



General Assembly

Distr.
GENERAL

A/HRC/2/2
A/HRC/Sub.1/58/36
11 September 2006

Original: ENGLISH

HUMAN RIGHTS COUNCIL
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-EIGHTH SESSION**

Geneva, 7-25 August 2006

Rapporteur: Mr. Mohamed Habib Cherif

CONTENTS

<i>Chapter</i>	<i>Page</i>
I. DRAFT DECISIONS RECOMMENDED TO THE HUMAN RIGHTS COUNCIL FOR ADOPTION	8
1. Right to an effective remedy	8
2. Accountability of international personnel taking part in peace support operations	8
3. The difficulty of establishing guilt or responsibility with regard to sexual violence	9
4. Corruption and its impact on the full enjoyment of human rights, in particular economic, social and cultural rights	9
5. Working Group on Indigenous Populations	9
6. Discrimination based on work and descent	10
7. Discrimination against leprosy-affected persons and their families	10
8. 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	11
9. Prevention of human rights violations committed with small arms and light weapons	11
10. Impact of debt on the enjoyment and exercise of human rights	12
II. RESOLUTIONS AND DECISIONS ADOPTED BY THE SUB-COMMISSION AT ITS FIFTY-EIGHTH SESSION, AS WELL AS CHAIRPERSON'S STATEMENTS AGREED UPON BY CONSENSUS	13
A. <i>Resolutions</i>	
2006/1. The universal implementation of international human rights treaties	13
2006/2. Right to an effective remedy	15

CONTENTS (*continued*)

<i>Chapter</i>		<i>Page</i>
II. A.	<i>Resolutions (continued)</i>	
	2006/3. Accountability of international personnel taking part in peace support operations	16
	2006/4. The difficulty of establishing guilt or responsibility with regard to sexual violence	17
	2006/5. Sessional working group on the administration of justice	19
	2006/6. Corruption and its impact on the full enjoyment of human rights, in particular economic, social and cultural rights	21
	2006/7. The effects of the working methods and activities of transnational corporations on the enjoyment of human rights	22
	2006/8. The Social Forum	24
	2006/9. Implementation of existing human rights norms and standards in the context of the fight against extreme poverty	27
	2006/10. Promotion of the realization of the right to drinking water and sanitation	39
	2006/11. The rights of persons belonging to national or ethnic, religious and linguistic minorities	42
	2006/12. Second International Decade of the World's Indigenous People	43
	2006/13. Working Group on Indigenous Populations	46
	2006/14. Discrimination based on work and descent	51
	2006/15. Discrimination against leprosy-affected persons and their families	52
	2006/16. 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	54

CONTENTS (*continued*)

<i>Chapter</i>		<i>Page</i>
II. A.	<i>Resolutions (continued)</i>	
	2006/17. Report of the Working Group on Contemporary Forms of Slavery	56
	2006/18. Systematic rape, sexual slavery and slavery-like practices during armed conflicts	57
	2006/19. World Programme for Human Rights Education	59
	2006/20. Working group to elaborate detailed principles and guidelines with relevant commentary, concerning the promotion and protection of human rights when combating terrorism	61
	2006/21. The protection of civilians during armed conflicts	63
	2006/22. Prevention of human rights violations committed with small arms and light weapons	65
B.	<i>Decisions</i>	
	2006/101. Three-week session of the Sub-Commission on the Promotion and Protection of Human Rights	71
	2006/102. Establishment of a sessional working group to elaborate detailed principles and guidelines, with relevant commentary, concerning the promotion and protection of human rights when combating terrorism under agenda item 6 (c)	71
	2006/103. Establishment of a sessional working group on administration of justice under agenda item 3	71
	2006/104. Establishment of a sessional working group on the effects of the working methods and activities of transnational corporations on the enjoyment of human rights under agenda item 4	72
	2006/105. Establishment of a drafting group on implementation of Human Rights Council decision 1/102 of 30 June 2006 under agenda item 7	72
	2006/106. Human rights and State sovereignty	72

CONTENTS (*continued*)

<i>Chapter</i>	<i>Paragraphs</i>	<i>Page</i>
II. B. <i>Decisions (continued)</i>		
2006/107. Transitional justice: investigation mechanisms for truth and reconciliation, with emphasis on Latin America		73
2006/108. The right to development		73
2006/109. Human rights of elderly people		73
2006/110. Human rights and the human genome		74
2006/111. Impact of debt on the enjoyment and exercise of human rights		74
2006/112. Implementation by the Sub-Commission of Human Rights Council decision 1/102		74
C. <i>Chairperson's statements</i>		
Chairperson's statement made on 7 August 2006 on behalf of the Sub-Commission on the Promotion and Protection of Human Rights under agenda item 2		113
III. ORGANIZATION OF WORK	1 - 29	114
A. Opening and duration of the session and number of meetings	1 - 3	114
B. Attendance	4	114
C. Resolutions and documentation	5 - 6	114
D. Election of officers	7 - 8	114
E. Adoption of the agenda	9 - 13	115
F. Organization of work and conduct of business	14 - 25	116
G. Other matters	26 - 27	117
H. Concluding remarks	28 - 29	118

CONTENTS (*continued*)

<i>Chapter</i>	<i>Paragraphs</i>	<i>Page</i>
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)	30 - 33	119
V. ADMINISTRATION OF JUSTICE, RULE OF LAW AND DEMOCRACY	34 - 61	120
VI. ECONOMIC, SOCIAL AND CULTURAL RIGHTS	62 - 91	125
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	92 - 120	130
VIII. SPECIFIC HUMAN RIGHTS ISSUES:		
(a) Women and human rights;		
(b) Contemporary forms of slavery;		
(c) Terrorism and counter-terrorism;		
(d) New priorities	121 - 155	134
IX. IMPLEMENTATION OF HUMAN RIGHTS COUNCIL DECISION 1/102 OF 30 JUNE 2006 AND OTHER RELATED ISSUES	156 - 162	139
X. ADOPTION OF THE REPORT ON THE FIFTY-EIGHTH SESSION TO THE HUMAN RIGHTS COUNCIL	163 - 166	140

CONTENTS (*continued*)

	<i>Page</i>
Annexes	
I. Agenda	141
II. List of speakers: General debate	142
III. Attendance	149
IV. Administrative and programme budget implications of resolutions and decisions adopted by the Sub-Commission at its fifty-eighth session	153
V. Sub-Commission resolutions and decisions referring to matters which are drawn to the attention of the Human Rights Council, including those for which there are estimated administrative and programme budget implications, or on which the Council is expected to take action	154
VI. List of studies and reports:	
A. Studies and reports completed at the fifty-eighth session of the Sub-Commission	156
B. Working papers and other documents without financial implication initiated at the fifty-eighth session of the Sub-Commission	157
C. New studies and reports recommended to the Commission on Human Rights for approval	158
VII. List of documents issued for the fifty-eighth session of the Sub-Commission	159
VIII. Resolutions and decisions adopted by the Sub-Commission on the Promotion and Protection of Human Rights at its fifty-eighth session	168

I. DRAFT DECISIONS RECOMMENDED TO THE HUMAN RIGHTS COUNCIL FOR ADOPTION

1. Right to an effective remedy

The Human Rights Council, taking note of Sub-Commission on the Promotion and Protection of Human Rights resolution 2006/2 of 24 August 2006, decides to endorse the decision of the Sub-Commission to appoint Mohamed Habib Cherif as Special Rapporteur with the task of preparing a comprehensive study on the implementation in practice of the right to an effective remedy for human rights violations based on his working paper on the right to an effective remedy in criminal proceedings (E/CN.4/Sub.2/2005/13), the working paper of Françoise Hampson on the implementation in domestic law of the right to an effective remedy E/CN.4/Sub.2/2005/15), and the conference room paper by both of them (A/HRC/Sub.1/58/CRP.4), as well as the comments received and the discussions that took place at the fifty-seventh and fifty-eighth sessions of the Sub-Commission, and requests the Special Rapporteur to submit a preliminary report to the Sub-Commission at its fifty-ninth session or to the first session of any future expert advice mechanism, a progress report and a final report in the following years. The Council also decides to endorse the request to the Secretary-General to provide the Special Rapporteur with all the assistance necessary to enable him to accomplish his task.

[See chap. II, sect. A, resolution 2006/2,
and chap. V.]

2. Accountability of international personnel taking part in peace support operations

The Human Rights Council, taking note of Sub-Commission on the Promotion and Protection of Human Rights resolution 2006/3 of 24 August 2006, 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) and her conference room paper (A/HRC/Sub.1/58/CRP.3), as well as the comments received and the discussions that took place at the fifty-seventh and fifty-eighth sessions of the Sub-Commission and its request to the Special Rapporteur to submit a preliminary report to the fifty-ninth session or to the first session of the future expert advice mechanism, a progress report and a final report in subsequent years. The Council 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.

[See chap. II, sect. A, resolution 2006/3,
and chap. V.]

3. The difficulty of establishing guilt or responsibility with regard to sexual violence

The Human Rights Council, taking note of resolution 2006/4 of 24 August 2006 of the Sub-Commission on the Promotion and Protection of Human Rights, decides to confirm the mandate of the Special Rapporteur entrusted with preparing a detailed study on the difficulties of establishing guilt and/or responsibilities with regard to crimes of sexual violence, and to approve the decision to request the Special Rapporteur to submit an interim report to the Sub-Commission at its fifty-ninth session or to the future expert advice mechanism at its first session and a final report in the following year, or, failing that, to submit them to the Human Rights Council. The Council requests the Secretary-General to provide the Special Rapporteur with any assistance she may require to complete her mandate successfully.

[See chap. II, sect. A, resolution 2006/4,
and chap. V.]

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

The Human Rights Council, recalling Commission on Human Rights decision 2005/104 of 15 April 2005 and taking note of Sub-Commission on the Promotion and Protection of Human Rights resolution 2006/6 of 24 August 2006, endorses the request addressed by the Sub-Commission to the Secretary-General to transmit the questionnaire on the fight against corruption contained in the second progress report (A/HRC/Sub.1/58/CRP.10, annex) of the Special Rapporteur to Member States and other stakeholders, including the specialized agencies dealing with corruption issues, relevant non-governmental organizations, relevant members of civil society, international financial institutions, etc., and the request that the Secretary-General provide the Special Rapporteur with all the necessary assistance to enable her to complete her mandate, including study visits to two interested countries to enable her to examine obstacles and challenges confronting national mechanisms and the best practices to prevent and combat corruption.

[See chap. II, sect. A, resolution 2006/6,
and chap. VI.]

5. Working Group on Indigenous Populations

The Human Rights Council, taking note of resolution 2006/13 of 24 August 2006 of the Sub-Commission on the Promotion and Protection of Human Rights, endorses the Sub-Commission's request to authorize ten meetings for the Working Group on Indigenous Populations prior to the fifty-ninth session of the Sub-Commission or of the first session of any future expert advice mechanism in 2007.

[See chap. II, sect. A, resolution 2006/13,
and chap. VII.]

6. Discrimination based on work and descent

The Human Rights Council, taking note of resolution 2006/14 of 24 August 2006 of the Sub-Commission on the Promotion and Protection of Human Rights, affirms the mandate of the Sub-Commission's Special Rapporteurs on discrimination based on work and descent and asks them to complete their study on this topic, including finalizing draft principles and guidelines for the effective elimination of discrimination based on work and descent, and to submit their final report in 2007 to the Sub-Commission or its successor body, or in the absence of either, to the Council. The Council also endorses the Special Rapporteurs' proposals to organize, (i) two regional workshops, one in Asia and one in Africa, before the end of the first quarter of 2007 by obtaining independent funding, in order to encourage the interactive participation of representatives of affected communities in discussions with the Special Rapporteurs on this topic; and (ii) a consultation meeting in Geneva during the second quarter of 2007 in order for the Special Rapporteurs to receive the views of Governments, United Nations bodies and agencies, non-governmental organizations and representatives of affected communities on the finalization of the draft principles and guidelines for the effective elimination of discrimination based on work and descent. The Human Rights Council requests the United Nations High Commissioner for Human Rights to provide adequate assistance and support to the Special Rapporteurs to enable them to complete their study, including with regard to the organization of the proposed workshops and consultation meeting.

[See chap. II, sect. A, resolution 2006/14,
and chap. VII.]

7. Discrimination against leprosy-affected persons and their families

The Human Rights Council, taking note of resolution 2006/15 of 24 August 2006 of the Sub-Commission on the Promotion and Protection of Human Rights, endorses the decision of the Sub-Commission to appoint Yozo Yokota as Special Rapporteur to undertake the task of conducting a full and comprehensive study on this topic and to submit in 2007 a preliminary report to the Sub-Commission or the future expert advice mechanism, or in the absence of either, to the Human Rights Council, and to produce a draft set of principles and guidelines to end discrimination against leprosy-affected persons and their families, and endorses the proposals to organize, if independent funding is available, (i) two regional workshops, one in Africa and one in Asia, in order to encourage representatives of leprosy-affected persons and their organizations to actively participate in the discussions on the topic of discrimination against leprosy-affected persons and their families; and (ii) a consultation meeting in Geneva in order for the Special Rapporteur to hear the views of Governments, United Nations bodies and agencies, non-governmental organizations and representatives of leprosy-affected persons in drafting the text of principles and guidelines on discrimination against leprosy-affected persons and their families. The Council requests the United Nations High Commissioner for Human Rights to provide adequate assistance and support to the Special Rapporteur to enable him to complete his study, including with regard to the organization of the proposed workshops and consultation meeting.

[See chap. II, sect. A, resolution 2006/15,
and chap. VII.]

8. 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 Human Rights Council, taking note of Sub-Commission on the Promotion and Protection of Human Rights resolution 2006/16 of 24 August 2006, 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) and her conference room paper (E/CN.4/Sub.2/AC.4/2006/CRP.2), as well as the comments received and the discussions that took place at the fifty-seventh and fifty-eighth sessions of the Sub-Commission and the results of the questionnaire 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-ninth session or to the first session of any future expert advice mechanism and a progress report and a final report in the following years. The Council 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 2006/16,
and chap. VII.]

9. Prevention of human rights violations committed with small arms and light weapons

The Human Rights Council, recalling Commission on Human Rights decision 2003/112 on 25 April 2003 on prevention of human rights violations caused by the availability and misuse of small arms and light weapons and taking note of resolution 2006/22 of 24 August 2006 of the Sub-Commission on the Promotion and Protection of Human Rights, endorses the request by the Sub-Commission to Barbara Frey to compile and update her study on the prevention of human rights violations committed with small arms and light weapons and that the full study, entitled “The prevention of human rights violations committed with small arms and light weapons”, 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 2006/22,
and chap. VIII.]

10. Impact of debt on the enjoyment and exercise of human rights

The Human Rights Council, taking note of Sub-Commission on the Promotion and Protection of Human Rights decision 2006/111 of 24 August 2006, decides to endorse the decision of the Sub-Commission to appoint El-Hadji Guissé as Special Rapporteur on the impact of debt on the enjoyment and exercise of human rights and its request that Mr. Guissé submit his preliminary report on this study to the Sub-Commission at its fifty-ninth session, or to the first session on the future expert advice mechanism.

[See chap. II, sect. B, decision 2006/111,
and chap. VI.]

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

A. Resolutions

2006/1. The universal implementation of international human rights treaties

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

Recalling that, in its decision 2004/123 of 21 April 2004, the Commission on Human Rights, “taking note of Sub-Commission on the Promotion and Protection of Human Rights resolution 2003/25 of 14 August 2003, decided, without a vote, to approve the decision of the Sub-Commission to appoint Mr. Emmanuel Decaux special rapporteur to conduct a detailed study of the universal implementation of international human rights treaties”,

Mindful of General Assembly resolution 60/149 of 16 December 2005, in which the General Assembly stressed that “the international covenants on human rights constitute the first all-embracing and legally binding international treaties in the field of human rights and, together with the Universal Declaration of Human Rights, form the core of the International Bill of Human Rights”,

Noting that, in the same resolution, the General Assembly invited the United Nations High Commissioner for Human Rights “to intensify systematic efforts to encourage States to become parties to the international covenants on human rights and, through the programme of advisory services in the field of human rights, to assist such States, at their request, in ratifying or acceding to the covenants and to the optional protocols to the International Covenant on Civil and Political Rights with a view to achieving universal adherence”,

Recalling Sub-Commission resolution 2002/31 of 15 August 2002, entitled “Tenth anniversary of the World Conference on Human Rights”, as well as its resolutions 2003/35 of 14 August 2003, 2004/26 of 12 August 2004 and 2005/4 of 8 August 2005,

Welcoming the work done by the special rapporteur following the working paper (E/CN.4/Sub.2/2003/37) submitted at the fifty-fifth session of the Sub-Commission, with the preliminary report (E/CN.4/Sub.2/2004/8) submitted and discussed at its fifty-sixth session, the interim report (E/CN.4/Sub.2/2005/8 and Add.1) submitted and discussed at its fifty-seventh session and the final report (A/HRC/Sub.1/58/5 and Add.1) submitted at the current session,

1. *Welcomes* the final report of Mr. Emmanuel Decaux, special rapporteur to conduct a detailed study of the universal implementation of international human rights treaties, and thanks him for the work completed;
2. *Strongly encourages* all States to implement the Vienna Declaration and Programme of Action, adopted at the World Conference on Human Rights (A/CONF/157/23), with a view to the universal and effective implementation of the international human rights instruments;

3. *Notes* that many States, including members of the Human Rights Council, have undertaken to ratify new instruments and welcomes this trend, which it hopes will be encouraged even more systematically;

4. *Requests* the Office of the United Nations High Commissioner for Human Rights to disseminate the final report widely, including by officially transmitting it to the treaty bodies and the International Law Commission;

5. *Recommends* that the Human Rights Council should take into consideration the recommendations in the final report in the light of the tables contained in the addendum to the report (A/HRC/Sub.1/58/5/Add.1), particularly with regard to the need to ensure that the status of the international human rights instruments is periodically and systematically monitored under the Council's universal periodic review procedure;

6. *Recommends* that technical assistance should be expanded, both within the United Nations and in the specialized agencies and regional organizations, so as to facilitate the universal ratification and effective implementation of the international human rights instruments, and that thought should be given to convening a seminar for this purpose with support from States and non-governmental organizations, as well as from the national human rights institutions that are directly concerned, in order to encourage dialogue with States on the ratification of universal treaties;

7. *Recommends* that the agenda should include a sub-item on the universal implementation of international human rights instruments and that collective discussions on the nature and scope of international human rights law should continue to be held within the Sub-Commission or the future expert advice mechanism;

8. *Expresses the desire* that the Sub-Commission or the future expert advice mechanism should be able to proceed with the questionnaire drawn up by the special rapporteur and should be in a position, with the help of the Office of the United Nations High Commissioner for Human Rights and with the cooperation of national human rights institutions, to produce a compilation of national legal precedents regarding the implementation of the international human rights instruments;

9. *Recommends* that a seminar should be organized on best practices, including the plans and programmes of action drawn up by States at the national level, and encourages further reflection on the legal and other obstacles to the universal implementation of the international human rights instruments.

*21st meeting
24 August 2006*

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

2006/2. Right to an effective remedy

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,

Recalling that the General Assembly in its resolution 60/251 of 3 April 2006 lay great emphasis on the issue of implementation by stating that the Human Rights Council shall “promote the full implementation of human rights obligations” undertaken by States,

Bearing in mind the relationship between the broader question of the implementation of human rights law and its particular manifestation in the right to an effective remedy,

Recognizing the importance of the implementation in practice of the right to an effective remedy and the role such a right plays in preventing human rights violations,

Considering the discussions during its fifty-seventh and fifty-eighth sessions in which the scope and content of the right to an effective remedy was clarified,

Recalling the working paper submitted at its fifty-seventh session by Mohamed Habib Cherif on the right to an effective remedy in criminal proceedings (E/CN.4/Sub.2/2005/13), the working paper submitted at its fifty-seventh session by Françoise Hampson on the implementation in domestic law of the right to an effective remedy in civil matters against violations of human rights by State agents (E/CN.4/Sub.2/2005/15) and the conference room paper on the implementation in practice of the right to an effective remedy for human rights violations submitted by Françoise Hampson and Mohamed Habib Cherif at its fifty-eighth session (A/HRC/Sub.1/58/CRP.4),

1. *Endorses* the conclusions and recommendations contained in the working papers and the conference room paper;

2. *Decides* to appoint Mohamed Habib Cherif as Special Rapporteur with the task of preparing a comprehensive study on the implementation in practice of the right to an effective remedy for human rights violations based on his working paper, the working paper of Françoise Hampson and the conference room paper presented by both of them, as well as the comments received and the discussions that took place at the fifty-seventh and fifty-eighth sessions of the Sub-Commission, and requests the Special Rapporteur to submit a preliminary report to the Sub-Commission at its fifty-ninth session or to the first session of the future expert advice mechanism and a progress report and final report in the following years;

3. *Requests* the Secretary-General to provide the Special Rapporteur with all the assistance necessary to accomplish this task;

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

[For the text, see chap. I, draft decision 1.]

5. *Decides* that if, for whatever reason, Mr. Cherif's appointment is not endorsed by the Human Rights Council, to request Mr. Cherif to prepare an expanded working paper on the implementation in practice of the right to an effective remedy for human rights violations to be submitted to the fifty-ninth session of the Sub-Commission or the first session of the future expert advice mechanism;

6. *Decides* to continue consideration of this issue at its fifty-ninth session under the same agenda item or recommends consideration of this issue during the first session of the future expert advice mechanism.

*21st meeting
24 August 2006*

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

2006/3. 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, fifty-sixth and fifty-seventh sessions in which the scope of peace support operations for the purposes of the paper was clarified,

Noting the recent publication of the report of the Redesign Panel on Administrative Justice,

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), and the updated information provided in her conference room paper submitted at its fifty-eighth session (A/HRC/Sub.1/58/CRP.3),

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 and conference room paper as well as the comments received and the discussions that took place at the fifty-seventh and fifty-eighth sessions of the Sub-Commission, and requests the Special Rapporteur to submit a preliminary report to the Sub-Commission at its fifty-ninth session or to the first session of the future expert advice mechanism and a progress report and final report in the following years;

3. *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;

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

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

5. *Requests* Ms. Hampson, should she not be appointed Special Rapporteur, for whatever reason, to prepare an updated working paper on the accountability of international personnel taking part in peace support operations, to be submitted to the fifty-ninth session of the Sub-Commission or the first session of the future expert advice mechanism;

6. *Decides* to continue consideration of this issue at its fifty-ninth session under the same agenda item or recommends consideration of this issue during the first session of the future expert advice mechanism.

*21st meeting
24 August 2006*

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

2006/4. The difficulty of establishing guilt or responsibility with regard to sexual violence

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

Guided by the Universal Declaration of Human Rights, the Convention on the Elimination of All Forms of Discrimination against Women and the various legal instruments adopted at the national, regional and international levels,

Reaffirming that everyone has the right to life, liberty and security of person and to an effective remedy by the competent national tribunals for acts violating the inherent dignity and value of the human person, as well as the fundamental rights granted him by the constitution or by law,

Reaffirming also that everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations or of any criminal charge against him,

Noting with great concern the constantly increasing number of victims of sexual violence,

Concerned by the laws and practices that make it even more difficult to adduce evidence in cases of sexual abuse and violence directed against women and children, and that threaten to constitute flagrant violations of the norms guaranteeing the right to a fair trial,

Convinced that the difficulty encountered in establishing evidence of sexual violence constitutes an impediment to the administration of justice and a basic obstacle to respect for victims' rights, and threatens to lead directly to impunity,

Stressing, therefore, the need to draw up principles and guidelines on the rules of evidence in cases of sexual violence,

Recalling its resolution 2004/29 of 12 August 2004 and Commission on Human Rights decision 2005/108 of 8 August 2005,

Taking note of the working papers prepared by Ms. Lalaina Rakotoarisoa (E/CN.4/Sub.2/2003/WG.1/CRP.1 and E/CN.4/Sub.2/2004/11) and her oral presentation on the subject at the fifty-seventh session of the Sub-Commission,

1. *Welcomes* her preliminary report (A/HRC/Sub.1/58/CRP.9);
2. *Requests* the Special Rapporteur to submit to it an interim report at its fifty-ninth session and a final report in the following year, or, failing that, to submit them to the Human Rights Council, or at the first session of the future expert advice mechanism;
3. *Requests* the Secretary-General to invite Governments, United Nations bodies, the specialized agencies and non-governmental organizations to provide the Special Rapporteur with the information necessary for the preparation of her report;
4. *Also requests* the Secretary-General to provide the Special Rapporteur with any assistance she may require to carry out her mandate, including the assistance of a consultant with specialized knowledge in this field;
5. *Recommends* the following draft decision to the Human Rights Council for adoption:

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

6. *Decides* to continue consideration of this issue at its fifty-ninth session under the same agenda item, or recommends that it be considered at the first session of the future expert advice mechanism.

*21st meeting
24 August 2006*

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

2006/5. 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. *Welcomes with satisfaction* the report of the sessional working group on the administration of justice (A/HRC/Sub.1/58/8) 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 its 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 recalls 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, and 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. *Expresses* its conviction that the issue of amnesty as a means of settling conflicts remains a continuing concern because of the possibility that perpetrators of serious human rights will escape accountability for their actions and also notes the need for further study in this area;
7. *Emphasizes* the importance of the accountability of United Nations staff in peace support operations and underlines the importance of further study in this area;
8. *Reaffirms* the importance of reaching a better understanding through further study and debate of the relationship between human rights law and international humanitarian law, including issues relating to the loss by civilians of their right to protection during conflicts and the circumstances in which a party can open fire under international humanitarian law and human rights law;
9. *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 transitional 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;
10. *Recalls* 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), and notes with interest the study on the right to the truth and the study on human rights and transitional justice activities undertaken by the human rights components of the United Nations system, (E/CN.4/2006/93) both by the Office of the United Nations High Commissioner for Human Rights;
11. *Welcomes* the recent publication by the Office of the High Commissioner of five publications in the series Rule-of-law tools for post-conflict States which focus respectively on prosecution initiatives, truth and reconciliation commissions, mapping the justice sector, an operational framework for vetting, and legal systems monitoring;
12. *Notes* that the right to an effective remedy in practice remains a significant goal that has yet to be obtained in many States, and emphasizes the need for further conceptual analysis and study in this regard;

13. *Invites* States, competent bodies of the United Nations, specialized agencies and intergovernmental and non-governmental organizations to provide or continue to provide information to the working group, or its successor entity, at its future sessions;

14. *Decides* to recommend to the Human Rights Council that the activity of the working group on the administration of justice be continued in the framework of any future expert advice mechanism.

*21st meeting
24 August 2006*

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

**2006/6. 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,

Bearing in mind General Assembly resolution 60/251 of 15 March 2006, and in particular its paragraph 6,

Recalling Human Rights Council decision 1/102 of 30 June 2006 in which the Council decided to extend exceptionally for one year the mandate of the Sub-Commission, among other mandates, mechanisms, functions and responsibilities of the Commission on Human Rights,

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 by its resolution 58/4 of 31 October 2003, which entered into force on 14 December 2005,

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,

Taking into account the second progress report (A/HRC/Sub.1/58/CRP.10), submitted by the Special Rapporteur, Christy Mbonu,

1. *Expresses its warm appreciation* to the Special Rapporteur for her second progress report containing a detailed questionnaire on the fight against corruption to be transmitted to Member States of the United Nations and other stakeholders, including the specialized agencies, relevant non-governmental organizations, relevant members of civil society, banks, etc.;

2. *Notes* the obstacles and challenges confronting States that have introduced national mechanisms to prevent and combat corruption and welcomes the achievements and successes recorded by these mechanisms, and their positive impact on human rights;
3. *Urges* States that have not done so to introduce independent national mechanisms to prevent and combat corruption through the adoption and implementation of specific anti-corruption legislation while safeguarding basic human rights, including due process;
4. *Encourages* political leaders in their respective countries to be national examples of probity, integrity and self-esteem;
5. *Calls upon* civil society, particularly the media and non-governmental organizations, to become more involved in the prevention and punishment of corruption;
6. *Decides* to endorse the questionnaire on the fight against corruption, contained in the report of the Special Rapporteur (A/HRC/Sub.1/58/CRP.10, annex), to the Human Rights Council;
7. *Also decides* to request the Secretary-General to transmit the questionnaire to Member States and other stakeholders, including the specialized agencies dealing with corruption issues, relevant non-governmental organizations, relevant members of civil society, international financial institutions, etc. to enable the Special Rapporteur to complete her mandate;
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 two interested countries to enable her to examine obstacles and challenges confronting national mechanisms and the best practices to prevent and combat corruption;
9. *Recommends* the following draft decision to the Human Rights Council for adoption:

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

*21st meeting
24 August 2006*

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

2006/7. 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 2005/6 of 8 August 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 into account the interim report of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises (E/CN.4/2006/97),

Also taking into account the working paper prepared by Ms. Chin-Sung Chung and Ms. Florizelle O'Connor on bilateral and multilateral economic agreements and their impact on the human rights of the beneficiaries (A/HRC/Sub.1/58/CRP.8) and the working paper prepared by Mr. Gáspár Bíró on the role of States in the guarantee of human rights with reference to the activities of transnational corporations and other business entities (A/HRC/Sub.1/58/CRP.12),

1. *Thanks* the Chairperson-Rapporteur of the sessional working group set up to examine the working methods and activities of transnational corporations, Mr. El-Hadji Guissé, for his report on the work of the eighth session of the working group (A/HRC/Sub.1/58/11);

2. *Recommends* that the Human Rights Council should adopt the “Norms on the Responsibilities of Transnational Corporations and Other Business Enterprises with regard to Human Rights” and consider establishing a monitoring body;

3. *Also recommends* that the issue of the working methods and activities of transnational corporations should remain on the agenda of the Human Rights Council and on that of the future expert advice mechanism which will advise it;

4. *Further recommends* that activities within the United Nations system relating to multinational enterprises should be coordinated by this future expert advice mechanism in order to ensure greater consistency among such activities.

*21st meeting
24 August 2006*

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

2006/8. 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, and the Proclamation of Teheran of the International Conference on Human Rights held in 1968 which states that full realization of civil and political rights without the enjoyment of economic, social and cultural rights is impossible,

Recalling also 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,

Recalling further General Assembly resolution 60/251 of 15 March 2006, and in particular its paragraph 6, as well as Human Rights Council decision 1/102 of 30 June 2006 extending the mandate of the Sub-Commission,

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 Chairperson-Rapporteur of the fourth Social Forum, held on 3 and 4 August 2006, which focused on “The fight against poverty and the rights to participation: the role of women”,

Taking note of the record of the past four Social Forums, which focused on questions related to the eradication of poverty in the context of human rights that were rarely tackled by other mechanisms,

Bearing in mind the pending decision of the Human Rights Council on its future expert advice mechanism,

1. *Expresses its satisfaction* at the holding of the fourth Social Forum on 3 and 4 August 2006 and welcomes the report of its Chairman-Rapporteur (A/HRC/Sub.1/58/15);
2. *Draws special attention* to the significant contribution made to the debate by individuals with experience related to the feminization of poverty and individuals who live and work alongside the poor on a daily basis;
3. *Takes note with satisfaction* of the conclusions and recommendations of the 2006 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. *Calls upon* the General Assembly to take into account the conclusions and recommendations of the 2006 Social Forum within the framework of the review of the first United Nations Decade for the Eradication of Poverty;
5. *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;
6. *Recommends* that the Human Rights Council preserve the Social Forum, as a unique space for interactive dialogue between the United Nations human rights system and various stakeholders, especially the poor and most vulnerable people, which plays a special and indispensable role in the United Nations human rights system;

7. *Reaffirms*, without prejudice to General Assembly resolution 60/251 and Human Rights Council decision 1/102, its decision that the Social Forum shall meet every year, with the mandate laid down in previous Sub-Commission resolutions, requests that the next meeting of the Social Forum be held during 2007 in Geneva on dates suitable for the participation of the broadest possible range of other stakeholders, and decides that at its next meeting the Social Forum should focus on:

- (a) Questions relating to the eradication of poverty in the context of human rights;
- (b) Capturing best practices in the fight against poverty in the light of grass-roots presentations to the Social Forum;
- (c) Sharing and discussing the relevant guidelines and reports prepared by the Sub-Commission (or its successor), or other human rights bodies, with civil society;

8. *Recommends* that the Human Rights Council extend the meeting of the Social Forum to five days, as is the practice with certain working groups of the Sub-Commission, in order that it may devote two days of thematic discussions on poverty and human rights, in line with the current format of the Social Forum; devote two days of discussion to the work of the international human rights mechanisms in the field of economic, social and cultural rights and the right to development in relation to poverty, in order to receive feedback from civil society to provide to different mechanisms; and devote one day to an interactive debate with mandate holders on issues related to the topic of the Social Forum and to formulating conclusions and recommendations to be presented to relevant bodies;

9. *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 United Nations Development Programme, the World Bank, the International Monetary Fund and the World Trade Organization - regional banks, financial institutions and international development agencies;

10. *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;

11. *Invites* the Social Forum to submit to the future expert advice mechanism of the Human Rights Council a separate report containing a comprehensive and detailed summary of the discussions, including recommendations and draft resolutions;

12. *Requests*, subject to the decision of the Human Rights Council on its future expert advice mechanism, that the Secretary-General 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.

*21st meeting
24 August 2006*

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

**2006/9. 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, in the Universal Declaration of Human Rights, the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want was proclaimed as the highest aspiration of the common people,

Building on the efforts relating to human rights and extreme poverty accomplished by the United Nations since 1987, and in particular the final report (E/CN.4/Sub.2/1995/13) of the Special Rapporteur of the Sub-Commission on the Promotion and Protection of Human Rights, Mr. Despouy,

Recalling the resolutions of the General Assembly on the issue, particularly resolution 59/186 of 20 December 2004, which reaffirmed (a) that extreme poverty persists in all countries of the world, regardless of their economic, social and cultural situation, (b) 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, (c) 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,

Recalling that situations of extreme poverty, resulting from a combination of factors of insecurity and affecting several aspects of people's lives in a lasting manner, compromise the chances of people living in such situations to reassume their responsibilities and regain their rights in the foreseeable future,

Considering the Millennium Declaration, in which heads of State and government solemnly declared: "We will spare no effort to free our fellow men, women and children from the abject and dehumanizing conditions of extreme poverty, to which more than a billion of them are currently subjected",

Considering also the 2005 World Summit Outcome, in which heads of State and government stressed “the right of people to live in freedom and dignity, free from poverty and despair”, and recognized that “all individuals, in particular vulnerable people, are entitled to freedom from fear and freedom from want, with an equal opportunity to enjoy all their rights and fully develop their human potential”,

Bearing in mind Commission on Human Rights resolution 2005/16 of 14 April 2005, in which the Commission expressed deep concern that extreme poverty persists in all countries of the world, regardless of their economic, social and cultural situation, and reaffirmed that extreme poverty and exclusion from society constitute a violation of human dignity and 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 and in the realization of human rights,

Noting that, in resolution 2005/16, the Commission also recalled 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,

Taking note of the reports of the independent experts on the question of human rights and extreme poverty, Ms. Lizin and Mr. Sengupta (in particular E/CN.4/2004/43, E/CN.4/2005/49 and E/CN.4/2006/43), especially the analysis carried out by Mr. Sengupta of social exclusion as a key and specific element of extreme poverty,

Taking note of Commission resolution 2001/31 of 23 April 2001, in which the Commission requested the Sub-Commission to consider 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,

Recalling its own resolution 2001/8 of 15 August 2001, in which it entrusted a group of experts from the Sub-Commission with the task of preparing a joint working paper, without financial implications, on the need to develop, on the basis of the various relevant international instruments, the ongoing work in other forums, the conclusions and recommendations of the Expert Seminar on Human Rights and Extreme Poverty and any other relevant inputs, in particular those received from Governments, guiding principles on the implementation of existing human rights norms and standards in the context of the fight against extreme poverty,

Also recalling its own resolution 2005/9 of 8 August 2005, in which it requested the ad hoc group of experts to submit their final report to it at its fifty-eighth session,

Noting with interest the final report of Mr. José Bengoa, coordinator 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 (A/HRC/Sub.1/58/16),

1. *Welcomes* the draft guiding principles annexed to this resolution, in particular insofar as the guiding principles:

- (a) Are addressed to all the countries of the world and are based on the universality, indivisibility and interdependence of all human rights;
- (b) Are directed towards the effective realization of all human rights for all human beings, including those suffering from the greatest poverty and the greatest exclusion, on the basis of close cooperation with the latter;
- (c) Make a significant contribution to the realization of the right to development in all countries and to the implementation of the Millennium Declaration;
- (d) Uphold an approach which links respect for human rights and the adoption of practical measures which offer the poor new opportunities;

2. *Thanks* all those who contributed to the drafting of the guiding principles, in particular during the regional seminars held in Bangkok, Pierrelaye, France, Pune, India and Sao Paulo, Brazil, as well as the sessions of the Social Forum, and especially the persons in situations of extreme poverty, with the hope that these principles will encourage them in their daily efforts to preserve their dignity and regain their rights, and will foster the changes to which those persons legitimately aspire;

3. *Approves* the final report of the ad hoc group of experts as well as the draft guiding principles annexed to this resolution;

4. *Requests* the Human Rights Council to study these guiding principles, in consultation with experts, persons in situations of extreme poverty and associations committed to working alongside them, with a view to adopting them and forwarding them to the General Assembly.

*21st meeting
24 August 2006*

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

Annex

Draft guiding principles

“Extreme poverty and human rights: the rights of the poor”¹

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

Reaffirming the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the other human rights instruments adopted by the United Nations,

¹ The terms “poor” and “poverty” as used in this draft refer to the situation of persons living in extreme poverty.

Considering the relevant provisions of the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights on 25 June 1993, and of the Copenhagen Declaration on Social Development and Programme of Action of the World Summit for Social Development, adopted by the World Summit on 12 March 1995, resolution 46/121 adopted by the General Assembly on 17 December 1991 and the Assembly's subsequent resolutions on the issue, the Millennium Declaration, adopted by the General Assembly on 8 September 2000, and the development objectives set out in the Declaration, whereby States solemnly undertook to do their utmost to eliminate poverty,

Also considering the 2005 World Summit Outcome, in which heads of State stressed "the right of people to live in freedom and dignity, free from poverty and despair", and recognized that "all individuals, in particular vulnerable people, are entitled to freedom from fear and freedom from want, with an equal opportunity to enjoy all their rights and fully develop their human potential",

Recalling that, in its resolution 54/232 of 22 December 1999 and several subsequent resolutions on the matter, the General Assembly expressed its deep concern that women and children for the most part constitute the group most affected by the phenomenon of extreme poverty, and that, in its resolution 59/186 of 20 December 2004, the Assembly expressed deep concern that extreme poverty persists in all countries of the world, regardless of their economic, social and cultural situation,

Also recalling that, since adopting its resolution 47/134 on 18 December 1992, the General Assembly has repeatedly reaffirmed that extreme poverty and exclusion from society constitute a violation of human dignity, and stressed the need for a complete and in-depth study of the phenomenon of extreme poverty, based on the experience and ideas of the poorest sectors of the population, a task that has been accomplished, in particular, by the Sub-Commission's ad hoc group of experts,

Considering that those living in poverty, and particularly in extreme poverty, are the first to act to change their situation and that of their families, and that their efforts should be identified and supported as a matter of priority,

Recognizing that, as the General Assembly has emphasized, the eradication of extreme poverty constitutes a major challenge in the process of globalization, which can be met only by means of a coordinated policy stemming from continuous international cooperation and decisive action at the national level,

Reaffirming, after the General Assembly, that widespread absolute poverty inhibits the full and effective enjoyment of human rights and renders democracy and popular participation fragile,

Considering that the inherent dignity of all the members of the human family and their equal and inalienable rights demand that priority attention should be given to those suffering most from poverty and exclusion,

Reaffirming that extreme poverty persists throughout the world, that it constitutes a negation of human rights and might, in some situations, threaten the right to life, and that the international community must continue to regard its immediate alleviation and eventual elimination as a major priority,

Taking into account the relevant decisions and resolutions of the Commission on Human Rights, which has repeatedly condemned the situation of poverty in the world and emphasized that it represents a negation of the fundamental rights of the individual, as well as the declaration on poverty and the International Covenant on Economic, Social and Cultural Rights adopted by the Committee on Economic, Social and Cultural Rights on 4 May 2001, and recalling that, in that context, the Commission, in its resolution 2001/31 of 23 April 2001 and its other resolutions on the matter, requested the Sub-Commission, with the help of an ad hoc group of experts, to draw up guiding principles on the implementation of human rights norms and standards in the context of the fight against extreme poverty,

Adopts the following guiding principles, which it submits to the Human Rights Council for consideration, expressing the hope that all the interested parties will engage in an in-depth discussion with a view to their adoption.

Human rights and extreme poverty: the rights of the poor

1. Poverty is a human condition characterized by sustained or chronic deprivation of resources, capabilities, choices, security and power necessary for the enjoyment of an adequate standard of living and other civil, cultural, economic, political and social rights.²
2. Extreme poverty and exclusion from society constitute a violation of human dignity; consequently, the inclusion in national and international plans of measures to eliminate them is a priority.
3. Persons living in extreme poverty are fully entitled to demand that policies and programmes at the national and international level aimed at the eradication of extreme poverty should be drawn up and effectively implemented in accordance with the principles of human rights and the present guiding principles.
4. Persons living in extreme poverty are entitled to the full enjoyment of all human rights, including the right to participate in the adoption of decisions which concern them, and to contribute to the well-being of their families, their communities and humankind.

² Declaration by the Committee on Economic, Social and Cultural Rights on poverty and the International Covenant on Economic, Social and Cultural Rights (*Official Records of the Economic and Social Council, 2002, Supplement No. 2 [E/2002/22-E/C.12/2001/17], annex VII*), para. 8.

5. States, as well as all the organs of society at the local, national, regional and international level, have an obligation to take effective action to eliminate extreme poverty; to that end they must act in a structured and accountable manner, in partnership with persons living in extreme poverty, and must periodically report on their actions at all levels, especially the local and national levels, in accordance with applicable legal norms. At the international level, States must account for their actions in the periodic reports they submit to the bodies monitoring compliance with treaties, in particular the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.

6. States, intergovernmental organizations, national and transnational enterprises and non-governmental organizations, inter alia, have a responsibility to take into account and fully respect human rights, in particular the principles set out in the present document. Infringements of these rights by the above-mentioned entities, whether arising from negligence or from a deliberate decision, should be regarded as violations of human rights and their perpetrators should be held responsible, with the corresponding legal consequences.

Section 1

A. Participation by the poor

7. Persons living in extreme poverty have the right to participate in all activities which concern them, particularly programmes for the eradication of extreme poverty. The implementation of such policies and programmes without the participation of the persons concerned and their associations and organizations constitutes a violation of the right to participate in public affairs.

8. States should foster and promote 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. They should also empower people living in poverty and vulnerable groups to organize themselves and to participate in all aspects of political, economic and social life, in particular the planning and implementation of policies that affect them, thus enabling them to become genuine partners in development.³

9. States should take action in every sphere to combat the feminization of poverty and ensure the participation of women in all their anti-poverty programmes. Every programme or piece of legislation aimed at eliminating extreme poverty should seek to take into account the different situations of women and men and to rectify inequalities between girls and boys and between women and men with regard to the use of resources, access to rights, the exercise of responsibilities and support for family life.

10. Programmes to combat poverty should be publicly available, and should set specific targets and specify indicators to facilitate evaluation of their implementation as well as mechanisms for monitoring and accountability. The State and public and private agencies which

³ General Assembly resolution 55/106, dated 14 March 2001.

implement poverty reduction and eradication policies and programmes should encourage the establishment of forums for evaluation and monitoring in which persons living in extreme poverty participate.

B. Discrimination and stigmatization

11. Discrimination affecting persons living in extreme poverty must be punished as a violation of human rights. The stigmatization of the poor and their associations, groups, neighbourhoods or places of residence, and their representation as persons without rights who are dangerous, violent and display other negative characteristics, must be regarded as forms of discrimination. Discrimination against the poor based on their image, their dress, their physical appearance or any other grounds related to their situation of extreme poverty constitutes a human rights violation. The State, international agencies and other parties concerned have an obligation to criticize and combat stigmatization of the poor and to promote a balanced and fair image of persons who are in a situation of extreme poverty.

12. The media and education systems play a key role in the processes of discrimination and stigmatization, and hence in efforts to combat those phenomena.

13. Public officials, those of international organizations, personnel in humanitarian organizations and all those working for the elimination of poverty are expected to maintain relations of respect for the dignity and the fundamental rights of persons living in extreme poverty, particularly in human relations, in humanitarian services and in project formulation and implementation. The personnel of social welfare schemes have these obligations, and the right to freedom from discrimination based on the circumstance of poverty is a right which must be guaranteed to the poor.

Section 2

C. Indivisibility and interdependence of rights

14. All persons living in extreme poverty have the right to the enjoyment of all human rights, which are indivisible, interdependent and universal. The exercise of human rights is crucial to the elimination of extreme poverty, because the denial of one right has an adverse impact on the totality of the rights of the individual. However, the restoration of a right in isolation is not enough to ensure that individuals, their families and their communities will emerge from the situation of extreme poverty.⁴

D. Civil and political rights

15. All persons living in extreme poverty have the right to be recognized everywhere as persons before the law. They have the right to participate fully in the life of the community in which they live, to have a domicile, to possess an identity document or any other document

⁴ See E/CN.4/Sub.2/1993, para. 178.

which constitutes evidence of their citizenship or their legal status, and to enjoy all the civil and political rights set out in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. They should enjoy full citizenship of the State of which they are nationals and have the right to participate without discrimination in the political life of that State and to take part in public affairs. Any denial of civil and political rights to the poor on the basis of their circumstances of extreme poverty, whether individual or collective, must be regarded as a case of serious discrimination.

16. Persons living in extreme poverty have the right to form a family, to support their children, to take care of them, to raise them, and to enjoy the fundamental dignity inherent in every human being, guaranteeing respect for privacy and family life.

17. Governments in particular have a duty to put an end to violence inflicted by State and non-State actors on persons living in extreme poverty, particularly women and children, and to provide adequate police protection. The State must draw up education programmes for the population in general, and the police forces in particular, in order to promote non-discrimination against persons living in poverty. Persons living in extreme poverty must enjoy the same rights as other persons and have access to justice free of discrimination. Any person responsible for an act of violence and discrimination against persons living in conditions of poverty must be brought to justice and punished.

18. The State must in particular ensure the protection of vulnerable population groups, including the homeless, street children, the disabled and the elderly, who are worst affected by extreme poverty. The State has an obligation to implement effective programmes for these particularly vulnerable groups.

19. States will adopt special measures to provide protection to the poor in respect of their dignity, their privacy, their integrity, their honour and their reputation. This protection must be effective and provided free of charge on an equal footing with other subjects of law.

E. Right to food

20. Every human being has a right to adequate, appropriate, healthy food, and is entitled not to be exposed to the risk of hunger or starvation. The State and the international community are duty-bound to accord all human beings, individually or collectively, the right of physical and economic access to appropriate food.

21. Poor rural inhabitants are entitled, in order to feed themselves, to acquire effective ownership of their land and register that ownership in good and due form. States and the international community are duty-bound to uphold peasants' rights to the ownership of their land and to encourage agrarian reforms that will afford access to additional land and will protect and demarcate the lands belonging to indigenous population groups and the lands and territory belonging to minorities descended from slaves and protect fish resources and small-scale fishing communities' fishing grounds, nomadic herders' grazing rights, and the hunting rights of those who live by hunting.

22. In the event of hunger or famine and where welfare assistance is provided in the form of food, distributions of food or similar measures, peoples' dignity must be fully respected, organized arrangements being made for distribution that encourage active participation by the population groups concerned.

23. Corruption, food smuggling, theft of international humanitarian aid, wilful adulteration of food intended for the general public, distribution of perished foodstuffs and all other similar misconduct must be regarded as criminal behaviour of the gravest order - as a violation of poor peoples' and others' human rights in particular - and made subject to exemplary punishment.

F. Right to health

24. Persons living in extreme poverty have a right to health, and the State must guarantee the appropriate exercise of that right.

25. All persons living in hardship have a right to be treated with dignity, respect and humanity by health-care systems. Health-care personnel must be acquainted with the day-to-day circumstances of highly underprivileged individuals and families and trained in forging partnerships with such people.

26. Poor people living in areas of extreme poverty where pandemics, epidemics and widespread illnesses such as HIV/AIDS, malaria, tuberculosis, leprosy or typhus occur have a right to health and to active involvement in the design and execution of eradication programmes. The State is under an obligation to uphold the right to health of the entire population, including those living in extreme poverty. Where situations overwhelm its capacity to respond, the State is under an obligation to seek assistance from the international community, and the international community must grant such assistance immediately.

27. The right to health is closely linked to the right to life. Those responsible, nationally and internationally, for any negligence in the execution of preventive or health-care programmes, or for any ill-informed, inappropriate or ill-intentioned planning that results in human deaths, must be put on trial and punished.

28. Theft, corruption, trafficking, black-marketeering and any other criminal activity involving vaccines, medical supplies, surgical or other equipment originally intended as medical aid must be severely punished and, depending on the scale of the activity, regarded as a crime of the utmost seriousness subject to prosecution and trial before the competent courts. Victims or their legal heirs and successors are entitled to reparation.

G. Right to drinkable water

29. Persons living in extreme poverty have a right to drinkable water, and the State is duty-bound to provide this service to them free of charge. In areas of widespread rural poverty, the State must provide drinkable water whenever climatic conditions culminate in drought. If the State cannot do so by itself, it is under an obligation to seek the assistance of the international community, and the international community is obliged to provide such assistance.

30. The right to drinkable water is directly linked to the right to life. Negligence, omission or planning that results in an absence of water distribution services must be regarded as action threatening human life. Likewise, the destruction of the means of supplying water, the sale of water rights and privatization or management of water resources that results in a lack of access to drinkable water for groups of the population must be regarded as an encroachment upon this right.

H. Right to housing

31. Persons living in extreme poverty have the right to dignified housing affording suitable protection from the climate, enabling them to have a family life and to develop as individuals in dignity and decency.

32. All who live in extreme poverty have the right to private, individual, cooperative or collective ownership of their housing, furniture and utensils of every kind; in rural areas they have the right to collective or individual ownership of their land, housing, tools, animals and other daily necessities. The State is under an obligation to guarantee the poor access to housing in a manner that will spur improvements in their living conditions.

33. As part of their poverty eradication policies, States should place especial emphasis on housing policy and encourage the active involvement of those living in extreme poverty in the design, execution, management, administration and evaluation of housing policy. States should be especially attentive to the quality and suitability of any public housing that is built. Corruption, poor management of building materials and negligence must be severely punished by the judicial system and regarded as a kind of discrimination and a breach of the human rights of the poor.

I. Right to education and culture

34. All who live in extreme poverty have a right to education. They and their children are entitled to have access to basic education and schooling at all the levels offered by the education system, without being exposed to segregation or discrimination of any kind. The State should most particularly ensure that children living in extreme poverty have access to education.

35. All who live in extreme poverty have a right of access to culture and the arts. Special programmes affording access to culture, instruction, reading, art and literature and resource-management and administration programmes should be set up in collaboration with, and with the active involvement of, the poor and their families as means of eradicating hardship. Cultural and instructive programmes, whether designed and executed by the State or by private entities, should seek to uphold the dignity of the poor, promote awareness of their rights, and accord due recognition to their experience.

J. Right to work

36. All who live in extreme poverty have a right to decent, dignified, productive, safe and appropriately remunerated employment. State policy should guarantee their right to employment, to labour rights, to appropriate welfare provision and to security systems enabling them to cope with unemployment and crises. Poverty-alleviation policies must take account of the right to work as a factor militating against extreme poverty.

37. On the matter of access to employment, the State and society must strive to abolish any form of discrimination based on external impressions, physical appearance, residence, living conditions, race, ethnic background, sex or any other consideration stemming from extreme poverty. Discrimination in employment on grounds relating to extreme poverty which are unrelated to good performance on the job should be duly penalized.

38. The State should ensure that there are fair labour codes so that wage earners, both permanent and, especially, temporary, and their families do not have to live in poverty despite going to work. The State must eradicate child labour, prostitution, forced labour, contemporary forms of slavery and other activities in which those living in extreme poverty are often constrained to engage.

K. Right to justice

39. All who live in extreme poverty have the same right of access to justice as other citizens. The State and the judicial system must take care to uphold equality before the law and ensure the administration of justice without discriminating on grounds of physical appearance, residence or any other consideration stemming from extreme poverty.

40. The State and judicial administration must provide free, high-quality legal assistance for the protection of people living in extreme poverty. Judges must explain charges and proceedings in a clear, comprehensible manner and, when dealing with individuals who do not speak the language officially used in a particular court, must call in specialist translators and interpreters free of charge.

41. The State should set up educational and public-information programmes to help the poor learn about their rights and the legal and judicial proceedings which they are entitled to bring. The State and judiciary should also set up training programmes for judges, defence counsel and judiciary officials with a view to ensuring that the justice system works for the poor.

Section 3

L. State obligations and international cooperation

42. Since human rights are universal, concerted action by the international community is required to give effect to them. International cooperation is, for States, developed countries in particular, a duty to which they must devote a significant proportion of their resources.

43. International cooperation over basic human rights must be developed with a view to the full realization of those rights. States and the international community are under an obligation to act immediately to end situations of widespread poverty, starvation and hardship. In the case of long-standing situations of dire poverty and situations resulting from natural disasters, armed conflict, etc. which require States to make appropriate resources available at short notice it is not just the State that must take immediate action: the international community must also set up ad hoc programmes. International bodies at the highest level must decide upon preventive measures, provide assistance and set medium- and long-term development objectives for dealing with such situations together and effectively.

44. International cooperation must be combined with appropriate action in international trade, market and investment promotion, weapons dealing and labour-market regulation to ensure that such cooperation yields results and does not accentuate the cycle of extreme poverty. Cancellation of foreign debt, reduced rates of interest and similar measures should be part of States' international cooperation policies and obligations.

M. Duties and responsibilities of public and private entities in combating poverty

45. Public and private bodies working to reduce extreme poverty (whether in industrialized or in developing countries), provide humanitarian aid or conduct international cooperation or development, educational or other plans and programmes are duty-bound to make their programmes public, disclose their working methods and objectives as well as their funding, and account for their activities. Their duties and responsibilities must be consistent with the international human rights system and these guidelines.

46. The staff of public and private international organizations, non-governmental organizations and movements and organizations working to eradicate poverty do and must display a high level of professionalism and moral rectitude in their conduct, and must base their action on the principles of international human rights law and these guidelines. The duties and responsibilities of such staff, whatever their status and including those volunteering their services, must be subject to independent supervision and public scrutiny. Given the humanitarian nature of such organizations' activities (their staff often work without pay), and in order to display greater solidarity with the poor and their living conditions, the organizations should be held strictly to ethical standards of conduct and any breach of those standards should be duly punished.

47. The international community must accord due recognition to, back and finance voluntary work in support of the poor, especially efforts to combat poverty and establish, nationally, regionally and internationally, a climate of solidarity; it must encourage poor people's organizations and social movements seeking to eradicate poverty with a view to the attainment of human rights.

48. States and the international community should celebrate on 17 October the International Day for the Eradication of Poverty proclaimed by the General Assembly in resolution 47/196 of 22 December 1992, which affords an opportunity to give due recognition and lend weight to this campaign.

2006/10. Promotion of the realization of the right to drinking water and sanitation

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

Reaffirming the indivisibility, interdependence and interrelated nature of economic, social and cultural rights and civil and political rights,

Mindful that the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and a wide range of other texts provide unequivocally that all persons are entitled to the full realization of economic, social and cultural rights,

Recalling the Declaration on the Right to Development,

Recalling also that in part I, paragraph 10, of 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 human rights, and urged States and the international community to promote effective international cooperation for the realization of the right to development and the elimination of obstacles to development,

Taking account of the results of the World Summit for Social Development, held in Copenhagen from 6 to 12 March 1995, especially the recommendations in its Programme of Action concerning the United Nations system to strengthen United Nations operational activities for development in order to ensure the implementation of the World Summit outcome, as well as the capacity of the United Nations system for gathering and analysing information and establishing indicators of social development, taking into account the work carried out by different countries, in particular by developing countries,

Recalling resolutions I (Assessment of water resources), II (Community water supply), III (Agricultural water use), IV (Research and development of industrial technologies), VIII (Institutional arrangements for international cooperation in the water sector) and IX (Financing arrangements for international cooperation in the water sector) adopted at the United Nations Water Conference, held in Mar del Plata, Argentina, from 14 to 25 March 1997,

Bearing in mind the International Drinking Water Supply and Sanitation Decade (1981-1990) and the observance, on 22 March of each year, of the World Day for Water, proclaimed by the General Assembly in its resolution 35/18 of 10 November 1980 and 47/193 of 22 December 1992, respectively,

Bearing in mind also the objectives of a “20:20”-type compact concerning in particular the access of all to drinking water supply and sanitation services, as stated in the *Human Development Report 1994*,

Recalling the Protocol on Water and Health to the 1992 Convention on the Protection and Use of Transboundary Watercourses and International Lakes, adopted in London in 1999 under the auspices of the Economic Commission for Europe, and which refers to the principle of equitable access to water, which should be provided for all members of the population,

Recalling also the principles of the Madeira Declaration on the sustainable management of water resources, adopted by the European Council on Environment Law on 17 April 1999, and the resolution on drinking water adopted by the Council on 28 April 2000,

Considering that, in its resolution 55/196 of 20 December 2000, the General Assembly proclaimed the year 2003 as the International Year of Freshwater,

Taking into account general comment No. 15 (2002) on the right to water, adopted by the Committee on Economic, Social and Cultural Rights, which states that water is a public good fundamental for life and health and should be treated as a social and cultural good,

Taking particular account of the International Decade for Action, "Water for Life", 2005-2015, proclaimed by the General Assembly in its resolution 58/217 of 23 December 2003, the goal of which is a greater focus on water-related issues at all levels and on the implementation of water-related programmes and projects, in order to help to achieve internationally agreed water-related goals contained in Agenda 21, the United Nations Millennium Declaration and the Johannesburg Plan of Implementation,

Recalling its resolution 1997/18 of 27 August 1997, in which it decided to entrust to Mr. El-Hadji Guissé the task of drafting, without financial implications, a working paper on the question of the promotion of the realization of the right of access of everyone to drinking water supply and sanitation services,

Taking into consideration the working paper on the promotion of the realization of the right of everyone to access to drinking water supply and sanitation services prepared by Mr. Guissé (E/CN.4/Sub.2/1998/7),

Recalling Commission on Human Rights decision 2002/105 of 22 April 2002, approving the appointment of Mr. Guissé as Special Rapporteur to conduct a detailed study on the relationship between the enjoyment of economic, social and cultural rights and the promotion of the realization of the right to drinking water supply and sanitation,

Taking into consideration the preliminary, interim and final reports on the promotion of the realization of the right to drinking water supply and sanitation prepared by the Special Rapporteur and submitted to the Sub-Commission at its fifty-fourth, fifty-fifth and fifty-sixth sessions, respectively (E/CN.4/Sub.2/2002/10, E/CN.4/Sub.2/2003/WP.3 and E/CN.4/Sub.2/2004/20),

Bearing in mind that water is the source of life,

Bearing in mind also that all persons have the right to sufficient supplies of water to meet their essential needs and to have access to culturally acceptable, accessible, secure and affordable sanitation facilities that take account of the requirements of hygiene, human dignity, public health and environmental protection,

Considering that water resources constitute a public good and that they must be used in an equitable manner and managed in cooperation with users in a spirit of solidarity,

Deeply concerned that more than 1 billion people in the world are still deprived of access to drinking water supply and that almost 4 billion are not living in decent conditions of sanitation,

1. *Welcomes with satisfaction* the report of the Special Rapporteur, Mr. El-Hadji Guissé, on the realization of the right to drinking water and sanitation (E/CN.4/Sub.2/2005/25), which contains draft guidelines for the realization of the right to drinking water and sanitation;
2. *Re-emphasizes* that the right to water is an individual and collective human right and is closely linked to other rights, such as the rights contemplated in several international human rights instruments and in general comment No. 15 (2002) of the Committee on Economic, Social and Cultural Rights;
3. *Reaffirms* that the access of everyone to drinking water supply must not be subject to any restriction but must be subject to regulation and control by the public authorities;
4. *Adopts* the guidelines for the realization of the right to drinking water and sanitation, referred to in paragraph 1 of the present resolution;
5. *Requests* all States and international organizations to give priority, in political decision-making at the national, regional and international levels, to the implementation of their international obligations in the area of drinking water and sanitation;
6. *Calls upon* all States to cooperate in the area of drinking water supply and sanitation for the realization of the right of everyone to water;
7. *Requests* the Secretary-General to bring to the attention of States, international organizations and non-governmental organizations concerned with questions relating to water and sanitation, the guidelines for the realization of the right to drinking water and sanitation, as well as general comment No. 15 (2002) of the Committee on Economic, Social and Cultural Rights;
8. *Invites* Mr. Guissé to continue his work on the right to drinking water and sanitation and to submit a follow-up report to the fifty-ninth session of the Sub-Commission or to the first session of the future expert advice mechanism of the Human Rights Council;
9. *Decides* to submit the report of Mr. Guissé on the realization of the right to drinking water and sanitation, which contains draft guidelines for the realization of the right to drinking water and sanitation, to the Human Rights Council for consideration and adoption.

*21st meeting
24 August 2006*

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

2006/11. The rights of persons belonging to national or ethnic, religious and linguistic minorities

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

Taking note of the report of the Working Group on Minorities on its twelfth session (A/HRC/Sub.1/58/19),

Welcoming the increasing participation of minority representatives in sessions of the Working Group,

Expressing appreciation for the active participation of the independent expert on minority issues at the twelfth session of the Working Group,

Concerned about the continued violations of minority rights in all parts of the world,

1. *Emphasizes* the need to ensure adequate consideration of minority rights issues within the Human Rights Council and calls for the continuation of the Working Group on Minorities or a similar expert body to ensure the provision of specialized advice on minority rights issues to the Council, preferably through its subsidiary bodies in the future;
2. *Recommends* that such a future mechanism be convened intersessionally and for a duration of at least five working days, and recommends that the mechanism ensure access to and participation by minority representatives from all regions of the world and serve as a forum for dialogue and mutual understanding on minority rights issues;
3. *Stresses* the historical opportunity that the establishment of the mandate of the independent expert on minority issues and its ongoing interaction with the Working Group represent in advancing the promotion and protection of the rights of minorities, in particular in the area of follow-up and thematic expertise where the complementarity with the open forum provided by the Working Group is of crucial relevance;
4. *Notes with appreciation* the proposal made by the independent expert to study and, when appropriate, take initiatives on the specific minority situations brought to the attention of the Working Group by minority representatives and Governments during its twelfth session;
5. *Endorses* the request of the Working Group and the independent expert for a two-year programme of work, which includes a series of regional seminars, one of them on the situation of Afro-descendants in the Americas, on integration of minority considerations resulting in diversity in security, policing and criminal justice as a follow-up to the study discussed during the twelfth session of the Working Group (E/CN.4/Sub.2/AC.5/2006/WP.1), as well as the preparation of three thematic studies to be followed by thematic seminars on positive country experiences on self-government for minorities; on ways and means of strengthening the application of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities; and on double discrimination against women belonging to minorities;

6. *Welcomes* the progress made and the steps taken towards the establishment of a voluntary fund to support the participation of minority representatives, especially from developing countries, in United Nations meetings;

7. *Recommends* that the Office of the United Nations High Commissioner for Human Rights continue operating the fellowship programme for minorities, as it is an excellent tool for building capacity among minority representatives and minority organizations on the essence and working methods of the various human rights mechanisms and instruments, and encourages the Office to identify possible ways of further engaging with minority fellows once the programme has finished;

8. *Calls upon* the Office of the High Commissioner and the independent expert on minority issues, together with the Working Group on Minorities, through inter-agency cooperation, to engage the various parts of the United Nations system, the international financial institutions, the regional banks, and regional and national development agencies in the effective implementation of the goals and objectives of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities so as to recognize the importance of mainstreaming minority issues as a tool for achieving equal rights, and to actively promote the mainstreaming of a minority perspective in the design, implementation, monitoring and evaluation of relevant policies and programmes.

*21st meeting
24 August 2006*

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

2006/12. 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 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,

Welcoming the adoption of the United Nations Declaration on the Rights of Indigenous Peoples by the Human Rights Council by its resolution 1/2 of 30 June 2006, 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 the 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 for the Second Decade, through the United Nations 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 suggested 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. *Reiterates* that there is a 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 International Decade of the World's Indigenous People in order to fully realize the Decade's goals;

2. *Requests* the United Nations High Commissioner for Human Rights to continue 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;

3. *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 midterm and end-term reviews of the Second Decade, to be carried out by the General Assembly in 2010 and 2015;

4. *Expresses its view* that the conclusions and recommendations adopted annually by the Working Group and the experience accumulated by this body during its 24 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;

5. *Welcomes* the observance of the International Day of the World's Indigenous People on 3 August 2006;

6. *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 and intergovernmental and non-governmental organizations, as well as of staff of United Nations bodies and the specialized agencies;

7. *Reiterates* the recommendation 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;

8. *Welcomes* the steps that have been taken and continue to be taken to establish and promote cooperation between the Permanent Forum on 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 the work to achieve a successful common approach that stressed the need for a second international decade.

21st meeting
24 August 2006
[Adopted without a vote. See chap. VII.]

2006/13. 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-fourth session (A/HRC/Sub.1/58/22) and, in particular, of its conclusions and recommendations,

Welcoming the ample discussions in the Working Group during its twenty-fourth 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, "Utilization of indigenous peoples' lands by non-indigenous authorities, groups or individuals for military purposes", 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 2005/49 and 2005/51 of 20 April 2005 and Economic and Social Council decisions 2005/268 and 2005/270 of 25 July 2005,

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 on 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 resolution 2005/23 of 11 August 2005,

1. *Expresses its deep appreciation* to all members of the Working Group 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. *Recommends* that the item “indigenous issues” be automatically included in the agenda of the Human Rights Council and stresses the need for an expert body to provide the Council with advice on the promotion, protection and realization of the rights of indigenous peoples; also recommends that the principal functions of this body should be to produce in-depth, action-orientated reports and studies and to engage in the elaboration of norms and other international standards relating to the promotion, protection and realization of the rights of indigenous peoples; and further recommends that the expert body should report to the Sub-Commission or any future expert advice mechanism;
4. *Requests* the Secretary-General to transmit the report of the Working Group on its twenty-fourth session (A/HRC/Sub.1/58/22) 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 Human Rights Council, all thematic rapporteurs, special representatives, independent experts and working groups existing as special procedures under the authority of the Human Rights Council, and to all the treaty bodies;
5. *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;
6. *Requests* the current Chairperson-Rapporteur of the Working Group to make an oral presentation to the fourteenth annual meeting of special rapporteurs/representatives, independent experts and chairpersons of working groups of the special procedures of the Human Rights Council 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;

7. *Welcomes* the adoption by the Human Rights Council by its resolution 1/2 of 29 June 2006 of the United Nations Declaration on the Rights of Indigenous Peoples and recommends its adoption by the General Assembly at its sixty-first session;
8. *Reiterates* its decision 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;
9. *Requests* the Working Group to continue exploring ways and means to further strengthen its cooperation with the Permanent Forum and the Special Rapporteur;
10. *Requests* the Human Rights Council to endorse the participation, for one week, of the Chairperson-Rapporteur of the Working Group at the sixth session of the Permanent Forum on Indigenous Issues in 2007, as recommended by the Working Group in its report (A/HRC/Sub.1/58/22, para. 59), to enable him to present the report of the Working Group on its twenty-fourth session;
11. *Recommends* to the Human Rights Council and the Economic and Social Council that the Chairperson of the Permanent Forum on Indigenous Issues and the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people be invited to participate in the twenty-fifth session of the Working Group;
12. *Decides* that the Working Group, at its twenty-fifth session, shall adopt as the principal theme “The impact of private sector initiatives on indigenous peoples’ rights”, and that the Office of the United Nations High Commissioner for Human Rights shall invite all relevant organizations, agencies 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;
13. *Decides* that the Working Group’s agenda for its twenty-fifth 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: “The impact of private sector initiatives on indigenous peoples’ rights”; (c) “Utilization of indigenous peoples’ lands by non-indigenous authorities, groups or individuals for military purposes”; 5. Standard-setting: review and approval of the final drafts of the guidelines on cultural heritage and on free, prior and informed consent; 6. Other matters: (a) Second International Decade of the World’s Indigenous People; (b) Cooperation with other United Nations bodies; (c) State of the United Nations Voluntary Fund for Indigenous Populations; (d) The 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. Presentation of elements for conclusions and recommendations; 9. Adoption of the report;

14. *Requests* the Secretary-General to prepare an annotated agenda for the twenty-fifth session of the Working Group on the basis of paragraph 13 of the present resolution;

15. *Invites* the Office of the High Commissioner for Human Rights, after consultation with the Chairperson-Rapporteur, to inform participants at the twenty-fifth 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;

16. *Requests* the Working Group to continue to review at its twenty-fifth session, under draft agenda item 5, the final drafts of the guidelines on the heritage of indigenous people and on free, prior and informed consent;

17. *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;

18. *Requests* Miguel Alfonso Martínez to submit to the twenty-fifth session of the Working Group under draft agenda item 4 (c), or to any future expert advice mechanism under the appropriate agenda item, the additional working paper requested by the Sub-Commission in its resolution 2004/15 of 15 April 2004 on the issue of indigenous peoples and conflict prevention and resolution;

19. *Invites* all States to submit to the Working Group at its twenty-fifth 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;

20. *Endorses* the recommendation of the Working Group to request the Office of the High Commissioner to organize two technical workshops, one to produce a final draft of the guidelines relating to indigenous peoples' heritage, and another to prepare guidelines on the principle of free, prior and informed consent based on the work undertaken by the Working Group during recent years, and to this effect, to take the necessary steps to include in the budget for 2007 the necessary appropriations to ensure that these workshops are held in Geneva not later than the end of 2007; and recommends that the Office publish and disseminate widely the guidelines on free, prior and informed consent;

21. *Decides*, in view of the discussions that took place under the principal theme of its twenty-fourth session, to invite the Office of the High Commissioner to organize in 2007, 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;

22. *Reiterates its deep appreciation* to the Mascwachis Cree Nation's Elders and Chiefs for 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), and welcomes the work that has already been done by the Mascwachis Cree Nation's Elders and Chiefs and the Office of the High Commissioner in preparation of that event;

23. *Expresses its thanks* to the Office of the High Commissioner for having extended the necessary cooperation to 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;

24. *Expresses its appreciation* to the Office of the High Commissioner for the organization of a seminar on "Indigenous peoples' permanent sovereignty over natural resources and their relationship to land" in January 2006 and takes note of the report on this activity presented to the Working Group on Indigenous Populations (E/CN.4/Sub.2/AC.4/2006/3). It also requests the Office of the High Commissioner to implement the recommendations, where appropriate;

25. *Requests* the Office of the High Commissioner to provide technical cooperation to States that wish to elaborate national legislation on indigenous issues drawing upon existing human rights law, as well as the Declaration;

26. *Reiterates its request* to Mr. Alfonso Martínez to prepare, without financial implications, a working paper on the present-day effects 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-sixth session and to the Sub-Commission at its fifty-ninth session or to the first session of any future expert advice mechanism;

27. *Recommends* that the Office of the High Commissioner organize, if possible before the end of 2008, a seminar on the contemporary effects of colonialism for indigenous peoples;

28. *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 2007 to the United Nations Voluntary Fund for Indigenous Populations and the Voluntary Fund for the Second Decade of the World's Indigenous People;

29. *Recommends* that States consider asking the General Assembly to broaden the mandate of the Voluntary Fund so as to allow indigenous peoples to participate in the human rights treaty bodies and to provide funding for human rights projects to indigenous organizations;

30. *Requests* the Human Rights Council to authorize ten meetings for the Working Group on Indigenous Populations prior to the fifty-ninth session of the Sub-Commission or of the first session of any future expert advice mechanism in 2007;

31. *Recommends* to the Human Rights Council the following draft decision for adoption:

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

*21st meeting
24 August 2006*

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

2006/14. Discrimination based on work and descent

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

Recalling its resolutions 2000/4 of 11 August 2000, 2003/22 of 13 August 2003, 2004/17 of 12 August 2004 and 2005/22 of 11 August 2005, and Commission on Human Rights decision 2005/109 of 19 April 2005,

Welcoming the progress report on discrimination based on work and descent (A/HRC/Sub.1/58/CRP.2) submitted by the Special Rapporteurs, Yozo Yokota and Chin-Sung Chung,

Regretting, however, that more replies were not received from Governments, national human rights institutions and relevant organs and agencies of the United Nations system in response to the questionnaire issued by the Special Rapporteurs, and that the regional workshops proposed by the Special Rapporteurs and endorsed by the Sub-Commission in its resolution 2005/22 could not be held,

Emphasizing the importance of continuing and completing the study on discrimination based on work and descent, and of finalizing draft principles and guidelines for the effective elimination of this form of discrimination,

1. *Requests* the Special Rapporteurs to continue and complete their study on discrimination based on work and descent, to finalize draft principles and guidelines for the effective elimination of this form of discrimination and to submit their final report in 2007 to the Sub-Commission or its successor body, or in the absence of either, to the Human Rights Council;

2. *Endorses* the Special Rapporteurs' proposals to organize (i) two regional workshops, one in Asia and one in Africa, before the end of the first quarter of 2007 by obtaining independent funding, in order to encourage the interactive participation of representatives of affected communities in discussions with the Special Rapporteurs on this topic; and (ii) a consultation meeting in Geneva during the second quarter of 2007, in order for the Special

Rapporteurs to receive the views of Governments, United Nations bodies and agencies, non-governmental organizations and representatives of affected communities on the finalization of the draft principles and guidelines for the effective elimination of discrimination based on work and descent;

3. *Requests* the United Nations High Commissioner for Human Rights to provide adequate assistance and support to the Special Rapporteurs to enable them to complete their study, including with regard to the organization of the proposed workshops and consultation meeting;

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

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

*21st meeting
24 August 2006*

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

2006/15. Discrimination against leprosy-affected persons 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 working paper on discrimination against leprosy-affected persons and their families submitted by Yozo Yokota (A/HRC/Sub.1/58/CRP.7);

2. *Endorses* all the conclusions and recommendations contained in the working paper;
3. *Welcomes* the adoption of the Global Appeal to End Stigma and Discrimination against People Affected by Leprosy signed by the world's most renowned and respected political, cultural and religious leaders and formally proclaimed on 29 January 2006 in New Delhi on the occasion of World Leprosy Day;
4. *Also welcomes* the recent achievement by India and Angola of the elimination target of less than one case of leprosy per ten thousand population, and the fact that, according to the World Health Organization, the number of new leprosy cases reported during the year 2005 declined dramatically, part of the downward trend of newly detected cases of leprosy patients on the global level;
5. *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;
6. *Also requests* Governments to provide appropriate remedies to former patients forcibly hospitalized in a sanatorium, colony, hospital or community;
7. *Further requests* Governments to immediately prohibit and take effective measures to eradicate discrimination of any type against leprosy-affected persons and their families;
8. *Encourages* Governments to make every effort to include leprosy education in school curricula so as to give correct information about leprosy and leprosy-affected persons and their families and prevent discrimination against them;
9. *Endorses* the proposals made by Mr. Yozo Yokota to organize, if independent funding is available, (i) two regional workshops, one in Africa and one in Asia, in order to encourage representatives of leprosy-affected persons and their organizations to participate actively in the discussions on the topic of discrimination against leprosy-affected persons and their families; and (ii) a consultation meeting in Geneva in order for Mr. Yokota to hear the views of Governments, United Nations bodies and agencies, non-governmental organizations and representatives of leprosy-affected persons in drafting the text of principles and guidelines on discrimination against leprosy-affected persons and their families;
10. *Requests* the Human Rights Council to include the topic of discrimination against leprosy-affected persons and their families among the studies to be conducted by the Sub-Commission or a new body of experts to be created under the Council, and decides to appoint Yozo Yokota as Special Rapporteur with the task of conducting a full and comprehensive study on this issue and to submit in 2007 a preliminary report to the Sub-Commission or a new body of experts, or in the absence of either, to the Human Rights Council, and to produce a draft set of principles and guidelines to end discrimination against leprosy-affected persons and their families;

11. *Requests* Mr. Yokota to enter into a 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 of everyone to the highest attainable standard of physical and mental health and the Committee on Economic, Social and Cultural Rights;

12. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide Mr. Yokota with all the assistance necessary to enable him to accomplish his task, including with regard to the organization of the proposed workshops and consultation meeting;

13. *Recommends* the following draft decision to the Human Rights Council for adoption:

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

*21st meeting
24 August 2006*

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

2006/16. 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 resolution 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,

Recalling the expanded working paper submitted at its fifty-seventh session 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) and welcoming the updated information provided in her conference room paper submitted at its fifty-eighth session (E/CN.4/Sub.2/AC.4/2006/CRP.2),

1. *Endorses* the conclusions and recommendations contained in the conference room paper and reaffirms those 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 and her conference room paper, as well as the comments received and the discussions that took place at the fifty-seventh and fifty-eighth sessions of the Sub-Commission and the results of the questionnaire 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-ninth session or to the first session of any future expert advice mechanism, and a progress report and a final report in subsequent years;

4. *Requests* the Secretary-General to provide the Special Rapporteur with all the assistance necessary to accomplish this task, including the attendance of herself and the secretary to the Working Group on Indigenous Populations at the workshop on this topic to be organized in the first half of 2007 in the South Pacific;

5. *Requests* States to provide full and timely replies to the questionnaire authorized by the Commission;

6. *Decides* that if, for whatever reason, Ms. Hampson's appointment is not endorsed by the Human Rights 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-fifth session and to the Sub-Commission at its fifty-ninth session or to the first session of any future expert advice mechanism;

7. *Recommends* the following draft decision to the Human Rights Council for adoption:

[For the text, see chap. I, draft decision 8.]

8. *Decides* to continue consideration of this issue at its fifty-ninth session under the same agenda item or recommends consideration of this issue during the first session of any future expert advice mechanism.

21st meeting
24 August 2006
[Adopted without a vote. See chap. VII.]

2006/17. Report of the Working Group on Contemporary Forms of Slavery

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

Recalling its resolution 2005/29 of 11 August 2005,

Taking note of Human Rights Council decision 1/102 of 30 June 2006,

Reaffirming that slavery, in all its forms and practices, is a crime against humanity and that every woman, man and child has a fundamental right to be free from all forms of slavery and servitude,

Recalling that the priority theme of the thirty-first session was the human rights dimension of prostitution,

Taking note of the report of the Working Group on Contemporary Forms of Slavery on its thirty-first session (A/HRC/Sub.1/58/25) and in particular the recommendations contained in chapter VI,

Expressing its appreciation for the valuable contribution made by victims of slavery and slavery-like practices and their representatives, whose participation in the Working Group's session was facilitated by grants from the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery, to authentic perspectives on the subsisting slavery and slavery-like practices,

Having focused on the mandate given to the Working Group by the Human Rights Council to contribute to the paper to be prepared by the Sub-Commission giving its vision and recommendations for future expert advice to the Council,

Recalling that the Working Group has played a leading role in focusing attention on the persistent need to ensure implementation of the slavery conventions, helped identify and compile new forms and manifestations of slavery and slavery-like practices, drawn attention to such practices as the sale of children, child prostitution and child pornography, forced marriage, violence against women, migrant workers and trafficking in persons, and drafted the Programme of Action for Prevention of Traffic in Persons and the Exploitation of the Prostitution of Others which was adopted by the Commission on Human Rights,

Taking note of the consensus view expressed in the Working Group, particularly among the participating non-governmental organizations engaged in the study, investigation and eradication of slavery and slavery-like practices, on the maintenance of the Working Group,

1. *Recommends* that the Human Rights Council recommend to the General Assembly to maintain and intensify efforts to persuade States to ratify the Slavery Convention of 1926, the Convention on the Suppression of Traffic in Persons and the Exploitation of the Prostitution of Others of 1949, the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery of 1956, the Worst Forms of Child Labour Convention, 1999 (Convention No. 182) of the International Labour Organization and other treaties on slavery-related issues;

2. *Recommends* that the Human Rights Council request the General Assembly to appeal to Member States to contribute more generously to the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery to enable it to facilitate the participation of a larger number of victims of slavery and slavery-like practices and their representatives in meetings of the Working Group and to provide grants for projects that assist victims of slavery and slavery-like practices, and recommends that a member of the Working Group, designated by it, be invited to participate in the annual meeting of the Board of Trustees, in order to increase synergy between the two bodies;

3. *Commends* to the attention of the Human Rights Council the record of the Working Group's significant contribution to the identification of new forms and manifestations of slavery and slavery-like practices and to their eradication;

4. *Emphasizes* that the Working Group provides a unique platform for victims of slavery and slavery-like practices and non-governmental organizations to appear before an international forum attended by representatives of Governments and international organizations, and thus raises awareness of the persistent and new forms of slavery and slavery-like practices;

5. *Recommends* that the Working Group be maintained;

6. *Also recommends* that the Human Rights Council give consideration during the review of the system of expert advice to: (a) the possibility of entrusting a mandate to the Working Group for monitoring the implementation of slavery-related treaties in a framework of cooperation with parties to these treaties; and (b) the possibility of establishing a special rapporteur on contemporary forms of slavery, or merging this mandate with that of another special rapporteur whose reports are discussed with the future expert advice mechanism, under a permanent agenda item and submitted, with the recommendations of the future expert advice mechanism, to the Human Rights Council for consideration.

*21st meeting
24 August 2006*

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

2006/18. 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 2005/27 of 11 August 2005,

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, E/CN.4/Sub.2/2004/35 and E/CN.4/Sub.2/2005/33),

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, resolution 2005/63 of 20 April 2005 on the protection of human rights of civilians in armed conflicts 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 on Human Rights at its sixty-second session (E/CN.4/2006/61 and Add.1-5),

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 once again 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 (A/HRC/Sub.1/58/23);
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-ninth session or to its successor body, or, in the absence of either, to the Human Rights Council on the issues of systematic rape, sexual slavery and slavery-like practices during armed conflicts;

8. *Decides* to consider the issue at its fifty-ninth session under the same agenda item or request to consider at the first session of any successor body for expert advice.

*21st meeting
24 August 2006*

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

2006/19. 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, 2004/18 of 12 August 2004 and 2005/26 of 11 August 2005,

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 an indication of at least minimum action, as requested by the Commission, 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 from discrimination, and the poor as actors of development and social change,

Recalling with satisfaction the proclamation by the General Assembly in its resolution 59/113A of 10 December 2004 of the World Programme for Human Rights Education, structured in consecutive phases, which began on 1 January 2005, and stressing 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,

Taking note with satisfaction of General Assembly resolution 59/113B 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,

1. *Welcomes* various positive activities carried out by the Office of the High Commissioner for Human Rights with a view to disseminating globally the Universal Declaration of Human Rights as well as the Plan of Action and its contribution and support to the implementation of the Plan;

2. *Welcomes also* the establishment of the Human Rights Council by the General Assembly in accordance with its resolution 60/251 of 3 April 2006 in which the General Assembly decided in paragraph 5 that “the Council shall, inter alia: (a) Promote human rights education and learning”;

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 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.

*21st meeting
24 August 2006*

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

2006/20. 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 resolution 2005/31 of 11 August 2005 in which it endorsed all of the recommendations contained in the report of the sessional working group mandated to elaborate detailed principles and guidelines, with relevant commentary, concerning the promotion and protection of human rights when combating terrorism (E/CN.4/Sub.2/2005/43), including the request to Kalliopi Koufa to update her preliminary framework draft of principles and guidelines based on the discussions in the working group, and decided to reconvene the working group at the fifty-eighth session of the Sub-Commission,

1. *Expresses its deep appreciation and thanks* to Ms. Koufa for her second expanded working paper, containing an updated framework draft of principles and guidelines concerning human rights and terrorism (A/HRC/Sub.1/58/30);

2. *Also expresses its deep appreciation and thanks* to Françoise Hampson for her working paper on international judicial cooperation (A/HRC/Sub.1/58/CRP.6) and to Emmanuel Decaux for his working paper on the rights of victims of terrorist acts (A/HRC/Sub.1/58/CRP.11), as well as to all those who participated in the second 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 (A/HRC/Sub.1/26) 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;

6. *Requests* Ms. Koufa to update the preliminary framework draft of principles and guidelines based on the discussions in the working group, as well as on the notes and comments to be submitted to her later, as recommended by the working group;

7. *Decides* to transmit to the Human Rights Council the updated framework draft of principles and guidelines, with relevant commentary, concerning the promotion and protection of human rights when combating terrorism, contained in document A/HRC/Sub.1/58/30, for its consideration, recognizing that this draft would necessitate further elaboration and work;

8. *Decides* to reconvene the working group at its fifty-ninth session, or during the first session of any future expert advice mechanism;

9. *Recommends* to the Human Rights Council that consideration be given, in its review of the system of expert advice, to the continuation of the working group in order to ensure the continuation of the work to elaborate detailed principles and guidelines, with relevant commentary, concerning the promotion and protection of human rights when combating terrorism.

*21st meeting
24 August 2006*

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

2006/21. The protection of civilians during armed conflicts

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 relevant human rights instruments and international humanitarian law, in particular the Hague Conventions of 1899 and 1907 on the Laws and Customs of War on Land and the Geneva Conventions of 1949 on the protection of the victims of war and the Additional Protocols thereto of 1977, which enshrine the principles prohibiting attacks against civilians and requiring that attacks against military objectives and combatants not cause disproportionate harm to civilians and civilian property,

Recalling that, in all circumstances, the human person remains under the protection of the principles of humanity and the dictates of public conscience,

Emphasizing that human rights and international humanitarian law are complementary and mutually reinforcing,

Reaffirming that the right of people to struggle against foreign occupation and aggression and the activities of resistance groups should be exercised within the limits of international humanitarian law,

Taking into account its responsibility to examine and draw lessons from country-specific situations with a view to identifying gaps in both human rights protection and monitoring in time of armed conflict,

1. *Calls upon* the Human Rights Council to call upon Member States to consider holding a meeting of the High Contracting Parties to the Geneva Conventions of 1949 on possible options for enhanced monitoring of compliance with their obligations under international humanitarian law;
2. *Recommends* that regional preparatory expert meetings be held with a view to providing the conference of the High Contracting Parties with lessons learned from recent conflicts, both of a national and an international character, in different parts of the world and suggestions to remedy both the protection and monitoring gaps;
3. *Recommends* that the Sub-Commission, or a future expert advice mechanism, consider, as a matter of priority, ways of enhancing compliance by States with their obligations under international human rights law applicable in situations of armed conflict, in particular the rights of children;
4. *Requests* that guidelines be elaborated, in a professional and objective manner, by competent bodies to build on the experience of recent commissions of inquiry and fact-finding missions, with a view to establishing a culture of compliance and accountability, and to provide Member States with reliable tools for victim-oriented commissions of inquiry;
5. *Emphasizes* the importance of distinguishing accountability for human rights violations from the political dimensions of a conflict and the need for human rights organs and bodies to address situations of gross and widespread violations of human rights on their own merits;
6. *Underlines* the need for relevant human rights special procedures, other experts in human rights law and experts in international humanitarian law to conduct a structured dialogue with a view to identifying how human rights mechanisms and mechanisms of international humanitarian law can produce, in a more coordinated manner, improved protection of civilians under human rights and international humanitarian law in situations of conflict;

7. *Recommends* that the Sub-Commission or any future expert advice mechanism include the issue of ensuring respect for human rights during armed conflict among its priorities and as a permanent item on its agenda, to build upon the ongoing work of the Sub-Commission in this area.

*21st meeting
24 August 2006*

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

**2006/22. Prevention of human rights violations committed
with small arms and light weapons**

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 Geneva Conventions of 12 August 1949 on the protection of war victims and the Additional Protocols thereto, and other relevant international instruments on human rights and international humanitarian law,

Reaffirming the importance of the right to life as a fundamental principle of international human rights law, as confirmed in article 3 of the Universal Declaration of Human Rights and article 6 of the International Covenant on Civil and Political Rights and in the jurisprudence of the Human Rights Committee,

Recalling its decision 2001/120 of 16 August 2001, in which it entrusted to Ms. Barbara Frey the task of drafting a working paper on the questions of (a) the trade and carrying of small arms and light weapons; and (b) the use of such weapons in the context of human rights and humanitarian norms, its resolution 2002/25 of 14 August 2002 recommending the appointment of Ms. Frey as Special Rapporteur to prepare a comprehensive study on the prevention of human rights violations caused by the availability and misuse of small arms and light weapons; as well as its decision 2003/105 of 13 August 2003, decision 2004/123 of 13 August 2004 and decision 2005/110 of 11 August 2005 on the prevention of human rights violations committed with small arms and light weapons,

Recalling also Commission on Human Rights decision 2003/112 of 25 April 2003 on prevention of human rights violations caused by the availability and misuse of small arms and light weapons and decision 2004/124 of 21 April 2004 on the transmittal of a questionnaire regarding availability and misuse of small arms and light weapons,

Convinced that the protection of human rights must be central to the development of further principles and norms regarding the availability, transfer and misuse of small arms and light weapons and that to maximize human rights protection for the greatest number of people, both in their own societies and in the international community, States must take steps not only to prevent violations of human rights by State officials with small arms and light weapons, but also to reduce small arms and light weapons violence by private actors,

1. *Urges* States to adopt laws and policies regarding the manufacture, possession, transfer and use of small arms and light weapons that comply with principles of international human rights and international humanitarian law;
2. *Also urges* States to provide training on the use of firearms by armed forces and law enforcement personnel consistent with basic principles of international human rights and humanitarian law with special attention to the promotion and protection of human rights as a primary duty of all State officials;
3. *Further urges* States to take effective measures to minimize violence carried out by armed private actors and individuals, including using due diligence to prevent small arms and light weapons from getting into the hands of those who are likely to misuse them;
4. *Requests*, as a means of preventing human rights violations committed with small arms and light weapons, that persons and groups who document human rights practices, including United Nations special procedures, United Nations human rights monitors in field operations and non-governmental organizations, seek out information and report specifically on human rights violations committed with small arms and light weapons;
5. *Welcomes* the final report of the Special Rapporteur, Barbara Frey, on the prevention of human rights violations committed with small arms and light weapons (A/HRC/Sub.1/58/27), containing the draft principles on the prevention of human rights violations committed with small arms and light weapons (A/HRC/Sub.1/58/27/Add.1);
6. *Endorses* the draft principles on the prevention of human rights violations committed with small arms and light weapons as amended by the Special Rapporteur to reflect the discussion at the fifty-eighth session of the Sub-Commission, annexed to the present resolution and encourages their application and implementation by States, intergovernmental organizations and other relevant actors;
7. *Requests* Ms. Frey to compile and update the study on prevention of human rights violations committed with small arms and light weapons so that it can be published in one volume as part of the Human Rights Study Series, in all the official languages of the United Nations;
8. *Decides* to transmit to the Human Rights Council the draft principles on the prevention of human rights violations committed with small arms and light weapons for consideration and adoption by the Council;
9. *Decides* to request the Secretariat to transmit the draft principles on the prevention of human rights violations committed with small arms and light weapons to the Human Rights Committee and other United Nations human rights treaty monitoring bodies, to the Special Rapporteur on extrajudicial, summary or arbitrary executions, to the United Nations Commission on Crime Prevention and Criminal Justice and to regional human rights bodies, so as to assure their wide dissemination;

10. *Recommends* the following draft decision to the Human Rights Council for adoption:

[For the text, see chap. I, draft decision 9.]

*21st meeting
24 August 2006*

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

Annex

PRINCIPLES ON THE PREVENTION OF HUMAN RIGHTS VIOLATIONS COMMITTED WITH SMALL ARMS AND LIGHT WEAPONS

Bearing in mind the primacy of international human rights law as codified in the International Bill of Human Rights,

Recognizing that the right to life, liberty and security of the person is guaranteed in the Universal Declaration of Human Rights and reaffirmed in the International Covenant on Civil and Political Rights,

Acknowledging that State agents, especially law enforcement officials, play a vital role in the protection of the right to life, liberty and security of person,

Recalling that article 3 of the Code of Conduct for Law Enforcement Officials provides that law enforcement officials may use force only when strictly necessary and to the extent required under the law for the performance of their duty,

Recalling also the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials adopted in 1990 by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders,

Recalling further that the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, in its resolution 14, emphasized that the use of force and firearms by law enforcement agents should be commensurate with due respect for human rights,

Recalling that the Economic and Social Council, in its resolution 1986/10 of 21 May 1986, section IX, invited Member States to pay particular attention in the implementation of the Code of Conduct for Law Enforcement Officials to the use of force and firearms by law enforcement officials, and the General Assembly, in its resolution 41/149 of 4 December 1986, welcomed the Council's recommendation,

Acknowledging that paragraph 2 of the Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions requires the strict control, including a clear chain of command over all officials responsible for apprehension, arrest, detention, custody and imprisonment, as well as those officials authorized by law to use force and small arms,

Noting the need to promote the human rights, safety and well-being of all persons by preventing foreseeable small arms violence through appropriate measures to regulate small arms possession and use by private actors, including those suggested in paragraph 5 of Economic and Social Council resolution 1997/28 of 21 July 1997 and in resolution 9 of the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders,

Emphasizing the need for States to promote and assist with the pursuit of negotiated solutions to conflicts, including by addressing their root causes as noted in the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, section III, paragraph 4,

Emphasizing also the responsibility of States to promote public education and awareness about the root causes of violence and to promote alternative forms of dispute resolution, as recognized by the Economic and Social Council in its resolution 1997/28 and the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, section II, paragraph 20,

Solemnly proclaims the human rights principles set forth below, formulated to assist Member States in their task of ensuring and promoting the proper action by State agents, especially law enforcement officials, with respect to their unequivocal role to protect the right to life, liberty and security of the person, as guaranteed in the Universal Declaration of Human Rights and reaffirmed in the International Covenant on Civil and Political Rights, and urges that every effort be made so that the principles become generally known and respected.

A. Obligations with regard to State agents

1. Governments and State agents, especially law enforcement officials, shall not use small arms and light weapons to violate human rights. All State agents have the obligation to uphold and affirm human rights including the right to life, liberty and security of person, as guaranteed in the International Bill of Human Rights. A State agent includes any person or persons acting at the instigation of or with the consent or acquiescence of a public official.
2. Governments and State agencies shall adopt and implement rules and regulations on the use of force and small arms and light weapons against persons by State agents, especially law enforcement officials.
3. In order to prevent the violation of human rights committed with small arms and light weapons, Governments and State agents shall ensure strict enforcement of the rules and regulations they adopt, including a clear chain of command over all officials authorized by law to use force and, in particular, small arms and light weapons. Governments shall ensure that arbitrary or abusive use of force carried out with small arms and light weapons, including but not limited to force used by any State agent, is punished as a criminal offence.

4. In order to further prevent the violation of human rights committed with small arms and light weapons, Governments and State agents shall establish and maintain adequate and detailed procedures for the proper storage and management of small arms and light weapons, including ammunition. Governments shall actively pursue the collection, safe storage, destruction and responsible disposal of surplus small arms and light weapons.
5. Governments and State agencies shall ensure that all law enforcement officials are selected by proper screening procedures, have appropriate moral, psychological and physical qualities for the effective exercise of their functions and receive continuous and thorough professional training on the acceptable conditions for the use of force in conformity with these principles. Those State agents who are permitted to carry small arms and light weapons shall be authorized to do so only upon completion of special training regarding the limitations on their use. The compliance of State agents with rules and regulations on the use of force and small arms and light weapons shall be subject to regular review.
6. In the training (at national or international level) of State agents, especially law enforcement officials, Governments and State agencies shall give special attention to the promotion and protection of human rights as a primary duty of all State agents. Governments shall design training programmes to emphasize alternatives to the use of force and small arms and light weapons, including the peaceful settlement of disputes, the understanding of crowd behaviour, and the methods of persuasion, negotiation and mediation, with a view to limiting the use of force and small arms and light weapons.
7. In the planning of specific operations and tactical situations, Governments and State agents shall include alternative means of settlement without recourse to force and small arms and light weapons.
8. In honouring the right to life, liberty and security of person, as guaranteed in the Universal Declaration of Human Rights and reaffirmed in the International Covenant on Civil and Political Rights, the intentional lethal use of small arms and light weapons may only be made when strictly unavoidable in order to protect life. State agents, including law enforcement officials, shall not use small arms and light weapons against persons except in self-defence or defence of others against the imminent threat of death or serious injury, to prevent the perpetration of a particularly serious crime involving grave threat to life, to arrest a person presenting such a danger and resisting their authority, or to prevent his or her escape, and only when less extreme means are insufficient to achieve these objectives.
9. Governments and State agencies shall establish effective reporting and investigative procedures to ensure that all incidents involving the misuse of small arms and light weapons by State agents, including law enforcement officials, are reviewed and acted upon by independent and competent authorities. There shall be a thorough, prompt and impartial investigation, and appropriate corrective measures taken, in all cases of death, torture, other ill-treatment or injury involving the use of small arms and light weapons by State agents. In addition to determining the cause, manner and time of death, torture or injury, and the persons responsible, all investigations should identify the type of weapon(s) used in the incident.

B. Due diligence to prevent human rights abuses by private actors

10. In order to ensure the protection of human rights by preventing small arms and light weapons violence by private actors, Governments shall enact licensing requirements to prevent possession of arms by persons who are at risk of misusing them. Possession of small arms and light weapons shall be authorized for specific purposes only; small arms and light weapons shall be used strictly for the purpose for which they are authorized. Before issuing a licence Governments shall require training in proper use of small arms and light weapons, and shall take into consideration, at a minimum, the following factors: age, mental fitness, requested purpose, prior criminal record or record of misuse, and prior acts of domestic violence. Governments shall require periodic renewal of licences.

11. Governments shall ensure that proper controls are exercised over the manufacturing of small arms and light weapons through incorporation into national law and by other measures. For the purpose of identifying and tracing small arms and light weapons, Governments shall require that at the time of manufacture, each small arm or light weapon has a unique permanent mark providing, at a minimum, the name of the manufacturer, the country of manufacture and the serial number.

12. Governments shall ensure the investigation and prosecution of persons responsible for the illegal manufacture, possession, stockpiling or transfer of small arms and light weapons. Governments shall impose penalties for crimes involving the misuse of small arms and light weapons, including to commit domestic violence, and for the unlawful possession of small arms and light weapons.

13. With the cooperation of the international community, Governments shall develop and implement effective disarmament, demobilization and reintegration programmes, including the effective collection, control, storage and destruction of small arms and light weapons, particularly in post-conflict situations. Governments should take steps to encourage voluntary disarmament. Governments should implement public awareness and confidence-building programmes, in cooperation with civil society and non-governmental organizations, to prevent a return to armed violence and to encourage alternative forms of dispute resolution. Governments should incorporate a gender perspective in their peacekeeping and public awareness efforts to ensure that the special needs and human rights of women and children are met, especially in post-conflict situations.

14. Governments shall prohibit international transfers of small arms and light weapons which would violate their obligations under international law, including in circumstances in which such arms are likely to be used to commit serious human rights violations.

15. In light of the obligation of a State, under international human rights law, to prevent human rights violations, States are required under international law to provide, upon request, assistance in the provision of information regarding the ownership or purchase of small arms and light weapons, inter alia, for the purposes of judicial proceedings in other States.

B. Decisions

2006/101. Three-week session of the Sub-Commission on the Promotion and Protection of Human Rights

At its 2nd meeting, on 7 August 2006, the Sub-Commission on the Promotion and Protection of Human Rights, taking note of Human Rights Council decision 1/102 of 30 June 2006, in which the Council decided, without a vote, that the final session of the Sub-Commission should be convened starting on 31 July for a period of up to four weeks, if so decided by the Sub-Commission, including its pre-sessional and in-sessional working groups, decided to utilize all three weeks of meeting time available to it in order to be able to carry out its programme of work, including the tasks requested by the Council.

[See chap. III.]

2006/102. Establishment of a sessional working group to elaborate detailed principles and guidelines, with relevant commentary, concerning the promotion and protection of human rights when combating terrorism under agenda item 6 (c)

At its 2nd meeting, on 7 August 2006, the Sub-Commission on the Promotion and Protection of Human Rights, recalling its resolution 2005/31 of 11 August 2005, decided, without a vote, to establish a sessional working group to elaborate detailed principles and guidelines, with relevant commentary, 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, Mr. Salama and Ms. Sardenberg Zelner Gonçalves.

[See chap. III.]

2006/103. Establishment of a sessional working group on the administration of justice under agenda item 3

At its 2nd meeting, on 7 August 2006, the Sub-Commission on the Promotion and Protection of Human Rights, recalling its resolution 2005/13 of 10 August 2005, 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. Tuñón-Veilles and Mr. Yokota.

[See chap. III.]

2006/104. Establishment of a sessional working group on the effects of the working methods and activities of transnational corporations on the enjoyment of human rights under agenda item 4

At its 2nd meeting, on 7 August 2006, the Sub-Commission on the Promotion and Protection of Human Rights, recalling its resolution 2005/6 of 8 August 2005, decided, without a vote, to establish a sessional working group on the effects of the working methods and activities of transnational corporations on the enjoyment of human rights under agenda item 4, composed of the following members: Mr. Alfonso Martínez, Mr. Alfredsson, Mr. Bíró, Ms. Chung and Mr. Guissé.

[See chap. III.]

2006/105. Establishment of a drafting group on implementation of Human Rights Council decision 1/102 of 30 June 2006 under agenda item 7

At its 3rd meeting, on 9 August, the Sub-Commission on the Promotion and Protection of Human Rights decided, without a vote, to establish a drafting group to prepare, for the consideration of the Sub-Commission, the documents requested by the Human Rights Council in its decision 1/102 of 30 June 2006 under agenda item 7, composed of the following members: Mr. Alfonso Martínez, Mr. Bíró, Mr. Guissé, Ms. Hampson and Mr. Yokota, and chaired by the Chairperson of the fifty-eighth session of the Sub-Commission, Mr. Bossuyt.

[See chap. IX.]

2006/106. Human rights and State sovereignty

At its 21st meeting, on 24 August 2006, the Sub-Commission on the Promotion and Protection of Human Rights, welcoming with satisfaction the working paper prepared by Mr. Vladimir Kartashkin on human rights and State sovereignty (E/CN.4/Sub.2/2006/7), decided, without a vote, to request Mr. Kartashkin to prepare, without financial implications, an expanded working paper on human rights and State sovereignty that should address, among other things, such issues as State sovereignty and the relationship between international and domestic law in the field of human rights, and to submit it in 2007 to the Sub-Commission or to any future expert advice mechanism. The Sub-Commission also recommends that this topic be included in the agenda of the future expert advice mechanism as a matter of priority.

[See chap. V.]

2006/107. Transitional justice: investigation mechanisms for truth and reconciliation, with emphasis on Latin America

At its 21st meeting, on 24 August 2006, 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 working group on the administration of justice at its next session.

[See chap. V.]

2006/108. The right to development

At its 21st meeting, on 24 August 2006, the Sub-Commission on the Promotion and Protection of Human Rights, recalling the adoption of the Declaration on the Right to Development by the General Assembly in its resolution 41/128 of 4 December 1986 and the request by the Commission on Human Rights in 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, having received the working paper prepared by Florizelle O'Connor (E/CN.4/Sub.2/2005/23) and taking note of Ms. O'Connor's request for additional time to complete the requested document, decided, without a vote, to request Ms. O'Connor to submit the document to the Sub-Commission at its fifty-ninth session, or to the first session of any future expert advice mechanism.

[See chap. VI.]

2006/109. Human rights of elderly people

At its 21st meeting, on 24 August 2006, the Sub-Commission on the Promotion and Protection of Human Rights decided, without a vote, to request Chin-Sung Chung to prepare, without financial implications, a working paper on the human rights of elderly people, and to submit it to the fifty-ninth session of the Sub-Commission or the first session of any successor body for expert advice.

[See chap. VIII.]

2006/110. Human rights and the human genome

At its 21st meeting, on 24 August 2006, the Sub-Commission on the Promotion and Protection of Human Rights decided, without a vote:

(a) To request the Special Rapporteur, Antoanella-Iulia Motoc, to submit a final report on human rights and the human genome to the Sub-Commission or the future expert advice mechanism, or in the absence of either, to the Human Rights Council;

(b) 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.]

2006/111. Impact of debt on the enjoyment and exercise of human rights

At its 22nd meeting, on 24 August 2006, the Sub-Commission on the Promotion and Protection of Human Rights decided, without a vote, to request the Human Rights Council to authorize it to appoint Mr. El-Hadji Guissé as Special Rapporteur on the impact of debt on the enjoyment and exercise of human rights, and requests Mr. Guissé to submit his preliminary report on this study to the Sub-Commission at its fifty-ninth session, or to the first session of the future expert advice mechanism. In preparing his preliminary report, Mr. Guissé should take into account the discussions that took place at the Sub-Commission on this subject and the work of the Independent Expert on the effects of economic reform policies and foreign debt on the full enjoyment of human rights, particularly economic, social and cultural rights.

[See chap. I, draft decision 10
and chap. VI.]

2006/112. Implementation by the Sub-Commission of Human Rights Council decision 1/102

At its 23rd meeting, on 25 August 2006, the Sub-Commission on the Promotion and Protection of Human Rights, decided, without a vote, to request its Chairperson to transmit the document annexed to the present decision to the President of the Human Rights Council.

Annex

**IMPLEMENTATION BY THE SUB-COMMISSION OF HUMAN RIGHTS
COUNCIL DECISION 1/102**

CONTENTS

	<i>Paragraphs</i>	<i>Page</i>
I. VISION AND RECOMMENDATIONS	1 - 67	76
A. Introduction	1 - 13	76
B. The general vision of the Sub-Commission	14 - 19	79
C. The Council's need for expert advice	20	80
D. The functions to be performed by any standing human rights expert advice mechanism that the Council may see fit to establish to serve its needs	21 - 24	81
E. Main characteristics of any standing human rights expert advice mechanism that the Council may choose to establish	25 - 39	84
F. Differences in function and method of work between HRCC and other mechanisms in the United Nations human rights system	40 - 62	85
G. Report of the intersessional working groups and the Social Forum, as requested in paragraph 4 of decision 1/102	63 - 66	89
H. Summary of recommendations	67	90
II. OVERVIEW OF PAST AND RECENT CONTRIBUTIONS OF THE SUB-COMMISSION	68 - 85	95

Appendices

I. List of the studies carried out by the Sub-Commission from 1956 to 2006	99
II. List of ongoing studies and reports	104

I. VISION AND RECOMMENDATIONS

A. Introduction

1. The Sub-Commission on the Promotion and Protection of Human Rights respectfully requests the Human Rights Council (the Council), to take into account the following comments and recommendations when undertaking the overall review of all mandates, mechanisms, functions and responsibilities formerly under the authority of the Commission on Human Rights (the Commission) and assumed by the Council on 16 June 2006.

1. General Assembly resolution 60/251 of 15 March 2006

2. In resolution 60/251 the Assembly stressed the need to preserve and to build on the achievements of the Commission and to redress its shortcomings.¹ It reaffirmed the commitment to strengthen the United Nations human rights machinery.² It requested the Council to undertake a two-stage process. First, it must review all mandates, mechanisms, functions and responsibilities of the Commission (55 in total, in accordance with the annex to Council decision 1/102). Then, on the basis of that review, which should be completed not later than 1 July 2007, the Council may improve and/or rationalize any of those mandates, mechanisms, functions and responsibilities. Any modification to existing practices and procedures must have, as its ultimate purpose, “to *maintain* a system of special procedures, expert advice and a complaint procedure” (emphasis added), and requires a specific decision of the Council. Pending the reaching of decisions under this overall process of review, a system of special procedures, expert advice and a complaint procedure is to be maintained in place.³

3. Council decisions during that overall review process that may imply the extinction of any of the components of the present system should be adopted only after the completion of a full review of the present status and usefulness of the mandate, mechanism, etc. in question.⁴ In this connection, the Secretary-General, in his statement of 23 February 2006 on the new Council, and the present United Nations High Commissioner for Human Rights, in her statement of 27 March last 2006 before the Commission, emphasized the need to avoid any gaps in the protection of human rights. In her statement, Ms. Arbour also stressed the need to prevent disruptions in standard-setting activities.

4. As noted above, the overall review process should be completed by the Council within a year of the holding of its first session. It could be validly argued that considering the systemic nature of the existing network of mandates and mechanisms now under the Council’s authority,

¹ Eighth preambular paragraph.

² Twelfth preambular paragraph.

³ Paragraph 6.

⁴ *Ibid.*

all those listed in the annex to decision 1/102 should remain in existence, with their present functions and responsibilities, until the review process soon to be undertaken by the Council is completed.

5. The Council is clearly envisaged as being the pinnacle of an entire system of promotion and protection of human rights. That system must work as a coherent and integrated whole. Fragmentation, duplication and diffusion of effort must be avoided.

2. Council decision 1/102 of 30 June 2006

6. The Council, in paragraph 3 (b) (i) and (ii) of its decision 1/102, has requested the Sub-Commission to give due priority during its current session to preparing two documents to be submitted to the Council in 2006: (a) a paper giving its own vision and recommendations for future expert advice to the Council; and (b) a list describing the status of ongoing studies and an overall review of its activities. In paragraph 4 of the decision, the Council indicated that, in preparing the first of those two documents, the Sub-Commission should include the contributions that its Social Forum and working groups may deem fit to submit at the end of their 2006 sessions.

3. Annex to Sub-Commission decision 2005/114 of 11 August 2005

7. The Sub-Commission reaffirms the conclusions contained in the annex to its decision 2005/114, which was the subject of collegial discussion and negotiation and which was adopted by consensus.

4. Scope and structure of this paper

8. This document contains the Sub-Commission's vision and recommendations on the advisability of improving and strengthening the network of expert advice mechanisms that was established by the Economic and Social Council during the period 1946-2006, as part of an action-oriented system of United Nations bodies dedicated to the promotion and protection of human rights under the operational primary authority of the Commission, and which included the existing three subsystems: the special procedures, the Sub-Commission and its own subsystem of working groups (both sessional and intersessional) as well as the Social Forum, and the one comprising the various functional mechanisms of the confidential procedure established by Economic and Social Council resolution 1503 (XLVIII) of 1970 (the 1503 procedure).

9. In accordance with decision 1/102, this paper first sets out the Sub-Commission's general vision on any expert advice mechanism resulting from the overall review process to be undertaken by the Council. Then, in the light of the General Assembly resolution establishing the Council, it identifies the functions to be carried out by any standing human rights expert advisory body emerging from the overall review process to be undertaken by the Council, as well as the issues about which the Council will need advice, so as to facilitate the Council's task of determining, in due course, which existing (or future) mechanism is most suitable for providing the advice required. It will be necessary for the Council to consider the operation of all mandates and other mechanisms for which it now has responsibility, in order to ensure the

coherence of the system as a whole and whether all the needs for advice are met. The role of a consultative body made up of independent experts cannot be determined without understanding the role of other parts of the United Nations human rights system.

10. Next, the paper will deal with the characteristics of any future expert advice mechanism, which will be referred to throughout this annex as the Human Rights Consultative Commission (HRCC). There is then a section on the recommendations from the intersessional working groups and the Social Forum, as requested by the Council in paragraph 4 of the decision. Finally, the recommendations of the Sub-Commission to the Council, resulting from the considerations already examined, will be set out in summary form.

11. The vision and recommendations are based on the arrangements for the transitional period established by the Council in decision 1/102, in particular paragraphs 1 and 3, in the light of the provisions of Assembly resolution 60/251. They will refer principally, of course, to how the existing Sub-Commission, as a collegial body, envisages the transition from a Commission-led network of expert advice mechanisms under the Economic and Social Council to one, first, under the direct leadership of the Council and, ultimately, under the final authority of the General Assembly.

12. Nonetheless, because of the long-standing, much-needed systemic nature of United Nations action in the field of human rights, explicitly recognized by the General Assembly in paragraph 6 of resolution 60/251, and in order to secure the “fresh approach” that is so often mentioned as essential when considering the establishment of the new Council, our recommendations will necessarily have to touch upon the interaction that this network of mechanisms of expert advice must secure in its relations with the other two components of the present system, i.e. the subsystem of special procedures and the functional mechanisms of the 1503 procedure.

13. In order to avoid confusion, it has also been thought helpful to define the terms and acronyms used in the paper.⁵

⁵ Commission: the former United Nations Commission on Human Rights. UPR: the universal periodic review referred to in paragraph 5 (e) of Assembly resolution 60/251. Sub-Commission: the United Nations Sub-Commission on the Promotion and Protection of Human Rights. This term will be used to describe the current activities of the body and the views of the current members of the body. HRCC (for Human Rights Consultative Committee) will be used to signify any future standing collegial expert advice body (including a “reconstructed Sub-Commission”), that may emerge from the overall review of all existing expert advice mechanisms referred to in paragraph 6 of Assembly resolution 60/251. UPR expert body: denotes those areas in which UPR will require expert advice, without taking a position on whether that would be provided by a separate, specialized expert body or by the whole or part of HRCC itself. Special procedures: all mechanisms under that name listed in the annex to Council decision 1/102 and which used to report to the Commission, whether called a special rapporteur, a special representative of the Secretary-General or a working group, and whatever the manner of their appointment/selection. Where a particular type of special

B. The general vision of the Sub-Commission

14. This section addresses the vision of the Sub-Commission with regard to the motivation underlying the United Nations human rights system, its characteristics and its product.

1. Motivation underlying the United Nations human rights system

15. The United Nations human rights system should be inspired by faith in the inherent dignity and the equal rights of all human beings, committed to promotion of respect for the ideals and principles proclaimed in the Charter of the United Nations and the Universal Declaration of Human Rights and convinced of the need for development and strengthening of universal standards and rules for the interpretation and implementation in practice of the principles of international human rights law.

2. Characteristics of the United Nations human rights system

16. The general vision of the Sub-Commission is of a United Nations human rights system, based on the equal importance, interdependence and equal value of all human rights, characterized by coherence, objectivity, transparency, non-selectivity in the protection of rights and freedoms, and participation of as wide a range of actors as possible, while, at the same time, avoiding fragmentation, duplication of effort, double standards and political manipulation.

17. The Sub-Commission considers that the Council is to become the pinnacle of such a system. Further, it is convinced that, in order to achieve maximum effectiveness, the Council would need to be served by a network of specialized mechanisms (i.e. working groups) under a standing, collegial, independent expert advice body, which would function as a meeting point or hub for action-oriented ideas and activities, as well as an instrument for reducing present mistrust and tensions by promoting cooperation, rather than confrontation, among member States.

18. To that end, functioning and effective cooperation of all components of the United Nations human rights system needs to be kept under constant review. It is the view of the Sub-Commission that the body described in this document (HRCC) can be instrumental in enabling the Council to gain the legitimacy that in recent times was claimed to be lacking in the performance of the former Commission on Human Rights.

3. Product of the United Nations human rights system

19. The test of the United Nations human rights system is the day-to-day experience of all individuals and communities. In order to understand that experience and to contribute to

procedure is being referred to, that will be made clear in the text. TMBs: treaty monitoring bodies. NHRI: national human rights institutions. NGOs: non-governmental organizations. IGOs: regional, subregional, extraregional, or worldwide intergovernmental organizations. WG: working group, a mechanism attached to some other body higher up in the hierarchical order.

changing it, where necessary, the United Nations human rights system needs to involve NGOs, NHRIs, States and intergovernmental organizations in the closest possible participation in and cooperation with its activities.

C. The Council's need for expert advice

20. According to General Assembly resolution 60/251, the mandate of the Council covers the following fields:

- **Promotion and implementation of human rights obligations, and follow-up to goals and commitments emanating from United Nations conferences and summits.**⁶ There is a role for HRCC to play in establishing guidelines with regard to implementation;
- **Promotion of advisory services, technical assistance and capacity-building, in consultation with and with the consent of the Member States concerned.**⁷ Basically, this is the function of other components of the existing United Nations human rights system, as well as of OHCHR. Nonetheless, independent experts may provide valuable specialized know-how, useful for the most effective discharge of this Council function;
- **UPR.**⁸ There is likely to be a need for the advice of independent experts at some stages in the process (see further below);
- **The complaint procedure (the 1503 confidential procedure).**⁹ HRCC, sitting as a collegial body in plenary meeting, should be assigned once again the function of reviewing the decisions taken by the present Sub-Commission's Working Group on Communications (as originally established by Economic and Social Council resolution 1503 (XLVIII)) (see further below);
- **The prevention of human rights violations and a prompt response to emergencies on a non-selective basis.**¹⁰ This function may require input from the special procedures and the UPR process. It is conceivable that, should the Council so decide, some role could be envisaged for HRCC;

⁶ Paragraph 5 (d).

⁷ Paragraph 5 (a).

⁸ Paragraph 5 (e).

⁹ Paragraph 6.

¹⁰ Paragraph 5 (f).

- **A forum for dialogue on thematic issues regarding all human rights.**¹¹ This is, by definition, a principal function of any standing expert advice body that may result from the overall review to be undertaken by the Council;
- **Making recommendations with regard to the promotion and protection of human rights.**¹² Again, general advice might be expected to come principally from HRCC. Specific advice might also come from any UPR mechanism established by the Council;
- **Making recommendations to the General Assembly for further development of international law in the field of human rights.**¹³ This could also be a principal function of any standing expert advice body;
- **Promotion of human rights education.**¹⁴ This is a responsibility shared by every component of the United Nations human rights system;
- **Working in close cooperation with Governments, regional organizations, NHRIs and civil society.**¹⁵ This also involves every part of the United Nations human rights system. The Sub-Commission has long been regarded by NGOs as a most important forum for all their activities, and has long prided itself on being the most accessible part of the human rights system for NGOs. That is even more true of its sessional and intersessional WGs and the Social Forum.

D. The functions to be performed by any standing human rights expert advice mechanism that the Council may see fit to establish to serve its needs

21. Basically, the ideas advanced on this issue last year by the Sub-Commission, in the annex to its decision 2005/114, continue to be valid after the establishment of the Council and the demise of the Commission. In fact, as demonstrated, inter alia, by the lacunae of resolution 60/251, there is an even clearer need in 2006 “for a collegial independent expert

¹¹ Paragraph 5 (b).

¹² Paragraph 5 (i).

¹³ Paragraph 5 (c).

¹⁴ Paragraph 5 (a).

¹⁵ Paragraph 5 (h).

[advice] 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” (annex to Sub-Commission decision 2005/114, para. 2).¹⁶

22. The functions include the promotion and progressive development of human rights, through studies and standard-setting; the protection of human rights, through the 1503 procedure and, possibly, through involvement in the UPR process; promoting the coherence of the human rights system, including by the provision of follow-up; and identifying lacunae, challenges and implementation needs. These will be considered in turn. HRCC could:

(a) At the request of the Council, or at its own initiative, undertake research and produce documents (in particular, thematic in-depth studies in accordance with a carefully established, prioritized, not-too-prolific, long-term programme of work) to facilitate the promotion and protection of human rights. Essential to the discharge of this function is the collaborative work of specialized, ongoing, intersessional and sessional working groups;

(b) At the request of the Council, or at its own initiative, carry out standard-setting activities, including the process of identification of new issues that may require the adoption of certain norms and other types of standards (such as principles, rules, guidelines and/or practices), including in the field of implementation, as well as the creation of said draft norms and other standards for adoption by Member States, in accordance with a carefully established programme of work. Essential to the discharge of this function is the collaborative work of specialized, ongoing, intersessional and sessional working groups;

(c) Protect human rights by means of involvement in the 1503 procedure and, possibly, the UPR review process:

- (i) 1503 procedure. The Sub-Commission emphasizes the need for a confidential complaint procedure that may provide an effective and timely

¹⁶ The importance of the work of the Sub-Commission has been emphasized by various commentators. Ambassador Makarim Wibisono, Chairperson of the Commission at its sixty-first session, said on 25 July 2005, “[The Commission] recognized not only the valuable contribution made by this body [the Sub-Commission] to the 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.” Louise Arbour said on 25 July 2005, “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.” Mehr Khan Williams, the Deputy High Commissioner, said on 7 August 2006, “Since its inception, this body [the Sub-Commission] has devoted itself to research and discussion of new and challenging human rights issues. ... The Sub-Commission did not hesitate to raise issues that were initially considered provocative or unwelcome but which essentially helped in shaping new thinking and action of the Commission. The Sub-Commission has been a forum for the voice of the civil society.”

remedy to victims of gross violations of human rights. The reforms contained in Economic and Social Council resolution 2000/3 of 16 June 2000 have been unsuccessful and should be modified. HRCC, sitting as a collegial body in plenary meeting, should be assigned once again the function of reviewing the decisions taken by the present Sub-Commission's Working Group on Communications (as originally established by Economic and Social Council resolution 1503 (XLVIII)). A WG of the Human Rights Council, succeeding the Working Group on Situations of the Commission, should have a preparatory role, aimed at facilitating the Council's consideration of the situations referred to it, rather than a filtering role;

- (ii) UPR. If so requested by the Council, HRCC could play a role, provided that this was not to the detriment of its thematic work (see further below);

(d) Promote coherence across the human rights system as a whole, by establishing close cooperation and coordination between all parts of the human rights system, and other parts of the international system as appropriate (e.g. the Permanent Forum on Indigenous Issues, the International Law Commission). It is absolutely essential for the intersessional WGs of HRCC to report to HRCC to ensure coherence. In order to achieve this goal, without prejudice to other forms of cooperation and coordination, the expert body should meet for one meeting a year with the thematic special procedures established by the Human Rights Council to examine possible input to be provided by each subsystem to the work of the other so that the Council receives from both of them coherent and well-thought-out proposals, and to consider issues of common interest within the mandate of the expert body (e.g. the identification of thematic or procedural lacunae). The special procedures would continue to report to the Human Rights Council with regard to the exercise of their mandates. The expert body should be represented, on the basis of equal status, at coordination meetings of the special procedures;

(e) Contribute to the promotion of human rights by means of active participation not only in activities fostering human rights education at all levels but also by its members participating, in an individual capacity, in the delivery of technical assistance to Member States requesting such international cooperation from OHCHR; and

(f) Identify lacunae, challenges and implementation needs and provide follow-up. This would be facilitated by, first, assisting the widest possible participation in the work of the body; second, by giving HRCC the mandate to ensure the coherence of the human rights system as a whole; third, by ensuring that HRCC maintained a general debate, as a separate agenda item; fourth, by ensuring that HRCC maintained a separate agenda item entitled "Identification of lacunae, challenges, implementation needs" and, finally, by ensuring that HRCC maintained a separate agenda item on the follow-up of previous initiatives in the field of human rights.

23. All activities undertaken by HRCC that may have administrative and/or financial implications cannot be undertaken without the explicit authorization of the General Assembly, acting on a recommendation from the Council.

24. HRCC would submit an annual report on its activities to the Council.

E. Main characteristics of any standing human rights expert advice mechanism that the Council may choose to establish

25. This section addresses the composition of HRCC, its organization and method of work.

1. Composition

26. This subsection addresses the overall composition of the body and the qualities necessary for membership, nomination and election.

(a) Overall composition

27. In comparison with the size of the Sub-Commission, HRCC should not be either dramatically increased or decreased, as recognized in the course of the most recent reform of the Sub-Commission in the year 2000, in which the Commission found that 26 experts actually was a suitable size. Nonetheless, two more seats (one to be allocated to the Asian region, the other to the Eastern European area) could be useful. The possible election of alternate members together with the titular ones should be allowed to continue, to contribute to the work of the body. Alternates could also, for example, assist HRCC in its work by undertaking studies.

28. There would be a need for both continuity and new members in the composition of the body. The system of renewal of half of the mandates of the membership, which at present takes the form of elections every two years for half the members of the Sub-Commission, should be maintained. That would require a mandate of an even number of years, such as the present four-year mandates.

29. There is agreement that, in order better to discharge its responsibilities (particularly in view of the period of time needed for studies), it would be advantageous if members of HRCC served for two terms of at least four years. Views vary as to whether there should be any limitation on the number of successive mandates of a member of HRCC and, if so, what that number should be.

30. The body should reflect an equitable geographical and gender distribution and the experts should come from a range of disciplinary and professional backgrounds.

(b) Qualities necessary for membership

31. Those nominated would require recognized expertise in human rights and commitment to the promotion and protection of human rights. The nominees' curricula vitae, including information on their commitment to the promotion and protection of human rights, should be placed on the OHCHR website. All members of HRCC would be expected to have the capacity to undertake studies, alone or with other experts.

(c) Nomination and election

32. Full members of HRCC and their alternates must be elected in accordance with the principle of equitable geographical distribution. Only States should be able to nominate candidates. The only limitations to this sovereign capacity are: (a) they may only nominate their

own nationals/citizens; and (b) the nominees shall be persons of outstanding, recognized integrity, solid experience in human rights issues and committed to the promotion and protection of human rights. They should be elected by the Council under the same procedure now governing the election of members of the Sub-Commission (the rules of procedure governing the proceedings of the committees of the General Assembly do not seem to be applicable to this type of election).

2. Organization and method of work

33. In order to discharge its mandate, HRCC should meet for 20 working days a year. It could take the form of two sessions of 10 working days each, so as to adapt the expert body to the new organization of work of the HRC.

34. The present intersessional WGs, as well as the Working Group on Minorities and the Social Forum (provided that the Council accepts the proposal to keep them with their present mandates), would meet during different months so as to ensure that OHCHR has the capacity to provide the necessary logistical support for the proper discharge of their respective mandates.

35. Sessional WGs, if any, will not meet during the same hours as the plenary of HRCC.

36. The body would undertake an annual review of its programme of work, and would establish a long-term programme of work.

37. Every four years, the expert body should undertake a review of the continuing need for the intersessional WGs.

38. To enable the necessary scrutiny of studies and discussion of standard-setting proposals, HRCC would need to limit the number of such initiatives and prioritize its activities. When considering reports and standard-setting proposals, HRCC would need to establish means to ensure discussion of both general issues and detailed proposals. When determining its methods of work, HRCC is invited to take into account Sub-Commission resolution 2005/32 of 11 August 2005 and the working paper on the methods of work of the Sub-Commission relating to reports (E/CN.4/Sub.2/2005/5).

39. Throughout every aspect of its work, the expert body would seek the widest possible participation in its activities on the part of NGOs, NHRIs, Governments and regional and intergovernmental organizations, including United Nations organizations and agencies.

F. Differences in function and method of work between HRCC and other mechanisms in the United Nations human rights system

40. As indicated in paragraph 9, the Council may have to consider the operation of all mandates and other mechanisms for which it now has responsibility, in order to ensure the coherence of the system as a whole and determine whether all the needs for advice are met. The role of HRCC cannot be determined without understanding the role of other parts of the United Nations human rights system.

1. Treaty monitoring bodies

41. It must be clarified that TMBs continue to be a free-standing part of the United Nations human rights system, since their activities are not subject to the authority of HRCC but to a treaty regime. Only one issue appears to be relevant in this context. There is a need for coordination and cooperation between TMBs and HRCC with regard to the identification of thematic and procedural lacunae. To meet that need, the coordination (inter-committee) meeting of TMBs could be invited to consider including on its agenda an item on identification of thematic and procedural lacunae, and consideration could be given to a representative of HRCC attending that part of the meeting.

2. Special procedures

42. The principal function of the special procedures is to monitor implementation on the basis of agreed standards. It is not, generally speaking, their role to set standards, but to apply them. That said, they may, over time, assist in clarifying the scope of their respective mandates.

43. It is necessary to distinguish between different types of special procedures. There are country special rapporteurs, whose mandate is limited to a particular State; thematic special rapporteurs who monitor implementation of an agreed norm and thematic special rapporteurs who reflect upon an issue (e.g. human rights and international solidarity; the effects of economic reform policies and foreign debt on the full enjoyment of human rights, particularly economic, social and cultural rights). Generally speaking, monitoring is probably best carried out by an individual, but reflective work, while it can initially be carried out by an individual, benefits from discussion in a wider expert group.

44. In the process of rationalization, equal weight must be given to civil and political rights and economic, social and cultural rights. The WGs of the Sub-Commission and the Sub-Commission as a whole renew their request that all the special procedures (and also TMBs) should include consideration of the situation of marginalized groups, including but not limited to indigenous peoples and members of minorities, women, children, the elderly and the disabled, in the discussion of any issue under consideration.

45. Cooperation needs to be improved between the special procedures and other parts of the human rights system. This has significant implications for the Council, to which the special procedures report.¹⁷

46. In addition, so as to improve both cooperation and coherence, it is proposed that thematic special procedures be invited to attend the sessions of HRCC, as and where necessary, and that a member of HRCC should be present, on the basis of equal status, at coordinating meetings of the special procedures.

¹⁷ They also report to the General Assembly.

47. It may be possible to envisage closer cooperation with those special procedures which reflect upon an issue, as opposed to monitoring compliance with established norms and standards.

48. It would be helpful if the reports of special rapporteurs were made available to HRCC and its WGs, as and where relevant to their own work.

3. UPR

49. In resolution 60/251, paragraph 5 (e), the Assembly established a general framework for the UPR mechanism. It is for the Council to determine the form that UPR should take. If the Council feels that it would be useful, the Sub-Commission is ready to make its own views and opinions available. In the present context, the Sub-Commission will limit itself to making general observations regarding the functioning of UPR, insofar as they might have an impact on the role of HRCC or a body providing general thematic advice and proposing new standards.

(a) The UPR process

50. It will be necessary to gather the information to be relied upon. That task, which could be performed by OHCHR, might be thought inconsistent with the impartiality of OHCHR for it to be involved in the process of evaluating the material compiled. That task may therefore need to be undertaken by a group of independent experts (UPR expert body).¹⁸

51. The evaluation could determine the issues and questions to be raised in the interactive dialogue. The interactive dialogue could be conducted by members of the Council, assisted by the UPR expert body. The UPR expert body could formulate recommendations on the basis of the dialogue. Those recommendations could be transmitted to the Council, which could be charged with the responsibility of ensuring follow-up. Two stages might best be performed by an expert body: first, the evaluation of the material and the identification of the issues/questions to be raised and, second, the formulation of recommendations.

52. The success of the UPR process would be compromised if it were to be an entirely political process. For all these reasons, it is submitted that there is a need to involve both independent experts and either members of the Council or their nominees, but there should be no confusion between the respective roles of the two.

53. The need for an expert body does not necessarily mean that the function should be performed by HRCC.

¹⁸ The Council may wish to consider the precedent of the Committee on Economic, Social and Cultural Rights. When the Economic and Social Council determined that there was a need for a committee in that field, it first chose to operate through a body of governmental experts. It subsequently decided that the functions could only be performed by an independent expert body.

(b) The expert UPR body

54. It would appear that UPR will have to consider about 60 cases a year. This represents a considerable caseload. An expert UPR body would need to be large enough to handle this workload and would need to meet sufficiently frequently, and for sessions of sufficient length, to have a realistic chance of discharging its responsibilities. It would be important for the expert body to be of sufficient size as to ensure the representation of views within, as well as between, different regions.

55. Members of the expert UPR body would need to be independent and to have recognized expertise in human rights law, as part of international law. There is consensus in the Sub-Commission that members of an expert UPR body should be subject to election. In that regard, the Sub-Commission refers to paragraphs 26-32 above.

56. There would appear to be at least two possibilities with regard to the UPR expert body. First, it could be completely separate from HRCC. A second possibility would be to find a way for HRCC, or some of its members, to discharge both responsibilities.

57. There are two different views among members of the Sub-Commission with regard to the desirability of the involvement of a successor body to the Sub-Commission in the UPR process itself. In view of the current uncertainty with regard to what UPR will involve and the form it will take, some experts do not consider it advisable that the future expert mechanism should be involved in the process. Should, however, the Council consider it appropriate, the expert advice mechanism should make itself available to consider whether such a collegial standing body could be involved in UPR, its modalities, and the implications for the rest of the work of such a body.

58. Other members of the Sub-Commission are in favour of involving members of HRCC in the UPR process. They think that this would be to the benefit of the coherence of the system as a whole and would avoid a disjuncture between country-related and thematic work, which would be to the detriment of both. They suggest that HRCC be increased in size, as compared to the Sub-Commission, to 28 members and that four chambers, each consisting of 7 members, with interregional representation in each chamber, would undertake those parts of the UPR process which would require the input of independent experts.¹⁹

59. All 28 members would come together for the plenary, thematic sessions of the body.²⁰

60. If HRCC were also to have some responsibility in relation to the UPR process in addition to its thematic responsibilities, that would have significant implications for the time during which members would need to be available. It is not possible to be more specific until more is known of the different options for the UPR process being considered.

¹⁹ It is suggested that the two additional independent experts could come from the Asian and Eastern European groups; see above.

²⁰ See paragraph 33 above.

61. There is consensus in the Sub-Commission that any involvement of HRCC in the UPR process should not be to the detriment of its thematic responsibilities.

4. The 1503 procedure

62. The consensus view of the Sub-Commission with regard to the changes needed in the 1503 procedure in order to enable it to function efficiently and effectively are set out at paragraph 22 (c) above.

G. Report of the intersessional working groups and the Social Forum, as requested in paragraph 4 of decision 1/102

63. The three intersessional WGs - the Working Group on Contemporary Forms of Slavery, the Working Group on Indigenous Populations and the Working Group on Minorities - and the Social Forum are unique platforms in the United Nations human rights system in terms of their attention to vulnerable communities and constituencies that might otherwise go unrepresented. The three intersessional WGs and the Social Forum provide practically the only human rights forums where the concerned groups and communities can effectively participate in United Nations meetings and bring up potential and real problems facing them.

64. The work of the three intersessional WGs and the Social Forum has several components. They:

- Follow recent developments in all parts of the world in their designated areas of work;
- Identify human rights issues and problems facing the affected communities;
- Solicit advice from a wide range of representatives of the concerned communities, academia, NGOs and IGOs, as well as Governments;
- Prepare working papers and propose studies on human rights topics of significance to the understanding and realization of human rights for the affected communities;
- Call for seminars and workshops with wide participation by the communities and other concerned stakeholders;
- Initiate standard-setting activities and make suggestions on institutional and procedural matters;
- Contribute to increasing awareness and understanding of multiple human rights issues of relevance to the affected communities;
- Interact in a complementary fashion with debates and suggestions concerning the relevant special procedures, treaty bodies and OHCHR; and

- Facilitate dialogue with all interested parties in order to further and strengthen constructive and peaceful solutions to problems brought to their attention.

65. Meetings of the three intersessional WGs and the Social Forum are very well attended. They operate in a low-key manner, encouraging an exchange of views and seeking practical solutions. They have identified and are in the process of dealing with highly important human rights issues affecting the concerned communities and constituencies. Two of the intersessional WGs benefit from established voluntary funds and a proposal for a third voluntary fund is well advanced. The Working Group on Contemporary Forms of Slavery has inspired NGOs to increase assistance to victims of slavery-like practices.

66. For the reasons here stated, the Sub-Commission strongly recommends that, whatever the outcome of the ongoing reform, the three intersessional WGs and the Social Forum should continue their work as expert forums, with open access for the concerned communities and constituencies and with sufficient time at their disposal in intersessional meetings.

H. Summary of recommendations

67. The Sub-Commission on the Promotion and Protection of Human Rights, taking into account General Assembly resolution 60/251 of 15 March 2006 and Human Rights Council decision 1/102 of 30 June 2006 and reaffirming the analysis and conclusions contained in the annex to Sub-Commission decision 2005/114 of 9 August 2000, submits the following summary of its recommendations for the consideration of the Human Rights Council:

A. Need for a standing, collegial, independent expert mechanism of general competence in the field of human rights

1. Taking into account General Assembly resolution 60/251, in which the Assembly stipulates that, in order to function effectively and efficiently, the Human Rights Council requires expert advice, in a coherent and comprehensive manner, on a wide variety of issues, it is recommended that the Human Rights Council should maintain a standing collegial body of independent experts.

B. Mandate, functions and structure of the body resulting from decisions of the Council following the conclusion of the review process

2. The functions of the body include, first, the promotion and progressive development of human rights, including, but not limited, to studies on the basis of a plan of work; second, the protection of human rights, including any possible role under the universal periodic review, if requested by the Human Rights Council, and the 1503 procedure; third, acting as a crossroads or hub within the human rights system, so as to ensure that there is coherence within the system as a whole; and fourth, the identification of gaps and challenges in the human rights system.

3. The future expert advice mechanism should retain the current powers of initiative of the Sub-Commission, such as the ability to make recommendations; to adopt resolutions, decisions and Chairperson's statements; to create sessional working groups and to undertake the preparation of working papers.

4. The future expert advice mechanism requires the mandate and the resources to fulfil whatever functions are given to it.

Promotion and progressive development of human rights

5. The expert advice should be provided on the basis of detailed analysis, study and discussion. The studies should be comprehensive and action oriented within a preconceived yet flexible overall work plan that corresponds to and complements issues on the agendas of other parts of the human rights system.

6. The advice needed includes recommendations with regard to standard-setting, including both norms and other standards (e.g. guidelines, principles).

7. The expert advice mechanism would undertake studies and standard-setting at the request of the Human Rights Council.

8. In order to meet the concerns expressed by experts, NGOs, NHRIs, Governments, regional and intergovernmental organizations and United Nations organizations and agencies, as expressed in general debate, the future expert advice mechanism requires a power of initiative. When conducting research on its own initiative, a working paper should be produced by a member of the body. If the body wishes to develop the work by means of a study, it would seek the authorization of the Human Rights Council, giving reasons for the need for the study.

9. OHCHR should provide all necessary assistance requested by those experts undertaking studies, on the same terms and conditions as special rapporteurs appointed by the Human Rights Council.

10. OHCHR should provide annual accounts, accompanying the report of the expert, explaining how the resources allocated to a study or activity have been used.

Working groups and the Social Forum

11. Intersessional working groups and the Social Forum should be an integral part of the structure of the future expert advice mechanism. They would meet between annual sessions, for five working days, and would provide a specialist focus on certain issues, such as is, or used to be, the case for indigenous issues, minority issues and contemporary forms of slavery, and a social forum, with the full participation of representatives of affected communities and peoples as well as relevant organizations and institutions.

12. Other intersessional working groups could be proposed by the future expert advice mechanism, but the establishment of such working groups would require the authorization of the Human Rights Council.
13. Those working groups and the Social Forum could engage in studies and standard-setting and should report to the plenary body, so as to ensure a systematic and coherent approach.
14. The future expert advice mechanism may create sessional working groups where necessary for the better handling of its work, provided that this is not to the detriment of the holding of plenary sessions of the body.

Protection of human rights

15. **Universal periodic review.** The Sub-Commission is of the view, first, that the Human Rights Council will require input from an independent expert body as part of the universal periodic review process and, second, that if a successor body to the Sub-Commission were to be involved in the universal periodic review process, it should not be at the expense of the other functions, set out here, of a standing, collegial body of independent experts.
16. There are two different views among members of the Sub-Commission with regard to the desirability of the involvement of a successor body to the Sub-Commission in the process itself. In view of the current uncertainty with regard to what universal periodic review will involve and the form it will take, some experts do not consider it advisable that the future expert advice mechanism should be involved in the UPR process. Should, however, the Human Rights Council consider it appropriate, the future expert advice mechanism should make itself available to consider whether such a collegial standing body could be involved in universal periodic review, its modalities, and the implications for the rest of the work of such a body.
17. Others are of the view that involvement in the universal periodic review process would assist the thematic work of the independent expert body and that both functions should be performed by the same body. They consider that the initial evaluation of the material compiled would need to be undertaken by independent experts. They suggest that the future expert advice mechanism be increased in size (see further below) to 28 members and that four chambers with 7 members in each chamber, with interregional representation in each chamber, undertake those parts of the UPR process which require the input of independent experts. The meeting time necessary to discharge any responsibilities in relation to universal periodic review should not be to the detriment of the time required for thematic discussions within the body as a whole. All 28 members would come together for the plenary, annual thematic sessions of the body.

18. **1503 procedure.** The Sub-Commission emphasizes the need for a confidential complaints procedure that may provide an effective and timely remedy to victims of gross violations of human rights. To that end, the reforms set out in Economic and Social Council resolution 2000/3 of 16 June 2000 should be modified so as to: (a) restore the authority of a plenary body of independent experts, as envisaged in paragraph 5 of Economic and Social Council resolution 1503 (XLVIII), to refer to the Human Rights Council for consideration particular situations which appear to reveal a consistent pattern of gross and reliably attested violations of human rights; and (b) ensure that a working group of the Human Rights Council, as in the case of the Working Group on Situations of the Commission on Human Rights until the reform of 2000, would have a preparatory role, aimed at facilitating the Council's consideration of the situations referred to it, and not a filtering function.

Coherence function

19. The coherence function would be discharged by establishing close cooperation and coordination between all parts of the human rights system, and other parts of the international system as appropriate, and by giving the future expert advice mechanism the mandate to promote the coherence of the system as a whole. In order to achieve this goal, without prejudice to other forms of cooperation and coordination, the expert body should meet for one meeting a year with thematic special procedures established by the Human Rights Council to examine possible input to be provided by each subsystem to the work of the other so that the Council receives from both of them coherent and well-thought-out proposals and to consider issues of common interest within the mandate of the future expert advice mechanism. The expert body should be represented, on the basis of equal status, at coordination meetings of the special procedures.

Identification of lacunae, challenges and implementation needs and follow-up

20. The identification of lacunae, challenges and implementation needs and follow-up would be facilitated by, first, assisting the widest possible participation in the work of the future expert advice mechanism (see paragraph 8 of the recommendations above); second, by ensuring that the body maintains a general debate, as a separate agenda item; third, by ensuring that the body maintains a separate agenda item entitled identification of lacunae, challenges, implementation needs and, fourth, by ensuring that the body maintains a separate agenda item on the follow-up of previous initiatives of the expert body.

C. Criteria for membership and election

Composition

21. The future expert advice mechanism should be composed of not fewer than 26 members (see paragraph 17 of the recommendations above) in order to ensure a range of disciplinary and professional backgrounds and to reflect different perspectives within, as well as between, different regions.

22. States should be encouraged to nominate alternates, in order to contribute to the work of the body.

23. There would be a need for both continuity and new members in the composition of the body. The system of partial renewal of half the membership, which at present takes the form of elections every two years, should be maintained. That would require a mandate of an even number of years, such as the present four-year mandates.

24. To be able to engage effectively in the work of the future expert advice mechanism, including in the elaboration of studies, at least two successive four-year terms would be a desirable minimum. Views vary, however, as to whether there should be a maximum number of successive mandates.

Qualifications

25. Those nominated would require recognized expertise in human rights and commitment to the promotion and protection of human rights.

26. The nominees' *curricula vitae*, including information on their commitment to the promotion and protection of human rights, should be placed on the OHCHR website.

27. All members of the future expert advice mechanism would be expected to have the capacity to undertake studies, alone or with other experts. The undertaking of studies should be spread as equitably as possible among the experts.

Nomination and election

28. Members of the future expert advice mechanism, and their alternates, could be nominated by any Member State of which they are a national.

29. The body should reflect an equitable geographical and gender distribution and the experts should come from a range of disciplinary and professional backgrounds.

30. The members of the body would be elected by the Human Rights Council, as election is the most democratic method of selection.

D. Organization of work

31. In order to discharge its mandate, the future expert advice mechanism would need to meet in plenary session for 20 working days a year. This could take the form of two sessions of 10 working days each, so as to adapt the expert body to the new organization of work of the Human Rights Council.

32. The body would undertake an annual review of its programme of work, and would establish a long-term programme of work.

33. Every four years, the future expert advice mechanism should undertake a review of the continuing need for the intersessional working groups.
34. To enable the necessary scrutiny of studies and discussion of standard-setting proposals, the future expert advice mechanism would need to limit the number of such initiatives and prioritize its activities.
35. The expert body, when considering reports and standard-setting proposals, would need to establish means of ensuring that there was discussion of both general issues and detailed proposals.
36. When determining its methods of work, the future expert advice mechanism is invited to take into account Sub-Commission resolution 2005/32 of 11 August 2005.
37. Throughout every aspect of its work, the expert body would seek the widest possible participation in its activities on the part of NGOs, NHRIs, Governments and regional and intergovernmental organizations, including United Nations organizations and agencies.
38. HRCC should assume responsibility for and continue ongoing studies, in accordance with the resolutions and decisions adopted by the Sub-Commission at its fifty-eighth session.

II. OVERVIEW OF PAST AND RECENT CONTRIBUTIONS OF THE SUB-COMMISSION

68. The Sub-Commission began its life shortly after the establishment of the United Nations and the Commission on Human Rights. It has throughout been a historical provider of expertise and a pathfinder contributing to the policy deliberations and decisions of governmental bodies in developing understanding of the human rights issues facing communities and groups, elaborating human rights standards, advancing towards universal implementation and realization of human rights, and shaping insights into new problems.
69. The Sub-Commission has taken initiatives and produced pioneering studies on problems little understood at the time, such as inequality and discrimination, equality in the administration of justice, gender justice, the rights of persons belonging to minorities, the rights of indigenous peoples, the right of self-determination, the eradication of apartheid, the new international economic order and human rights, the rights of migrants, religious freedom, harmful traditional practices affecting the health of women and the girl child, and the relationship between peace and human rights, to mention only a few. More recently, the Sub-Commission has undertaken many further studies, for example the studies on constructive and peaceful solutions to problems involving minorities, the right to restitution, compensation and rehabilitation for victims of gross violations of human rights, terrorism and human rights, extreme poverty, impunity, corruption, the right to drinking water and sanitation, and human rights and the human genome. (A list of the key studies and reports of the Sub-Commission is appended.) Through its research the Sub-Commission has laid the foundations for the deliberations of intergovernmental bodies and the development of policy prescriptions and norms.

70. The Sub-Commission, on the basis of its research and studies, has provided major contributions to standard-setting on a variety of topics, starting from the International Covenants on Human Rights and the International Convention on the Elimination of All Forms of Racial Discrimination, the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty, and traversing the codification of international human rights law up to and including the United Nations Declaration on the Rights of Indigenous Peoples, the International Convention for the Protection of All Persons from Enforced Disappearance, the Set of Principles for the protection and promotion of human rights through action to combat impunity, the Guidelines for the Regulation of Computerized Personal Data Files, and the Basic Principles and Guidelines on the Right to Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law. In this regard, partnership between the Sub-Commission and intergovernmental bodies, notably the former Commission on Human Rights, has been a key ingredient of the successes registered by the United Nations in the field of human rights.

71. The Sub-Commission has contributed to reinforcing the universality, indivisibility and interdependence of human rights through its examination of issues and themes affecting people in their daily lives. It has made major contributions to the promotion and protection of economic, social and cultural rights alongside civil and political rights. The Sub-Commission's work on respect for human rights during states of emergency and its work on human rights and terrorism are examples of the innovative insights it has provided into new human rights problems.

72. The Sub-Commission's examination of the situation of vulnerable groups, such as national or ethnic, religious and linguistic minorities, indigenous peoples, migrants, people living in slavery or slavery-like conditions, or people affected by adverse social practices, has helped shed light on the problems of such groups and has helped chart policies and strategies for remedying existing problems and preventing them in the future. The Sub-Commission has also concerned itself with the role of non-State actors, in particular by elaborating principles on the responsibility of transnational corporations in the field of human rights.

73. The Sub-Commission played a pioneering role in the development of what subsequently became the confidential communications procedure established under Economic and Social Council resolution 1503 (XLVIII) by formulating, at the request of the Commission on Human Rights, the criteria for the admissibility of communications and spearheaded the application of that procedure, both through the Sub-Commission's Working Group on Communications (the first stage in identifying those communications which appeared to reveal a consistent pattern of gross and reliably attested violations of human rights and fundamental freedoms) and, until 2000, by determining in plenary which situations of grave violations of human rights should be referred to the Commission for consideration. In the 25 years from 1975 to 2000, the Commission was seized with some 80 country situations thus referred to it by the Sub-Commission.

74. The Sub-Commission has had an invaluable partnership with NGOs in consultative status with the Economic and Social Council. In intergovernmental bodies, where such NGOs participate, they emphasize the presentation of information about particular issues or situations. In the Sub-Commission, NGOs have joined with its members in awareness-raising exercises aimed at the development of understanding, insights, policies, norms and strategies and the mobilization of conscience. There is no other United Nations human rights body where such in-depth joint brainstorming on human rights takes place.

75. The Sub-Commission's Working Group on Contemporary Forms of Slavery has unearthed practices and policies the world over that called for remedial action. No other body has made such a sustained contribution in that area of human rights. Its highlighting of the plight of large numbers of human beings living and working in conditions tantamount to slavery has been of major importance for the promotion and protection of their rights.

76. The Sub-Commission's Working Group on Indigenous Populations, building on a historic global study on the issue by its Special Rapporteur, brought indigenous peoples to the United Nations for the first time in large numbers, and continues to do so. The Sub-Commission's patient and persistent efforts to draft international standards on the promotion and protection of the human rights of indigenous peoples finally resulted in the adoption of the United Nations Declaration. The deliberate human rights focus of the work of the Sub-Commission and its Working Group, through its studies, deliberations and hearings in this area, is unmatched by any other United Nations body.

77. The Sub-Commission's continuing work, in plenary and through its Working Group on Minorities, on the protection of minority rights has sought to buttress international and regional norms on this topic. The United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities was built on the study by and normative inputs of the Sub-Commission.

78. The Sub-Commission's Social Forum has been another pivotal forum for alerting the international community to problems affecting the realization of the human rights of those living in poverty and for the promotion of dignity and basic economic, social and cultural rights, as well as civil and political rights, for the poor. The Social Forum has helped bring human rights closer to the needs of the masses of the people.

79. The feature that distinguishes the Sub-Commission from any other human rights body in the United Nations system is its assembling of the shared insights and expertise of experts and practitioners from all parts of the world. The Sub-Commission has not been without its imperfections, but throughout its history it has been distinguished by its capacity for detached, expert examination of issues, in partnership with civil society, and its contribution of insights and proposals for further deliberation and decision in intergovernmental bodies.

80. The value of the Sub-Commission as a venue for the gathering of ideas can be seen in its historic work on issues such as human rights and scientific and technological developments, human rights and biodiversity, human rights and the human genome, and human rights in the achievement of the Millennium Development Goals. Without the input from a group of experts from all regions of the world, it is hard to see how the United Nations could have cultivated an understanding of ongoing, or emerging, human rights issues, or have developed policies, prescriptions and norms for addressing them.

81. The partnership between a group of experts and governmental bodies is also reflected in the fact that when the original system of periodic reporting by Member States on human rights was consolidated in 1965 by the Economic and Social Council in its resolution 1074 C (XXXIX), the Sub-Commission, then called the Sub-Commission on the Prevention of Discrimination and Protection of Minorities, was requested to undertake the initial study of the materials submitted and to make comments and recommendations thereon to the Commission.

82. In its annual deliberations on developments relating to the prevention of discrimination, equality between men and women, the protection of minorities, and the promotion and protection of human rights, the Sub-Commission has benefited from inputs received from other United Nations bodies, specialized agencies, intergovernmental bodies and regional organizations, national human rights institutions and NGOs. This expert global review, undertaken together with partner institutions, has made the Sub-Commission a leading forum for discussion and debate on a broad spectrum of human rights issues. The world of human rights insights and expertise has assembled at the Sub-Commission.

83. It may also be recalled that the Sub-Commission made major contributions, both to the preparation of world conferences on human rights as well as through active participation in and follow-up to these conferences. Foremost among these were the International Conference on Human Rights held in Tehran in 1968, the World Conference on Human Rights in Vienna in 1993, and the two World Conferences Against Racism in 1978 and 1983 in Geneva, and the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance in Durban, South Africa, in 2001.

84. Recently concluded and ongoing studies of the Sub-Commission also address important and emerging issues, such as administration of justice through military tribunals, responsibilities of non-State actors, and the links between human rights law and international humanitarian law.

85. In recalling the past, reflecting on the present and contemplating the future, and in the light of this overview, it would be reasonable to conclude that the intergovernmental human rights bodies, in particular the Human Rights Council, will continue to require the input of a body of qualified independent human rights experts such as the Sub-Commission on the Promotion and Protection of Human Rights.

Appendix I

List of the studies carried out by the Sub-Commission from 1956 to 2006

Year	Session	Title	Special Rapporteur
2006	58th	Universal implementation of international human rights treaties	Mr. Emmanuel Decaux (France)
2006	58th	Prevention of human rights violations committed with small arms and light weapons	Ms. Barbara Frey (United States of America)
2005	57th	Administration of justice through military tribunals	Mr. Emmanuel Decaux (France)
2005	57th	Housing and property restitution in the context of the return of refugees and internally displaced persons	Mr. Paulo Sérgio Pinheiro (Brazil)
2005	57th	Traditional practices affecting the health of women and children	Ms. Halima Embarek Warzazi (Morocco)
2004	56th	Indigenous people's permanent sovereignty over natural resources	Ms. Erica-Irene Daes (Greece)
2004	56th	The promotion of the realization of the right to drinking water supply and sanitation	Mr. El-Hadji Guissé (Senegal)
2004	56th	Terrorism and human rights	Ms. Kalliopi K. Koufa (Greece)
2003	55th	Globalization and its impact on the full enjoyment of all human rights	Mr. Joseph Oloka-Onyango (Uganda) and Ms. Deepika Udagama (Sri Lanka)
2003	55th	Human rights and human responsibilities	Mr. Miguel Alfonso Martínez (Cuba)
2003	55th	Rights of non-citizens	Mr. David Weissbrodt (United States of America)
2002	54th	Concept and practice of affirmative action	Mr. Marc Bossuyt (Belgium)
2001	53rd	Indigenous peoples and their relationship to land	Ms. Erica-Irene Daes (Greece)
2000	52nd	Systematic rape, sexual slavery and slavery-like practices during armed conflict	Ms. Gay McDougall (United States of America)

Year	Session	Title	Special Rapporteur
1999	51st	Treaties, agreements and other constructive arrangements between States and indigenous populations	Mr. Miguel Alfonso Martínez (Cuba)
1998	50th	Human rights and income distribution	Mr. José Bengoa (Chile)
1997	49th	States of emergency	Mr. Leandro Despouy (Argentina)
1997	49th	Impunity (economic, social and cultural rights)	Mr. El-Hadji Guissé (Senegal)
1997	49th	Impunity (civil and political rights)	Mr. Louis Joinet (France)
1997	49th	Human rights dimensions of population transfer	Mr. Awn Shawkat Al-Khasawneh (Jordan)
1996	48th	Extreme poverty	Mr. Leandro Despouy (Argentina)
1996	48th	Protection of heritage of indigenous people	Ms. Erica-Irene Daes (Greece)
1995	47th	Monitoring and assisting the transition to democracy in South Africa	Ms. Judith Sefi Attah (Nigeria)
1995	47th	Promoting the realization of the human right to adequate housing	Mr. Rajindar Sachar (India)
1994	46th	Human rights and the environment	Ms. Fatma-Zohra Ksentini (Algeria)
1994	46th	The right to a fair trial	Mr. Stanislav V. Chernichenko (Russian Federation) and Mr. William Treat (United States of America)
1993	45th	The right to restitution, compensation and rehabilitation for victims of gross violations of human rights	Mr. Theo van Boven (Netherlands)
1993	45th	Possible ways and means of facilitating the peaceful solution of problems involving minorities	Mr. Asbjørn Eide (Norway)
1993	45th	Problems and causes of discrimination against HIV-infected people or people with AIDS	Mr. Luis Varela Quiros (Costa Rica)
1993	45th	Protection of the cultural and intellectual property of indigenous peoples	Ms. Erica-Irene Daes (Greece)
1992	44th	The right to freedom of opinion and expression	Mr. Louis Joinet (France) and Mr. Danilo Türk (Yugoslavia)

Year	Session	Title	Special Rapporteur
1992	44th	Human rights and youth	Mr. Dimitru Mazilu (Romania)
1992	44th	Violations of human rights of staff members of the United Nations system	Ms. Mary Bautista (Philippines)
1992	44th	The realization of economic, social and cultural rights	Mr. Danilo Türk (Yugoslavia)
1992	44th	Human rights of detained juveniles	Ms. Mary Bautista (Philippines)
1991	43rd	Human rights and disability	Mr. Leandro Despouy (Argentina)
1990	42nd	The practice of administrative detention without charge or trial	Mr. Louis Joinet (France)
1990	42nd	The achievements made and obstacles encountered during the Decades to Combat Racism and Racial Discrimination	Mr. Asbjørn Eide (Norway)
1989	41st	Analysis of current trends and development regarding the right to leave any country, including one's own, and to return to one's own country	Mr. C.L.C. Mubanga-Chipoya (Zambia)
1989	41st	Status of the individual in contemporary international human rights law: promotion, protection and restoration of human rights at national, regional and international levels	Ms. Erica-Irene Daes (Greece)
1988	40th	Analysis of the proposal for the elaboration of a second facultative protocol to the International Covenant on Civil and Political Rights in view of the abolition of the death penalty	Mr. Marc Bossuyt (Belgium)
1988	40th	Draft guidelines for the regulation of computerized personal data files	Mr. Louis Joinet (France)
1988	40th	The administration of justice and the human rights of detainees: Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers	Mr. L.M. Singhvi (India)
1988	40th	Rights of persons belonging to ethnic, religious and linguistic minorities	Mr. Francesco Capotorti (Italy)
1987	39th	Elimination of all forms of intolerance and discrimination based on religion or belief	Ms. Elizabeth Odio Benito (Costa Rica)
1987	39th	Right to adequate food as a human right	Mr. Asbjørn Eide (Norway)
1987	39th	Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the colonialist and racist regimes in Southern Africa	Mr. Ahmed M. Khalifa (Egypt)

Year	Session	Title	Special Rapporteur
1985	38th	The question of the prevention and punishment of the crime of genocide	Mr. B. Whitaker (United Kingdom)
1985	38th	Amnesty laws and their role in the safeguard and promotion of human rights	Mr. Louis Joinet (France)
1985	38th	Draft principles on the right and responsibility of individuals, groups and organs of society to promote and protect universally-recognized human rights and fundamental freedom	Ms. Erica-Irene Daes (Greece)
1984	37th	Problem of discrimination against indigenous populations	Mr José R. Martínez Cobo (Ecuador)
1983	36th	Conscientious objection to military service	Mr. Asbjørn Eide (Norway) and Mr. C.L.C. Mubanga-Chipoya (Zambia)
1983	36th	Study of the relevant guidelines in the field of computerized personal files	Ms. Nicole Questiaux (France) and Mr. Louis Joinet (France)
1983	36th	Principles, guidelines and guarantees for the protection of persons detained on grounds of mental ill-health or suffering from mental disorder	Ms. Erica-Irene Daes (Greece)
1983	36th	The new international economic order and the promotion of human rights	Mr. Raúl Ferrero (Peru)
1982	35th	Report on slavery	Mr. Benjamin Whitaker (United Kingdom)
1982	35th	Implications for human rights of recent developments concerning situations known as States of siege or emergency	Ms. Nicole Questiaux (France)
1982	35th	Discriminatory treatment of members of racial, ethnic, religious or linguistic groups at the various levels in the administration of criminal justice, such as police, military, administrative and judicial investigations, arrest, detention, trial and execution of sentences, including the ideologies or beliefs which contribute or lead to racism in the administration of justice	Mr. Justice Abu Sayeed Chowdhury (Bangladesh)
1981	34th	Exploitation of child labour	Mr. A. Bouhdiba (Tunisia)

Year	Session	Title	Special Rapporteur
1980	33rd	The individual's duties to the community and the limitations on human rights and freedoms under article 29 of the Universal Declaration of Human Rights: a contribution to the freedom of the individual under law	Ms. Erica-Irene Daes (Greece)
1978	31st	The right to self-determination: historical and current developments on the basis of United Nations instruments	Mr. Aureliu Cristescu (Romania)
1978	31st	The right to self-determination: implementation of United Nations resolutions	Mr. Héctor Gros Espiell (Uruguay)
1978	31st	The question of the prevention and punishment of the crime of genocide	Mr. Nicodème Ruhashyankiko (Rwanda)
1977	30th	International provisions protecting the human rights of non-citizens	Baroness Elles (United Kingdom)
1976	29th	Racial Discrimination in the political, economic and cultural spheres	Mr. Hernán Santa Cruz (Chile)
1975	28th	Exploitation of labour through illicit and clandestine trafficking	Ms. Halima Embarek Warzazi (Morocco)
1969	22nd	Question of slavery and the slave trade in all their practices and manifestations, including the slavery practices of apartheid and colonialism	Mr. Mohamed Awad (United Arab Republic)
1969	22nd	Equality in the administration of justice	Mr. Mohammed Ahmed Abu Rannat (Sudan)
1965	18th	Discrimination against persons born out of wedlock	Mr. Vieno Voitto Saario (Finland)
1963	16th	Discrimination in respect of the right of everyone to leave any country, including his own, and to return to his country	Mr. José D. Inglés (Philippines)
1962	15th	Discrimination in the matter of political rights	Mr. Hernán Santa Cruz (Chile)
1959	12th	Discrimination in the matter of religious rights and practices	Mr. Arcot Krishnaswami (India)
1956	9th	Discrimination in education	Mr. Charles D. Ammoun (Lebanon)

Appendix II

List of ongoing studies and reports

A. Ongoing studies and reports submitted or mandated for submission by special rapporteurs to the Sub-Commission in 2006 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	Status at the fifty-eighth session (2006)
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 resolutions 2004/24 and 2005/5	Fifty-fifth session (2003)	Fifty-eighth session (2006)	The final report was not submitted due to the uncertainty of the transitional period from the Commission on Human Rights to the Human Rights Council.
2. Preliminary report on the difficulties of establishing guilt and/or responsibility with regard to crimes of sexual violence (item 3) A/HRC/Sub.1/58/CRP.9	Ms. Lalaina Rakotoarisoa (Madagascar)	Sub-Commission resolutions 2004/29 and 2005/3; Commission decision 2005/108	Fifty-eighth session (2006)	Sixtieth session (2008)	Due to the uncertainty of the transitional period from the Commission on Human Rights to the Human Rights Council, the report was submitted late and issued as CRP (in French only).
3. Second progress report on corruption and its impact on full enjoyment of human rights (item 4) A/HRC/Sub.1/58/CRP.10	Ms. Christy Ezim Mbonu* (Nigeria) _____ * <i>Ms. Mbonu is an alternate member of the Sub-Commission.</i>	Commission decisions 2004/106 and 2005/104; Sub-Commission resolution 2005/16	Fifty-sixth session (2004)	Fifty-eighth session (2006)	Due to the uncertainty of the transitional period from the Commission on Human Rights to the Human Rights Council, the report was submitted late and issued as CRP (in English only).

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	Status at the 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 resolutions 2004/5 and 2005/7	Fifty-seventh session (2005)	Fifty-ninth session (2007)	Progress report was not submitted to Sub-Commission in 2006.
5. Progress report on discrimination based on work and descent (item 5) A/HRC/Sub.1/58/CRP.2	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)	Due to the uncertainty of the transitional period from the Commission on Human Rights to the Human Rights Council, the report was submitted late and issued as CRP (in English only).
6. 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)	The final report was not submitted to the Sub-Commission in 2006 due to the uncertainty of the transitional period from the Commission on Human Rights to the Human Rights Council.

B. Ongoing working papers and other documents without financial implications submitted or mandated for submission to the Sub-Commission in 2006

Title and agenda item	Entrusted to	Legislative authority and latest Sub-Commission resolution(s)/decision(s) on the subject	First submission	Final submission	Status at the fifty-eighth session (2006)
1. Detailed working paper with recommendations on ways of improving the effectiveness of the Sub-Commission (item 1)	Mr. Emmanuel Decaux (France)	Sub-Commission decision 2004/121 and resolution 2005/32	Fifty-seventh session (2005)	Fifty-eighth session (2006)	In view of the adoption of Human Rights Council decision 1/102, the report was not submitted.
2. Working paper on the 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 decision 2002/104 and resolution 2005/14	Fifty-seventh session (2005)* <i>* Pursuant to Sub-Commission decision 2002/104, the working paper was originally to be submitted to the fifty-fifth session.</i>	Fifty-seventh session (2005)	Submitted and issued as A/HRC/Sub.1/58/CRP.3.
3. Working paper on human rights and State sovereignty (item 3)	Mr. Vladimir Kartashkin (Russian Federation)	Sub-Commission decision 2005/105		Fifty-eighth session (2006)	Submitted and issued as E/CN.4/Sub.2/2006/7.
4. Working paper on the right to development (item 4)	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)	Not submitted due to the uncertainty of the transitional period from the Commission on Human Rights to the Human Rights Council.

Title and agenda item	Entrusted to	Legislative authority and latest Sub-Commission resolution(s)/decision(s) on the subject	First submission	Final submission	Status at the fifty-eighth session (2006)
5. 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 (item 4)	Mr. Gáspár Bíró (Hungary)	Sub-Commission resolution 2005/6		Fifty-eighth session (2006)	Submitted and issued as A/HRC/Sub.1/58/CRP.12.
6. Working paper on bilateral and multilateral economic agreements and their impact on the human rights of the beneficiaries (item 4)	Ms. Chin-Sung Chung (Republic of Korea) and Ms. Florizelle O'Connor (Jamaica)	Sub-Commission resolution 2005/6		Fifty-eighth session (2006)	Submitted and issued as A/HRC/Sub.1/58/CRP.8.
7. Working paper on discrimination against leprosy-affected persons and their families (item 5)	Mr. Yozo Yokota (Japan)	Sub-Commission resolutions 2004/12 and 2005/24	Fifty-seventh session (2005)		Submitted and issued as A/HRC/Sub.1/58/CRP.7.
8. Working paper examining the feasibility of a study on the human rights dimension of prostitution (item 6)	Mr. Ibrahim Salama (Egypt)	Sub-Commission resolution 2005/29		Fifty-eighth session (2006)	Not submitted due to the uncertainty of the transitional period from the Commission on Human Rights to the Human Rights Council.
9. Second expanded working paper containing an updated framework draft of principles and guidelines concerning human rights and terrorism (item 6)	Ms. Kalliopi Koufa (Greece)	Sub-Commission resolution 2003/15, decision 2004/109 and resolution 2005/31	Fifty-sixth session (2005)	Fifty-eighth session (2006)	Submitted and issued as A/HRC/Sub.1/58/30 [note: first working paper submitted in 2004].

Title and agenda item	Entrusted to	Legislative authority and latest Sub-Commission resolution(s)/decision(s) on the subject	First submission	Final submission	Status at the fifty-eighth session (2006)
10. Expanded working paper on human rights and non-State actors (item 6)	Mr. Gáspár Bíró (Hungary), Ms. Antoanella-Iulia Motoc (Romania), Mr. David Rivkin (USA) and Mr. Ibrahim Salama (Egypt)	Sub-Commission decision 2004/114; decision 2005/112	Fifty-seventh session (2005)	Fifty-eighth session (2006)	Not submitted due to the uncertainty of the transitional period from the Commission on Human Rights to the Human Rights Council.
11. Report on the guidelines for the realization of the right to drinking water and sanitation (item 4)	Mr. El-Hadji Guissé (Senegal)	Sub-Commission decision 2004/107	Fifty-seventh session (2005)	Fifty-seventh session (2005)	Submitted in 2005 E/CN.4/Sub.2/2005/25.

C. Working papers prepared or mandated for preparation for the working groups of the Sub-Commission in 2006

Title and agenda item	Entrusted to	Legislative authority and latest Sub-Commission resolution(s)/decision(s) on the subject	Working groups	Status at the fifty-eighth session (2006)
1. Working paper on the circumstances in which civilians lose their immunity from attack under international humanitarian law and human rights law	Ms. Françoise Jane Hampson (United Kingdom of Great Britain and Northern Ireland)	Sub-Commission decision 2005/108	Working group on the administration of justice	Submitted and issued as A/HRC/Sub.1/58/CRP.5.
2. Working paper on measures designed to prevent violations in circumstances in which international humanitarian law and international human rights law are both applicable	Mr. Ibrahim Salama (Egypt)	Sub-Commission decision 2005/108	Working group on the administration of justice	Not submitted due to the uncertainty of the transitional period from the Commission on Human Rights to the Human Rights Council.
3. Working paper on the issues of amnesties, impunity and accountability for violations of international humanitarian law and international human rights law	Mr. Yozo Yokota (Japan)	Sub-Commission decision 2005/108	Working group on the administration of justice	Due to the uncertainty of the transitional period from the Commission on Human Rights to the Human Rights Council, the report was submitted late and issued as CRP (in English only).
4. Working paper on transitional justice and investigation mechanisms for truth and reconciliation, with emphasis on the experiences in Latin America	Mr. Janio Iván Tuñón-Veilles (Panama)	Sub-Commission decision 2005/109	Working group on the administration of justice	Not submitted due to the uncertainty of the transitional period from the Commission on Human Rights to the Human Rights Council.

Title and agenda item	Entrusted to	Legislative authority and latest Sub-Commission resolution(s)/decision(s) on the subject	Working groups	Status at the fifty-eighth session (2006)
5. Working paper on the implementation in practice of the right to an effective remedy for human rights violations	Ms. Françoise Jane Hampson (United Kingdom of Great Britain and Northern Ireland) and Mr. Mohamed Habib Cherif (Tunisia)	Sub-Commission decision 2005/106	Working group on the administration of justice	Submitted and issued as A/HRC/Sub.1/58/CRP.4.
6. Working paper on the challenges of women's participation in policies and strategies to combat poverty and extreme poverty	Ms. Chin-Sung Chung (Republic of Korea)	Sub-Commission resolution 2005/8	Social Forum	Submitted and issued as A/HRC/Sub.1/58/SF.3.
7. Additional working paper on indigenous peoples and conflict prevention and resolution	Mr. Miguel Alfonso Martínez (Cuba)	Sub-Commission resolutions 2004/15 and 2005/23	Working Group on Indigenous Populations	Not submitted due to the uncertainty of the transitional period from the Commission on Human Rights to the Human Rights Council.
8. Working paper on the review of the draft principles and guidelines on the heritage of indigenous peoples	Mr. Yozo Yokota (Japan) and the Saami Council	Sub-Commission resolutions 2003/29 and 2004/15	Working Group on Indigenous Populations	Submitted and issued as E/CN.4/Sub.2/AC.4/2006/5.
9. Working paper on the human rights situation of indigenous peoples in States and other territories threatened with extinction for environmental reasons	Ms. Françoise Jane Hampson (United Kingdom of Great Britain and Northern Ireland)	Commission decision 2004/122, Sub-Commission resolutions 2003/29, 2004/10, 2004/15 and 2005/20	Working Group on Indigenous Populations	Submitted and issued as E/CN.4/Sub.2/AC.4/2006/CRP.2.

Title and agenda item	Entrusted to	Legislative authority and latest Sub-Commission resolution(s)/decision(s) on the subject	Working groups	Status at the fifty-eighth session (2006)
10. Working paper on international judicial cooperation	Ms. Françoise Jane Hampson (United Kingdom of Great Britain and Northern Ireland)	Sub-Commission resolution 2005/31	Working Group on detailed principles and guidelines, concerning the promotion and protection of human rights when combating terrorism	Submitted and issued as A/HRC/Sub.1/58/CRP.6.
11. Working paper on the rights of victims of terrorist acts	Mr. Emmanuel Decaux (France)	Sub-Commission resolution 2005/31	Working Group on detailed principles and guidelines, concerning the promotion and protection of human rights when combating terrorism	Submitted and issued as A/HRC/Sub.1/58/CRP.11.

D. Studies and reports recommended in 2005 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	Remarks
1. 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)		

* In view of the short and procedural nature of its sixty-second session, the Commission on Human Rights did not take action on the draft decisions recommended by the Sub-Commission at its fifty-seventh session for approval by the Commission.

C. Chairperson's statements

Chairperson's statement made on 7 August 2006 on behalf of the Sub-Commission on the Promotion and Protection of Human Rights under agenda item 2

The Sub-Commission on the Promotion and Protection of Human Rights begins its fifty-eighth session at a tragic moment when a brutal and barbarous war has already deprived a thousand men, women and children of their inherent right to life, several thousands have been injured and maimed and a million innocent people displaced from their homes.

Bound by its mandate to promote and protect respect for human rights, the Sub-Commission:

- Expresses its deep grief and outrage at the massive violations of human rights in Lebanon;
- Extends its condolences and sympathy to all the victims of the war and their families;
- Voices the hope that the Security Council, acting in discharge of its primary responsibility for the maintenance of international peace and security, will bring about cessation of the war without further delay and promote an urgent settlement of the conflict in conformity with the principles of justice and international law, including the Charter of the United Nations and international humanitarian law;
- Calls upon all parties to ensure the effective delivery of humanitarian assistance, including water, food and medical assistance.

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-eighth session at the United Nations Office at Geneva from 7 to 25 August 2006. It held 23 meetings (see A/HRC/Sub.1/58/SR.1-23), 5 of which were held in closed session (see A/HRC/Sub.1/58/SR.5, SR.11, SR.15, SR.19 and SR.20).
2. The session was opened by Mr. Vladimir Kartashkin, Chairperson of the Sub-Commission on the Promotion and Protection of Human Rights at its fifty-seventh session.
3. The Deputy High Commissioner for Human Rights, Ms. Mehr Khan Williams, addressed the Sub-Commission at its 1st meeting, on 7 August 2006.

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, national human rights institutions and non-governmental organizations. (See A/HRC/Sub.1/58/Misc.1).

C. Resolutions and documentation

5. The Sub-Commission adopted 22 resolutions and 12 decisions, and agreed upon one Chairperson's statement by consensus. The texts of these resolutions, decisions and Chairperson's statements appear in chapter I, sections A, B and C, respectively.
6. Pursuant to General Assembly resolution 60/251 of 15 March 2006 entitled "Human Rights Council", all mandates, mechanisms, functions and responsibilities of the Commission on Human Rights, including the Sub-Commission, were assumed, as of 19 June 2006, by the Human Rights Council. Consequently, the symbol series E/CN.4/Sub.2/_, under which the Sub-Commission reported to the Commission on Human Rights was replaced by the series A/HRC/Sub.1/_. Documents submitted by members of the Sub-Commission and other experts entrusted with the preparation of reports and/or working papers prior to 19 June 2006, however, continue to bear the symbol series E/CN.4/Sub.2/_. For a list of documents issued for the fifty-eighth session, see annex VII.

D. Election of officers

7. At its 1st meeting, on 7 August 2006, the Sub-Commission elected the following officers by acclamation:

Chairperson: Mr. Marc Bossuyt (Belgium)

Vice-Chairpersons: Mr. Miguel Alfonso Martínez (Cuba)
Ms. Chin-Sung Chung (Republic of Korea)
Ms. Antoanella-Iulia Motoc (Romania)

Rapporteur: Mr. Mohamed Habib Cherif (Tunisia)

8. At the same meeting, the Chairperson of the fifty-eighth session, Mr. Bossuyt, made a statement.

E. Adoption of the agenda

9. At the same meeting, the Sub-Commission had before it a note by the Secretary-General containing the provisional agenda for the fifty-eighth session (A/HRC/Sub.1/58/1), drawn up on the basis of the draft provisional agenda considered by the Sub-Commission at its fifty-seventh session in accordance with paragraph 3 of Economic and Social Council resolution 1894 (LVII). The annotations to the provisional agenda are contained in document A/HRC/Sub.1/58/1/Add.1.

10. The Sub-Commission took note of General Assembly resolution 60/251 of 15 March 2006 entitled “Human Rights Council”, pursuant to which all mandates, mechanisms, functions and responsibilities of the Commission on Human Rights, including the Sub-Commission, were assumed, as of 19 June 2006, by the Human Rights Council. The Sub-Commission also took note of Human Rights Council decision 1/102 of 30 June 2006, by which the Council decided that the final session of the Sub-Commission should be convened “starting 31 July for a period of up to four weeks, if so decided by the Sub-Commission, including its pre-sessional and in-sessional working groups”, that “the working groups and the Social Forum of the Sub-Commission shall be convened to hold their annual sessions in accordance with current practices”, and that the Sub-Commission “shall give due priority to preparing: (i) A paper on the Sub-Commission’s record that gives its own vision and recommendations for future expert advice to the Council, to be submitted to the Council in 2006; (ii) A detailed list describing the status of all the Sub-Commission’s ongoing studies as well as an overall review of its activities, to be submitted to the Council in 2006”.

11. At the same meeting, the Chairperson proposed that a new item 7 entitled “Implementation of Human Rights Council decision 1/102 of 30 June 2006 and other related issues” be added to the agenda. The Chairperson also proposed that the present item 7 be moved to create a new item 8 and that it be modified to read as follows: “Adoption of the report on the fifty-eighth session to the Human Rights Council”.

12. At the 2nd meeting, on the same day, statements in connection with the proposed amendments to the agenda for the fifty-eighth session were made by Mr. Alfonso Martínez, Mr. Bengoa, Mr. Salama and Ms. Warzazi.

13. At the same meeting, the agenda, as amended, was adopted without a vote (see annex I).

F. Organization of work and conduct of business

14. The Sub-Commission considered item 1 of the agenda at its 1st and 2nd meetings on 7 August 2006, and at its 3rd meeting, on 9 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 2nd meeting, on 7 August, the Sub-Commission, taking note of Human Rights Council decision 1/102 of 30 June 2006, by which the Council decided that the final session of the Sub-Commission should be convened, starting 31 July for a period of up to four weeks, if so decided by the Sub-Commission, including its pre-sessional and in-sessional working groups, decided to utilize all three weeks of meeting time available to it in order to be able to carry out its programme of work, including the tasks requested by the Council. For the text of the decision, see chapter II, section B, decision 2006/101.
17. At the same meeting, the Sub-Commission, upon the recommendation of its officers, decided, without a vote, the following with respect to sessional working groups:
 - (a) 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, Mr. Salama and Ms. Sardenberg Zelner Gonçalves. For the text of the decision, see chapter II, section B, decision 2006/102;
 - (b) 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. Tuñón-Veilles and Mr. Yokota. For the text of the decision, see chapter II, section B, decision 2006/103;
 - (c) 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 Mr. Guissé. For the text of the decision, see chapter II, section B, decision 2006/104.
18. The Sub-Commission accepted the recommendations of its officers regarding limitations on 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.

19. Observers for intergovernmental organizations, United Nations bodies, specialized agencies and other organizations would be limited to one statement of five minutes per item. That speaking time would also apply to Government observers. It was also agreed that statements by Government observers under any agenda item should not address the human rights situation in countries other than their own, except when exercising the right of reply. Statements in exercise of that right should be limited to three minutes for the first statement and two minutes for the second, normally to be exercised at the end of the general debate on any particular 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 20 minutes, to be divided between the introduction of the report and the concluding remarks. An interactive dialogue with members of the Sub-Commission, as well as observers, would follow such presentations.

21. It was 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 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 would be announced by the Chairperson in advance, normally at the beginning of the consideration of that agenda item.

23. 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, without closing the discussion on the preceding item, if deemed necessary.

24. It was further 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.

25. Also at its 2nd meeting, the Sub-Commission approved the timetable for the consideration of agenda items proposed by the Bureau in the following order: 1, 7, 2, 4, 6, 5, 3 and 8.

G. Other matters

26. At its 1st meeting, on 7 August, 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.

27. At its 14th meeting, on 18 August, the Sub-Commission observed a minute of silence in memory of the third anniversary of the bombing of the United Nations Headquarters in Baghdad.

H. Concluding remarks

28. At the 23rd meeting, on 25 August 2006, concluding remarks were made by the following speakers:

- (a) Mr. Salama (on behalf of the Group of African States);
- (b) Mr. Yokota (on behalf of the Group of Asian States);
- (c) Ms. Motoc (on behalf of the Group of Eastern European States);
- (d) Mr. Bengoa (on behalf of the Group of Latin American and Caribbean States);
- (e) Ms. Hampson (on behalf of the Group of Western European and other States).

29. At the same meeting, Mr. Bossuyt 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)**

30. The Sub-Commission considered agenda item 2 at its 1st and 2nd meetings, on 7 August, at its 6th meeting, on 14 August, at its 7th and 8th meetings, on 15 August, and at its 10th meeting, on 16 August.

31. 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.

Chairperson's statement of 7 August 2006

32. At its 1st and 2nd meetings, on 7 August, the Sub-Commission considered a draft Chairperson's statement under item 2 of its agenda. Statements in this connection were made by Mr. Alfonso Martínez, Mr. Bengoa, Mr. Bíró, Mr. Chen Shiqiu, Mr. Cherif, Mr. Decaux, Mr. Guissé, Ms. Hampson, Mr. Kartashkin, Ms. Koufa, Ms. Rakotoarisoa, Mr. Salama, Ms. Sardenberg Zelner Gonçalves, Mr. Sattar, Mr. Sorabjee, Mr. Tuñón-Veilles, Ms. Wadibia-Anyanwu, Ms. Warzazi and Mr. Yokota.

33. At its 2nd meeting, on the same day, the Chairperson made a statement agreed upon by consensus by the Sub-Commission. For the text, see chapter II, section C.

V. ADMINISTRATION OF JUSTICE, RULE OF LAW AND DEMOCRACY

34. The Sub-Commission considered agenda item 3 at its 16th meeting, on 21 August, at its 18th meeting, on 22 August, and at its 21st and 22nd meetings, on 24 August.

35. At the 16th meeting, on 21 August:

(a) Mr. Decaux, Special Rapporteur on the universal implementation of international human rights treaties, introduced his final report (A/HRC/Sub.1/58/5 and Add.1).¹ In the interactive dialogue that followed, statements were made by Mr. Pinheiro and the observer for the non-governmental organization Pax Romana. At the same meeting, Mr. Decaux made his concluding remarks. At the 18th meeting, on 22 August, statements in connection with the report were made by Mr. Cherif, Ms. Motoc, Ms. O'Connor, Mr. Salama, Mr. Sattar and Ms. Warzazi;

(b) Ms. Rakotoarisoa, Special Rapporteur on the difficulties of establishing guilt and/or responsibilities with regard to crimes of sexual violence, introduced her preliminary report (A/HRC/Sub.1/58/CRP.9).² In the interactive dialogue that followed a statement was made by Mr. Cherif. At the 18th meeting, on 22 August, statements in connection with the working paper were also made by Mr. Cherif, Mr. Guissé, Ms. Motoc, Ms. O'Connor, Mr. Salama, Mr. Sattar, Ms. Warzazi and Mr. Yokota. At that same meeting, Ms. Rakotoarisoa made her concluding remarks;

(c) Mr. Kartashkin presented his working paper on human rights and State sovereignty (E/CN.4/Sub.2/2006/7).³ In the interactive dialogue that followed, statements were made by Mr. Alfredsson and Mr. Chen Shiqiu. At the 18th meeting, on 22 August, statements in connection with the working paper were also made by Mr. Cherif, Mr. Decaux, Mr. Guissé, Ms. Motoc, Ms. O'Connor, Mr. Salama, Mr. Sattar, Ms. Warzazi and Mr. Yokota. At that same meeting, Mr. Kartashkin made his concluding remarks.

¹ Originally scheduled to be submitted as document E/CN.4/Sub.2/2006/5 in the annotations to the provisional agenda (A/HRC/Sub.1/58/1/Add.1).

² Originally scheduled to be submitted as document A/HRC/Sub.1/58/4, and as document E/CN.4/Sub.2/2006/4 in the annotations to the provisional agenda (A/HRC/Sub.1/58/1/Add.1).

³ Document still carries the symbol number previously attributed to the Sub-Commission as it was submitted prior to the assumption, by the Human Rights Council, of all Commission on Human Rights mandates, mechanisms, functions and responsibilities, on 19 June 2006.

36. At the 18th meeting, on 22 August:

(a) Ms. Hampson presented her expanded working paper on the accountability of international personnel taking part in peace support operations (A/HRC/Sub.1/58/CRP.3);⁴

(b) Ms. Hampson presented her working paper on the circumstance in which a party can open fire in the law of armed conflict/international humanitarian law and human rights law (A/HRC/Sub.1/58/CRP.5);

(c) Mr. Cherif presented a working paper (prepared jointly with Ms. Hampson) on the implementation in practice of the right to an effective remedy for human rights violations (A/HRC/Sub.1/58/CRP.4);⁵

(d) Ms. Motoc, Chairperson-Rapporteur of the sessional working group on the administration of justice, introduced the report of the working group (A/HRC/Sub.1/58/8).⁶

37. 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

38. At its 21st meeting, on 24 August, the Sub-Commission considered draft decision A/HRC/Sub.1/58/L.5, sponsored by Mr. Alfonso Martínez, Mr. Bengoa, Mr. Bíró, Mr. Chen Shiqiu, Mr. Cherif, Mr. Decaux, Mr. Guissé, Ms. Koufa, Ms. Mbonu, Ms. Motoc, Ms. O'Connor, Ms. Rakotoarisoa, Mr. Salama, Mr. Sattar, Mr. Sorabjee, Ms. Warzazi and Mr. Yokota. Mr. Alfredsson and Mr. Tuñón-Veilles subsequently joined the sponsors.

39. The Chairperson orally amended the draft decision by inserting the words “to the Sub-Commission or to any future expert advice mechanism” at the end of the first sentence, which was accepted by the sponsors.

40. The draft decision was adopted, as orally amended, without a vote. For the text as adopted, see chapter II, section B, decision 2006/106.

⁴ Originally scheduled to be submitted as document A/HRC/Sub.1/58/9, and as document E/CN.4/Sub.2/2006/9 in the annotations to the provisional agenda (A/HRC/Sub.1/58/1/Add.1).

⁵ Originally scheduled to be submitted as document A/HRC/Sub.1/58/31, and as document E/CN.4/Sub.2/2006/31 in the annotations to the provisional agenda (A/HRC/Sub.1/58/1/Add.1).

⁶ Originally scheduled to be submitted as document E/CN.4/Sub.2/2006/8 in the annotations to the provisional agenda (A/HRC/Sub.1/58/1/Add.1).

The universal implementation of international human rights treaties

41. At the same meeting, the Sub-Commission considered draft resolution A/HRC/Sub.1/58/L.7, sponsored by Mr. Alfredsson, Mr. Bengoa, Mr. Bíró, Mr. Chen Shiqiu, Mr. Cherif, Ms. Chung, Mr. Guissé, Ms. Hampson, Mr. Kartashkin, Ms. Koufa, Ms. Mbonu, Ms. Motoc, Ms. O'Connor, Mr. Pinheiro, Ms. Rakotoarisoa, Mr. Salama, Mr. Sattar, Mr. Sorabjee, Mr. Tuñón-Veilles, Ms. Warzazi and Mr. Yokota.
42. Statements in connection with the draft resolution were made by Mr. Alfonso Martínez, Ms. Hampson and Mr. Kartashkin.
43. The draft resolution was adopted without a vote. For the text as adopted, see chapter II, section A, resolution 2006/1.

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

44. At the same meeting, the Sub-Commission considered draft decision A/HRC/Sub.1/58/L.17, sponsored by Mr. Alfonso Martínez, Mr. Alfredsson, Mr. Bengoa, Mr. Bíró, Mr. Chen Shiqiu, Mr. Cherif, Ms. Chung, Mr. Decaux, Mr. Guissé, Ms. Koufa, Ms. Mbonu, Ms. Motoc, Ms. O'Connor, Ms. Rakotoarisoa, Mr. Sattar, Ms. Warzazi and Mr. Yokota. Ms. Hampson and Mr. Kartashkin subsequently joined the sponsors.
45. The Chairperson orally amended the draft decision by inserting the words “on the administration of justice” to the last line, which was accepted by the sponsors.
46. The draft decision was adopted, as orally amended, without a vote. For the text as adopted, see chapter II, section B, decision 2006/107.

Right to an effective remedy

47. At the same meeting, on 24 August, the Sub-Commission considered draft resolution A/HRC/Sub.1/58/L.20, sponsored by Mr. Alfredsson, Mr. Bíró, Mr. Cherif, Ms. Chung, Mr. Decaux, Mr. Guissé, Mr. Kartashkin, Ms. Koufa, Ms. Motoc, Ms. O'Connor, Mr. Pinheiro, Ms. Rakotoarisoa, Mr. Sorabjee, Ms. Warzazi and Mr. Yokota. Ms. Hampson and Mr. Tuñón-Veilles subsequently joined the sponsors.
48. Statements in connection with the draft resolution were made by Ms. Hampson and Ms. Warzazi.
49. In accordance with rule 153 of the rules of procedure of the General Assembly, the attention of the Sub-Commission was drawn to the estimated administrative and programme budget implications⁷ of the draft resolution.

⁷ See annex III.

50. The draft resolution was adopted without a vote. For the text as adopted, see chapter II, section A, resolution 2006/2.

Accountability of international personnel taking part in peace support operations

51. At the same meeting, the Sub-Commission considered draft resolution A/HRC/Sub.1/58/L.21, sponsored by Mr. Alfonso Martínez, Mr. Alfredsson, Mr. Bíró, Mr. Cherif, Ms. Chung, Mr. Decaux, Mr. Guissé, Mr. Kartashkin, Ms. Koufa, Ms. Motoc, Ms. O'Connor, Mr. Pinheiro, Ms. Rakotoarisoa, Mr. Sorabjee, Ms. Warzazi and Mr. Yokota. Ms. Hampson, Mr. Tuñón-Veilles and Ms. Wadibia-Anyanwu subsequently joined the sponsors.

52. Statements in connection with the draft resolution were made by Mr. Alfonso Martínez, Ms. Hampson, Mr. Kartashkin and Ms. Warzazi.

53. In accordance with rule 153 of the rules of procedure of the General Assembly, the attention of the Sub-Commission was drawn to the estimated administrative and programme budget implications⁸ of the draft resolution.

54. The draft resolution was adopted without a vote. For the text as adopted, see chapter II, section A, resolution 2006/3.

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

55. At the same meeting, the Sub-Commission considered draft resolution A/HRC/Sub.1/58/L.23, sponsored by Mr. Alfredsson, Mr. Chen Shiqui, Mr. Cherif, Ms. Chung, Mr. Decaux, Mr. Guissé, 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, Mr. Bíró, Ms. Hampson and Mr. Kartashkin subsequently joined the sponsors.

56. A statement in connection with the draft resolution was made by Ms. Hampson.

57. In accordance with rule 153 of the rules of procedure of the General Assembly, the attention of the Sub-Commission was drawn to the estimated administrative and programme budget implications⁹ of the draft resolution.

58. The draft resolution was adopted without a vote. For the text as adopted, see chapter II, section A, resolution 2006/4.

⁸ See annex III.

⁹ See annex III.

Sessional working group on the administration of justice

59. At the same meeting, the Sub-Commission considered draft resolution A/HRC/Sub.1/58/L.29, sponsored by Mr. Alfonso Martínez, Mr. Alfredsson, Mr. Bengoa, Mr. Bíró, Mr. Chen Shiqiu, Ms. Chung, Mr. Decaux, Ms. Hampson, Mr. Kartashkin, Ms. Koufa, Ms. O'Connor, Mr. Pinheiro, Ms. Rakotoarisoa, Mr. Salama, Mr. Sattar, Mr. Tuñón-Veilles, Ms. Wadibia-Anyanwu, Ms. Warzazi and Mr. Yokota. Mr. Cherif subsequently joined the sponsors.

60. In accordance with rule 153 of the rules of procedure of the General Assembly, the attention of the Sub-Commission was drawn to the estimated administrative and programme budget implications¹⁰ of the draft resolution.

61. The draft resolution was adopted without a vote. For the text as adopted, see chapter II, section A, resolution 2006/5.

¹⁰ See annex III.

VI. ECONOMIC, SOCIAL AND CULTURAL RIGHTS

62. The Sub-Commission considered agenda item 4 at its 8th meeting, on 15 August, at its 9th and 10th meetings on 16 August, and at its 21st meeting and at the public part of its 22nd meeting, on 24 August.

63. At the 8th meeting, on 15 August:

(a) Ms. Mbonu, Special Rapporteur to prepare a comprehensive study on corruption and its impact on the full enjoyment of human rights, in particular economic, social and cultural rights, introduced her second progress report (A/HRC/Sub.1/58/CRP.10).¹¹ In the interactive dialogue that followed, statements were made by Mr. Alfredsson, Mr. Chen Shiqiu, Mr. Cherif, Ms. Chung, Mr. Decaux, Mr. Guissé, Mr. Kartashkin, Ms. Motoc, Ms. Rakotoarisoa, Mr. Salama, Mr. Sattar, Mr. Sorabjee, Mr. Tuñón-Veilles and Mr. Yokota. At the same meeting, Ms. Mbonu made her concluding remarks;

(b) Mr. Bengoa, as coordinator, also on behalf of Mr. Decaux, Mr. Guissé, Ms. Motoc and Mr. Yokota, introduced the final 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 (A/HRC/Sub.1/58/16).¹² In the interactive dialogue that followed, and also at the 9th meeting, on 16 August, statements were made by Mr. Alfredsson, Mr. Chen Shiqiu, Ms. Chung, Mr. Decaux, Mr. Guissé, Mr. Kartashkin, Ms. Koufa, Ms. Mbonu, Ms. Motoc, Mr. Salama and Mr. Yokota, as well as by the observers for the following non-governmental organizations: Indian Movement “Tupaj Amaru”, International Council of Women and International Movement ATD - Fourth World. At the 9th meeting, on 16 August, Mr. Bengoa made his concluding remarks.

64. Also at the 9th meeting, on 16 August:

(a) Mr. Bíró presented his working paper on the role of the State in the guarantee of human rights with reference to the activities of transnational corporations and other business entities (A/HRC/Sub.1/58/CRP.12).¹³ The working paper had previously been presented and discussed during the session of the working group on the working methods and activities of transnational corporations on the enjoyment of human rights;

¹¹ Originally scheduled to be submitted as document A/HRC/Sub.1/58/17, and as document E/CN.4/Sub.2/2006/17 in the annotations to the provisional agenda (A/HRC/Sub.1/58/1/Add.1).

¹² Originally scheduled to be submitted as document E/CN.4/Sub.2/2006/16 in the annotations to the provisional agenda (A/HRC/Sub.1/58/1/Add.1).

¹³ Originally scheduled to be submitted as document A/HRC/Sub.1/58/10, and as document E/CN.4/Sub.2/2006/12 in the annotations to the provisional agenda (A/HRC/Sub.1/58/1/Add.1).

(b) Mr. Guissé, Chairperson-Rapporteur of the sessional working group on the working methods and activities of transnational corporations, introduced the report of the working group on its eighth session (A/HRC/Sub.1/58/11).¹⁴ In the interactive dialogue that followed, statements were made by Mr. Bengoa, Mr. Decaux, Ms. Hampson, Ms. Motoc, Mr. Salama and Mr. Sorabjee. At the 10th meeting, on the same day, a statement in connection with the report was made by Ms. Hampson and Mr. Guissé made his concluding remarks;

(c) Ms. Chung presented a working paper (prepared jointly with Ms. O'Connor) on bilateral and multilateral economic agreements and their impact on human rights of the beneficiaries (A/HRC/Sub.1/58/CRP.8).¹⁵ The working paper had also been previously presented and discussed during the session of the working group on the working methods and activities of transnational corporations.

65. At the 10th meeting, on the same day:

(a) Mr. Bengoa, Chairperson-Rapporteur of the Social Forum, introduced the report of the Social Forum on its fourth session (A/HRC/Sub.1/58/15).¹⁶ In the interactive dialogue that followed, statements were made by Mr. Chen Shiqiu, Mr. Kartashkin, Ms. Motoc, Ms. O'Connor, Ms. Rakotoarisoa, Mr. Salama, Mr. Sattar and Mr. Tuñón-Veilles, as well as by the observer for Chile. At the same meeting, Mr. Bengoa made his concluding remarks;

(b) Mr. Guissé made a statement in connection with his report containing the draft guidelines for the realization of the right to drinking water and sanitation which was introduced last year by Mr. Cherif (E/CN.4/Sub.2/2005/25). Statements in this connection were made by Mr. Alfredsson, Mr. Cherif, Mr. Decaux, Ms. Mbonu, Ms. Motoc, Ms. O'Connor, Ms. Rakotoarisoa, Mr. Sattar and Mr. Tuñón-Veilles, and by the observer for the non-governmental organization Pax Romana. At the same meeting, Mr. Guissé made his concluding remarks.

66. In the general debate on agenda item 4, statements were made by members of the Sub-Commission, and observers for non-governmental organizations and a national human rights institution. For the detailed list of speakers, see annex II.

¹⁴ Originally scheduled to be submitted as document E/CN.4/Sub.2/2006/11 in the annotations to the provisional agenda (A/HRC/Sub.1/58/1/Add.1).

¹⁵ Originally scheduled to be submitted as document A/HRC/Sub.1/58/13, and as document E/CN.4/Sub.2/2006/13 in the annotations to the provisional agenda (A/HRC/Sub.1/58/1/Add.1).

¹⁶ Originally scheduled to be submitted as document E/CN.4/Sub.2/2006/15 in the annotations to the provisional agenda (A/HRC/Sub.1/58/1/Add.1).

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

67. At its 21st meeting, on 24 August, the Sub-Commission considered draft resolution A/HRC/Sub.1/58/L.6, sponsored by Mr. Alfonso Martínez, Mr. Alfredsson, Mr. Bengoa, Mr. Bíró, Mr. Chen Shiqiu, Mr. Cherif, Ms. Chung, Mr. Decaux, Mr. Guissé, Mr. Kartashkin, Ms. Koufa, Ms. Motoc, Ms. O'Connor, Mr. Pinheiro, Ms. Rakotoarisoa, Mr. Salama, Mr. Sattar, Mr. Sorabjee, Ms. Warzazi and Mr. Yokota. Mr. Tuñón-Veilles and Ms. Wadibia-Anyanwu subsequently joined the sponsors.

68. The Chairperson orally amended operative paragraph 9 of the draft resolution, which was accepted by the sponsors.

69. Ms. Hampson orally amended operative paragraph 2 of the draft resolution, which was also accepted by the sponsors.

70. In accordance with rule 153 of the rules of procedure of the General Assembly, the attention of the Sub-Commission was drawn to the estimated administrative and programme budget implications¹⁷ of the draft resolution.

71. The draft resolution was adopted, as orally amended, without a vote. For the text as adopted, see chapter II, section A, resolution 2006/6.

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

72. At the same meeting, the Sub-Commission considered draft resolution A/HRC/Sub.1/58/L.14, sponsored by Mr. Alfonso Martínez, Mr. Bengoa, Mr. Bíró, Mr. Chen Shiqiu, Mr. Cherif, Ms. Chung, Mr. Decaux, Mr. Guissé, Mr. Kartashkin, Ms. Mbonu, Ms. Motoc, Mr. Pinheiro, Ms. Rakotoarisoa, Mr. Sattar, Mr. Sorabjee, Ms. Warzazi and Mr. Yokota.

73. The draft resolution was adopted without a vote. For the text as adopted, see chapter II, section A, resolution 2006/7.

The Social Forum

74. At the same meeting, the Sub-Commission considered draft resolution A/HRC/Sub.1/58/L.15, sponsored by Mr. Alfonso Martínez, Mr. Alfredsson, Mr. Bengoa, Mr. Bíró, Mr. Chen Shiqiu, Mr. Cherif, Ms. Chung, Mr. Decaux, Mr. Guissé, Ms. Hampson, Mr. Kartashkin, Ms. Koufa, Ms. Mbonu, Ms. Motoc, Ms. O'Connor, Mr. Sattar, Mr. Tuñón-Veilles and Ms. Warzazi. Ms. Rakotoarisoa, Mr. Salama and Mr. Yokota subsequently joined the sponsors.

¹⁷ See annex III.

75. In accordance with rule 153 of the rules of procedure of the General Assembly, the attention of the Sub-Commission was drawn to the estimated administrative and programme budget implications¹⁸ of the draft resolution.

76. The draft resolution was adopted without a vote. For the text as adopted, see chapter II, section A, resolution 2006/8.

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

77. At the same meeting, the Sub-Commission considered draft resolution A/HRC/Sub.1/58/L.16, sponsored by Mr. Alfonso Martínez, Mr. Alfredsson, Mr. Bengoa, Mr. Bíró, Mr. Chen Shiqiu, Mr. Cherif, Ms. Chung, Mr. Decaux, Mr. Guissé, Ms. Hampson, Mr. Kartashkin, Ms. Koufa, Ms. Mbonu, Ms. Motoc, Ms. O'Connor, Mr. Pinheiro, Mr. Salama, Mr. Sattar, Mr. Sorabjee, Mr. Tuñón-Veilles, Ms. Warzazi and Mr. Yokota. Ms. Rakotoarisoa subsequently joined the sponsors.

78. A statement in connection with the draft resolution was made by Mr. Decaux.

79. The draft resolution was adopted without a vote. For the text as adopted, see chapter II, section A, resolution 2006/9.

Promotion of the realization of the right to drinking water and sanitation

80. At the same meeting, the Sub-Commission considered draft resolution A/HRC/Sub.1/58/L.25, sponsored by Mr. Alfonso Martínez, Mr. Alfredsson, Mr. Bengoa, Mr. Bíró, Mr. Cherif, Mr. Decaux, Mr. Guissé, Ms. Hampson, Ms. Mbonu, Ms. Motoc, Ms. O'Connor, Mr. Pinheiro, Ms. Rakotoarisoa, Mr. Sattar, Mr. Sorabjee, Ms. Warzazi and Mr. Yokota. Mr. Chen Shiqiu, Ms. Chung, Mr. Kartashkin and Mr. Tuñón-Veilles subsequently joined the sponsors.

81. The Chairperson orally amended operative paragraphs 8 and 9 of the draft resolution, which was accepted by the sponsors.

82. The draft resolution was adopted, as orally amended, without a vote. For the text as adopted, see chapter II, section A, resolution 2006/10.

Effect of debt on the enjoyment and exercise of human rights

83. At its 21st and 22nd meetings, on 24 August, the Sub-Commission considered draft decision A/HRC/Sub.1/58/L.26, sponsored by Mr. Alfonso Martínez, Mr. Bengoa, Mr. Bíró, Mr. Cherif, Mr. Guissé, Ms. Hampson, Ms. Mbonu, Ms. Motoc, Ms. O'Connor, Mr. Pinheiro, Ms. Rakotoarisoa, Mr. Sattar, Mr. Sorabjee, Ms. Warzazi and Mr. Yokota. Mr. Salama and Mr. Tuñón-Veilles subsequently joined the sponsors.

¹⁸ See annex III.

84. At the 22nd meeting, Mr. Guissé circulated a revised version of the draft decision.
85. The Chairperson orally amended the draft decision, which was accepted by the sponsors.
86. Mr. Alfonso Martínez amended the draft decision, which was also accepted by the sponsors.
87. Statements in connection with the draft decision were made by Mr. Alfonso Martínez, Mr. Decaux, Mr. Guissé, Ms. Hampson, Mr. Kartashkin, Ms. Motoc and Mr. Yokota.
88. In accordance with rule 153 of the rules of procedure of the General Assembly, the attention of the Sub-Commission was drawn to the fact that there would be estimated administrative and programme budget implications¹⁹ for the draft decision, as amended.
89. The draft decision was adopted, as amended, without a vote. For the text as adopted, see chapter II, section B, decision 2006/111.

The right to development

90. At its 21st meeting, on 24 August, the Sub-Commission considered draft decision A/HRC/Sub.1/58/L.30, sponsored by Mr. Alfredsson, Mr. Bengoa, Mr. Bíró, Mr. Chen Shiqiu, Mr. Cherif, Ms. Chung, Mr. Decaux, Ms. Hampson, Ms. Koufa, Ms. Motoc, Ms. O'Connor, Mr. Pinheiro, Ms. Rakotoarisoa, Mr. Sattar, Mr. Tuñón-Veilles, Ms. Wadibia-Anyanwu, Ms. Warzazi and Mr. Yokota. Mr. Alfonso Martínez and Mr. Kartashkin subsequently joined the sponsors.
91. The draft decision was adopted without a vote. For the text as adopted, see chapter II, section B, decision 2006/108.

¹⁹ See annex III.

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**

92. The Sub-Commission considered agenda item 5 at its 13th and 14th meetings, on 18 August, at its 16th meeting, on 21 August, and at its 21st meeting, on 24 August.

93. At the 13th meeting, on 18 August:

(a) Mr. Alfredsson, Chairperson-Rapporteur of the Working Group on Minorities, introduced the report of the Working Group on its twelfth session (A/HRC/Sub.1/58/19).²⁰ In the interactive dialogue that followed, statements were made by Mr. Bengoa, Mr. Bíró, Ms. Motoc, Mr. Sorabjee and Ms. Warzazi. At the same meeting, Mr. Alfredsson made his concluding remarks;

(b) Mr. Yokota, the Chairperson-Rapporteur of the Working Group on Indigenous Populations, introduced the report of the Working Group on its twenty-fourth session (A/HRC/Sub.1/58/22).²¹ In the interactive dialogue that followed, statements were made by Mr. Alfonso Martínez, Mr. Alfredsson, Mr. Bengoa, Mr. Guissé, Ms. Motoc, Ms. Mbonu and Ms. O'Connor. At the same meeting, Mr. Yokota made his concluding remarks.

94. At the 14th meeting, on the same day:

(a) Mr. Yokota presented his working paper on discrimination against leprosy-affected persons and their families (A/HRC/Sub.1/58/CRP.7). In the interactive dialogue that followed, statements were made by Mr. Alfredsson, Mr. Kartashkin and Ms. Mbonu, as well as the observer for the non-governmental organization Association of World Citizens. At the same meeting, Mr. Yokota made his concluding remarks;

²⁰ Originally scheduled to be submitted as document E/CN.4/Sub.2/2006/19 in the annotations to the provisional agenda (A/HRC/Sub.1/58/1/Add.1).

²¹ Originally scheduled to be submitted as document E/CN.4/Sub.2/2006/22 in the annotations to the provisional agenda (A/HRC/Sub.1/58/1/Add.1).

(b) Ms. Chung and Mr. Yokota, Special Rapporteurs on discrimination based on work and descent, introduced their progress report (A/HRC/Sub.1/58/CRP.2).²² In the interactive dialogue that followed, statements were made by Mr. Alfredsson and Ms. Motoc. At the same meeting, Mr. Yokota made concluding remarks.

95. In the general debate on agenda item 5, 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.

The rights of persons belonging to national or ethnic, religious and linguistic minorities

96. At its 21st meeting, on 24 August, the Sub-Commission considered draft resolution A/HRC/Sub.1/58/L.2, sponsored by Mr. Alfredsson, Mr. Bengoa, Mr. Cherif, Mr. Kartashkin and Mr. Sorabjee. Mr. Alfonso Martínez, Mr. Bíró, Mr. Chen Shiqiu, Ms. Chung, Ms. Hampson, Ms. Koufa, Ms. Motoc, Ms. O'Connor, Ms. Rakotoarisoa, Mr. Sattar, Mr. Tuñón-Veilles, Ms. Wadibia-Anyanwu, Ms. Warzazi and Mr. Yokota subsequently joined the sponsors.

97. Ms. Hampson orally amended operative paragraph 1 of the draft resolution, which was accepted by the sponsors.

98. Statements in connection with the draft resolution were made by Mr. Alfonso Martínez, Mr. Kartashkin and Ms. Warzazi.

99. In accordance with rule 153 of the rules of procedure of the General Assembly, the attention of the Sub-Commission was drawn to the estimated administrative and programme budget implications²³ of the draft resolution.

100. The draft resolution was adopted, as orally amended, without a vote. For the text as adopted, see chapter II, section A, resolution 2006/11.

Second International Decade of the World's Indigenous People

101. At the same meeting, the Sub-Commission considered draft resolution A/HRC/Sub.1/58/L.3, sponsored by Mr. Alfonso Martínez, Mr. Bíró, Ms. Hampson, Ms. Mbonu and Mr. Yokota. Mr. Chen Shiqiu, Ms. Chung, Mr. Decaux, Mr. Kartashkin, Ms. Koufa, Ms. Motoc, Ms. O'Connor, Ms. Rakotoarisoa, Mr. Salama, Mr. Sattar and Mr. Tuñón-Veilles subsequently joined the sponsors.

102. The draft resolution was adopted without a vote. For the text as adopted, see chapter II, section A, resolution 2006/12.

²² Originally scheduled to be submitted as document A/HRC/Sub.1/58/21 and as document E/CN.4/Sub.2/2006/21 in the annotations to the provisional agenda (A/HRC/Sub.1/58/1/Add.1).

²³ See annex III.

Working Group on Indigenous Populations

103. At the same meeting, the Sub-Commission considered draft resolution A/HRC/Sub.1/58/L.4, sponsored by Mr. Alfonso Martínez, Mr. Bíró, Ms. Hampson, Ms. Mbonu and Mr. Yokota. Mr. Alfredsson, Mr. Chen Shiqiu, Ms. Chung, Mr. Decaux, Mr. Kartashkin, Ms. Koufa, Ms. Motoc, Ms. O'Connor, Ms. Rakotoarisoa, Mr. Salama, Mr. Sattar, Mr. Tuñón-Veilles and Ms. Warzazi subsequently joined the sponsors.

104. In accordance with rule 153 of the rules of procedure of the General Assembly, the attention of the Sub-Commission was drawn to the estimated administrative and programme budget implications²⁴ of the draft resolution.

105. The draft resolution was adopted without a vote. For the text as adopted, see chapter II, section A, resolution 2006/13.

Discrimination based on work and descent

106. At the same meeting, the Sub-Commission considered draft resolution A/HRC/Sub.1/58/L.8, sponsored by Mr. Alfredsson, Mr. Bengoa, Mr. Chen Shiqiu, Mr. Cherif, Ms. Chung, Mr. Decaux, Mr. Kartashkin, Ms. Mbonu, Ms. Motoc, Mr. Pinheiro, Ms. Rakotoarisoa, Mr. Sattar, Ms. Warzazi and Mr. Yokota. Mr. Bíró, Ms. Hampson, Ms. Koufa, Ms. O'Connor and Mr. Tuñón-Veilles subsequently joined the sponsors.

107. Mr. Bengoa orally amended operative paragraphs 2 and 4 of the draft resolution, which was accepted by the sponsors.

108. Statements in connection with the draft resolution were made by Mr. Alfonso Martínez, Mr. Bengoa, Ms. Chung, Ms. Hampson and Mr. Yokota.

109. In accordance with rule 153 of the rules of procedure of the General Assembly, the attention of the Sub-Commission was drawn to the estimated administrative and programme budget implications²⁵ of the draft resolution.

110. The draft resolution was adopted, as orally amended, without a vote. For the text as adopted, see chapter II, section A, resolution 2006/14.

Discrimination against leprosy-affected persons and their families

111. At the same meeting, the Sub-Commission considered draft resolution A/HRC/Sub.1/58/L.18, sponsored by Mr. Alfredsson, Mr. Bengoa, Mr. Bíró, Mr. Chen Shiqiu, Ms. Chung, Mr. Guissé, Mr. Kartashkin, Ms. Koufa, Ms. Mbonu, Ms. Motoc, Ms. O'Connor, Mr. Pinheiro, Mr. Salama, Mr. Sattar, Ms. Warzazi and Mr. Yokota. Mr. Tuñón-Veilles subsequently joined the sponsors.

²⁴ See annex III.

²⁵ See annex III.

112. The Chairperson orally amended operative paragraphs 10 and 13 of the draft resolution, which was accepted by the sponsors.

113. Mr. Bengoa proposed an amendment to operative paragraph 12 of the draft resolution, which was not accepted by the sponsors.

114. Ms. Hampson orally amended operative paragraphs 9 and 13 of the draft resolution, which was accepted by the sponsors.

115. Statements in connection with the draft resolution were made by Mr. Alfonso Martínez, Mr. Bengoa, Mr. Decaux, Ms. Hampson, Mr. Kartashkin, Mr. Sattar and Mr. Yokota.

116. In accordance with rule 153 of the rules of procedure of the General Assembly, the attention of the Sub-Commission was drawn to the estimated administrative and programme budget implications²⁶ of the draft resolution, as amended.

117. The draft resolution was adopted, as orally amended, without a vote. For the text as adopted, see chapter II, section A, resolution 2006/15.

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

118. At the same meeting, the Sub-Commission considered draft resolution A/HRC/Sub.1/58/L.22, sponsored by Mr. Alfonso Martínez, Mr. Bíró, Ms. Hampson, Ms. Mbonu and Mr. Yokota. Mr. Alfredsson, Mr. Chen Shiqu, Mr. Cherif, Ms. Chung, Mr. Guissé, Mr. Kartashkin, Ms. Koufa, Ms. Motoc, Ms. O'Connor, Ms. Rakotoarisoa, Mr. Salama, Mr. Sattar, Mr. Tuñón-Veilles and Ms. Warzazi subsequently joined the sponsors.

119. In accordance with rule 153 of the rules of procedure of the General Assembly, the attention of the Sub-Commission was drawn to the estimated administrative and programme budget implications²⁷ of the draft resolution.

120. The draft resolution was adopted without a vote. For the text as adopted, see chapter II, section A, resolution 2006/16.

²⁶ See annex III.

²⁷ See annex III.

VIII. SPECIFIC HUMAN RIGHTS ISSUES:

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

121. The Sub-Commission considered agenda item 6 at its 10th meeting, on 16 August, at its 12th meeting, on 17 August, at its 13th meeting, on 18 August, at its 16th meeting, on 21 August, and at its 21st meeting, and at the public part of its 22nd meeting, on 24 August.

122. At the 10th meeting, on 16 August, Mr. Sattar, Chairperson-Rapporteur of the Working Group on Contemporary Forms of Slavery, introduced the report of the Working Group on its thirty-first session (A/HRC/Sub.1/58/25).²⁸ In the interactive dialogue that followed at the 12th meeting, on 17 August, statements were made by Mr. Chen Shiqu, Mr. Decaux, Mr. Kartashkin, Ms. Koufa, Ms. Motoc and Ms. O'Connor. At the same meeting, Mr. Sattar made his concluding remarks.

123. At the 12th meeting, on 17 August, Ms. Koufa presented her working paper containing an updated framework draft of principles and guidelines concerning human rights and terrorism (A/HRC/Sub.1/58/30).²⁹ In the interactive dialogue that followed, statements were made by Mr. Chen Shiqu, Mr. Cherif, Mr. Decaux, Mr. Guissé, Mr. Kartashkin, Ms. Mbonu, Ms. O'Connor, Mr. Sattar and Mr. Sorabjee, as well as by the observers for the following non-governmental organizations: International Educational Development and Pax Romana. At the same meeting, Ms. Koufa presented her concluding remarks.

124. At the 16th meeting, on 21 August, Ms. Barbara Frey, Special Rapporteur on the prevention of human rights violations committed with small arms and light weapons, introduced her final report (A/HRC/Sub.1/58/27 and Add.1).³⁰ In the interactive dialogue that followed, statements were made by Mr. Decaux, Ms. Hampson, Ms. O'Connor, Mr. Sattar and Mr. Yokota. At the same meeting, Ms. Frey made her concluding remarks.

²⁸ Originally scheduled to be submitted as document E/CN.4/Sub.2/2006/25 in the annotations to the provisional agenda (A/HRC/Sub.1/58/1/Add.1).

²⁹ Originally scheduled to be submitted as document E/CN.4/Sub.2/2006/30 in the annotations to the provisional agenda (A/HRC/Sub.1/58/1/Add.1).

³⁰ Originally scheduled to be submitted as document E/CN.4/Sub.2/2006/27 in the annotations to the provisional agenda (A/HRC/Sub.1/58/1/Add.1).

125. At the same meeting, 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, introduced the report of the working group (A/HRC/Sub.1/58/26).³¹ At the same meeting, Ms. Koufa made her concluding remarks.

126. In the general debate on agenda item 6, 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.

Report of the Working Group on Contemporary Forms of Slavery

127. At its 21st meeting, on 24 August 2006, the Sub-Commission considered draft resolution A/HRC/Sub.1/58/L.9, sponsored by Mr. Cherif, Mr. Decaux, Mr. Kartashkin, Ms. Koufa, Ms. Mbonu, Ms. Motoc, Ms. O'Connor, Ms. Rakotoarisoa, Mr. Salama, Mr. Sattar, Mr. Sorabjee and Ms. Warzazi. Mr. Alfonso Martínez, Mr. Alfredsson, Mr. Bíró, Mr. Chen Shiqiu, Ms. Chung, Mr. Guissé, Ms. Hampson and Mr. Tuñón-Veilles subsequently joined the sponsors.

128. Ms. Hampson proposed an amendment to operative paragraph 6 of the draft resolution, which was not accepted.

129. Mr. Sattar orally revised operative paragraph 6 of the draft resolution.

130. Statements in connection with the draft resolution were made by Ms. Hampson, Mr. Kartashkin, Mr. Sattar and Ms. Warzazi.

131. The draft resolution was adopted, as orally revised, without a vote. For the text as adopted, see chapter II, section A, resolution 2006/17.

Human rights of elderly people

132. At the same meeting, the Sub-Commission considered draft decision A/HRC/Sub.1/58/L.12, sponsored by Mr. Alfonso Martínez, Mr. Alfredsson, Mr. Bengoa, Mr. Bíró, Mr. Chen Shiqiu, Mr. Cherif, Ms. Chung, Mr. Decaux, Mr. Guissé, Mr. Kartashkin, Ms. Koufa, Ms. Mbonu, Ms. Motoc, Ms. O'Connor, Mr. Pinheiro, Ms. Rakotoarisoa, Mr. Sattar, Mr. Sorabjee, Mr. Tuñón-Veilles, Ms. Warzazi and Mr. Yokota. Ms. Hampson subsequently joined the sponsors.

133. The Chairperson orally amended the second line of the draft decision, which was accepted by the sponsors.

134. The draft decision was adopted, as orally amended, without a vote. For the text as adopted, see chapter II, section B, decision 2006/109.

³¹ Originally scheduled to be submitted as document E/CN.4/Sub.2/2006/26 in the annotations to the provisional agenda (A/HRC/Sub.1/58/1/Add.1).

Systematic rape, sexual slavery and slavery-like practices during armed conflicts

135. At the same meeting, the Sub-Commission considered draft resolution A/HRC/Sub.1/58/L.13, sponsored by Mr. Alfredsson, Mr. Bengoa, Mr. Bíró, Mr. Chen Shiqiu, Mr. Cherif, Ms. Chung, Mr. Decaux, Mr. Guissé, Mr. Kartashkin, Ms. Koufa, Ms. Mbonu, Ms. Motoc, Ms. O'Connor, Mr. Pinheiro, Ms. Rakotoarisoa, Mr. Sattar, Mr. Sorabjee, Mr. Tuñón-Veilles, Ms. Warzazi and Mr. Yokota. Ms. Hampson and Mr. Salama subsequently joined the sponsors.

136. The draft resolution was adopted without a vote. For the text as adopted, see chapter II, section A, resolution 2006/18.

World Programme for Human Rights Education

137. At the same meeting, the Sub-Commission considered draft resolution A/HRC/Sub.1/58/L.19, sponsored by Mr. Alfredsson, Mr. Bengoa, Mr. Bíró, Mr. Chen Shiqiu, Ms. Chung, Mr. Guissé, Mr. Kartashkin, Ms. Koufa, Ms. Mbonu, Ms. Motoc, Mr. Pinheiro, Mr. Salama, Mr. Sattar, Ms. Warzazi and Mr. Yokota. Mr. Alfonso Martínez, Mr. Cherif, Mr. Decaux, Ms. Hampson, Ms. O'Connor, Ms. Rakotoarisoa and Mr. Tuñón-Veilles subsequently joined the sponsors.

138. The draft resolution was adopted without a vote. For the text as adopted, see chapter II, section A, resolution 2006/19.

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

139. At the same meeting and at the 22nd meeting, on the same day, the Sub-Commission considered draft resolution A/HRC/Sub.1/58/L.24, sponsored by Mr. Bíró, Mr. Cherif, Ms. Chung, Mr. Decaux, Mr. Guissé, Ms. Hampson, Mr. Kartashkin, Ms. Koufa, Ms. Motoc, Ms. O'Connor, Mr. Pinheiro, Ms. Rakotoarisoa, Mr. Sattar, Mr. Sorabjee, Ms. Warzazi and Mr. Yokota. Mr. Tuñón-Veilles and Ms. Wadibia-Anyanwu subsequently joined the sponsors.

140. Ms. Hampson orally revised operative paragraphs 3 and 6 of the draft resolution.

141. Mr. Yokota orally amended the fifth preambular paragraph and operative paragraphs 1, 3, 4, 5, 6, 8 and 9, which was accepted by the sponsors.

142. Statements in connection with the draft resolution were made by Mr. Alfonso Martínez, Mr. Chen Shiqiu, Mr. Decaux, Ms. Hampson, Mr. Kartashkin, Ms. Koufa, Ms. O'Connor, Mr. Tuñón-Veilles and Ms. Warzazi.

143. At the 22nd meeting, on the same day, the Chairperson further orally amended the draft resolution, which was accepted by the sponsors.

144. The draft resolution was adopted, as orally revised and amended, without a vote. For the text as adopted, see chapter II, section A, resolution 2006/22.

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

145. At its 21st meeting, on the same day, the Sub-Commission considered draft resolution A/HRC/Sub.1/58/L.27, sponsored by Mr. Alfonso Martínez, Mr. Alfredsson, Mr. Bengoa, Mr. Bíró, Mr. Chen Shiqiu, Mr. Cherif, Ms. Chung, Mr. Decaux, Mr. Guissé, Ms. Hampson, Mr. Kartashkin, Ms. Koufa, Ms. O'Connor, Mr. Pinheiro, Ms. Rakotoarisoa, Mr. Salama, Mr. Sattar, Mr. Tuñón-Veilles, Ms. Wadibia-Anyanwu, Ms. Warzazi and Mr. Yokota. Ms. Motoc subsequently joined the sponsors.

146. In accordance with rule 153 of the rules of procedure of the General Assembly, the attention of the Sub-Commission was drawn to the estimated administrative and programme budget implications³² of the draft resolution.

147. The draft resolution was adopted without a vote. For the text as adopted, see chapter II, section A, resolution 2006/20.

Human rights and the human genome

148. At the same meeting, the Sub-Commission considered draft decision A/HRC/Sub.1/58/L.28, sponsored by Mr. Alfonso Martínez, Mr. Alfredsson, Mr. Bengoa, Mr. Bíró, Mr. Chen Shiqiu, Ms. Chung, Mr. Decaux, Ms. Hampson, Mr. Kartashkin, Ms. Koufa, Ms. O'Connor, Mr. Pinheiro, Ms. Rakotoarisoa, Mr. Salama, Mr. Sattar, Mr. Tuñón-Veilles, Ms. Wadibia-Anyanwu, Ms. Warzazi and Mr. Yokota. Mr. Cherif subsequently joined the sponsors.

149. The draft decision was adopted without a vote. For the text as adopted, see chapter II, section B, decision 2006/110.

The protection of civilians during armed conflicts

150. At the same meeting, Mr. Salama introduced and orally revised draft resolution A/HRC/Sub.1/58/L.31, sponsored by Mr. Alfonso Martínez, Mr. Alfredsson, Mr. Bengoa, Mr. Bíró, Mr. Chen Shiqiu, Mr. Cherif, Ms. Chung, Mr. Guissé, Mr. Kartashkin, Ms. Koufa, Ms. Motoc, Ms. O'Connor, Mr. Pinheiro, Ms. Rakotoarisoa, Mr. Salama, Mr. Sattar and Mr. Tuñón-Veilles and Ms. Wadibia-Anyanwu. Mr. Decaux, Ms. Hampson and Ms. Warzazi subsequently joined the sponsors. Mr. Kartashkin withdrew his sponsorship.

151. Mr. Decaux orally amended the draft resolution by proposing the deletion of the fourth preambular paragraph, the modification of operative paragraph 4 and the deletion of operative paragraph 6. Only the proposed modification of operative paragraph 4 was accepted by the sponsors.

³² See annex III.

152. Mr. Decaux orally amended operative paragraph 6 of the draft resolution, which was accepted by the sponsors.

153. Mr. Yokota proposed an amendment to the first preambular paragraph of the draft resolution, which was not accepted by the sponsors.

154. Statements in connection with the draft resolution were made by Mr. Alfonso Martínez, Mr. Decaux, Ms. Hampson, Mr. Kartashkin, Ms. Koufa, Ms. Warzazi and Mr. Yokota.

155. The draft resolution, as orally amended and revised, was adopted without a vote. For the text as adopted, see chapter II, section A, resolution 2006/21.

**IX. IMPLEMENTATION OF HUMAN RIGHTS COUNCIL
DECISION 1/102 OF 30 JUNE 2006 AND OTHER
RELATED ISSUES**

156. The Sub-Commission considered agenda item 7 at its 3rd meeting, on 9 August, at its 4th meeting, on 11 August, at its 5th meeting (closed) and at the closed part of its 6th meeting, on 14 August, at its 7th meeting, on 15 August, at its 11th meeting (closed), on 17 August, at its 15th meeting (closed), on 21 August, at its 17th meeting, on 22 August (part of which was closed), at its 19th and 20th meetings (closed), on 23 August, at the closed part of its 22nd meeting, on 24 August, and at its 23rd meeting, on 25 August.

157. At its 3rd meeting, on 9 August, the Sub-Commission decided, without a vote, to establish a drafting group to prepare, for the consideration of the Sub-Commission, the documents requested by the Human Rights Council in its decision 1/102 of 30 June 2006. The following members of the Sub-Commission were nominated as members of the drafting group: Mr. Alfonso Martínez, Mr. Bíró, Mr. Guissé, Ms. Hampson and Mr. Yokota. The Chairperson of the fifty-eighth session of the Sub-Commission, Mr. Bossuyt, also chaired the drafting group. For the text of the decision, see chapter II, section B, decision 2006/105.

158. At its 20th meeting, on 23 August, the Sub-Commission held a discussion (in closed session) with the President of the Human Rights Council, Mr. Luis Alfonso de Alba, and with the Vice-President of the Council, Mr. Musa Burayzat. The following members made statements and posed questions to the President and Vice-President: Mr. Bengoa, Mr. Decaux, Mr. Möller,³³ Ms. Motoc, Mr. Salama, Mr. Sattar and Mr. Yokota, to which they responded.

159. In the general debate on agenda item 7, 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.

160. At its 23rd meeting, on 25 August 2006, the Sub-Commission considered document A/HRC/Sub.1/58/CRP.13 containing a draft decision submitted by the President and annexes prepared by the drafting group.

161. Statements in connection with the document and the draft decision were made by Mr. Alfonso Martínez, Mr. Decaux, Mr. Guissé, Ms. Hampson, Ms. Koufa, Ms. Motoc and Mr. Yokota.

162. The draft decision was adopted without a vote. For the text as adopted, see chapter II, section B, decision 2006/112.

³³ Alternate member.

**X. ADOPTION OF THE REPORT ON THE FIFTY-EIGHTH SESSION
TO THE HUMAN RIGHTS COUNCIL**

163. The Sub-Commission considered agenda item 8 at its 23rd meeting, on 25 August 2006.

164. At that meeting, Mr. Cherif, Rapporteur of the Sub-Commission, presented the draft report on the work of its fifty-eighth session (A/HRC/Sub.1/58/L.10 and A/HRC/Sub.1/58/L.11 and Add.1).

165. Statements in connection with the adoption of the report were made by Mr. Alfonso Martínez, Mr. Bengoa, Mr. Decaux and Mr. Kartashkin.

166. At the same meeting, the Sub-Commission adopted the draft report ad referendum and decided to entrust the Rapporteur with its finalization.

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) Terrorism and counter-terrorism;
 - (d) New priorities.
7. Implementation of Human Rights Council decision 1/102 of 30 June 2006 and other related issues.
8. Adoption of the report on the fifty-eighth session to the Human Rights Council.

Annex II

List of speakers: general debate

Agenda item	Meeting number and date	Speakers
<p>1 Organization of work</p>	<p>part of 1st 7 August 2006</p>	<p>Members: Mr. Alfonso Martínez, Mr. Decaux, Ms. Hampson, Mr. Kartashkin, Mr. Salama, Mr. Sorabjee, Ms. Warzazi, Mr. Yokota</p>
	<p>part of 2nd 7 August 2006</p>	<p>Members: Mr. Alfonso Martínez, Mr. Bengoa, Ms. Chung, Mr. Guissé, Ms. Hampson, Mr. Kartashkin, Ms. Koufa, Mr. Salama, Mr. Sattar, Mr. Sorabjee, Ms. Warzazi, Mr. Yokota</p>
	<p>part of 3rd 9 August 2006</p>	<p>Members: Mr. Alfonso Martínez, Mr. Bengoa, Mr. Bíró, Mr. Chen Shiqiu, Ms. Hampson, Mr. Kartashkin, Mr. Sattar, Mr. Sorabjee, Ms. Warzazi</p>
<p>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)</p>	<p>part of 6th 14 August 2006</p>	<p>Members: Mr. Alfonso Martínez, Mr. Cherif, Mr. Guissé, Ms. Hampson</p> <p>Government observers: Iran (Islamic Republic of)</p> <p>Observers for non-governmental organizations: American Indian Law Alliance, Association for World Education, Commission to Study the Organization of Peace, European Union of Public Relations, Indian Council of South America, International Educational Development, International Federation of Human Rights Leagues, Pax Romana, Society for Threatened Peoples, Women’s Human Rights International Association, World Peace Council, World Union for Progressive Judaism</p>

Agenda item	Meeting number and date	Speakers
<p style="text-align: center;">2</p> <p>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) (concluded)</p>	<p style="text-align: center;">part of 7th 15 August 2006</p>	<p>Members: Mr. Chen Shiqiu, Mr. Decaux, Mr. Kartashkin, Mr. Salama, Ms. Warzazi</p> <p>Government observers (right of reply): Indonesia, Russian Federation, Tunisia</p> <p>Observers for non-governmental organizations: Interfaith International</p>
	<p style="text-align: center;">part of 8th 15 August 2006</p>	<p>Government observers (right of reply): Sri Lanka</p>
	<p style="text-align: center;">part of 10th 16 August 2006</p>	<p>Government observers (right of reply): Iran (Islamic Republic of)</p>
<p style="text-align: center;">3</p> <p>Administration of justice, rule of law and democracy</p>	<p style="text-align: center;">part of 22nd 24 August 2006</p>	<p>Observers for non-governmental organizations: Association for World Education, Commission to Study the Organization of Peace, European Union of Public Relations, International Buddhist Foundation, International Fellowship of Reconciliation</p> <p>Government observers (right of reply): Eritrea</p>

Agenda item	Meeting number and date	Speakers
<p style="text-align: center;">4</p> <p>Economic, social and cultural rights</p>	<p>part of 10th 16 August 2006</p>	<p>Observers for non-governmental organizations: Association of World Citizens, Interfaith International, International Council of Women, International Federation of Human Rights Leagues, International Institute for Peace, International Movement - ATD Fourth World, Japanese Workers Committee for Human Rights, World Organization Against Torture</p> <p>Observers for national human rights institutions: Consultative Council of Human Rights of Morocco</p>
<p style="text-align: center;">5</p> <p>Prevention of discrimination:</p> <p>(a) Racism, racial discrimination and xenophobia;</p> <p>(b) Prevention of discrimination and protection of indigenous peoples;</p> <p>(c) Prevention of discrimination and protection of minorities</p>	<p>part of 13th 18 August 2006</p>	<p>Government observers: Pakistan (on behalf of the Organization of the Islamic Conference)</p>
	<p>14th 18 August 2006</p>	<p>Members: Mr. Guissé</p> <p>Observers for non-governmental organizations: Association of World Citizens, Commission to Study the Organization of Peace, Foundation for Aboriginal and Islander Research Action, Indian Council for South America, Interfaith International, International Association of Democratic Lawyers, International Federation of Human Rights Leagues, Japan Fellowship of Reconciliation, Pax Romana (also on behalf of Franciscans International, International Federation of Rural Adult Catholic Movements, International Movement against All Forms of Discrimination and Racism, Lutheran World Federation), Tchad - Agir pour l'Environnement</p> <p>Government observers: Bangladesh</p> <p>Government observers (right of reply): Sri Lanka</p>
	<p>16th 21 August 2006</p>	<p>Members: Ms. Hampson</p>

Agenda item	Meeting number and date	Speakers
<p style="text-align: center;">6</p> <p>Specific human rights issues:</p> <p>(d) Women and human rights;</p> <p>(e) Contemporary forms of slavery;</p> <p>(f) Terrorism and counter-terrorism;</p> <p>(g) New priorities</p>	<p>part of 10th 16 August 2006</p>	<p>Observers for non-governmental organizations: Japan Fellowship of Reconciliation</p>
	<p>12th 17 August 2006</p>	<p>Members: Ms. Chung</p> <p>Observers for non-governmental organizations: Association for World Education, Franciscans International (also on behalf of Anti-Slavery International), Interfaith International, International Federation of Human Rights Leagues, International Federation of University Women, International Institute for Non-Aligned Studies, New Humanity, United Nations Watch (also on behalf of Association of World Citizens, International Conference Volunteers, International Federation for Peace and Conciliation, Maharashtra Foundation, Mulchand and Parpati Thadhani Foundation, Women's Federation for World Peace, Women's Board Educational Cooperation Society, World Information Transfer, World Union for Progressive Judaism, World Jewish Congress) and World Organization Against Torture</p>
	<p>part of 13th 18 August 2006</p>	<p>Observers for non-governmental organizations: Association of World Citizens, Association Tunisienne des Droits de l'Enfant, Commission to Study the Organization of Peace, European Union for Public Relations, International Educational Development, Worldwide Organization for Women</p> <p>Government observers: Iran (Islamic Republic of), Russian Federation</p>

Agenda item	Meeting number and date	Speakers
<p style="text-align: center;">7</p> <p>Implementation of Human Rights Council decision 1/102 of 30 June 2006 and other related issues</p>	<p>part of 3rd 9 August 2006</p>	<p>Members: Mr. Alfonso Martínez , Mr. Chen Shiqui, Mr. Sorabjee, Ms. Wadibia-Anyanwu</p> <p>Government observers: Russian Federation</p> <p>Observers for non-governmental organizations: Indian Movement “Tupaj Amaru” (also on behalf of World Peace Council), International Federation of Human Rights Leagues, Lutheran World Federation, Pax Romana, Europe-Third World Centre</p>
	<p>4th 11 August 2006</p>	<p>Members: Mr. Decaux, Mr. Guissé, Ms. Hampson, Mr. Kartashkin, Ms. Motoc, Mr. Salama, Mr. Sattar, Ms. Warzazi, Mr. Yokota</p> <p>Government observers: China</p> <p>Observers for non-governmental organizations: Japan Fellowship of Reconciliation</p>
	<p>5th (<i>closed</i>) 14 August 2006</p>	<p>Members: Mr. Alfonso Martínez, Mr. Bengoa, Mr. Bíró, Mr. Chen Shiqui, Mr. Cherif, Ms. Chung, Mr. Decaux, Mr. Guissé, Ms. Hampson, Mr. Kartashkin, Ms. Mbonu, Mr. Moller, Ms. Rakotoarisoa, Mr. Salama, Mr. Sattar, Mr. Sorabjee, Ms. Warzazi</p>
	<p>part of 6th (<i>closed</i>) 14 August 2006</p>	<p>Members: Mr. Alfonso Martínez, Mr. Bengoa, Mr. Cherif, Mr. Decaux, Mr. Guissé, Ms. Hampson, Mr. Kartashkin, Ms. Mbonu, Ms. Motoc, Mr. Sattar, Mr. Sorabjee, Ms. Warzazi</p>
	<p>part of 7th 15 August 2006</p>	<p>Members: Mr. Kartashkin, Ms. Mbonu, Ms. Motoc, Mr. Salama, Mr. Sattar, Ms. Warzazi</p>

Agenda item	Meeting number and date	Speakers
<p align="center">7</p> <p>Implementation of Human Rights Council decision 1/102 of 30 June 2006 and other related issues <i>(continued)</i></p>	<p align="center">11th 17 August 2006 <i>(closed)</i></p>	<p>Members: Mr. Alfonso Martínez, Mr. Alfredsson, Mr. Bengoa, Mr. Bíró, Mr. Chen Shiqiu, Mr. Cherif, Ms. Chung, Mr. Decaux, Mr. Guissé, Ms. Hampson, Mr. Kartashkin, Ms. Koufa, Ms. Mbonu, Ms. Motoc, Ms. O'Connor, Mr. Pinheiro, Mr. Salama, Mr. Sattar, Mr. Sorabjee, Mr. Tuñón-Veilles, Ms. Warzazi, Mr. Yokota</p>
	<p align="center">15th 21 August 2006 <i>(closed)</i></p>	<p>Members: Mr. Alfonso Martínez, Mr. Bengoa, Mr. Chen Shiqiu, Mr. Cherif, Ms. Chung, Mr. Decaux, Mr. Guissé, Ms. Hampson, Mr. Kartashkin, Mr. Moller, Ms. O'Connor, Mr. Pinheiro, Mr. Salama, Mr. Sattar, Mr. Tuñón-Veilles, Ms. Wadibia-Anyanwu, Ms. Warzazi, Mr. Yokota</p>
	<p align="center">17th 22 August 2006 <i>(part of which was closed)</i></p>	<p><u>Public meeting:</u></p> <p>Members: Mr. Chen Shiqiu</p> <p>Government observers: Pakistan (on behalf of the Organization of the Islamic Conference)</p> <p><u>Closed meeting:</u></p> <p>Members: Mr. Alfonso Martínez, Mr. Bíró, Mr. Chen Shiqiu, Ms. Chung, Mr. Decaux, Mr. Guissé, Ms. Hampson, Mr. Kartashkin, Ms. Koufa, Mr. Moller, Ms. O'Connor, Mr. Pinheiro, Mr. Salama, Mr. Sattar, Mr. Tuñón-Veilles, Ms. Warzazi, Mr. Yokota</p>

Agenda item	Meeting number and date	Speakers
<p style="text-align: center;">7</p> <p>Implementation of Human Rights Council decision 1/102 of 30 June 2006 and other related issues <i>(concluded)</i></p>	<p style="text-align: center;">19th 23 August 2006 <i>(closed)</i></p>	<p>Members: Mr. Alfonso Martínez, Mr. Alfredsson, Mr. Bengoa, Mr. Bíró, Mr. Cherif, Ms. Chung, Mr. Decaux, Mr. Guissé, Mr. Kartashkin, Mr. Moller, Ms. O'Connor, Mr. Salama, Mr. Sattar, Mr. Tuñón-Veilles, Ms. Wadibia-Anyanwu, Ms. Warzazi, Mr. Yokota</p>
	<p style="text-align: center;">20th 23 August 2006 <i>(closed)</i></p>	<p>Members: Mr. Bengoa, Mr. Chen Shiqu, Mr. Decaux, Mr. Guissé, Mr. Kartashkin, Mr. Moller, Ms. O'Connor, Ms. Salama, Mr. Sattar, Mr. Tuñón-Veilles, Ms. Wadibia-Anyanwu, Ms. Warzazi</p>
	<p style="text-align: center;">part of 22nd 24 August 2006</p>	<p>Members: Mr. Alfonso Martínez, Mr. Chen Shiqu, Ms. Hampson, Mr. Kartashkin, Mr. Moller, Mr. Salama, Mr. Sattar, Ms. Wadibia-Anyanwu, Ms. Warzazi, Mr. Yokota</p>

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 BENGOA	(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. El-Hadji GUISSÉ	(Senegal)
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)

* Alternate.

<i>Name</i>	<i>Country of nationality</i>
Ms. Florizelle O'CONNOR	(Jamaica)
Mr. Paulo Sérgio PINHEIRO Ms. Marilia SARDENBERG ZELNER GONÇALVES*	(Brazil)
Ms. Lalaina RAKOTOARISOA	(Madagascar)
Mr. Ibrahim SALAMA	(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	France	Netherlands
Andorra	Germany	Nigeria
Austria	Greece	Pakistan
Bangladesh	Guatemala	Qatar
Barbados	Guinea	Russian Federation
Belgium	Haiti	Slovenia
Bhutan	Hungary	South Africa
Bosnia and Herzegovina	Iceland	Spain
Cameroon	India	Sri Lanka
Chile	Indonesia	Sudan
China	Iran (Islamic Republic of)	Switzerland
Colombia	Iraq	Thailand
Costa Rica	Italy	Tunisia
Cyprus	Japan	Turkey
Democratic People's Republic of Korea	Jordan	Ukraine
Denmark	Kuwait	United Kingdom of Great Britain and Northern Ireland
El Salvador	Malaysia	United States of America
Egypt	Mali	Uzbekistan
Eritrea	Malta	Venezuela
Ethiopia	Mauritania	Viet Nam
Finland	Mexico	
	Morocco	

Non-member States represented by observers

Holy See

United Nations bodies

United Nations Population Fund

Specialized agencies

International Labour Office

Intergovernmental organizations

Organisation internationale de la Francophonie

Non-governmental organizations

General consultative status

Brahma Kumaris World Spiritual University	International Movement ATD Fourth World
Europe-Third World Centre	New Humanity
Franciscans International	World Federation of United Nations Associations
International Alliance of Women	World Movement of Mothers
International Council of Women	
International Federation of Business and Professional Women	

Special consultative status

Action Internationale pour la Paix et le
Développement dans la Région des
Grands Lacs
American Indian Law Alliance
Amnesty International
Asian Indigenous and Tribal Peoples Network
Baha'i International Community
Coalition Against Trafficking in Women
European Federation of Unpaid Parents
and Carers at Home
Foundation for Aboriginal and Islander
Research Action
Geneva International Peace Research Institute
Indian Movement Tupaj Amaru
Interfaith International
International Association of Democratic
Lawyers
International Committee for the Indians of
the Americas
International Committee for the Respect
and Application of the African Charter
on Human and Peoples Rights
International Federation of Human Rights
Leagues
International Federation of Social Workers
International Federation of University Women
International League for the Rights and
Liberation of Peoples
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
Ius Primi Viri International Association
Japan Fellowship of Reconciliation
Japanese Workers Committee for
Human Rights
Juridical Commission for Auto-Development
of First Andean Peoples
Mandat International
Netherlands Centre for Indigenous Peoples
Pan Pacific and South East Asia Women's
Association
Pax Christi International
Pax Romana (International Catholic
Movement for Intellectual and Cultural
Affairs and International Movement of
Catholic Students)
Society for Threatened Peoples
Tchad Agir pour l'Environnement
United Towns Agency for North-South
Cooperation
Women's Human Rights International
Association
Women's International League for Peace
and Freedom
World Organization Against Torture
Worldwide Organization for Women
Young Doctors Without Frontiers Tunisia

Roster

All for Reparations and Emancipation
Association for World Education
Association of World Citizens
Commission to Study the Organization
of Peace
European Union of Public Relations
Friedrich Ebert Foundation
Indian Council of South America
International Educational Development

International Federation of Rural Adult
Catholic Movements
International Institute for Peace
Movement Against Racism and for
Friendship Among Peoples
World Association for the School as an
Instrument of Peace
World Peace Council
World Union for Progressive Judaism

Annex IV

Administrative and programme budget implications of resolutions and decisions adopted by the Sub-Commission at its fifty-eighth session

1. Should the draft decisions recommended to the Human Rights Council be adopted, additional resources which would be required would be the subject of a statement on administrative and programme budget implications included in the report of the Council. 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-eighth session.

Annex V

Sub-Commission resolutions and decisions referring to matters which are drawn to the attention of the Human Rights Council, including those for which there are estimated administrative and programme budget implications, or on which the Council is expected to take action

Resolutions

- 2006/1. The universal implementation of international human rights treaties, paragraphs 1, 2, 3 and 5.
- 2006/2. Right to an effective remedy, paragraph 4.
- 2006/3. Accountability of international personnel taking part in peace support operations, paragraph 4.
- 2006/4. The difficulty of establishing guilt or responsibility with regard to sexual violence, paragraph 5.
- 2006/5. Sessional working group on the administration of justice, paragraph 14.
- 2006/6. Corruption and its impact on the full enjoyment of human rights, in particular economic, social and cultural rights, paragraphs 7, 8 and 9.
- 2006/7. The effects of the working methods and activities of transnational corporations on the enjoyment of human rights, paragraphs 2 and 3.
- 2006/8. The Social Forum, paragraphs 6 and 8.
- 2006/9. Implementation of existing human rights norms and standards in the context of the fight against extreme poverty, paragraph 4.
- 2006/10. Promotion of the realization of the right to drinking water and sanitation, paragraph 9.
- 2006/11. The rights of persons belonging to national or ethnic, religious and linguistic minorities, paragraphs 1 and 2.
- 2006/13. Working Group on Indigenous Populations, paragraphs 3, 4, 10, 11 and 31.
- 2006/14. Discrimination based on work and descent, paragraph 4.
- 2006/15. Discrimination against leprosy-affected persons and their families, paragraphs 10 and 13.

Resolutions (continued)

- 2006/16. 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, paragraph 7.
- 2006/17. Report of the Working Group on Contemporary Forms of Slavery, paragraphs 1 to 6.
- 2006/18. Systematic rape, sexual slavery and slavery-like practices during armed conflicts, paragraph 7.
- 2006/20. Working group to elaborate detailed principles and guidelines with relevant commentary, concerning the promotion and protection of human rights when combating terrorism, paragraphs 7, 8 and 9.
- 2006/21. The protection of civilians during armed conflicts, paragraphs 1 and 2.
- 2006/22. Prevention of human rights violations committed with small arms and light weapons, paragraphs 8 and 10.

Decisions

- 2006/110. Human rights and the human genome.
- 2006/111. Impact of debt on the enjoyment and exercise of human rights.
- 2006/112. Implementation by the Sub-Commission of Human Rights Council decision 1/102.

Annex VI

List of studies and reports

A. Studies and reports completed at the fifty-eighth session of the Sub-Commission

Title and agenda item	Entrusted to	Legislative authority (mandate established in/by and latest resolution/decision on the subject)	First submission	Final submission
1. Universal implementation of international human rights treaties (item 3) (A/HRC/Sub.1/58/5 and Add.1)	Mr. Emmanuel Decaux (France)	Commission decision 2004/123; Sub-Commission resolution 2006/1	Fifty-sixth session (2004)	Fifty-eighth session (2006)
2. Implementation of existing human rights norms and standards in the context of the fight against extreme poverty (item 4) (A/HRC/Sub.1/58/16)	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 2006/9	Fifty-fourth session (2002)	Fifty-eighth session (2006)
3. Prevention of human rights violations committed with small arms and light weapons (item 6) (A/HRC/Sub.1/58/27 and Add.1)	Ms. Barbara Frey* (United States of America) <hr style="width: 10%; margin-left: 0;"/> * <i>Ms. Frey is no longer an alternate member of the Sub-Commission.</i>	Commission decision 2003/112; Sub-Commission resolution 2006/22	Fifty-fifth session (2003)	Fifty-eighth session (2006)

**B. Working papers and other documents without financial implications
initiated at the fifty-eighth session of the Sub-Commission**

Title and agenda item	Entrusted to	Legislative authority (latest Sub-Commission resolution/ decision on the subject)
<p>1. Working paper on transitional justice and investigation mechanisms for truth and reconciliation, with emphasis on the experiences in Latin America (item 3)</p> <p><i>For submission to the working group on the administration of justice</i></p>	Mr. Janio Iván Tuñón-Veilles (Panama)	Sub-Commission decision 2006/107
<p>2. Working paper on indigenous peoples and conflict prevention and resolution (item 5)</p> <p><i>For submission to the Working Group on Indigenous Populations or to any future expert advice mechanism</i></p>	Mr. Miguel Alfonso Martínez (Cuba)	Sub-Commission resolution 2006/13
<p>3. Working paper on the present-day effects of the colonial era that continue to adversely affect the living conditions of indigenous peoples in various parts of the world (item 5)</p> <p><i>For submission to the twenty-sixth session of the Working Group on Indigenous Populations and to the fifty-ninth session of the Sub-Commission or to the first session of any future expert advice mechanism</i></p>	Mr. Miguel Alfonso Martínez (Cuba)	Sub-Commission resolution 2006/13
<p>4. Working paper on the human rights of elderly people (item 6)</p> <p><i>For submission to the fifty-ninth session of the Sub-Commission or the first session of any future expert advice mechanism</i></p>	Ms. Chin-Sung Chung (Republic of Korea)	Sub-Commission decision 2006/109

C. New studies and reports recommended to the Human Rights Council for approval

Title and agenda item	Member of Sub-Commission to be appointed as special rapporteur	Legislative authority	First submission
1. Implementation in practice of the right to an effective remedy for human rights violations (item 3)	Mr. Mohamed Habib Cherif (Tunisia)	Sub-Commission resolution 2006/2	Fifty-ninth session (2007) or first session of any future expert advice mechanism
2. 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 2006/3	Fifty-ninth session (2007) or first session of any future expert advice mechanism
3. The impact of debt on the enjoyment and exercise of human rights (item 4)	Mr. El-Hadji Guissé (Senegal)	Sub-Commission decision 2006/111	Fifty-ninth session (2007) or first session of any future expert advice mechanism
4. 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 2006/16	Fifty-ninth session (2007) or first session of any future expert advice mechanism
5. Discrimination against leprosy affected persons and their families (item 5)	Mr. Yozo Yokota (Japan)	Sub-Commission resolution 2006/15	2007 Preliminary report to be submitted to the Sub-Commission or a new body of experts, or in the absence of either, to the Human Rights Council.

Annex VII

List of documents issued for the fifty-eighth session of the Sub-Commission

Documents issued in the general series

<i>Symbol*</i>	<i>Agenda item</i>	
A/HRC/Sub.1/58/1	1	Provisional agenda and organization of work: note by the Secretary-General
A/HRC/Sub.1/58/1/Add.1	1	Annotations to the provisional agenda prepared by the Secretary-General
A/HRC/Sub.1/58/2	1	Note by the Secretariat transmitting the statistics relating to the fifty-seventh session of the Sub-Commission on the Promotion and Protection of Human Rights
A/HRC/Sub.1/58/3	1	Not submitted
A/HRC/Sub.1/58/4		Issued as A/HRC/Sub.1/58/CRP.9 (see below)
A/HRC/Sub.1/58/5	3	Final report of Mr. Decaux, Special Rapporteur on the universal implementation of international human rights treaties
A/HRC/Sub.1/58/5/Add.1	3	Addendum
A/HRC/Sub.1/58/6	3	Not submitted
E/CN.4/Sub.2/2006/7	3	Working paper by Mr. Vladimir Kartashkin pursuant to the Sub-Commission decision 2005/105 on human rights and State sovereignty
A/HRC/Sub.1/58/8	3	Report of the sessional working group on the administration of justice

* For all documents issued after 19 June 2006, the symbol series E/CN.4/Sub.2/--- has been replaced by the series A/HRC/Sub.1/58/---. The last digit(s) of all document symbols issued in the general series correspond(s) to the last digit(s) of the document symbols listed in the annotations to the provisional agenda (A/HRC/Sub.1/58/1/Add.1) under the old symbol series.

Documents issued in the general series (continued)

<i>Symbol*</i>		<i>Agenda item</i>
A/HRC/Sub.1/58/9		Issued as A/HRC/Sub.1/58/CRP.3 (see below)
A/HRC/Sub.1/58/10		Issued as A/HRC/Sub.1/58/CRP.12 (see below)
A/HRC/Sub.1/58/11 and Corr.1	4	Report of the sessional working group on the working methods and activities of transnational corporations on its eighth session
E/CN.4/Sub.2/2006/12	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.2/2006/13		Issued as A/HRC/Sub.1/58/CRP.8 (see below)
A/HRC/Sub.1/58/14	4	Not submitted
A/HRC/Sub.1/58/15	4	Report of the Social Forum
A/HRC/Sub.1/58/16	4	Final report submitted by Mr. Bengoa, as coordinator 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
A/HRC/Sub.1/58/17		Issued as A/HRC/Sub.1/58/CRP.10 (see below)
A/HRC/Sub.1/58/18	4	Not submitted
A/HRC/Sub.1/58/19	5	Report of the Working Group on Minorities on its twelfth session
A/HRC/Sub.1/58/20	5	Not submitted
A/HRC/Sub.1/58/21		Issued as A/HRC/Sub.1/58/CRP.2 (see below)
A/HRC/Sub.1/58/22	5	Report of the Working Group on Indigenous Populations on its twenty-fourth session
A/HRC/Sub.1/58/23	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
A/HRC/Sub.1/58/24	6	Not submitted

Documents issued in the general series (continued)

<i>Symbol*</i>	<i>Agenda item</i>	
A/HRC/Sub.1/58/25	6	Report of the Working Group on Contemporary Forms of Slavery on its thirty-first session
A/HRC/Sub.1/58/26	6	Report of the sessional working group to elaborate detailed principles and guidelines concerning the promotion and protection of human rights when combating terrorism
A/HRC/Sub.1/58/27	6	Final report submitted by Ms. Barbara Frey, Special Rapporteur on the prevention of human rights violations committed with small arms and light weapons
A/HRC/Sub.1/58/27/Add.1	6	Addendum
A/HRC/Sub.1/58/28	6	Not submitted
A/HRC/Sub.1/58/29	6	Not submitted
A/HRC/Sub.1/58/30	6	An updated framework draft of principles and guidelines concerning human rights and terrorism: second expanded working paper prepared by Ms. Koufa
A/HRC/Sub.1/58/31		Issued as A/HRC/Sub.1/58/CRP.4 (see below)
A/HRC/Sub.1/58/32	3	Not submitted
A/HRC/Sub.1/58/33	3	Not submitted
A/HRC/Sub.1/58/34	3	Not submitted
A/HRC/Sub.1/58/35	3	Not submitted
A/HRC/Sub.1/58/INF.1		List of attendance
A/HRC/Sub.1/58/CRP.1	1	Status of preparation of documentation: note by the Secretariat
A/HRC/Sub.1/58/CRP.2	5	Progress report of Mr. Yozo Yokota and Ms. Chin-Sung Chung, Special Rapporteurs on the topic of discrimination based on work and descent

Documents issued in the general series (continued)

<i>Symbol*</i>	<i>Agenda item</i>	
A/HRC/Sub.1/58/CRP.3	3	Expanded working paper by Ms. Françoise Hampson on the accountability of international personnel taking part in peace support operations
A/HRC/Sub.1/58/CRP.4	3	Expanded working paper by Ms. Françoise Hampson and Mr. Mohamed Habib Cherif on the implementation in practice of the right to an effective remedy for human rights violations
A/HRC/Sub.1/58/CRP.5	3	Working paper by Ms. Françoise Hampson on the circumstances in which a party can open fire in the law of armed conflict/international humanitarian law and human rights law
A/HRC/Sub.1/58/CRP.6 and Corr.1	6	Working paper by Ms. Françoise Hampson on the promotion and protection of human rights when combating terrorism
A/HRC/Sub.1/58/CRP.7	5	Working paper by Mr. Yozo Yokota on discrimination against leprosy-affected persons and their families
A/HRC/Sub.1/58/CRP.8	4	Working paper submitted by Mr. Chung and Ms. O'Connor on bilateral and multilateral economic agreements and their impact on human rights of the beneficiaries
A/HRC/Sub.1/58/CRP.9	3	Preliminary report by Ms. Rakotoarisoa, Special Rapporteur on difficulties of establishing guilt and/or responsibilities with regard to crimes of sexual violence
A/HRC/Sub.1/58/CRP.10	4	Second progress report of Ms. Mbonu, Special Rapporteur on corruption and its impact on the full enjoyment of human rights
A/HRC/Sub.1/58/CRP.11	6	Document de travail sur les droits des victimes des actes terroristes présenté par Mr. Emmanuel Decaux

Documents issued in the general series (concluded)

<i>Symbol*</i>	<i>Agenda item</i>	
A/HRC/Sub.1/58/CRP.12	4	Working paper submitted 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 entities
A/HRC/Sub.1/58/CRP.13	7	Implementation by the Sub-Commission of Human Rights Council decision 1/102
A/HRC/Sub.1/58/SR.1-23		Summary records of meetings held by the Sub-Commission at its fifty-eighth session

Documents issued in the limited series

<i>Symbol</i>	<i>Agenda item</i>	
A/HRC/Sub.1/58/L.2	5 (c)	The rights of persons belonging to national or ethnic, religious and linguistic minorities
A/HRC/Sub.1/58/L.3	5 (b)	Second International Decade of the World's Indigenous People
A/HRC/Sub.1/58/L.4	5 (b)	Working Group on Indigenous Populations
A/HRC/Sub.1/58/L.5	3	Human rights and State sovereignty
A/HRC/Sub.1/58/L.6	4	Corruption and its impact on the full enjoyment of human rights, in particular economic, social and cultural rights
A/HRC/Sub.1/58/L.7	3	The universal implementation of international human rights treaties
A/HRC/Sub.1/58/L.8	5 (a)	Discrimination based on work and descent
A/HRC/Sub.1/58/L.9	6 (b)	Report of the Working Group on Contemporary Forms of Slavery
A/HRC/Sub.1/58/L.10	7	Draft report of the Sub-Commission on the Promotion and Protection of Human Rights on its fifty-eighth session
A/HRC/Sub.1/58/L.11 and Add.1	8	Idem
A/HRC/Sub.1/58/L.12	6 (d)	Human rights of elderly people
A/HRC/Sub.1/58/L.13	6	Systematic rape, sexual slavery and slavery-like practices during armed conflicts
A/HRC/Sub.1/58/L.14	4	The effects of the working methods and activities of transnational corporations on the enjoyment of human rights
A/HRC/Sub.1/58/L.15	4	The Social Forum

Documents issued in the limited series (continued)

<i>Symbol</i>	<i>Agenda item</i>	
A/HRC/Sub.1/58/L.16	4	Implementation of existing human rights norms and standards in the context of the fight against extreme poverty
A/HRC/Sub.1/58/L.17	3	Transitional justice: investigation mechanisms for truth and reconciliation, with emphasis on Latin America
A/HRC/Sub.1/58/L.18	5 (a)	Discrimination against leprosy-affected persons and their families
A/HRC/Sub.1/58/L.19	6 (d)	World Programme for Human Rights Education
A/HRC/Sub.1/58/L.20	3	Right to an effective remedy
A/HRC/Sub.1/58/L.21	3	Accountability of international personnel taking part in peace support operations
A/HRC/Sub.1/58/L.22	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
A/HRC/Sub.1/58/L.23	3	The difficulty of establishing guilt or responsibility with regard to sexual violence
A/HRC/Sub.1/58/L.24	6 (d)	Prevention of human rights violations committed with small arms and light weapons
A/HRC/Sub.1/58/L.25	4	Promotion of the realization of the right to drinking water and sanitation
A/HRC/Sub.1/58/L.26	4	Effect of debt on the enjoyment and exercise of human rights
A/HRC/Sub.1/58/L.27	6 (c)	Working group to elaborate detailed principles and guidelines with relevant commentary, concerning the promotion and protection of human rights when combating terrorism

Documents issued in the limited series (concluded)

<i>Symbol</i>	<i>Agenda item</i>	
A/HRC/Sub.1/58/L.28	6 (d)	Human rights and the human genome
A/HRC/Sub.1/58/L.29	3	Sessional working group on the administration of justice
A/HRC/Sub.1/58/L.30	4	The right to development
A/HRC/Sub.1/58/L.31	6 (d)	The protection of civilians during armed conflicts

Documents issued in the non-governmental organizations series

<i>Symbol</i>		<i>Agenda item</i>
A/HRC/Sub.1/58/NGO/1	4	Written statement submitted by the International Council on Environmental Law (ICEL)
A/HRC/Sub.1/58/NGO/2	2	Written statement submitted by Pax Christi International, International Catholic Peace Movement
A/HRC/Sub.1/58/NGO/3	3	Written statement submitted by the Japanese Workers' Committee for Human Rights (JWCHR)
A/HRC/Sub.1/58/NGO/4	4	Written statement submitted by the Japanese Workers' Committee for Human Rights (JWCHR)
A/HRC/Sub.1/58/NGO/5	6	Written statement submitted by the Japanese Workers' Committee for Human Rights (JWCHR)
A/HRC/Sub.1/58/NGO/6	2	Written statement submitted by the European Law Students' Association (ELSA)

Annex VIII

Resolutions (22) and decisions (12) adopted by the Sub-Commission on the Promotion and Protection of Human Rights at its fifty-eighth session

Action taken	No.	Title*	Method of adoption	Document A/HRC/Sub.1/2006/...	Paragraphs of report
		AGENDA ITEM 1: ORGANIZATION OF WORK			
Decision	2006/101	Three-week session of the Sub-Commission on the Promotion and Protection of Human Rights	Without a vote		16
Decision	2006/102	Establishment of a sessional working group to elaborate detailed principles and guidelines, with relevant commentary, concerning the promotion and protection of human rights when combating terrorism under agenda item 6 (c)	Without a vote		17 (a)
Decision	2006/103	Establishment of a sessional working group on administration of justice under agenda item 3	Without a vote		17 (b)
Decision	2006/104	Establishment of a sessional working group on the effects of the working methods and activities of transnational corporations on the enjoyment of human rights under agenda item 4	Without a vote		17 (c)
		AGENDA ITEM 2: QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS ...			
Chair's statement	7 August 2006	Chairperson's statement of 7 August 2006 under agenda item 2	Agreed by consensus		32-33
		AGENDA ITEM 3: ADMINISTRATION OF JUSTICE, RULE OF LAW AND DEMOCRACY			
Resolution	2006/1	The universal implementation of international human rights treaties	Without a vote	L.7	41-43
Resolution	2006/2	Right to an effective remedy	Without a vote	L.20	47-50
Resolution	2006/3	Accountability of international personnel taking part in peace support operations	Without a vote	L.21	51-54

Action taken	No.	Title*	Method of adoption	Document A/HRC/Sub.1/2006/...	Paragraphs of report
Resolution	2006/4	The difficulty of establishing guilt or responsibility with regard to sexual violence	Without a vote	L.23	55-58
Resolution	2006/5	Sessional working group on the administration of justice	Without a vote	L.29	59-61
Decision	2006/106	Human rights and State sovereignty	Without a vote	L.5	38-40
Decision	2006/107	Transitional justice: investigation mechanisms for truth and reconciliation, with emphasis on Latin America	Without a vote	L.17	44-46
		AGENDA ITEM 4: ECONOMIC, SOCIAL AND CULTURAL RIGHTS			
Resolution	2006/6	Corruption and its impact on the full enjoyment of human rights, in particular economic, social and cultural rights	Without a vote	L.6	67-71
Resolution	2006/7	The effects of the working methods and activities of transnational corporations on the enjoyment of human rights	Without a vote	L.14	72-73
Resolution	2006/8	The Social Forum	Without a vote	L.15	74-76
Resolution	2006/9	Implementation of existing human rights norms and standards in the context of the fight against extreme poverty	Without a vote	L.16	77-79
Resolution	2006/10	Promotion of the realization of the right to drinking water and sanitation	Without a vote	L.25	80-82
Decision	2006/108	The right to development	Without a vote	L.30	90-91
Decision	2006/111	Effect of debt on the enjoyment and exercise of human rights	Without a vote	L.26	83-89
		AGENDA ITEM 5: PREVENTION OF DISCRIMINATION ...			
Resolution	2006/11	The rights of persons belonging to national or ethnic, religious and linguistic minorities	Without a vote	L.2	96-100
Resolution	2006/12	Second International Decade of the World's Indigenous People	Without a vote	L.3	101-102
Resolution	2006/13	Working Group on Indigenous Populations	Without a vote	L.4	103-105
Resolution	2006/14	Discrimination based on work and descent	Without a vote	L.8	106-110

Action taken	No.	Title*	Method of adoption	Document A/HRC/Sub.1/2006/...	Paragraphs of report
Resolution	2006/15	Discrimination against leprosy-affected persons and their families	Without a vote	L.18	111-117
Resolution	2006/16	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.22	118-120
Resolution	2006/17	AGENDA ITEM 6: SPECIFIC HUMAN RIGHTS ISSUES ... Report of the Working Group on Contemporary Forms of Slavery	Without a vote	L.9	127-131
Resolution	2006/18	Systematic rape, sexual slavery and slavery-like practices during armed conflicts	Without a vote	L.13	135-136
Resolution	2006/19	World Programme for Human Rights Education	Without a vote	L.19	137-138
Resolution	2006/20	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.27	145-147
Resolution	2006/21	The protection of civilians during armed conflicts	Without a vote	L.31	150-155
Resolution	2006/22	Prevention of human rights violations committed with small arms and light weapons	Without a vote	L.24	139-144
Decision	2006/109	Human rights of elderly people	Without a vote	L.12	132-134
Decision	2006/110	Human rights and the human genome	Without a vote	L.28	148-149
Decision	2006/105	AGENDA ITEM 7: IMPLEMENTATION OF HUMAN RIGHTS COUNCIL DECISION 1/102 ... Establishment of a drafting group on implementation of Human Rights Council decision 1/102 of 30 June 2006 under agenda item 7	Without a vote		157
Decision	2006/112	Implementation of Human Rights Council decision 2006/112 and other related issues	Without a vote	CRP.13	160-162

* The titles of agenda items have been abbreviated, where appropriate.