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COMMISSION ON HUMAN RIGHTS  
Sixtieth session  
Agenda item 21 (a)

**DRAFT PROVISIONAL AGENDA FOR THE SIXTY-FIRST SESSION  
OF THE COMMISSION**

**Note by the Secretary-General**

The following draft provisional agenda for the sixty-first session of the Commission is submitted in accordance with the provisions of paragraph 3 of Economic and Social Council resolution 1894 (LVII) and includes an indication for each item of the documents to be prepared in implementation of the relevant Commission decisions. If necessary, the draft provisional agenda will be amended in the light of any decision that the Commission or the Economic and Social Council may take after the preparation of this document.

### **Draft provisional agenda for the sixty-first session of the Commission**

1. *Election of officers.*
2. *Adoption of the agenda.*
3. *Organization of the work of the session.*

Legislative authority: relevant resolutions and decisions of the General Assembly and the Economic and Social Council; Commission decisions 2004/125, 2004/127 and 2004/128; Chairperson's statement of 21 April 2004.

Documentation:

Report of the United Nations High Commissioner for Human Rights containing an analysis of the situation of human rights in Colombia (statement agreed on by consensus by the Commission and made by the Chairperson on 21 April 2004).

Report of the independent expert on the situation of human rights in the Sudan (Commission decision 2004/128).

4. *Report of the United Nations High Commissioner for Human Rights and follow-up to the World Conference on Human Rights.*

Legislative authority: General Assembly resolution 48/141; Commission resolutions 1997/69, 2004/2 and 2004/7.

Documentation:

Report of the United Nations High Commissioner for Human Rights (General Assembly resolution 48/141, para. 5; Commission resolutions 1997/69, para. 14, 2004/2, paras. 18 and 20, 2004/7, para. 8, and 2004/76, para. 10 (g)).

5. *The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation.*

Legislative authority: Commission resolutions 2004/3 and 2004/5.

Documentation:

- (a) Report of the Secretary-General on the implementation of Commission resolution 2004/3 on the situation in occupied Palestine (para. 2);
- (b) Report of the Special Rapporteur on the use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination (Commission resolution 2004/5, paras. 15 and 21).

6. *Racism, racial discrimination, xenophobia and all forms of discrimination:*

- (a) *Comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action.*

Legislative authority: Commission resolutions 1993/20, 2003/30, 2004/6, 2004/16 and 2004/88.

Documentation:

- (a) Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (Commission resolutions 1993/20, para. 10, 2004/16, para. 6, and 2004/88, para. 21);
- (b) Report of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action (Commission resolution 2003/30, para. 22);
- (c) Report of the Working Group of Experts on People of African Descent (resolution 2003/30, para. 26);
- (d) Progress report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance on the situation of Muslim and Arab peoples in various parts of the world (Commission resolution 2004/6, para. 16);
- (e) Report of the United Nations High Commissioner for Human Rights on the implementation of Commission resolution 2004/6 on combating defamation of religions (para. 17);
- (f) Progress report of the Office of the High Commissioner for Human Rights on the implementation of relevant recommendations of the recent session of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action (Commission resolution 2004/88, para. 11);
- (g) Report of the United Nations High Commissioner for Human Rights on the possibility of the development of racial equality index (Commission resolution 2004/88, para. 13).

7. *The right to development.*

Legislative authority: Commission resolution 2004/7.

Documentation:

Report of the Working Group on the Right to Development (resolution 2004/7, para. 9).

8. *Question of the violation of human rights in the occupied Arab territories, including Palestine.*

Legislative authority: Commission resolutions 1993/2, 2004/8, 2004/9 and 2004/10.

Documentation:

- (a) Report of the Special Rapporteur (resolutions 1993/2 A, para. 4, and 2004/10, para. 20);
- (b) Reports of the Secretary-General (resolutions 2004/8, para. 6, and 2004/10, para. 22);
- (c) List of United Nations reports issued between sessions of the Commission that deal with the conditions in which the populations of the Palestinian and other occupied Arab territories are living under the Israeli occupation (resolution 2004/10, para. 23).

9. *Question of the violation of human rights and fundamental freedoms in any part of the world, including:*

- (a) *Question of human rights in Cyprus;*
- (b) *Procedure established in accordance with Economic and Social Council resolutions 1503 (XLVIII) and 2000/3.*

Legislative authority: Economic and Social Council resolutions 1503 (XLVIII), 1990/41 and 2000/3; Commission resolutions 8 (XXIII), 2004/11, 2004/12, 2004/13, 2004/14, 2004/15, 2004/61, and decisions 2004/105, 2004/109 and 2004/126.

Documentation:

- (a) Report of the Working Group on Situations (Economic and Social Council resolution 1990/41);
- (b) Report of the Personal Representative of the United Nations High Commissioner for Human Rights on the situation of human rights in Cuba (Commission resolution 2004/11);
- (c) Report of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea (Commission resolution 2004/13, para. 10);
- (d) Report of the United Nations High Commissioner for Human Rights on his findings and recommendations with regard to the human rights situation in the Democratic People's Republic of Korea (Commission resolution 2004/13, para. 12);

- (e) Report of the Special Rapporteur on the situation of human rights in Belarus (Commission resolution 2004/14, para. 5);
- (f) Report of the Secretary-General on reprisals against persons cooperating with representatives of United Nations human rights bodies (Commission resolution 2004/15, para. 6);
- (g) Report of the Special Rapporteur on the situation of human rights in Myanmar (Commission resolution 2004/61, para. 6 (a));
- (h) Report of the Secretary-General on the question of human rights in Cyprus (Commission decision 2004/126).

10. *Economic, social and cultural rights.*

Legislative authority: Commission resolutions 2003/21, 2003/22, 2004/17, 2004/18, 2004/19, 2004/20, 2004/21, 2004/22, 2004/23, 2004/24, 2004/25, 2004/26, 2004/27, 2004/28 and 2004/29.

Documentation:

- (a) Analytical report of the independent expert on the effects of structural adjustment policies and foreign debt on the full enjoyment of all human rights, in particular economic, social and cultural rights (resolution 2003/21, para. 12);
- (b) Report of the Special Rapporteur on adequate housing containing a study on women and adequate housing (resolution 2003/22, para. 14);
- (c) Report of the Special Rapporteur on the adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights (Commission resolution 2004/17, paras. 16 and 17);
- (d) Report of the independent expert on the effects of structural adjustment policies and foreign debt on the full enjoyment of all human rights, particularly economic, social and cultural rights, containing preliminary draft general guidelines to be followed by States and by private and public, national and international financial institutions in the decision-making and execution of debt repayments and structural reform programmes (resolution 2004/18, para. 18);
- (e) Report of the Special Rapporteur on the right to food (resolution 2004/19, para. 14);
- (f) Report of the United Nations High Commissioner for Human Rights on the results of the consultations requested in paragraph 20 of resolution 2004/20 on the promotion of the enjoyment of the cultural rights of everyone and respect for different cultural identities;

- (g) Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living (resolution 2004/21, para. 7 (c));
- (h) Report of the Secretary-General on the implications and negative effects of unilateral coercive measures (Commission resolution 2004/22, para. 14 (b));
- (i) Report of the independent expert on the question of human rights and extreme poverty (Commission resolution 2004/23, para. 11);
- (j) Comprehensive analytical study of the United Nations High Commissioner for Human Rights on the fundamental principle of participation and its application at the global level, with a view to recommending measures for its integration and effective implementation in the debate on the process of globalization (resolution 2004/24, para. 8);
- (k) Report of the Special Rapporteur on the right to education (resolution 2004/25, para. 12);
- (l) Report of the Secretary-General on access to medication in the context of pandemics, such as HIV/AIDS, tuberculosis and malaria (resolution 2004/26, para. 20);
- (m) Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health (resolution 2004/27, para. 19);
- (n) Report of the Open-ended working group established with a view to considering options regarding the elaboration of an optional protocol to the International Covenant on Economic, Social and Cultural Rights (Commission resolution 2004/29, para. 15);
- (o) Report of the Secretary-General on the implementation of resolution 2004/29 on the question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights (para. 17).

11. *Civil and political rights, including the questions of:*

- (a) *Torture and detention;*
- (b) *Disappearances and summary executions;*
- (c) *Freedom of expression;*

- (d) *Independence of the judiciary, administration of justice, impunity;*
- (e) *Religious intolerance;*
- (f) *States of emergency;*
- (g) *Conscientious objection to military service.*

Legislative authority: Commission resolutions 2003/33, 2003/36, 2004/30, 2004/31, 2004/32, 2004/33, 2004/34, 2004/36, 2004/37, 2004/38, 2004/39, 2004/40, 2004/41, 2004/42 and 2004/44.

Documentation:

- (a) Report of the Office of the United Nations High Commissioner for Human Rights on the progress made in the implementation of resolution 2003/33 on human rights and forensic science (resolution 2003/33, para. 10);
- (b) Report of the Office of the United Nations High Commissioner for Human Rights containing a compilation of documents or texts adopted and used by various intergovernmental, international, regional and subregional organizations aimed at promoting and consolidating democracy (resolution 2003/36, para. 14);
- (c) Report of the Office of the United Nations High Commissioner for Human Rights on the conclusions of the second expert seminar on the interdependence between democracy and human rights democracy (resolution 2003/36, para. 17);
- (d) Report of the Office of the United Nations High Commissioner for Human Rights on its work in pursuance of resolution 2004/30 on enhancing the role of regional, subregional and other organizations and arrangements in promoting and consolidating democracy (para. 17);
- (e) Report of the Special Rapporteur on the independence of judges and lawyers (resolutions 2004/32, para. 10, and 2004/33, para. 11);
- (f) Report of the United Nations High Commissioner for Human Rights on the outcome of the consultative process with a view to finalizing the “Basic principles and guidelines on the right to a remedy and reparation for victims of violations of international human rights and humanitarian law” (resolution 2004/34, para. 6);
- (g) Report of the Special Rapporteur on freedom of religion or belief (resolution 2004/36, para. 19);
- (h) Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions (resolutions 2002/36, para. 16 (a) and 2004/37, para. 13);
- (i) Report of the Working Group on Arbitrary Detention (resolution 2004/39, para. 9);

- (j) Report of the Working Group on Enforced or Involuntary Disappearances (resolution 2004/40, para. 12);
- (k) Report of the Intersessional open-ended working group to elaborate a draft legally binding normative instrument for the protection of all persons from enforced disappearance (resolution 2004/40, para. 14);
- (l) Annual report of the Secretary-General on the status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (resolution 2004/41, para. 25);
- (m) Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment (resolution 2004/41, para. 35);
- (n) Report of the Secretary-General on the operations of the United Nations Voluntary Fund for Victims of Torture (resolution 2004/41, paras. 36 and 39);
- (o) Report of the Special Rapporteur on the right to freedom of opinion and expression (resolution 2004/42, para. 12).

12. *Integration of the human rights of women and a gender perspective:*

- (a) *Violence against women.*

Legislative authority: Commission resolutions 1997/44, 2003/44, 2004/46 and decisions 2004/108 and 2004/110.

Documentation:

- (a) Report of the Special Rapporteur on violence against women, its causes and consequences (Commission resolutions 1997/44, para. 14, and 2004/46);
- (b) Updated report of the Secretary-General on integrating the human rights of women throughout the United Nations system (Commission decision 2004/108);
- (c) Annual report of the Special Rapporteur on trafficking in persons, especially in women and children (Commission decision 2004/110).

13. *Rights of the child.*

Legislative authority: General Assembly resolution 51/77; Commission resolutions 1993/79, 2004/47 and 2004/48.

Documentation:

- (a) Annual report of the Special Representative of the Secretary-General for children and armed conflict (General Assembly resolution 51/77, para. 37);



- (b) Report of the Sub-Commission on the Promotion and Protection of Human Rights on the state of implementation of the Programme of Action for the Elimination of the Exploitation of Child Labour (Commission resolution 1993/79, para. 8);
- (c) Report of the United Nations High Commissioner for Human Rights on the abduction of children in Africa (resolution 2004/47, para. 16);
- (d) Substantive progress report of the Secretary-General on the study on the question of violence against children (Commission resolution 2004/48, para. 20);
- (e) Report of the Special Rapporteur on the sale of children, child prostitution and child pornography (Commission resolution 2004/48, para. 38);
- (f) Report of the Secretary-General (Commission resolution 2004/48, para. 48 (a)).

14. *Specific groups and individuals:*

- (a) *Migrant workers;*
- (b) *Minorities;*
- (c) *Mass exoduses and displaced persons;*
- (d) *Other vulnerable groups and individuals.*

Legislative authority: Commission resolutions 2003/47, 2003/52, 2004/51, 2004/52, 2004/53 and 2004/55.

Documentation:

- (a) Progress report of the Secretary-General on the steps taken to promote and implement the guidelines on HIV/AIDS (resolution 2003/47, para. 15);
- (b) Analytical report of the United Nations High Commissioner for Human Rights on measures take to implement resolution 2003/52 on human rights and mass exoduses (paras. 17 and 18);
- (c) Report of the United Nations High Commissioner for Human Rights on the implementation of resolution 2004/51 on the rights of persons belonging to national or ethnic, religious and linguistic minorities (paras. 10 and 13);
- (d) Report of the Special Rapporteur on the human rights of migrants (resolution 2004/53, para. 28);
- (e) Annual report of the Secretary-General's mechanism on internal displacement (resolution 2004/55, para. 28).

15. *Indigenous issues.*

Legislative authority: Commission resolutions 2004/58, 2004/59 and 2004/62.

Documentation:

- (a) Final report of the United Nations High Commissioner for Human Rights reviewing the activities within the United Nations system under the programme for the International Decade of the World's Indigenous People (Commission resolution 2004/58, para. 13);
- (b) Report of the working group on a draft United Nations declaration on the rights of indigenous people (Commission resolution 2004/59, para. 8);
- (c) Report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people (Commission resolution 2004/62, para. 14).

16. *Report of the Sub-Commission on the Promotion and Protection of Human Rights:*

- (a) *Report and draft decisions;*
- (b) *Election of members.*

Legislative authority: Commission resolution 2004/60 and decision 2004/116.

Documentation:

- (a) Report of the Sub-Commission on the Promotion and Protection of Human Rights on its fifty-sixth session;
- (b) Report of the Chairperson of the fifty-sixth session of the Sub-Commission (resolution 2004/60, para. 16);
- (c) Report of the Office of the United Nations High Commissioner for Human Rights on the responsibilities of transnational corporations and related business enterprises (decision 2004/116).

17. *Promotion and protection of human rights:*

- (a) *Status of the International Covenants on Human Rights;*
- (b) *Human rights defenders;*
- (c) *Information and education;*
- (d) *Science and the environment.*

Legislative authority: Commission resolutions 2000/61, 2002/73, 2003/62, 2003/66, 2003/69, 2004/63, 2004/64, 2004/65, 2004/67, 2004/68, 2004/69, 2004/70, 2004/71, 2004/72 and decisions 2004/104, 2004/117 and 2004/119.

Documentation:

- (a) Annual report of the Special Representative of the Secretary-General on the situation of human rights defenders (resolutions 2000/61, para. 6, and 2004/68, para. 13);
- (b) Interim study of the Sub-Commission on the Promotion and Protection of Human Rights on the implementation of Commission resolution 2002/73 on human rights and international solidarity (para. 6);
- (c) Report of the Secretary-General on public information activities (resolution 2003/62, para. 22);
- (d) Report of the Secretary-General on human rights and bioethics (resolution 2003/69, para. 12);
- (e) Quinquennial report of the Secretary-General on capital punishment (resolution 2004/67, para. 8);
- (f) Report of the Secretary-General on the status of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocols thereto, including all reservations and declarations (resolution 2004/69, para. 24);
- (g) Report of the United Nations High Commissioner for Human Rights on the outcomes of the seminar on good governance practices for the promotion and protection of human rights at national level (resolution 2004/70, para. 8);
- (h) Report of the Office of the United Nations High Commissioner for Human Rights on progress made towards the implementation of resolution 2004/71 on the follow-up to the United Nations Decade for Human Rights Education (para. 7);
- (i) Report of the independent expert on impunity (resolution 2004/72, para. 20);
- (j) Report of the independent expert designated to assist the High Commissioner for Human Rights in examining the question of the protection of human rights and fundamental freedoms while countering terrorism (resolution 2004/87, para. 10);
- (k) Report of the United Nations High Commissioner for Human Rights on the implementation of resolution 2004/87 on the protection of human rights and fundamental freedoms while countering terrorism (para. 11);

- (l) Report of the Office of the United Nations High Commissioner for Human Rights containing a compilation of the essential aspects of the replies received on the pre-draft declaration on human social responsibilities (decision 2004/117);
- (m) Updated report of the Secretary-General on the relationship between the environment and human rights (decision 2004/119).

18. *Effective functioning of human rights mechanisms:*

- (a) *Treaty bodies;*
- (b) *National institutions and regional arrangements;*
- (c) *Adaptation and strengthening of the United Nations machinery for human rights.*

Legislative authority: Commission resolutions 2003/75, 2004/73, 2002/80, 2002/81, 2002/84, 2002/85, 2002/87, 2003/44, 2003/74, 2003/76 and Commission decision 2003/113.

Documentation:

- (a) Report of the Secretary-General on the state of regional arrangements for the promotion and protection of human rights (resolution 2003/75, para. 13);
- (b) Comprehensive report of the United Nations High Commissioner for Human Rights on the implementation of Commission resolution 2004/73 on the composition of the staff of the Office of the United Nations High Commissioner for Human Rights (para. 23 (c));
- (c) Report of the Secretary-General containing the conclusions of the thirteenth Workshop on Regional Cooperation for the Promotion and Protection of Human Rights in the Asian and Pacific region (resolution 2004/74, para. 20);
- (d) Report of the Secretary-General on the implementation of resolution 2004/75 on national institutions for the promotion and protection of human rights (para. 20);
- (e) Report of the Secretary-General containing conclusions and recommendations of special procedures (resolution 2004/76, para. 12 (a)).

19. *Advisory services and technical cooperation in the field of human rights.*

Legislative authority: Commission resolutions 2004/79, 2004/80, 2004/82, 2004/83, 2004/84, 2004/85 and 2004/86; Chairperson's statements of 22 and 25 April 2003.

Documentation:

- (a) Report of the Secretary-General on the situation of human rights in Cambodia (resolution 2004/79, para. 7);

- (b) Report of the Special Representative of the Secretary-General on the situation of human rights in Cambodia (resolution 2004/79, para. 7);
- (c) Report of the independent expert appointed by the Secretary-General on the situation of human rights in Somalia (resolution 2004/80, para. 16 (a));
- (d) Report of the independent expert on the situation of human rights in Burundi (resolution 2004/82, para. 24);
- (e) Report of the independent expert on the situation of human rights in Liberia (resolution 2004/83, para. 7);
- (f) Report of the independent expert on the situation of human rights in the Democratic Republic of the Congo (resolution 2004/84, para. 7 (b));
- (g) Report of the independent expert on the situation of human rights in Chad (resolution 2004/85, para. 6 (a));
- (h) Report of the United Nations High Commissioner for Human Rights on assistance to Sierra Leone in the field of human rights (resolution 2004/86, para. 3 (f));
- (i) Report of the independent expert on the situation of human rights in Afghanistan (statement agreed on by consensus by the Commission, and made by the Chairperson on 21 April 2004, para. 12 (b));
- (j) Report of the Secretary-General on technical cooperation in the field of human rights in Afghanistan (statement agreed on by consensus by the Commission, and made by the Chairperson on 21 April 2004, para. 12 (d) (iii));
- (k) Report of the independent expert appointed by the Secretary-General on the situation of human rights in Haiti (statement agreed on by consensus by the Commission, and made by the Chairperson on 21 April 2004, para. 8);
- (l) Progress report of the Office of the United Nations High Commissioner for Human Rights on human rights assistance to Nepal (statement agreed on by consensus by the Commission, and made by the Chairperson on 21 April 2004, para. 10);
- (m) Report of the United Nations High Commissioner for Human Rights on technical cooperation in the field of human rights in Timor-Leste (statement agreed on by consensus by the Commission, and made by the Chairperson on 21 April 2004, para. 7).

20. *Rationalization of the work of the Commission.*

Legislative authority: Commission decision 2000/109.

21. (a) *Draft provisional agenda for the sixty-second session of the Commission;*
- (b) *Report to the Economic and Social Council on the sixty-first session of the Commission.*

Legislative authority: Economic and Social Council resolution 1894 (LVII); rule 38 of the rules of procedure of the functional commissions of the Council.

Documentation:

Note by the Secretary-General containing the draft provisional agenda for the sixty-second session of the Commission, together with information concerning documentation relating thereto.

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