



General Assembly

Distr.: General
6 July 2010

Original: English

Human Rights Council

Advisory Committee

Fifth session

2–6 August 2010

Item 2 of the provisional agenda

Adoption of the agenda and organization of work

Note by the Secretary-General

Addendum

Annotations to the provisional agenda*

* Late submission.

1. The Human Rights Council Advisory Committee, established pursuant to Human Rights Council resolution 5/1, held its third session from 3 to 7 August 2009 (A/HRC/AC/3/2) and its fourth session from 25 to 29 January 2010 (A/HRC/AC/4/4). At its thirteenth session, the Human Rights Council took note of the above-mentioned reports of the Advisory Committee, as reflected in President's statement PRST/13/1.

Item 1

Election of officers

2. At the current meeting, and in accordance with rule 103 of the rules of procedure of the General Assembly, the Advisory Committee will elect, from among its members, a Chairperson and its Bureau.

Item 2

Adoption of the agenda and organization of work

Adoption of the agenda

3. The Advisory Committee will have before it the provisional agenda (A/HRC/AC/5/1) proposed by the Secretary-General and the present annotations relating to the items included in the provisional agenda.

Organization of work

4. Rule 99 of the rules of procedure of the General Assembly provides that each committee "shall, at the beginning of the session, adopt a programme of work indicating, if possible, a target date for the conclusion of its work, the approximate dates of consideration of items and the number of meetings to be allocated to each item" (A/520/Rev.16). Accordingly, the Advisory Committee will have before it, for its consideration and approval, a draft timetable prepared by the Secretariat showing the order and distribution of meeting time for each agenda item/segment of its programme of work for the fifth session.

Composition of the Human Rights Council Advisory Committee

5. At its thirteenth session, the Council conducted elections of seven members of the Advisory Committee from the list of candidates contained in the relevant note by the Secretary-General (A/HRC/13/67 and Add.1). Of the two vacancies from the group of African States, Alfred Ntunduguru Karokora was elected as a new member to the Committee.

6. Following the demise of Miguel Alfonso Martínez, who had been elected for a three-year term on 25 March 2009, the Council held, at its fourteenth session, elections to fill this vacancy for the remainder of his term from among candidates proposed by the Group of Latin American and Caribbean States. On 18 June 2010, Miguel d'Escoto Brockmann was elected as member of the Advisory Committee.

7. The composition of the Human Rights Council Advisory Committee and the term of membership of each expert¹ is as follows: José Antonio Bengoa Cabello (Chile – 2013); Ansar Ahmed Burney (Pakistan – 2011); Shiqiu Chen (China – 2012); Chinsung Chung (Republic of Korea – 2013); Emmanuel Decaux (France – 2011); Miguel d'Escoto Brockmann (Nicaragua – 2012); Hector Felipe Fix Fierro (Mexico – 2011); Wolfgang Stefan Heinz (Germany – 2013); Latif Hüseyinov (Azerbaijan – 2011); Baba Kura Kaigama (Nigeria – 2011); Vladimir Kartashkin (Russian Federation – 2013); Alfred Ntunduguru Karokora (Uganda – 2013); Purificacion V. Quisumbing (Philippines – 2011); Shigeki Sakamoto (Japan – 2013); Dheerujall Seetulsingh (Mauritius – 2011); Halima Embarek Warzazi (Morocco – 2012); Jean Ziegler (Switzerland – 2012); and Mona Zulficar (Egypt – 2013).

8. Following the demise of Mr. Alfonso Martínez, a vacancy has also arisen in the Working Group on Communications of the complaint procedure. Pursuant to paragraphs 91 and 92 of Council resolution 5/1, the Advisory Committee will, at its fifth session, appoint an expert from the Group of Latin American and Caribbean States to the Working Group.

Item 3

Requests addressed to the Advisory Committee stemming from Human Rights Council resolutions

(a) Human rights education and training

9. In its resolution 6/10, the Council requested the Advisory Committee to prepare a draft declaration on human rights education and training. In its resolution 10/28, it also requested the Committee to submit the draft declaration to the Council for consideration at its thirteenth session.

10. At its fourth session, the Advisory Committee endorsed the draft declaration on human rights education and training prepared by its drafting group consisting of Mr. Decaux (Rapporteur), Mr. Fix Fierro, Mr. Kartashkin, Ms. Quisumbing and Ms. Warzazi, and transmitted it to the Council (A/HRC/13/41).

11. Pursuant to its decision 12/118, the Council held a high-level discussion on the draft declaration at its thirteenth session. In its resolution 13/15, the Council welcomed the submission of the draft declaration by the Advisory Committee, and decided to establish an open-ended intergovernmental working group with the mandate of negotiating and submitting to the Council the draft declaration on the basis of the draft submitted by the Advisory Committee. The Council also requested its President to invite the Rapporteur of the Advisory Committee drafting group on the draft declaration to participate in the meetings of the working group, which will meet for a maximum of five working days before the sixteenth session of the Council.

(b) Right to food

12. In its resolution 7/14, the Council requested the Advisory Committee to consider potential recommendations for approval by the Council on possible further measures to enhance the realization of the right to food, bearing in mind the priority importance of promoting the implementation of existing standards. In its resolution 10/12, the Council also requested the Advisory Committee to undertake a study on discrimination in the

¹ The expiry of the term of membership is shown in parenthesis.

context of the right to food, including identification of good practices of anti-discriminatory policies and strategies, and to report thereon to the Council at its thirteenth session.

13. At its first session, the Advisory Committee established a drafting group consisting of Mr. Bengoa Cabello, Ms. Chung, Mr. Hüseyinov, Mr. Ziegler and Ms. Zulficar. At its fourth session, the Committee endorsed a preliminary study on discrimination in the context of the right to food prepared by its drafting group and transmitted it to the Council (A/HRC/13/32). In its recommendation 4/3, the Committee also formulated recommendations with regard to the follow-up to this study.

14. In its resolution 13/4, the Council acknowledged the work carried out by the Advisory Committee on the right to food and welcomed the submission to the Council of its preliminary study on discrimination in the context of the right to food.

15. The Council requested the Office of the United Nations High Commissioner for Human Rights (OHCHR) to collect the views and comments of all Member States, all relevant United Nations special agencies and programmes and all other relevant stakeholders on the good practices of anti-discriminatory policies and strategies set out in the preliminary study, so that the Advisory Committee could take them into account for the conclusion of the study.

16. In addition, the Council requested the Advisory Committee to continue to work on the issue of discrimination in the context of the right to food and, in that regard, to undertake a preliminary study on ways and means to further advance the rights of people working in rural areas, including women, in particular smallholders engaged in the production of food and/or other agricultural products, including from directly working the land, traditional fishing, hunting and herding activities, and to report thereon to the Council at its sixteenth session.

(c) Human rights of women

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

18. At its second session, the Committee adopted recommendation 2/4, in which it recommended that the Council consider authorizing the Advisory Committee to prepare draft guidelines on methods to enhance implementation of gender mainstreaming, including action-oriented mechanisms within the Council and all other relevant United Nations organs, specialized agencies, treaty bodies, national human rights institutions and non-governmental organizations.

19. In President's statement PRST/10/1, the Council noted that the recommendation of the Advisory Committee may be addressed in the context of the work of the Council at its future sessions.

20. At its fourth session, the Committee continued discussions on the matter.

(d) Promotion of a democratic and equitable international order

21. In its resolution 8/5, the Council requested the human rights treaty bodies, OHCHR and the mechanisms of the Council and the Advisory Committee to pay due attention, within their respective mandates, to the resolution and to make contributions towards its implementation.

22. At its first session, the Advisory Committee adopted recommendation 1/2 on the promotion of a democratic and equitable international order. At its second and fourth sessions, the Committee continued discussions on that matter.

(e) Missing persons

23. Pursuant to resolution 7/28, the Council held a panel discussion on the question of missing persons at its ninth session, with the participation of experts of the International Committee of the Red Cross, delegates of Governments and non-governmental organizations as well as national human rights institutions and international organizations. OHCHR prepared a summary of the panel's deliberations (A/HRC/10/10). Subsequently, the Council adopted decision 9/101, in which it requested the Advisory Committee to prepare a study on the best practices in the matter of missing persons and to submit it to the Council at its twelfth session.

24. The Committee entrusted a drafting group, composed of Mr. Alfonso Martínez, Mr. Burney, Ms. Chung, Mr. Heinz, Mr. Hüseyinov and Mr. Mudho, with the task of preparing the above-mentioned study.

25. In its decision 12/117, taking note of recommendation 3/2 of the Committee, the Council requested the Committee to submit the study to the Council at its fourteenth session. In order to continue its work on the above-mentioned study, the relevant drafting group of the Committee elaborated a questionnaire addressed to Governments, which was transmitted by a note verbale dated 2 November 2009 by the Secretariat.

26. At its fourth session, the Committee held an exchange of views with a representative of the Working Group on Enforced or Involuntary Disappearances, and endorsed the progress report prepared on the issue by its drafting group (A/HRC/14/42), which was transmitted to the Council for its consideration at the fourteenth session.

27. In its decision 14/118, the Council took note of the above-mentioned progress report and requested the Advisory Committee to finalize the study on the best practices in the matter of missing persons and to submit it to the Council at its sixteenth session.

(f) Human rights of persons with disabilities

28. In its resolution 7/9, the Council encouraged the Advisory Committee and other mechanisms of the Council to integrate the perspective of persons with disabilities, as appropriate, in carrying out their work and in their recommendations in order to facilitate the inclusion of persons with disabilities in the work of the Council.

29. At its first, second and fourth sessions, the Advisory Committee held discussions on the issue.

(g) Elimination of discrimination against persons affected by leprosy and their family members

30. In its resolution 8/13, the Council requested OHCHR to hold a meeting to exchange views among relevant actors, including Governments, observers of the United Nations, relevant United Nations bodies, specialized agencies and programmes, non-governmental organizations, scientists, medical experts, as well as representatives of persons affected by leprosy, and their family members, on measures to eliminate leprosy-based discrimination, and to transmit a report thereon to the Council and the Advisory Committee (A/HRC/10/62). The Council also requested the Advisory Committee to examine the report and to formulate a draft set of principles and guidelines to eliminate discrimination against persons affected by leprosy, and their family members, and to submit it to the Council for its consideration by September 2009.

31. In its recommendation 1/5, the Advisory Committee designated Mr. Sakamoto to formulate the above-mentioned draft set of principles and guidelines. At its third session, the Advisory Committee, in its recommendation 3/1, endorsed the draft set of principles and guidelines to eliminate discrimination against persons affected by leprosy, and their family members, prepared by Mr. Sakamoto and transmitted it to the Council.

32. In its resolution 12/7, the Council requested OHCHR to collect the views on the draft set of principles and guidelines of relevant actors, including Governments, observers of the United Nations, relevant United Nations bodies, specialized agencies and programmes, non-governmental organizations, scientists and medical experts, as well as representatives of persons affected by leprosy, and their family members, and to make those views available to the Advisory Committee. It also requested the Advisory Committee to finalize the draft set of principles and guidelines, taking into full consideration the views of relevant actors, for submission to the Council by its fifteenth session.

33. Pursuant to Council resolution 12/7, the Secretariat transmitted by a note verbale dated 28 October 2009 the draft set of principles and guidelines to relevant actors.

34. In its recommendation 4/1, the Committee welcomed the views of the relevant actors on the draft set of principles and guidelines and requested Mr. Sakamoto to take them into account when submitting a revised draft to the Committee for consideration at its fifth session. Accordingly, the Advisory Committee will consider the revised draft (A/HRC/AC/5/2 and Corr.1) at its fifth session.

(h) Human rights and international solidarity

35. In its resolutions 9/2 and 12/9, the Council requested the Advisory Committee to prepare inputs to contribute to the elaboration by the independent expert on human rights and international solidarity of a draft declaration on the right of peoples and individuals to international solidarity, and to the further development of guidelines, standards, norms and principles with a view to promoting and protecting this right.

36. At its fourth session, the Committee held discussions on this issue.

Enhancement of international cooperation in the field of human rights

37. In its resolution 13/23, the Council requested the Advisory Committee to explore ways and means to enhance cooperation in the field of human rights, taking into account the views contained in the report of the United Nations High Commissioner for Human Rights on the enhancement of international cooperation in the field of human rights (A/HRC/13/19), and further views from States and relevant stakeholders, and to submit proposals thereon to the Council at its nineteenth session.

38. Pursuant to rule 13.3 of its rules of procedure, the Advisory Committee, at its fifth session, may revise its provisional agenda (A/HRC/AC/5/1) in order to include the above-mentioned request stemming from a Human Rights Council resolution.

Item 4

Implementation of sections III and IV of the annex to Human Rights Council resolution 5/1 of 18 June 2007

(a) Rules of procedure and methods of work

39. At its third session, the Advisory Committee adopted the rules of procedure, as contained in the report of the Advisory Committee on its third session (A/HRC/AC/3/2, annex III).

40. At its fourth session, the members of the Advisory Committee exchanged preliminary views on the methods of work of the Committee in view of the upcoming review of the work and functioning of the Council.

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

(i) Protection of the human rights of civilians in armed conflict

41. In its resolution 9/9, the Council expressed the intention to consider requesting the Advisory Committee to elaborate a study with potential recommendations on the protection of the human rights of civilians in armed conflict.

42. In its recommendation 4/6, taking into account Council resolutions 9/9 and 12/5, the Committee recommended that the Council consider authorizing Ms. Zulficar to attend the second expert consultation on the issue of protecting the human rights of civilians in armed conflict organized by OHCHR.

43. In President's statement PRST/13/1, the Council welcomed the participation of an expert of the Committee in the above-mentioned second expert consultation. However, Ms. Zulficar was unable to attend the consultation held on 31 March 2010. The report of the High Commissioner on the consultation was submitted to the Council at its fourteenth session (A/HRC/14/40).

(ii) Human rights of elderly people

44. At its third session, in its recommendation 3/6, the Advisory Committee designated Ms. Chung to prepare an initial working paper on the need to study the human rights of elderly people, including by making practical recommendations, with a view to promoting and protecting these rights, to be submitted to the Advisory Committee at its fourth session.

45. At its fourth session, in its recommendation 4/4, the Committee welcomed the working paper prepared by Ms. Chung (A/HRC/AC/4/CRP.1) and expressed the hope that the Council would consider entrusting the Committee with the preparation of a study on the application to older persons of existing United Nations human rights instruments and on any possible gaps in the current legal framework.

46. In President's statement PRST/13/1, the Council noted that recommendation 4/4 of the Committee may be addressed in the context of the work of the Council at its future sessions.

(iii) Promotion of the right of peoples to peace

47. At its third session, in its recommendation 3/5, the Committee designated Mr. Alfonso Martínez to prepare an initial working paper on the need to initiate a study on the issue of the promotion of the right of peoples to peace, with the purpose of clarifying further the content and scope of this right; proposing measures to raise awareness of the importance of realizing this right; and suggesting concrete actions to mobilize States, intergovernmental and non-governmental organizations in the promotion of the right of peoples to peace. The initial working paper was to take into account the conclusions and recommendations that may have been reached at the workshop organized pursuant to Council resolution 11/4, and to be submitted for the consideration of the Committee no later than its fifth session. The report of the High Commissioner on the outcome of the workshop on the right of peoples to peace was submitted to the Council at its fourteenth session (A/HRC/14/38).

48. In its resolution 14/3, the Council took note with satisfaction of the above-mentioned report and supported the need to further promote the realization of the right of peoples to peace and, in that regard, requested the Advisory Committee, in consultation with Member States, civil society, academia and all relevant stakeholders, to prepare a draft

declaration on the right of peoples to peace, and to report on the progress thereon to the Council at its seventeenth session.

(c) Follow-up to Advisory Committee recommendation 1/11

49. In its recommendation 2/2, the Advisory Committee designated some of its members to follow the work of other subsidiary bodies of the Council. However, since the Council did not take relevant action entailing budgetary implications when it considered the report of the Advisory Committee on its second session, the Secretariat of the Advisory Committee was unable to implement the above-mentioned recommendation.

50. At its fifth session, the Advisory Committee may address this issue.

Item 5

Report of the Advisory Committee on its fifth session

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