and 17 (LVI) and Sub-Commission resolution 2005/29);
- (b) Report of the Secretary-General (resolution 5 (XIV));
- (c) Preliminary report of Mr. Alfredsson and Mr. Salama, Special Rapporteurs on technical cooperation and capacity-building for the promotion and protection of human rights (resolution 2005/25, para. 1);
- (d) Updated report of the High Commissioner for Human Rights on the issues of systematic rape, sexual slavery and slavery-like practices during armed conflicts (resolution 2005/27, para. 7);
- (e) Report of the sessional working group mandated to elaborate detailed guidelines and principles for the promotion and protection of human rights when combating terrorism (resolution 2005/31);
- (f) Final report of Ms. Frey, Special Rapporteur on the prevention of human rights violations committed with small arms and light weapons (decision 2005/110);

- (g) Final report of Ms. Motoc, Special Rapporteur on human rights and the human genome (decision 2005/111);
- (h) Expanded working paper by Mr. Bíró, Ms. Motoc, Mr. Rivkin and Mr. Salama on human rights and non-State actors (decision 2005/112).

7. *Draft provisional agenda and adoption of the report:*

- (a) *Draft provisional agenda for the fifty-ninth session of the Sub-Commission;*
- (b) *Adoption of the report on the fifty-eighth session.*

Legislative authority: Economic and Social Council resolution 1894 (LVII).

Documentation:

Note by the Secretary-General containing the draft provisional agenda for the fifty-ninth session of the Sub-Commission, together with information concerning documentation relating thereto.

223. Upon the recommendations of Mr. Decaux and Ms. Warzazi, the Sub-Commission decided, without a vote, the following with respect to the provisional agenda of the fifty-eighth session and the order of consideration of agenda items:

(a) To modify item 6 of the draft provisional agenda for the fifty-eighth session of the Sub-Commission to read as follows:

6. Specific human rights issues:

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

(b) To consider agenda items at the fifty-eighth session in the following order:

1, 2, 4, 6, 5, 3, 7.

224. Statements in this connection were made by Mr. Alfonso Martínez and Ms. Hampson.

225. For the text of the decision, see chapter II, section B, decision 2005/115.

**Adoption of the report on the fifty-seventh session**

226. At the same meeting, Mr. Yokota, Rapporteur of the Sub-Commission, presented the draft report on the work of its fifty-seventh session (E/CN.4/Sub.2/2005/L.10 and Add.1-5 and E/CN.4/Sub.2/2005/L.11 and Add.1-2).

227. A statement in connection with the adoption of the report was made by Mr. Alfonso Martínez.

228. At the same meeting, the Sub-Commission adopted the draft report ad referendum and decided to entrust the Rapporteur with its finalization.

229. Concluding remarks were made by Mr. Kartashkin, Chairperson of the fifty-seventh session of the Sub-Commission.

## **ANNEXES**

### **Annex I**

#### **Agenda**

1. Organization of work.
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).
3. Administration of justice, rule of law and democracy.
4. Economic, social and cultural rights.
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.
6. Specific human rights issues:
  - (a) Women and human rights;
  - (b) Contemporary forms of slavery;
  - (c) New priorities, in particular terrorism and counter-terrorism.
7. Draft provisional agenda and adoption of the report:
  - (a) Draft provisional agenda for the fifty-eighth session of the Sub-Commission;
  - (b) Adoption of the report on the fifty-seventh session.

**Annex II**

**List of speakers: general debate**

Agenda item <sup>a</sup>	Meeting	Speakers
<p><b>1</b> <b>Organization of work</b></p>	<p>2nd 26 July 2005 <i>(closed meeting)</i></p>	<p><b>Members:</b> Mr. Alfonso Martínez, Mr. Alfredsson, Mr. Bengoa, Mr. Bossuyt, Mr. Decaux, Ms. Hampson, Ms. Koufa, Ms. Motoc, Ms. O'Connor, Mr. Salama, Mr. Sattar, Ms. Warzazi.</p>
	<p>Part of 5th 28 July 2005 <i>(discussions on reform)</i></p>	<p><b>Members:</b> Mr. Alfonso Martínez, Mr. Alfredsson, Mr. Bossuyt, Mr. Chen Shiqiu, Mr. Decaux, Ms. Hampson, Mr. Salama, Mr. Yokota.  <b>Government observers:</b> Russian Federation.</p>
	<p>Part of 10th 4 August 2005 <i>(discussions on reform)</i></p>	<p><b>Government observers:</b> Pakistan (on behalf of the Organization of the Islamic Conference).</p>
	<p>Part of 15th 8 August 2005 <i>(closed meeting)</i></p>	<p><b>Members:</b> Mr. Alfonso Martínez, Mr. Casey, Mr. Chen Shiqiu, Mr. Cherif, Mr. Decaux, Ms. Hampson, Ms. Motoc, Ms. O'Connor, Ms. Rakotoarisoa, Mr. Salama, Mr. Sattar, Mr. Sorabjee, Mr. Tuñón Veilles, Ms. Warzazi.</p>
	<p>Part of 17th 9 August 2005 <i>(closed meeting)</i></p>	<p><b>Members:</b> Mr. Alfredsson, Mr. Bengoa, Mr. Bossuyt, Mr. Chen Shiqiu, Mr. Decaux, Ms. Hampson, Ms. Motoc, Ms. O'Connor, Mr. Pinheiro, Mr. Salama, Mr. Sattar, Mr. Sorabjee, Mr. Tuñón Veilles, Ms. Wadibia-Anyanwu, Ms. Warzazi, Mr. Yokota.</p>
	<p>Part of 18th 10 August 2005 <i>(closed meeting)</i></p>	<p><b>Members:</b> Mr. Alfonso Martínez, Mr. Bengoa, Mr. Bíró, Mr. Casey, Mr. Decaux, Ms. Hampson, Ms. Motoc, Mr. Tuñón Veilles, Ms. Warzazi, Mr. Yokota.</p>

Agenda item <sup>a</sup>	Meeting	Speakers
<p style="text-align: center;"><b>2</b></p> <p><b>Question of the violation of human rights and fundamental freedoms, ...</b></p>	<p style="text-align: center;">3rd 26 July 2005</p>	<p><b>Observers for non-governmental organizations:</b> Association for World Education (also on behalf of the Association of World Citizens and International Humanist and Ethical Union).</p>
	<p style="text-align: center;">4th 27 July 2005</p>	<p><b>Government observers:</b> Argentina, Nigeria, Pakistan.</p> <p><b>Observers for non-governmental organizations:</b> American Association of Jurists, Baha'i International Community, Commission to Study the Organization of Peace, Dominicans for Justice and Peace (also on behalf of Dominican Leadership Conference), Europe-Third World Centre, European Union of Public Relations, Franciscans International, Indigenous World Association, Interfaith International, International Association against Torture, International Association of Democratic Lawyers, International Committee for the Indians of the Americas - INCOMINDIOS, International Educational Development, International Federation of Human Rights Leagues, International Fellowship of Reconciliation, International Human Rights Association of American Minorities, International Institute for Peace, International Islamic Federation of Student Organizations, International Youth and Student Movement for the United Nations, Minnesota Advocates for Human Rights, Movement against Racism and for Friendship Among Peoples, Society for Threatened Peoples, World Muslim Congress.</p>
	<p style="text-align: center;">5th 28 July 2005</p>	<p><b>Members:</b> Mr. Bossuyt, Ms. Chung, Mr. Decaux, Ms. Hampson, Mr. Pinheiro, Mr. Rivkin, Mr. Salama.</p> <p><b>Government observers (right of reply):</b> Colombia, Morocco, Sri Lanka, Sudan.</p>
	<p style="text-align: center;">7th 29 July 2005</p>	<p><b>Members:</b> Mr. Alfonso Martínez.</p>

Agenda item <sup>a</sup>	Meeting	Speakers
<p style="text-align: center;">3</p> <p><b>Administration of justice, rule of law and democracy</b></p>	<p style="text-align: center;">6th 28 July 2005</p>	<p><b>Observers for non-governmental organizations:</b> American Association of Jurists, Dominicans for Justice and Peace (also on behalf of Dominican Leadership Conference), Franciscans International, International Association of Democratic Lawyers, International Federation of Human Rights Leagues, International Organization for the Elimination of All Forms of Racial Discrimination (also on behalf of Arab Lawyers Union), International Youth and Student Movement for the United Nations, Japanese Workers Committee for Human Rights, Minnesota Advocates for Human Rights.</p>
	<p style="text-align: center;">8th 2 August 2005</p>	<p><b>Observers for non-governmental organizations:</b> Foundation for Aboriginal and Islander Research Action, France Libertés: Fondation Danielle Mitterand, Himalayan Research and Cultural Foundation, Indigenous World Association, Interfaith International, International Educational Development, International Human Rights Association of American Minorities, International Institute for Peace, International Islamic Federation of Student Organizations, United Nations Watch (also on behalf of African Services Committee, Inc., Freedom House, Hope for Africa, International Centre for Human Rights and Democratic Development, International Volunteerism Organization for Women, Education and Development, World Union of Catholic Women's Organizations), Women's Sports Foundation, World Muslim Congress, World Peace Council.</p>
	<p style="text-align: center;">9th 3 August 2005</p>	<p><b>Members:</b> Ms. Chung.</p> <p><b>Government observers:</b> Iraq, Zimbabwe.</p> <p><b>Government observers (right of reply):</b> Algeria, Colombia, Iran (Islamic Republic of).</p> <p><b>Observers for non-governmental organizations:</b> Union de l'action féminine, World Federation of Trade Unions.</p> <p><b>National institutions:</b> Conseil consultatif des droits de l'homme du Maroc.</p>



Agenda item <sup>a</sup>	Meeting	Speakers
<p style="text-align: center;"><b>4</b></p> <p><b>Economic, social and cultural rights</b></p>	<p style="text-align: center;">11th 4 August 2005</p>	<p><b>Observers for non governmental organizations:</b> Afro Asian Peoples' Solidarity Organization, American Association of Jurists, Amnesty International, Association tunisienne pour l'auto développement et la solidarité, Centre on Housing Rights and Evictions, Commission to Study the Organization of Peace, Dominicans for Justice and Peace (also on behalf of Dominican Leadership Conference), Europe Third World Centre, European Union of Public Relations, Foundation for Aboriginal and Islander Research Action, Franciscans International, Himalayan Research and Cultural Foundation, Indian Law Resource Centre, Indigenous World Association, International Association of Democratic Lawyers, International Commission of Jurists, International Educational Development, International Federation of Human Rights Leagues, International Institute for Peace, International Islamic Federation of Student Organizations, International Movement ATD Fourth World (also on behalf of International Council of Women), International Movement for Fraternal Union Among Races and Peoples, Japanese Workers Committee for Human Rights, Liberation, Movement against Racism and for Friendship Among Peoples, Organization of African Trade Union Unity, Soka Gakkai International (also on behalf of Brahma Kumaris World Spiritual University, International Movement Against All Forms of Discrimination and Racism, International Organization for the Development of Freedom of Education, Pax Romana, World Federation of Methodist and Uniting Church Women), UNESCO Centre Basque Country, Union de l'action féminine, Union of Arab Jurists, Women's World Summit Foundation (also on behalf of Brahma Kumaris World Spiritual University, Inter African Committee on Traditional Practices Affecting the Health of Women and Children, International Council of Jewish Women, International Council of Women, International Movement for Fraternal Union Among Races and Peoples, Women's International League for Peace and Freedom), World Muslim Congress, World Peace Council.</p>

Agenda item <sup>a</sup>	Meeting	Speakers
<p style="text-align: center;"><b>4</b></p> <p><b>Economic, social and cultural rights</b> (<i>concluded</i>)</p>	<p style="text-align: center;">12th 5 August 2005</p>	<p><b>Members:</b> Ms. Hampson.</p> <p><b>Government observers:</b> Bangladesh.</p> <p><b>Observers for non-governmental organizations:</b> International Federation of University Women, Ius Primi Viri International Association.</p> <p><b>Observers for intergovernmental organizations, United Nations bodies, specialized agencies and other organizations:</b> Office of the United Nations High Commissioner for Refugees, World Bank.</p>
<p style="text-align: center;"><b>5</b></p> <p><b>Prevention of discrimination ...</b></p>	<p style="text-align: center;">12th 5 August 2005</p>	<p><b>Observers for non-governmental organizations:</b> American Association of Jurists, Baha'i International Community, Dominicans for Justice and Peace (also on behalf of Dominican Leadership Conference, Franciscans International), Innu Council of Nitassinan (also on behalf of Congress of Aboriginal Peoples), International Federation of Human Rights Leagues, International Organization for the Elimination of All Forms of Racial Discrimination (also on behalf of Arab Lawyers Union and Union of Arab Jurists), Nippon Foundation.</p>
	<p style="text-align: center;">13th 5 August 2005</p>	<p><b>Members:</b> Ms. Hampson.</p> <p><b>Observers for non-governmental organizations:</b> Afro-Asian Peoples' Solidarity Organization, All for Reparations and Emancipation, Fraternité de Notre Dame, Himalayan Research and Cultural Foundation, Interfaith International, International Movement for Fraternal Union Among Races and Peoples, Japanese Workers Committee for Human Rights, Movement against Racism and for Friendship Among Peoples, Pax Romana.</p>

Agenda item <sup>a</sup>	Meeting	Speakers
<p style="text-align: center;"><b>5</b></p> <p><b>Prevention of discrimination ...</b> <i>(concluded)</i></p>	<p style="text-align: center;">14th 8 August 2005</p>	<p><b>Government observers:</b> Bangladesh, Pakistan (on behalf of the Organization of the Islamic Conference), Poland.</p> <p><b>Observers for non-governmental organizations:</b> African Society of International and Comparative Law, Asian Women's Human Rights Council, Association of World Citizens, Commission to Study the Organization of Peace, Foundation for Aboriginal and Islander Research Action, Indigenous World Association, International Association against Torture, International Association of Democratic Lawyers, International Human Rights Association of American Minorities, International Islamic Federation of Student Organizations, International Organization for the Elimination of All Forms of Racial Discrimination, Japan Federation of Bar Associations, World Association for the School as an Instrument of Peace, World Muslim Congress.</p>
<p style="text-align: center;"><b>6</b></p> <p><b>Specific human rights issues ...</b></p>	<p style="text-align: center;">16th 9 August 2005</p>	<p><b>Members:</b> Mr. Decaux.</p> <p><b>Observers for non-governmental organizations:</b> Afro-Asian Peoples' Solidarity Organization, American Association of Jurists, Coalition Against Trafficking in Women (also on behalf of Coordination française pour le lobby européen des femmes, Mouvement pour l'abolition de la prostitution et de la pornographie et de toutes formes de violences sexuelles et de discriminations sexistes), Foundation of Japanese Honorary Debts, Franciscans International (also on behalf of Dominicans for Justice and Peace, Dominican Leadership Conference), International Commission of Jurists, International Federation of Human Rights Leagues, International Federation of University Women (also on behalf of International Federation of Business and Professional Women), International Organization for the Elimination of All Forms of Racial Discrimination (also on behalf of Arab Lawyers Union, Union of Arab Jurists), Women's International League for Peace and Freedom (also on behalf of International Council of Jewish Women, International Council of Women, World Movement of Mothers, Worldwide Organization for Women), Worldwide Organization for Women (also on behalf of International Council of Women, International Federation of University Women, Women's International League for Peace and Freedom, World Movement of Mothers, World Union of Catholic Women's Organizations).</p>

Agenda item <sup>a</sup>	Meeting	Speakers
<p style="text-align: center;"><b>6</b></p> <p><b>Specific human rights issues ...</b>  <i>(concluded)</i></p>	<p style="text-align: center;">17th 9 August 2005</p>	<p><b>Members:</b> Mr. Yokota.</p> <p><b>Observers for non-governmental organizations:</b> Arab Organization for Human Rights, Asian Women's Human Rights Council, Association for World Education, Conscience and Peace Tax International, European Union of Public Relations, Himalayan Research and Cultural Foundation, Human Rights Watch, Interfaith International, International Association against Torture, International Association of Democratic Lawyers, International Confederation of Free Trade Unions, Japan Fellowship of Reconciliation, Japanese Workers' Committee for Human Rights, Movement against Racism and for Friendship Among Peoples, Union de l'action féminine, World Federation of Trade Unions.</p>
	<p style="text-align: center;">18th 10 August 2005</p>	<p><b>Government observers:</b> Ecuador, Iraq, Sudan, Slovakia.</p> <p><b>Government observers (right of reply):</b> Eritrea.</p> <p><b>Observers for non-governmental organizations:</b> Association of World Citizens, Indian Council of Education, Indian Law Resource Centre, Indigenous World Association, International Human Rights Association of American Minorities, International Humanist and Ethical Union, International Institute for Non-Aligned Studies, International Islamic Federation of Student Organizations, International Youth and Student Movement for the United Nations, Minnesota Advocates for Human Rights, Organisation tunisienne de l'éducation et de la famille, Pax Romana, World Muslim Congress, World Union for Progressive Judaism.</p> <p><b>Observers for intergovernmental organizations, United Nations bodies, specialized agencies and other organizations:</b> Office of the United Nations High Commissioner for Refugees, World Bank.</p> <p><b>National institutions:</b> Conseil consultatif des droits de l'homme du Maroc.</p>

<sup>a</sup> The titles of agenda items have been abbreviated, where appropriate.

### Annex III

#### Attendance

##### *Experts and alternates*

<i>Name</i>	<i>Country of nationality</i>
Mr. Miguel ALFONSO MARTÍNEZ	(Cuba)
Mr. Gudmundur ALFREDSSON Mr. Jakob MÖLLER*	(Iceland)
Mr. José BENGEOA	(Chile)
Mr. Gáspár BÍRÓ	(Hungary)
Mr. Marc BOSSUYT	(Belgium)
Mr. CHEN Shiqiu	(China)
Mr. Mohamed Habib CHERIF	(Tunisia)
Ms. Chin Sung CHUNG	(Republic of Korea)
Mr. Emmanuel DECAUX	(France)
Mr. Cristiano DOS SANTOS*	(Mozambique)
Ms. Françoise Jane HAMPSON	(United Kingdom of Great Britain and Northern Ireland)
Mr. Vladimir A. KARTASHKIN Mr. Oleg S. MALGUINOV*	(Russian Federation)
Ms. Kalliopi KOUFA	(Greece)
Ms. Antoanella-Iulia MOTOC	(Romania)
Ms. Florizelle O'CONNOR	(Jamaica)

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\* Alternate.

<i>Name</i>	<i>Country of nationality</i>
Mr. Paulo Sérgio PINHEIRO Ms. Marília SARDENBERG ZELNER GONÇALVES*	(Brazil)
Ms. Lalaina RAKOTOARISOA	(Madagascar)
Mr. David RIVKIN Mr. Lee A. CASEY*	(United States of America)
Mr. Ibrahim SALAMA Ms. Amani KANDIL*	(Egypt)
Mr. Abdul SATTAR	(Pakistan)
Mr. Soli Jehangir SORABJEE	(India)
Mr. Janio Iván TUÑÓN-VEILLES	(Panama)
Ms. N.U.O. WADIBIA-ANYANWU Ms. Christy Ezim MBONU*	(Nigeria)
Ms. Halima Embarek WARZAZI	(Morocco)
Mr. Yozo YOKOTA Ms. Yoko HAYASHI*	(Japan)

*States Members of the United Nations represented by observers*

Algeria	Germany	Oman
Argentina	Ghana	Pakistan
Armenia	Greece	Panama
Australia	Guatemala	Peru
Austria	Haiti	Poland
Azerbaijan	Hungary	Portugal
Bahrain	India	Qatar
Bangladesh	Indonesia	Republic of Korea
Belarus	Iran (Islamic Republic of)	Romania
Belgium	Iraq	Russian Federation
Bhutan	Israel	Saudi Arabia
Bolivia	Italy	Serbia and Montenegro
Brazil	Japan	Slovakia
Cameroon	Jordan	Slovenia
Canada	Kazakhstan	South Africa
Chile	Kenya	Spain
China	Kuwait	Sri Lanka
Colombia	Kyrgyzstan	Sudan
Congo	Latvia	Sweden
Costa Rica	Lebanon	Switzerland
Côte d'Ivoire	Libyan Arab Jamahiriya	Thailand
Cuba	Lithuania	Tunisia
Cyprus	Luxembourg	Turkey
Czech Republic	Madagascar	Ukraine
Democratic People's Republic of Korea	Malaysia	United Arab Emirates
Democratic Republic of the Congo	Malta	United Kingdom of Great Britain and Northern Ireland
Denmark	Mauritania	United States of America
Dominican Republic	Mauritius	Uzbekistan
Ecuador	Mexico	Venezuela
Egypt	Monaco	Viet Nam
El Salvador	Morocco	Yemen
Ethiopia	Myanmar	Zimbabwe
Finland	Nepal	
France	Netherlands	
	Nicaragua	
	Nigeria	

*Non-member States represented by observers*

Holy See

*United Nations bodies*

Office of the United Nations  
High Commissioner for Refugees

United Nations Human Settlements  
Programme

*Specialized agencies*

International Labour Office

World Bank  
World Health Organization

*Intergovernmental organizations*

African Union  
Council of Europe  
European Parliament

International Organization for Migration  
League of Arab States  
Organization of the Islamic Conference

*Other entities*

International Committee of the Red Cross

*Non-governmental organizations*

*General consultative status*

Brahma Kumaris World Spiritual University  
Coalition Against Trafficking in Women  
Conference of Non-Governmental  
Organizations, in Consultative Relationship  
with the United Nations  
Europe-Third World Centre  
Franciscans International  
Friends World Committee for Consultation  
International Alliance of Women  
International Association for Religious Freedom  
International Council of Women  
International Federation of Business and  
Professional Women

International Institute for Non-Aligned  
Studies  
International Movement ATD Fourth World  
New Humanity  
Organization of African Trade Union Unity  
World Confederation of Labour  
World Federation of Trade Unions  
World Federation of United Nations  
Associations  
World Movement of Mothers  
World Muslim Congress



*Special consultative status*

Action Internationale pour la Paix et le Développement dans la Région des Grands Lacs  
Admiral Family Circle Islamic Community  
African Commission of Health and Human Rights Promoters  
African Society of International and Comparative Law  
Afro-Asian Peoples' Solidarity Organization  
American Association of Jurists  
Amnesty International  
Anti-Slavery International  
Arab Lawyers Union  
Asian Forum for Human Rights and Development  
Asian Women's Human Rights Council  
Association Tunisienne des Droits de L'Enfant  
Association for the Prevention Against Torture  
Baha'i International Community  
Centre on Housing Rights and Evictions  
Conscience and Peace Tax International  
Consultative Council of Jewish Organizations  
David M. Kennedy Center for International Studies  
Dominicans for Justice and Peace  
European Law Students' Association, The  
Femmes Actives au Foyer  
Femmes Africa Solidarité  
Foundation for Aboriginal and Islander Research Action  
Himalayan Research and Cultural Foundation  
Human Rights Information and Documentation Systems International  
Indigenous World Association  
Innu Council of Nitassinan  
Inter-African Committee on Traditional Practices  
Interfaith International  
International Association for the Defense of Religious Liberty  
International Association of Democratic Lawyers  
International Association of Jewish Lawyers and Jurists  
International Commission of Jurists  
International Committee for the Respect and Application of the African Charter on Human and Peoples' Rights  
International Committee for the Indians of the Americas (Incomindios)  
International Conference Volunteers  
International Council of Jewish Women  
International Federation of Human Rights Leagues  
International Federation of University Women  
International Indian Treaty Council  
International Islamic Federation of Student Organizations  
International League for the Rights and Liberation of Peoples  
International Movement for Fraternal Union Among Races and Peoples  
International Movement of Apostolate in the Independent Social Milieus  
International Organization for the Development of Freedom of Education  
International Organization for the Elimination of All Forms of Racial Discrimination  
International Service for Human Rights  
International Young Catholic Students  
International Work Group for Indigenous Affairs  
Ius Primi Viri International Association  
Jammu and Kashmir Council for Human Rights  
Japan Federation of Bar Associations  
Japan Fellowship of Reconciliation  
Japanese Workers Committee for Human Rights  
Juridical Commission for Auto-Development of First Andean Peoples  
Lutheran World Federation  
Mandat International  
Migrants Rights International  
Minnesota Advocates for Human Rights

Mouvement pour l'abolition de la prostitution et de la pornographie et de toutes formes de violences sexuelles et discriminations sexistes	Union of Arab Jurists
Myochikai (Arigatou Foundation)	United Nations Watch
North South XXI	United Towns Agency for North-South Cooperation
Organisation internationale pour la réduction des catastrophes	Women's International League for Peace and Freedom
Pax Christi International	Women's Sports Foundation
Pax Romana	World Information Clearing Centre
Penal Reform International	World Organization Against Torture
Rural Reconstruction Nepal	World Union of Catholic Women's Organizations
Society for Threatened Peoples	Worldwide Organization for Women
Society of Catholic Medical Missionaries	
South Asia Human Rights Documentation Centre	
Union de L'Action Feminine	

*Roster*

All for Reparations and Emancipation	International Institute for Peace
Association for World Education	International Movement Against All Forms of Discrimination and Racism
Association of World Citizens	Liberation
Commission to Study the Organization of Peace	Movement Against Racism and for Friendship Among Peoples
European Union of Public Relations	Nippon Foundation
Foundation of Japanese Honorary Debts	Norwegian Refugee Council
Indian Council of South America	Servas International
Indian Law Resource Center	Soka Gakkai International
International Catholic Society for Girls	World Association for the School as an Instrument of Peace
International Educational Development	World Peace Council
International Federation of Rural Adult Catholic Movements	World Union for Progressive Judaism
International Human Rights Association of American Minorities	

#### **Annex IV**

##### **Administrative and programme budget implications of resolutions and decisions adopted by the Sub-Commission at its fifty-seventh session\***

1. Should the draft decisions recommended to the Commission on Human Rights at its sixty-second session be adopted, additional resources which would be required under section 24 would be the subject of a statement on administrative and programme budget implications included in the report of the Commission. Accordingly, no statements on administrative and programme budget implications are included in the present report in respect of resolutions and decisions adopted by the Sub-Commission at its fifty-seventh session.

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\* See also annex V.

## Annex V

**Sub-Commission resolutions and decisions referring to matters which are drawn to the attention of the Commission on Human Rights, including those for which there are estimated administrative and programme budget implications, or on which the Commission is requested to take action**

**Resolutions and decisions referring to matters which are drawn to the attention of the Commission**

*Resolutions*

- 2005/15 Issue of the administration of justice through military tribunals, paragraphs 4 and 5
- 2005/17 The right to development, paragraph 8
- 2005/19 Second International Decade of the World's Indigenous People, paragraph 1
- 2005/23 Working Group on Indigenous Populations, paragraphs 3 and 6

*Decisions*

- 2005/104 Summary records
- 2005/114 Role of an independent expert body within the reform of the United Nations human rights machinery

**Resolutions and decisions on which the Commission is requested to take action [see also Chapter I]**

*Resolutions*

- 2005/9 Implementation of existing human rights norms and standards in the context of the fight against extreme poverty, paragraph 4
- 2005/11 Issuance of standing invitations to special procedures, paragraph 1
- 2005/18 Working Group on Minorities of the Sub-Commission on the Promotion and Protection of Human Rights, paragraph 1
- 2005/23 Working Group on Indigenous Populations, paragraph 9
- 2005/28 Harmful traditional practices affecting the health of women and the girl child, paragraph 5

**Resolutions and decisions with proposals for which there are estimated administrative and programme budget implications or referring to other activities with financial implications for United Nations budgets\***

- 2005/14      Accountability of international personnel taking part in peace support operations, paragraph 6 [see also paragraph 114 above]
- 2005/16      Corruption and its impact on the full enjoyment of human rights, in particular economic, social and cultural rights, paragraph 9 [see also paragraph 147 above]
- 2005/18      Working Group on Minorities of the Sub-Commission on the Promotion and Protection of Human Rights, paragraph 1
- 2005/20      The legal implications of disappearances 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, paragraph 6 [see also paragraph 171 above]
- 2005/21      Housing and property restitution for refugees and displaced persons, paragraph 8 [see also paragraph 156 above]
- 2005/23      Working Group on Indigenous Populations, paragraphs 5, 9, 19, 20, 23 and 28 [see also paragraph 179 above]
- 2005/24      Discrimination against leprosy victims and their families, paragraph 11 [see also paragraph 183 above]
- 2005/25      Technical cooperation and capacity-building for the promotion and protection of human rights, paragraph 4 [see also paragraph 194 above]
- 2005/28      Harmful traditional practices affecting the health of women and the girl child, paragraph 11

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\* Pursuant to paragraph 12 of Commission resolution 2005/53.

## Annex VI

### List of studies and reports<sup>a</sup>

#### A. Studies and reports completed at the fifty-seventh session of the Sub-Commission

Title and agenda item	Special Rapporteur	Legislative authority (mandate established in/by and latest resolution(s)/decision(s) on the subject)	First submission	Final submission
1. Final report on housing and property restitution in the context of the return of refugees and internally displaced persons (item 4) (E/CN.4/Sub.2/2005/17 and Add.1)	Mr. Paulo Sérgio Pinheiro (Brazil)	Commission decision 2003/109; Sub-Commission resolution 2005/21	Fifty-fifth session (2003)	Fifty-seventh session (2005)
2. Ninth report and final report on traditional practices affecting the health of women and the girl child (item 6) (E/CN.4/Sub.2/2005/36)	Ms. Halima Embarek Warzazi (Morocco)	Commission decisions 1989/107 and 2004/111; Sub-Commission resolution 2005/28	Forty-first session (1989)	Fifty-seventh session (2005)

**B. Ongoing studies and reports submitted by special rapporteurs to the Sub-Commission in 2005 in accordance with existing legislative authority**

Title and agenda item	Special Rapporteur	Legislative authority (mandate established in/by and latest resolution(s)/decision(s) on the subject)	First submission	Final submission
1. Progress report on discrimination in the criminal justice system (item 3) (E/CN.4/Sub.2/2005/7)	Ms. Leïla Zerrougui* (Algeria) _____ <i>* Ms. Zerrougui is no longer a member of the Sub-Commission.</i>	Commission decision 2003/108; Sub-Commission resolution 2005/5	Fifty-fifth session (2003)	Fifty-eighth session (2006)* _____ <i>* Pursuant to Sub-Commission resolution 2004/24, the interim report was submitted to the fifty-seventh session.</i>
2. Interim report on universal implementation of international human rights treaties (item 3) (E/CN.4/Sub.2/2005/8 and Add.1 and Corr.1)	Mr. Emmanuel Decaux (France)	Commission decision 2004/123; Sub-Commission resolution 2005/4	Fifty-sixth session (2004)	Fifty-eighth session (2006)
3. Progress report on corruption and its impact on full enjoyment of human rights (item 4) (E/CN.4/Sub.2/2005/18)	Ms. Christy Ezim Mbonu* (Nigeria) _____ <i>* Ms. Mbonu is an alternate member of the Sub-Commission.</i>	Commission decision 2004/106 and 2005/104; Sub-Commission resolution 2005/16	Fifty-sixth session (2004)	Fifty-eighth session (2006)
4. Preliminary report on non-discrimination as enshrined in article 2, paragraph 2, of the International Covenant on Economic, Social and Cultural Rights (item 4) (E/CN.4/Sub.2/2005/19 and Corr.1 and 2)	Mr. Marc Bossuyt (Belgium)	Commission decision 2005/105 and Sub-Commission resolution 2004/5; Sub-Commission resolution 2005/7	Fifty-seventh session (2005)	Fifty-ninth session (2007)

Title and agenda item	Special Rapporteur	Legislative authority (mandate established in/by and latest resolution(s)/decision(s) on the subject)	First submission	Final submission
5. Preliminary report on discrimination based on work and descent (item 5) (E/CN.4/Sub.2/2005/30)	Ms. Chin Sung Chung (Republic of Korea) and Mr. Yozo Yokota (Japan)	Commission decision 2005/109 and Sub-Commission resolution 2004/17; Sub-Commission resolution 2005/22	Fifty-seventh session (2005)	Fifty-ninth session (2007)
6. Prevention of human rights violations committed with small arms and light weapons: note by the Secretariat (item 6) (E/CN.4/Sub.2/2005/35)	Ms. Barbara Frey* (United States of America)  * Ms. Frey is no longer an alternate member of the Sub-Commission.	Commission decision 2003/112 and Sub-Commission resolution 2002/25; Sub-Commission decision 2005/110	Fifty-fifth session (2003)	Fifty-eighth session (2006)*  * Pursuant to Sub-Commission decision 2005/110, the final report will be submitted to the fifty-eighth session.
7. Interim report on human rights and the human genome (item 6) (E/CN.4/Sub.2/2005/38)	Ms. Antoanella-Iulia Motoc (Romania)	Commission decision 2004/120, Sub-Commission resolution 2003/4 and decision 2004/112; Sub-Commission decision 2005/111	Fifty-sixth session (2004)	Fifty-eighth session (2006)
8. The difficulties of establishing guilt and/or responsibility with regard to crimes of sexual violence (item 3)*  * A report was not submitted in 2005. An oral presentation in connection with the mandate was made.	Ms. Lalaina Rakotoarisoa (Madagascar)	Commission decision 2005/108 and Sub-Commission resolution 2004/29; Sub-Commission resolution 2005/3	Fifty-eighth session (2006)*  * Pursuant to Sub-Commission resolution 2005/3, the preliminary report will be submitted to the fifty-eighth session.	Sixtieth session (2008)



**C. Ongoing working papers and other documents without financial implications  
submitted to the Sub-Commission in 2005**

<b>Title and agenda item</b>	<b>Entrusted to</b>	<b>Legislative authority and latest Sub-Commission resolution(s)/ decision(s) on the subject</b>	<b>First submission</b>	<b>Final submission</b>
1. Working paper on work of the Sub-Commission under agenda item 2 (item 1) (E/CN.4/Sub.2/2005/4)	Ms. Françoise Jane Hampson (United Kingdom of Great Britain and Northern Ireland)	Sub-Commission decision 2004/120	Fifty-seventh session (2005)	Fifty-seventh session (2005)
2. Working paper on the methods of work of the Sub-Commission relating to reports (item 1) (E/CN.4/Sub.2/2005/5)	Mr. Emmanuel Decaux (France)	Sub-Commission decision 2004/121 and resolution 2005/32	Fifty-seventh session (2005)	Fifty-eighth session (2006)
3. Report on the issue of the administration of justice through military tribunals (item 3) (E/CN.4/Sub.2/2005/9)	Mr. Emmanuel Decaux (France)	Sub-Commission decision 2002/103 and resolution 2005/15	Fifty-third session (2001)	Fifty-seventh session (2005)
4. Progress report on implementation of existing human rights norms and standards in the context of the fight against extreme poverty (item 4) (E/CN.4/Sub.2/2005/20 and Add.1)	Mr. Emmanuel Decaux (France), Mr. El-Hadji Guissé (Senegal), Ms. Antoanella-Iulia Motoc (Romania), Mr. Yozo Yokota (Japan), with Mr. José Bengoa (Chile) as Coordinator	Sub-Commission resolution 2001/8 and resolution 2005/9	Fifty-fourth session (2002)	Fifty-eighth session (2006)
5. Working paper on the right to development (item 4) (E/CN.4/Sub.2/2005/23)	Ms. Florizelle O'Connor (Jamaica)	Commission resolutions 2003/83 and 2005/4 and Sub-Commission decision 2004/104; Sub-Commission resolution 2005/17	Fifty-seventh session (2005)	Fifty-eighth session (2006)

Title and agenda item	Entrusted to	Legislative authority and latest Sub-Commission resolution(s)/ decision(s) on the subject	First submission	Final submission
<p>6. Report on the guidelines for the realization of the right to drinking water and sanitation* (item 4) (E/CN.4/Sub.2/2005/25)</p> <p>_____</p> <p><i>* Orally presented by Mr. Cherif in the absence of Mr. Guissé.</i></p>	Mr. El-Hadji Guissé (Senegal)	Sub-Commission decision 2004/107	Fifty-seventh session (2005)	Fifty-seventh session (2005)
<p>7. Expanded working paper on the human rights situation of indigenous peoples in States and other territories threatened with extinction for environmental reasons (item 5) (E/CN.4/Sub.2/2005/28)</p>	Ms. Françoise Jane Hampson (United Kingdom of Great Britain and Northern Ireland)	Commission decision 2004/122, Sub-Commission resolutions 2003/29, 2004/10 and 2004/15; resolution 2005/20	Fifty-sixth session (2004)	<p>Fifty-eighth session (2006)*</p> <p>_____</p> <p><i>* If Sub-Commission decision to appoint as Special Rapporteur is not approved by the Commission.</i></p>
<p>8. Working paper on human rights and non-State actors (item 6) (E/CN.4/Sub.2/2005/40)</p>	Mr. Gáspár Bíró (Hungary) and Ms. Antoanella-Iulia Motoc (Romania)	Sub-Commission decision 2004/114; decision 2005/112	Fifty-seventh session (2005)	<p>Fifty-eighth session (2006)*</p> <p>_____</p> <p><i>* To be prepared jointly with Mr. Rivkin and Mr. Salama.</i></p>
<p>9. Working paper on technical cooperation in the field of human rights (item 6) (E/CN.4/Sub.2/2005/41)</p>	Mr. Gudmundur Alfredsson (Iceland) and Mr. Ibrahim Salama (Egypt)	Sub-Commission decision 2004/115 and resolution 2005/25	Fifty-seventh session (2005)	Fifty-seventh session (2005)

Title and agenda item	Entrusted to	Legislative authority and latest Sub-Commission resolution(s)/ decision(s) on the subject	First submission	Final submission
10. Working paper on the accountability of international personnel taking part in peace support operations (item 3) (E/CN.4/Sub.2/2005/42)	Ms. Françoise Jane Hampson (United Kingdom of Great Britain and Northern Ireland)	Sub-Commission decision 2002/104 and resolution 2005/14	Fifty-seventh session (2005)*  * Pursuant to Sub-Commission decision 2002/104, the working paper was originally to be submitted to the fifty-fifth session.	Fifty-seventh session (2005)
11. Preliminary working paper on discrimination against leprosy victims and their families (item 5) (E/CN.4/Sub.2/2005/WP.1)	Mr. Yozo Yokota (Japan)	Sub-Commission resolution 2004/12 and resolution 2005/24	Fifty-seventh session (2005)	Fifty-seventh session (2005)

### D. Working papers prepared for the working groups of the Sub-Commission in 2005

Title and agenda item	Entrusted to	Legislative authority and latest Sub-Commission resolution(s)/ decision(s) on the subject	Working groups
1. Working paper on participation, development and human rights (E/CN.4/Sub.2/SF/2005/3)	Mr. José Bengoa (Chile)	Sub-Commission resolution 2004/8	Social Forum (third session)
2. Expanded working paper containing substantive proposals on the draft principles and guidelines for the protection of the heritage of indigenous peoples (E/CN.4/Sub.2/AC.4/2005/3)	Mr. Yozo Yokota (Japan) and the Saami Council	Sub-Commission resolutions 2003/29 and 2004/15	Working Group on Indigenous Populations (twenty-third session)
3. Expanded working paper offering guidelines to govern the practice of Implementation of the principle of free, prior and informed consent of indigenous peoples in relation to development affecting their lands and natural resources (E/CN.4/Sub.2/AC.4/2005/WP.1)	Ms. Antoanella-Iulia Motoc (Romania) and the Tebtebba Foundation	Sub-Commission resolutions 2003/29 and 2004/15	Working Group on Indigenous Populations (twenty-third session)
4. Expanded working paper on the human rights situation of indigenous peoples in States and other territories threatened with extinction for environmental reasons (item 5) (E/CN.4/Sub.2/2005/28)	Ms. Françoise Jane Hampson (United Kingdom of Great Britain and Northern Ireland)	Commission decision 2004/122, Sub-Commission resolutions 2003/29, 2004/10 and 2004/15, and 2005/20	Working Group on Indigenous Populations (twenty-third session)
5. Report on the right to an effective remedy in criminal proceedings (item 3) (E/CN.4/Sub.2/2005/13)	Mr. Mohamed Habib Cherif (Tunisia)	Sub-Commission decisions 2004/117 and 2005/106	Sessional working group on the administration of justice

Title and agenda item	Entrusted to	Legislative authority and latest Sub-Commission resolution(s)/ decision(s) on the subject	Working groups
6. Working paper on the relationship between human rights law and international humanitarian law (item 3) (E/CN.4/Sub.2/2005/14)	Ms. Françoise Jane Hampson (United Kingdom of Great Britain and Northern Ireland) and Mr. Ibrahim Salama (Egypt)	Sub-Commission decision 2004/118	Sessional working group on the administration of justice
7. Working paper on the implementation in domestic law of the right to an effective remedy (item 3) (E/CN.4/Sub.2/2005/15)	Ms. Françoise Jane Hampson (United Kingdom of Great Britain and Northern Ireland)	Sub-Commission decision 2004/119	Sessional working group on the administration of justice
8. Expanded working paper on a preliminary framework draft of principles and guidelines concerning human rights and terrorism (item 6) (E/CN.4/Sub.2/2005/39)	Ms. Kalliopi Koufa (Greece)	Sub-Commission decision 2004/109 and resolution 2005/31	Sessional working group to elaborate detailed principles and guidelines concerning the promotion and protection of human rights when combating terrorism

**E. Working papers and other documents without financial implications initiated at the fifty-seventh session of the Sub-Commission**

Title and agenda item	Entrusted to	Legislative authority (latest Sub-Commission resolution/decision on the subject)
1. Working paper on the role of States in the guarantee of human rights with reference to the activities of transnational corporations and other enterprises (for submission to the working group on the effects of the working methods and activities of transnational corporations on the enjoyment of human rights)	Mr. Gáspár Bíró (Hungary)	Sub-Commission resolution 2005/6
2. Working paper on bilateral and multilateral economic agreements and their impact on the human rights of the beneficiaries (for submission to the working group on the effects of the working methods and activities of transnational corporations on the enjoyment of human rights)	Ms. Chin Sung Chung (Republic of Korea) and Ms. Florizelle O'Connor (Jamaica)	Sub-Commission resolution 2005/6
3. Working paper on the challenges of women's participation in policies and strategies to combat poverty and extreme poverty (for submission to the Social Forum)	Ms. Chin Sung Chung (Republic of Korea)	Sub-Commission resolution 2005/8
4. Additional working paper on the issue of indigenous peoples and conflict prevention and resolution (for submission to the Working Group on Indigenous Populations)	Mr. Miguel Alfonso Martínez (Cuba)	Sub-Commission resolutions 2003/29, 2004/15 and 2005/23

Title and agenda item	Entrusted to	Legislative authority (latest Sub-Commission resolution/decision on the subject)
5. Working paper on the present-day sequels of the colonial era that continue to adversely affect the living conditions of indigenous peoples in various parts of the world	Mr. Miguel Alfonso Martínez (Cuba)	Sub-Commission resolution 2005/23
6. Working paper examining the feasibility of a study on the human rights dimension of prostitution	Mr. Ibrahim Salama (Egypt)	Sub-Commission resolution 2005/29
7. Working paper containing recommendations on ways of improving the effectiveness of the Sub-Commission	Mr. Emmanuel Decaux (France)	Sub-Commission resolution 2005/32
8. Working paper on human rights and State sovereignty	Mr. Vladimir Kartashkin (Russian Federation)	Sub-Commission decision 2005/105
9. Expanded working paper on the implementation in practice of the right to an effective remedy for human rights violations (for submission to the working group on the administration of justice)	Mr. Mohamed Habib Cherif (Tunisia) and Ms. Françoise Jane Hampson (United Kingdom of Great Britain and Northern Ireland)	Sub-Commission decisions 2004/117 and 2005/106
10. Working paper on the circumstances in which civilians lose their immunity from attack under international humanitarian law and human rights law (for submission to the working group on the administration of justice)	Ms. Françoise Jane Hampson (United Kingdom of Great Britain and Northern Ireland)	Sub-Commission decision 2005/108

<b>Title and agenda item</b>	<b>Entrusted to</b>	<b>Legislative authority (latest Sub-Commission resolution/decision on the subject)</b>
11. Working paper on measures designed to prevent violations in circumstances in which international humanitarian law and international human rights law are both applicable (for submission to the working group on the administration of justice)	Mr. Ibrahim Salama (Egypt)	Sub-Commission decision 2005/108
12. Working paper on the issues of amnesties, impunity and accountability for violations of international humanitarian law and international human rights law (for submission to the working group on the administration of justice)	Mr. Yozo Yokota (Japan)	Sub-Commission decision 2005/108
13. Working paper on transitional justice and investigation mechanisms for truth and reconciliation, with emphasis on the experiences in Latin America (for submission to the working group on the administration of justice)	Mr. Janio Iván Tuñón Veilles (Panama)	Sub-Commission decision 2005/109



## F. Studies and reports recommended to the Commission on Human Rights for approval

Title and agenda item	Member of Sub-Commission to be appointed as special rapporteur	Legislative authority	First submission	Final submission
1. Accountability of international personnel taking part in peace support operations (item 3)	Ms. Françoise Jane Hampson (United Kingdom of Great Britain and Northern Ireland)	Sub-Commission resolution 2005/14	Fifty-eighth session (2006)	Sixtieth session (2008)
2. 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 (item 5)	Ms. Françoise Jane Hampson (United Kingdom of Great Britain and Northern Ireland)	Sub-Commission resolution 2005/20	Fifty-eighth session (2006)	Sixtieth session (2008)
3. Discrimination against leprosy victims and their families (item 5) (E/CN.4/Sub.2/2005/WP.1)	Mr. Yozo Yokota (Japan)	Sub-Commission resolution 2005/24	Fifty-eighth session (2006)	Sixtieth session (2008)
4. Economic, social and cultural rights in technical cooperation in the field of human rights (item 6)	Mr. Gudmundur Alfredsson (Iceland) and Mr. Ibrahim Salama (Egypt)	Sub-Commission resolution 2005/25	Fifty-eighth session (2006)	

<sup>a</sup> Prepared in accordance with Commission on Human Rights resolution 1982/23.

## Annex VII

### List of documents issued for the fifty-seventh session of the Sub-Commission

#### *Documents issued in the general series*

<i>Symbol</i>	<i>Agenda item</i>	
E/CN.4/Sub.2/2005/1	1	Provisional agenda: note by the Secretary-General
E/CN.4/Sub.2/2005/1/Add.1 and Corr.1	1	Annotations to the provisional agenda prepared by the Secretary-General
E/CN.4/Sub.2/2005/2	1	Statistics relating to the fifty-sixth session of the Sub-Commission on the Promotion and Protection of Human Rights: note by the Secretariat
E/CN.4/Sub.2/2005/3	1	List of the human rights situations currently under consideration by the Commission on Human Rights: note by the Secretariat
E/CN.4/Sub.2/2005/4	1	Working paper by Ms. Hampson on the work of the Sub-Commission under agenda item 2
E/CN.4/Sub.2/2005/5	1	Working paper by Mr. Decaux on the methods of work of the Sub-Commission relating to reports
E/CN.4/Sub.2/2005/6	3	Report of the Office of the United Nations High Commissioner for Human Rights submitted in accordance with Commission on Human Rights decision 1998/108: List of States which have proclaimed or continued a state of emergency
E/CN.4/Sub.2/2005/7	3	Progress report of Ms. Zerrougui, Special Rapporteur on discrimination in the criminal justice system
E/CN.4/Sub.2/2005/8 and Corr.1 and Add.1	3	Interim report by Mr. Decaux, Special Rapporteur on the universal implementation of international human rights treaties
E/CN.4/Sub.2/2005/9	3	Report submitted by Mr. Decaux on the issue of the administration of justice through military tribunals
E/CN.4/Sub.2/2005/10	3	Not submitted

*Documents issued in the general series (continued)*

<i>Symbol</i>	<i>Agenda item</i>	
E/CN.4/Sub.2/2005/11	3	Report of the sessional working group on the administration of justice
E/CN.4/Sub.2/2005/12	3	Women in prison: note by the Secretariat
E/CN.4/Sub.2/2005/13	3	Report by Mr. Cherif on the right to an effective remedy in criminal proceedings
E/CN.4/Sub.2/2005/14	3	Working paper by Ms. Hampson and Mr. Salama on the relationship between human rights law and international humanitarian law
E/CN.4/Sub.2/2005/15	3	Working paper by Ms. Hampson on the implementation in domestic law of the right to an effective remedy
E/CN.4/Sub.2/2005/16	4	Promoting the right to development in the context of the United Nations Decade for the Elimination of Poverty (1997-2006): note by the Secretariat
E/CN.4/Sub.2/2005/17 and Add.1	4	Final report of Mr. Pinheiro on housing and property restitution in the context of the return of refugees and internally displaced persons
E/CN.4/Sub.2/2005/18	4	Progress report of Ms. Mbonu, Special Rapporteur on corruption and its impact on the full enjoyment of human rights, in particular economic, social and cultural rights
E/CN.4/Sub.2/2005/19 and Corr.1 and 2	4	Preliminary report of Mr. Bossuyt, Special Rapporteur on non-discrimination as enshrined in article 2, paragraph 2, of the International Covenant on Economic, Social and Cultural Rights
E/CN.4/Sub.2/2005/20 and Add.1	4	Progress report submitted by Mr. Bengoa, as coordinator of the ad hoc group of experts on implementation of existing human rights norms and standards in the context of the fight against extreme poverty

*Documents issued in the general series (continued)*

<i>Symbol</i>		<i>Agenda item</i>
E/CN.4/Sub.2/2005/21	4	Report of the Social Forum
E/CN.4/Sub.2/2005/22	4	Report of the sessional working group on the working methods and activities of transnational corporations on its seventh session
E/CN.4/Sub.2/2005/23	4	Working paper by Ms. O'Connor on the right to development
E/CN.4/Sub.2/2005/24	4	Effects of debt on human rights: note by the Secretariat
E/CN.4/Sub.2/2005/25	4	Report of Mr. Guissé on the guidelines for the realization of the right to drinking water and sanitation
E/CN.4/Sub.2/2005/26	5 (b)	Report of the Working Group on Indigenous Populations on its twenty-third session
E/CN.4/Sub.2/2005/27	5 (c)	Report of the Working Group on Minorities on its eleventh session
E/CN.4/Sub.2/2005/28	5 (b)	Expanded working paper by Ms. Hampson on the human rights situation of indigenous peoples in States and other territories threatened with extinction for environmental reasons
E/CN.4/Sub.2/2005/29	5	Discrimination against leprosy victims and their families: note by the Secretariat
E/CN.4/Sub.2/2005/WP.1	5	Preliminary working paper by Mr. Yokota on discrimination against leprosy victims and their families
E/CN.4/Sub.2/2005/30	5	Preliminary report of Mr. Yokota and Ms. Chung, Special Rapporteurs on discrimination based on work and descent
E/CN.4/Sub.2/2005/31	5	Impact of intolerance on the enjoyment and the exercise of human rights: note by the Secretariat

*Documents issued in the general series (continued)*

<i>Symbol</i>	<i>Agenda item</i>	
E/CN.4/Sub.2/2005/32	6	Note by the Secretary-General on the review of further developments in the fields with which the Sub-Commission has been previously concerned
E/CN.4/Sub.2/2005/33	6	Report of the United Nations High Commissioner for Human Rights on the issues of systematic rape, sexual slavery and slavery-like practices during armed conflicts
E/CN.4/Sub.2/2005/34	6	Report of the Working Group on Contemporary Forms of Slavery on its thirtieth session
E/CN.4/Sub.2/2005/35	6	Prevention of human rights violations committed with small arms and light weapons: note by the Secretariat
E/CN.4/Sub.2/2005/36	6	Final report of Ms. Warzazi, Special Rapporteur on the situation regarding the elimination of traditional practices affecting the health of women and the girl child
E/CN.4/Sub.2/2005/37	6	Human rights and international solidarity: note by the Secretariat
E/CN.4/Sub.2/2005/38	6	Interim report by Ms. Motoc, Special Rapporteur on human rights and the human genome
E/CN.4/Sub.2/2005/39	6 (c)	Expanded working paper by Ms. Koufa on preliminary framework draft of principles and guidelines concerning human rights and terrorism
E/CN.4/Sub.2/2005/40	6	Working paper by Mr. Bíró and Ms. Motoc on human rights and non-State actors
E/CN.4/Sub.2/2005/41	6	Working paper by Mr. Alfredsson and Mr. Salama on technical cooperation in the field of human rights
E/CN.4/Sub.2/2005/42	3	Working paper by Ms. Hampson on the accountability of international personnel taking part in peace support operations

*Documents issued in the general series (concluded)*

<i>Symbol</i>	<i>Agenda item</i>
E/CN.4/Sub.2/2005/43	6 (c) Report of the sessional working group to elaborate detailed principles and guidelines, with relevant commentary, concerning the promotion and protection of human rights when combating terrorism submitted by its Chairperson-Rapporteur, Ms. Koufa
E/CN.4/Sub.2/2005/CRP.1	1 Status of preparation of documentation: note by the Secretariat
E/CN.4/Sub.2/2005/INF.1	List of attendance
E/CN.4/Sub.2/2005/SR.1-21	Summary records of meetings held by the Sub-Commission at its fifty-seventh session

*Documents issued in the limited series*

<i>Symbol</i>	<i>Agenda item</i>	
E/CN.4/Sub.2/2005/L.1	7 (a)	Draft provisional agenda for the fifty-eighth session of the Sub-Commission: note by the Secretary-General
E/CN.4/Sub.2/2005/L.2	3	Human rights and State sovereignty: draft decision
E/CN.4/Sub.2/2005/L.3	1	Reform of the Sub-Commission on the Promotion and Protection of Human Rights: draft resolution
E/CN.4/Sub.2/2005/L.4	4	Housing and property restitution for refugees and displaced persons: draft resolution
E/CN.4/Sub.2/2005/L.5	3	Sessional working group on the administration of justice: draft resolution
E/CN.4/Sub.2/2005/L.6	2	Attacks on persons entitled to protection as civilians: draft resolution
E/CN.4/Sub.2/2005/L.7	2	Request for information from the Office of the United Nations High Commissioner for Human Rights: draft decision
E/CN.4/Sub.2/2005/L.8	2	Issuance of standing invitations to special procedures: draft resolution
E/CN.4/Sub.2/2005/L.9	2	Summary records: draft decision
E/CN.4/Sub.2/2005/L.10 and Add.1-5	7 (b)	Draft report of the Sub-Commission on the Promotion and Protection of Human Rights
E/CN.4/Sub.2/2005/L.11 and Add.1-2	7 (b)	Idem
E/CN.4/Sub.2/2005/L.12	2	Transfer of persons: draft resolution
E/CN.4/Sub.2/2005/L.13	2	Absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment: draft resolution
E/CN.4/Sub.2/2005/L.14	3	Accountability of international personnel taking part in peace support operations: draft resolution

*Documents issued in the limited series (continued)*

<i>Symbol</i>	<i>Agenda item</i>	
E/CN.4/Sub.2/2005/L.15	3	The relationship between international humanitarian law and human rights law: draft decision
E/CN.4/Sub.2/2005/L.16	3	Right to an effective remedy: draft decision
E/CN.4/Sub.2/2005/L.17	3	The difficulty of establishing responsibility or guilt with regard to sexual violence: draft resolution
E/CN.4/Sub.2/2005/L.18	3	Issue of the administration of justice through military tribunals: draft resolution
E/CN.4/Sub.2/2005/L.19	3	The universal implementation of international human rights treaties: draft resolution
E/CN.4/Sub.2/2005/L.20	3	Discrimination in the criminal justice system: draft resolution
E/CN.4/Sub.2/2005/L.21	4	The right to development: draft resolution
E/CN.4/Sub.2/2005/L.22	4	The effects of the working methods and activities of transnational corporations on the enjoyment of human rights: draft resolution
E/CN.4/Sub.2/2005/L.23	3	Transitional justice: investigation mechanisms for truth and reconciliation, with emphasis on Latin America: draft decision
E/CN.4/Sub.2/2005/L.24/ Rev.1	4	Corruption and its impact on the full enjoyment of human rights, in particular economic, social and cultural rights: revised draft resolution
E/CN.4/Sub.2/2005/L.25	2	Prohibition of military operations directed against medical facilities, transport and personnel entitled to protection during armed conflict: draft resolution
E/CN.4/Sub.2/2005/L.26	4	Study on non-discrimination as enshrined in article 2, paragraph 2, of the International Covenant on Economic, Social and Cultural Rights: draft resolution



*Documents issued in the limited series (continued)*

<i>Symbol</i>	<i>Agenda item</i>	
E/CN.4/Sub.2/2005/L.27	5 (c)	Working Group on Minorities of the Sub-Commission on the Promotion and Protection of Human Rights: draft resolution
E/CN.4/Sub.2/2005/L.28	6	Special Rapporteurs on technical cooperation and capacity-building for the promotion and protection of human rights: draft resolution
E/CN.4/Sub.2/2005/L.29	6	World Programme for Human Rights Education: draft resolution
E/CN.4/Sub.2/2005/L.30	5	Discrimination based on work and descent: draft resolution
E/CN.4/Sub.2/2005/L.31	6	Prevention of human rights violations committed with small arms and light weapons: draft decision
E/CN.4/Sub.2/2005/L.32	6	Systematic rape, sexual slavery and slavery-like practices during armed conflicts: draft resolution
E/CN.4/Sub.2/2005/L.33	6	Human rights and the human genome: draft decision
E/CN.4/Sub.2/2005/L.34	6	Human rights and non-State actors: draft decision
E/CN.4/Sub.2/2005/L.35	4	The Social Forum: draft resolution
E/CN.4/Sub.2/2005/L.36	1	Methods of work of the Sub-Commission: draft resolution
E/CN.4/Sub.2/2005/L.37	6	Discrimination against leprosy victims and their families: draft resolution
E/CN.4/Sub.2/2005/L.38	6 (a)	Harmful traditional practices affecting the health of women and the girl child: draft resolution
E/CN.4/Sub.2/2005/L.39	6 (b)	Report of the Working Group on Contemporary Forms of Slavery: draft resolution
E/CN.4/Sub.2/2005/L.40	6 (b)	United Nations Voluntary Trust Fund on Contemporary Forms of Slavery: draft resolution

*Documents issued in the limited series (concluded)*

<i>Symbol</i>	<i>Agenda item</i>	
E/CN.4/Sub.2/2005/L.41	4	Implementation of existing human rights norms and standards in the context of the fight against extreme poverty: draft resolution
E/CN.4/Sub.2/2005/L.42	4	Working paper on the role of States in the guarantee of human rights with reference to activities of transnational corporations and other business enterprises: draft decision
E/CN.4/Sub.2/2005/L.43	4	Working paper on bilateral and multilateral economic agreements and their impact on human rights of the beneficiaries: draft decision
E/CN.4/Sub.2/2005/L.44	6 (c)	Working group to elaborate detailed principles and guidelines, with relevant commentary, concerning the promotion and protection of human rights when combating terrorism: draft resolution
E/CN.4/Sub.2/2005/L.45	5 (b)	Working Group on Indigenous Populations: draft resolution
E/CN.4/Sub.2/2005/L.46	5 (b)	Second International Decade of the World's Indigenous People: draft resolution
E/CN.4/Sub.2/2005/L.47	5 (b)	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: draft resolution
E/CN.4/Sub.2/2005/L.48	1	Role of an independent expert body within the reform of the United Nations human rights machinery: draft decision

*Documents issued in the non-governmental organization series*

<i>Symbol</i>	<i>Agenda item</i>	
E/CN.4/Sub.2/2005/NGO/1	4	Written statement submitted by Pax Christi International, a non-governmental organization in special consultative status
E/CN.4/Sub.2/2005/NGO/2	2, 6 (c)	Joint written statement submitted by Association for World Education and Association of World Citizens, non-governmental organizations on the Roster, and International Humanist and Ethical Union, a non-governmental organization in special consultative status
E/CN.4/Sub.2/2005/NGO/3	2, 6 (c)	Idem
E/CN.4/Sub.2/2005/NGO/4	2, 6 (c)	Idem
E/CN.4/Sub.2/2005/NGO/5	2, 6 (a)	Joint written statement submitted by International Humanist and Ethical Union, a non-governmental organization in special consultative status, and Association for World Education and Association of World Citizens, non-governmental organizations on the Roster
E/CN.4/Sub.2/2005/NGO/6	3, 4	Idem
E/CN.4/Sub.2/2005/NGO/7	1	Joint written statement submitted by Europe-Third World Centre, a non-governmental organization in general consultative status and American Association of Jurists, a non-governmental organization in special consultative status
E/CN.4/Sub.2/2005/NGO/8	2, 5 (a) and 6 (c)	Joint written statement submitted by Association for World Education and Association of World Citizens, non-governmental organizations on the Roster, and International Humanist and Ethical Union, a non-governmental organization in special consultative status
E/CN.4/Sub.2/2005/NGO/9	3	Written statement submitted by Jammu and Kashmir Council for Human Rights (JKCHR), a non-governmental organization in special consultative status

*Documents issued in the non-governmental organization series (continued)*

<i>Symbol</i>	<i>Agenda item</i>	
E/CN.4/Sub.2/2005/NGO/10	2	Idem
E/CN.4/Sub.2/2005/NGO/11	4	Written statement submitted by New Humanity, a non-governmental organization in general consultative status
E/CN.4/Sub.2/2005/NGO/12	3	Written statement submitted by the Friends World Committee for Consultation (Quakers), a non-governmental organization in general consultative status
E/CN.4/Sub.2/2005/NGO/13	2	Written statement submitted by International Educational Development, Inc., a non-governmental organization on the Roster
E/CN.4/Sub.2/2005/NGO/14	6 (c)	Written statement submitted by Conscience and Peace Tax International, a non-governmental organization in special consultative status
E/CN.4/Sub.2/2005/NGO/15	2, 6 (b) and (c)	Joint written statement submitted by Association of World Citizens and Association for World Education, non-governmental organizations on the Roster, and International Humanist and Ethical Union, a non-governmental organization in special consultative status
E/CN.4/Sub.2/2005/NGO/16	2, 3 and 6	Idem
E/CN.4/Sub.2/2005/NGO/17	5 (c)	Written statement submitted by the Nippon Foundation, a non-governmental organization on the Roster
E/CN.4/Sub.2/2005/NGO/18	6	Written statement submitted by Ius Primi Viri International Association, a non-governmental organization in special consultative status
E/CN.4/Sub.2/2005/NGO/19	3	Written statement submitted by the International League for the Rights and Liberation of Peoples, a non-governmental organization in special consultative status

*Documents issued in the non-governmental organization series (continued)*

<i>Symbol</i>	<i>Agenda item</i>	
E/CN.4/Sub.2/2005/NGO/20	6 (a)	Written statement submitted by Liberation, a non-governmental organization on the Roster
E/CN.4/Sub.2/2005/NGO/21	1 and 2	Written statement submitted by United Nations Watch, a non-governmental organization in special consultative status
E/CN.4/Sub.2/2005/NGO/22	4	Joint written statement submitted by Europe-Third World Centre, a non-governmental organization in general consultative status, and the American Association of Jurists, a non-governmental organization in special consultative status
E/CN.4/Sub.2/2005/NGO/23	6 (b)	Written statement submitted by the Robert F. Kennedy Memorial Centre for Human Rights, a non-governmental organization in special consultative status
E/CN.4/Sub.2/2005/NGO/24	3	Written statement submitted by the Minnesota Advocates for Human Rights, a non-governmental organization in special consultative status
E/CN.4/Sub.2/2005/NGO/25	3	Idem
E/CN.4/Sub.2/2005/NGO/26	6 (a)	Idem
E/CN.4/Sub.2/2005/NGO/27	6 (a)	Written statement submitted by the Association for World Education, a non-governmental organization on the Roster
E/CN.4/Sub.2/2005/NGO/28	2 and 6 (a)	Joint written statement submitted by the International Humanist and Ethical Union, a non-governmental organization in special consultative status, and the Association for World Education and Association of World Citizens, non-governmental organizations on the Roster
E/CN.4/Sub.2/2005/NGO/29	2 and 6 (a)	Idem

*Documents issued in the non-governmental organization series (concluded)*

<i>Symbol</i>	<i>Agenda item</i>	
E/CN.4/Sub.2/2005/NGO/30	6 (c)	Written statement submitted by International Educational Development, a non-governmental organization on the Roster
E/CN.4/Sub.2/2005/NGO/31	2, 5 and 6 (c)	Joint written statement submitted by the Association for World Education and Association of World Citizens, non-governmental organizations on the Roster, and the International Humanist and Ethical Union, a non-governmental organization in special consultative status
E/CN.4/Sub.2/2005/NGO/32	5	Written statement submitted by United Nations Watch, a non-governmental organization in special consultative status
E/CN.4/Sub.2/2005/NGO/33	6 (b)	Written statement submitted by the Foundation of Japanese Honorary Debts, a non-governmental organization on the Roster
E/CN.4/Sub.2/2005/NGO/34	5 (c)	Written statement submitted by All For Reparations and Emancipation, a non-governmental organization on the Roster
E/CN.4/Sub.2/2005/NGO/35	6 (a) and (b)	Written statement submitted by Japan Fellowship of Reconciliation, non-governmental organization in special consultative status

*Documents issued in Governments series*

*Symbol*

*Agenda  
item*

E/CN.4/Sub.2/2005/G/1

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Note verbale dated 9 August 2005 from the Permanent Mission of the Islamic Republic of Iran to the United Nations Office at Geneva addressed to the Bureau of the fifty-seventh session of the Sub-Commission on the Promotion and Protection of Human Rights

### Annex VIII

#### Resolutions (32) and decisions (15) adopted by the Sub-Commission on the Promotion and Protection of Human Rights at its fifty-seventh session

Action taken	No.	Title*	Method of adoption	Document E/CN.4/Sub.2/2005/...	Paragraphs of report
		AGENDA ITEM 1: ORGANIZATION OF WORK			
Resolution	2005/32	Methods of work of the Sub-Commission	Without a vote	L.36	<b>38-41</b>
Decision	2005/101	Establishment of a sessional working group on the administration of justice under agenda item 3	Without a vote		<b>17 (a)</b>
Decision	2005/102	Establishment of a sessional working group to examine the working methods and activities of transnational corporations under agenda item 4	Without a vote		<b>17 (b)</b>
Decision	2005/103	Establishment of a sessional working group to elaborate detailed principles and guidelines concerning the promotion and protection of human rights when combating terrorism under agenda item 6 (c)	Without a vote		<b>17 (c)</b>
Decision	2005/113	Composition of working groups of the Sub-Commission for 2006	Without a vote		<b>42-43</b>
Decision	2005/114	Role of an independent expert body within the reform of the United Nations human rights machinery	Without a vote	L.48	<b>44-47</b>
		AGENDA ITEM 2: QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, ...			
Resolution	2005/1	Absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment	Without a vote	L.13	<b>56-59</b>



<b>Action taken</b>	<b>No.</b>	<b>Title*</b>	<b>Method of adoption</b>	<b>Document E/CN.4/Sub.2/2005/...</b>	<b>Paragraphs of report</b>
Resolution	2005/2	Prohibition of military operations directed against medical facilities, transport and personnel entitled to protection during armed conflict	Without a vote	L.25	<b>60-61</b>
Resolution	2005/10	Attacks on persons entitled to protection as civilians	Without a vote	L.6	<b>62-66</b>
Resolution	2005/11	Issuance of standing invitations to special procedures	Without a vote	L.8	<b>71-74</b>
Resolution	2005/12	Transfer of persons	Roll-call vote (21/1/2)	L.12	<b>75-81</b>
Decision	2005/104	Summary records	Without a vote	L.9	<b>53-55</b>
Decision	2005/107	Request for information from the Office of the United Nations High Commissioner for Human Rights	Recorded vote (19/0/2)	L.7	<b>67-70</b>
		<b>AGENDA ITEM 3: ADMINISTRATION OF JUSTICE, RULE OF LAW AND DEMOCRACY</b>			
Resolution	2005/3	The difficulty of establishing responsibility or guilt with regard to sexual violence	Without a vote	L.17	<b>96-98</b>
Resolution	2005/4	The universal implementation of international human rights treaties	Without a vote	L.19	<b>99-100</b>
Resolution	2005/5	Discrimination in the criminal justice system	Without a vote	L.20	<b>101-103</b>
Resolution	2005/13	Sessional working group on the administration of justice	Without a vote	L.5	<b>104-110</b>

<b>Action taken</b>	<b>No.</b>	<b>Title*</b>	<b>Method of adoption</b>	<b>Document E/CN.4/Sub.2/2005/...</b>	<b>Paragraphs of report</b>
Resolution	2005/14	Accountability of international personnel taking part in peace support operations	Without a vote	L.14	<b>111-115</b>
Resolution	2005/15	Issue of the administration of justice through military tribunals	Without a vote	L.18	<b>121-124</b>
Decision	2005/105	Human rights and State sovereignty	Without a vote	L.2	<b>90-93</b>
Decision	2005/106	Right to an effective remedy	Without a vote	L.16	<b>94-95</b>
Decision	2005/108	The relationship between international humanitarian law and human rights law	Without a vote	L.15	<b>116-120</b>
Decision	2005/109	Transitional justice: investigation mechanisms for truth and reconciliation, with emphasis on Latin America	Without a vote	L.23	<b>125-127</b>
		<b>AGENDA ITEM 4: ECONOMIC, SOCIAL AND CULTURAL RIGHTS</b>			
Resolution	2005/6	The effects of the working methods and activities of transnational corporations on the enjoyment of human rights	Without a vote	L.22	<b>135-136</b>
Resolution	2005/7	Study on non-discrimination as enshrined in article 2, paragraph 2, of the International Covenant on Economic, Social and Cultural Rights	Without a vote	L.26	<b>137-138</b>
Resolution	2005/8	The Social Forum	Without a vote	L.35	<b>139-140</b>
Resolution	2005/9	Implementation of existing human rights norms and standards in the context of the fight against extreme poverty	Without a vote	L.41	<b>141-143</b>

<b>Action taken</b>	<b>No.</b>	<b>Title*</b>	<b>Method of adoption</b>	<b>Document E/CN.4/Sub.2/2005/...</b>	<b>Paragraphs of report</b>
Resolution	2005/16	Corruption and its impact on the full enjoyment of human rights, in particular economic, social and cultural rights	Without a vote	L.24/Rev.1	<b>146-148</b>
Resolution	2005/17	The right to development	Without a vote	L.21	<b>149-152</b>
Resolution	2005/21	Housing and property restitution for refugees and displaced persons	Without a vote	L.4	<b>153-157</b>
Resolution	2005/18	AGENDA ITEM 5: PREVENTION OF DISCRIMINATION ... Working Group on Minorities of the Sub-Commission on the Promotion and Protection of Human Rights	Without a vote	L.27	<b>164-167</b>
Resolution	2005/19	Second International Decade of the World's Indigenous People	Without a vote	L.46	<b>168-169</b>
Resolution	2005/20	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	Without a vote	L.47	<b>170-172</b>
Resolution	2005/22	Discrimination based on work and descent	Without a vote	L.30	<b>173-176</b>
Resolution	2005/23	Working Group on Indigenous Populations	Without a vote	L.45	<b>177-180</b>
Resolution	2005/24	Discrimination against leprosy victims and their families	Without a vote	L.37	<b>181-184</b>
Resolution	2005/25	AGENDA ITEM 6: SPECIFIC HUMAN RIGHTS ISSUES ... Technical cooperation and capacity-building for the promotion and protection of human rights	Without a vote	L.28	<b>192-195</b>

<b>Action taken</b>	<b>No.</b>	<b>Title*</b>	<b>Method of adoption</b>	<b>Document E/CN.4/Sub.2/2005/...</b>	<b>Paragraphs of report</b>
Resolution	2005/26	World Programme for Human Rights Education	Without a vote	L.29	<b>196-197</b>
Resolution	2005/27	Systematic rape, sexual slavery and slavery-like practices during armed conflicts	Without a vote	L.32	<b>201-202</b>
Resolution	2005/28	Harmful traditional practices affecting the health of women and the girl child	Without a vote	L.38	<b>208-210</b>
Resolution	2005/29	Report of the Working Group on Contemporary Forms of Slavery	Without a vote	L.39	<b>211-215</b>
Resolution	2005/30	United Nations Voluntary Trust Fund on Contemporary Forms of Slavery	Without a vote	L.40	<b>216-217</b>
Resolution	2005/31	Working Group to elaborate detailed principles and guidelines, with relevant commentary, concerning the promotion and protection of human rights when combating terrorism	Without a vote	L.44	<b>218-219</b>
Decision	2005/110	Prevention of human rights violations committed with small arms and light weapons	Without a vote	L.31	<b>198-200</b>
Decision	2005/111	Human rights and the human genome	Without a vote	L.33	<b>203-204</b>
Decision	2005/112	Human rights and non-State actors	Without a vote	L.34	<b>205-207</b>
		<b>AGENDA ITEM 7: DRAFT PROVISIONAL AGENDA AND ADOPTION OF THE REPORT</b>			
Decision	2005/115	Draft provisional agenda for the fifty-eighth session of the Sub-Commission and order of consideration of agenda items	Without a vote		<b>221-225</b>

\* The titles of agenda items have been abbreviated, where appropriate.