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

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

Geneva, 29 July-16 August 2002

Rapporteur: Mr. Emmanuel Decaux

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

1. Discrimination in the criminal justice system

The Commission on Human Rights, taking note of resolution 2002/3 of 12 August 2002 of the Sub-Commission on the Promotion and Protection of Human Rights, approves the decision of the Sub-Commission to appoint Ms. Leïla Zerrougui as Special Rapporteur to conduct a detailed study of discrimination in the criminal justice system with a view to determining the most effective means of ensuring equal treatment in the criminal justice system for all persons without discrimination, particularly vulnerable persons, and requests the Secretary-General to provide the Special Rapporteur with any assistance necessary to enable her to fulfil her mandate, including the assistance of a consultant having specialized knowledge of the subject. The Commission also approves the request that the Special Rapporteur submit a preliminary report to the Sub-Commission at its fifty-fifth session, a progress report at its fifty-sixth session and a final report at its fifty-seventh session.

[See chap. II, sect. A, resolution 2002/3,
and chap. V.]

2. Housing and property restitution in the context of refugees and other displaced persons

The Commission on Human Rights, taking note of Sub-Commission on the Promotion and Protection of Human Rights resolution 2002/7 of 14 August 2002 and recalling Commission resolution 1999/47 of 27 April 1999 in which it encouraged the Sub-Commission to continue its work on the matter of housing and property restitution in the context of the return of refugees and internally displaced persons, endorses the decision of the Sub-Commission to appoint Mr. Paulo Sérgio Pinheiro as Special Rapporteur with the task of preparing a comprehensive study on housing and property restitution in the context of the return of refugees and internally displaced persons based on his working paper (E/CN.4/Sub.2/2002/17) as well as on the comments made and the discussions that took place at the fifty-fourth session of the Sub-Commission and the fifty-eighth session of the Commission, and the Sub-Commission's request to the Special Rapporteur to submit a preliminary report to the Sub-Commission at its fifty-fifth session, a progress report at its fifty-sixth session and a final report at its fifty-seventh session.

[See chap. II, sect. A, resolution 2002/7,
and chap. VI.]

3. The Social Forum

The Commission on Human Rights, taking note of resolution 2002/12 of 14 August 2002 of the Sub-Commission on the Promotion and Protection of Human Rights, decides to recommend to the Economic and Social Council that it authorize the Sub-Commission to convene in Geneva an annual intersessional forum on economic, social and cultural rights, to be known as the Social Forum, for two days on dates that would permit the possible participation of 10 members of the Sub-Commission, to be appointed by the regional groups of the Sub-Commission, and that the Council also authorize the provisions of all the necessary facilities for the preparation and servicing of the event.

[See chap. II, sect. A, resolution 2002/12,
and chap. VI.]

4. Indigenous peoples' permanent sovereignty over natural resources

The Commission on Human Rights, taking note of Sub-Commission on the Promotion and Protection of Human Rights resolution 2002/15 of 14 August 2002, endorses the Sub-Commission's request to appoint Mrs. Erica-Irene Daes as Special Rapporteur to undertake a study on indigenous peoples' permanent sovereignty over natural resources based on her working paper (E/CN.4/Sub.2/2002/23), and its request to the Special Rapporteur to submit a preliminary report to the Sub-Commission at its fifty-fifth session and her final report at its fifty-sixth session. The Commission also endorses the request to the Secretary-General to provide the Special Rapporteur with all necessary assistance to enable her to carry out her study.

[See chap. II, sect. A, resolution 2002/15,
and chap. VII.]

5. Working Group on Indigenous Populations

The Commission on Human Rights, taking note of resolution 2002/17 of 14 August 2002 of the Sub-Commission on the Promotion and Protection of Human Rights, of the report of the Working Group on Indigenous Populations on its twentieth session (E/CN.4/Sub.2/2002/24) and, in particular, its programme of action, endorses the Sub-Commission's view regarding the continuing need for the Working Group on Indigenous Populations on account of its mandate, which is distinct from those of the Permanent Forum on Indigenous Issues and the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, and urges the Economic and Social Council to request the Secretary-General to continue to provide the Working Group with all necessary assistance to fulfil its mandate.

[See chap. II, sect. A, resolution 2002/17,
and chap. VII.]

6. International Decade of the World's Indigenous People

The Commission on Human Rights, taking note of resolution 2002/19 of 14 August 2002 of the Sub-Commission on the Promotion and Protection of Human Rights, decides to recommend to the Economic and Social Council that it request the United Nations High Commissioner for Human Rights to organize, before the end of the International Decade of the World's Indigenous People, a seminar on treaties, agreements and other constructive arrangements between States and indigenous peoples to explore possible ways and means to follow up on the recommendations included in the final report of the Special Rapporteur, Mr. Miguel Alfonso Martínez (E/CN.4/Sub.2/1999/20).

[See chap. II, sect. A, resolution 2002/19,
and chap. VII.]

7. Presentation of the report of the Working Group on Indigenous Populations on its twentieth and twenty-first sessions to the Permanent Forum on Indigenous Issues

The Commission on Human Rights, taking note of resolution 2002/20 of 14 August 2002 of the Sub-Commission on the Promotion and Protection of Human Rights, decides to approve the decision to invite the Chairperson-Rapporteur of the twentieth session of the Working Group on Indigenous Populations to attend the second and third sessions of the Permanent Forum on Indigenous Issues in 2003 and 2004 and to present to it the reports of the twentieth and twenty-first sessions of the Working Group, respectively, and recommends to the Economic and Social Council that it endorse the present decision.

[See chap. II, sect. A, resolution 2002/20,
and chap. VII.]

8. Working Group on Indigenous Populations

The Commission on Human Rights, taking note of resolution 2002/21 of 14 August 2002 of the Sub-Commission on the Promotion and Protection of Human Rights, endorses the Sub-Commission's request that the Economic and Social Council authorize the Working Group on Indigenous Populations to meet for five working days prior to the fifty-fifth session of the Sub-Commission in 2003.

[See chap. II, sect. A, resolution 2002/21,
and chap. VII.]

9. Terrorism and human rights

The Commission on Human Rights, taking note of resolution 2002/24 of 14 August 2002 of the Sub-Commission on the Promotion and Protection of Human Rights, approves the Sub-Commission's request to the Secretary-General to give the Special Rapporteur all the assistance necessary for the preparation of her additional progress report, in particular by providing for visits to Vienna and New York in order to hold consultations with the competent services and bodies of the United Nations located there, to complement and expand her essential research and to collect all the needed and up-to-date information and data.

[See chap. II, sect. A, resolution 2002/24,
and chap. VIII.]

10. The prevention of human rights violations caused by the availability and misuse of small arms and light weapons

The Commission on Human Rights, taking note of Sub-Commission on Promotion and Protection of Human Rights resolution 2002/25 of 14 August 2002, decides to endorse the decision of the Sub-Commission to appoint Ms. Barbara Frey as Special Rapporteur with the task of preparing a comprehensive study on the prevention of human rights violations committed with small arms and light weapons based on her working paper (E/CN.4/Sub.2/2002/39) as well as the comments received and the discussion that took place at the fifty-fourth session of the Sub-Commission and the fifty-eighth session of the Commission, and its request to the Special Rapporteur to submit a preliminary report to the Sub-Commission at its fifty-fifth session, a progress report at its fifty-sixth session and a final report at its fifty-seventh session. The Commission also decides to endorse the request to the Secretary-General to provide the Special Rapporteur with all the assistance necessary to enable her to accomplish her task.

[See chap. II, sect. A, resolution 2002/25,
and chap. VIII.]

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

A. Resolutions

2002/1. Armed intervention and the right of peoples to self-determination

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

Bearing in mind that in accordance with Article 1 of the Charter of the United Nations all peoples have the right to self-determination,

Deeply convinced of the importance of the universal realization of the right of peoples to self-determination, also embodied in the International Covenants on Human Rights, for the effective guarantee and observance of human rights,

Conscious that the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations according to the Charter and other instruments of general international law, is totally illegal,

Profoundly concerned at the continuation of acts or threats of military intervention and occupation that threaten to suppress, or have already suppressed, the right to self-determination of sovereign peoples and nations,

Taking into account that the use of force in international relations constitutes, by definition, one of the most serious threats to, or an actual violation of the right to life inherent to all human persons,

Recalling General Assembly resolution 56/141 of 19 December 2001 on the universal realization of the rights of peoples to self-determination,

1. *Declares its firm opposition* to all acts of foreign military intervention contrary to the Principles and other provisions of the Charter of the United Nations, as well as all threats to overthrow by means of armed force duly constituted Governments, as blatant violations of the principles of self-determination, sovereign equality and non-intervention in the affairs that are essentially within the domestic jurisdiction of any State, as well as an inadmissible danger to or violation of the basic human rights of the populations living in the territories concerned;

2. *Calls upon* those States engaged in such military actions or threats of armed intervention to put an end immediately to such an illegal international conduct.

*18th meeting
12 August 2002*

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

2002/2. Current situation and future of human rights

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

Referring to the obligations placed on all States by the Charter of the United Nations,

Recalling that all the principles and norms enshrined in the Universal Declaration of Human Rights and all international human rights instruments must be respected and faithfully implemented,

Recalling also the commitments entered into by all States which signed the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993,

Welcoming the progress achieved by a number of States, in particular in the promotion of and respect for all human rights, and in the establishment and strengthening of democracy and the rule of law,

Recording, however, its deep concern regarding the situation and future of human rights throughout the world since the tragic attacks of 11 September 2001,

Reaffirming the condemnation of these heinous acts and recalling the various relevant resolutions adopted by the Security Council and the General Assembly,

1. *Emphasizes* that all measures adopted against terrorism should be strictly in keeping with international law, and particularly with international norms and obligations in the sphere of human rights;

2. *Draws attention* to the incompatibility of certain laws, regulations and practices recently introduced by a number of countries, in particular those which call into question the judicial guarantees which are intrinsic to the rule of law, notably in relation to police custody, arbitrary detention, incommunicado detention, the rights of the defence and the right to an effective remedy;

3. *Denounces* measures which constitute acts of torture and cruel, inhuman or degrading punishment or treatment, and thus violate norms which may not be derogated from in any circumstances;

4. *Deplores* the serious violations of other fundamental freedoms, in particular freedom of expression and respect for privacy, freedom of movement, as well as the restrictions placed on non-citizens and non-respect for right to asylum;

5. *Observes* that these violations often go hand in hand with flagrant discrimination based on nationality, ethnic origin or religion;

6. *Condemns* violations of the norms and principles of international humanitarian law, which must be respected everywhere and in all circumstances;

7. *Expresses its full support* for the efforts of the International Committee of the Red Cross to monitor effective observance of the norms and principles of international humanitarian law;

8. *Urges* all States to respect the international norms relating to human rights and the norms and principles of international humanitarian law, and, if they have not already done so, to ratify the relevant instruments, in particular the additional protocols to the Geneva Conventions of 12 August 1949, and to accept the jurisdiction of the International Fact-Finding Commission provided for in article 90 of Protocol I of 8 June 1977;

9. *Also urges* all States not to obstruct the work of the International Criminal Court and those that have not yet done so to consider ratifying the Rome Statute as soon as possible;

10. *Calls upon* the Office of the United Nations High Commissioner for Human Rights to continue to attach high priority to examining international and national measures adopted or applied in the fight against terrorism, including the compatibility of such measures with the obligations of States under international human rights law;

11. *Calls upon* the Commission on Human Rights to draw the attention of the Counter-Terrorism Committee of the Security Council to the need to include the question of respect for human rights in the study of measures taken by States in the fight against terrorism and the Commission itself to pay particular attention to the compatibility with human rights law of national and international measures adopted or applied to combat terrorism;

12. *Decides* to keep the matter before it at its fifty-fifth session.

*18th meeting
12 August 2002*

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

2002/3. Discrimination in the criminal justice system

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

Considering that the Universal Declaration of Human Rights proclaims that all human beings are born free and equal in dignity and rights, that all are entitled to equal protection against any discrimination, and that everyone is entitled to all the rights and freedoms set forth in the Declaration, 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,

Bearing in mind the relevant provisions of the International Covenant on Civil and Political Rights, in particular article 26; the International Convention on the Elimination of All Forms of Racial Discrimination, in particular the right to equal treatment before the tribunals and all other organs administering justice; the Convention on the Rights of the Child, in particular article 37; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; and the Convention on the Elimination of All Forms of Discrimination against Women, in particular the obligation to treat men and women equally in all stages of procedures in courts and tribunals,

Bearing in mind also the numerous international standards in the field of the administration of justice, which provide that States shall assure to everyone within their jurisdiction effective protection and remedies with a view to obtaining just and adequate reparation for any act of discrimination which violates his or her human rights and fundamental freedoms,

Recalling the provisions of the 1993 Vienna Declaration and Programme of Action relating to crime and justice,

Noting General Assembly resolution 56/161 of 19 December 2001, in which the Assembly calls upon mechanisms of the Commission on Human Rights and its subsidiary bodies to continue to give special attention to questions relating to the effective promotion and protection of human rights in the administration of justice,

Concerned at the extent of discrimination in national criminal justice systems which affects particularly vulnerable groups or those having an inferior status in society,

Noting in particular the Durban Declaration and Programme of Action, adopted in September 2001 at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and its recommendations concerning the administration of criminal justice,

Taking into consideration Commission on Human Rights decision 2002/109 of 25 April 2002, in which the Commission decided to invite the Sub-Commission to give careful consideration to the Durban Declaration and Programme of Action and to play a complementary role in the realization of the objectives of the World Conference,

1. *Welcomes with satisfaction* the two working papers presented by Ms. Leïla Zerrougui (E/CN.4/Sub.2/2001/WG.1/CRP.1 and E/CN.4/Sub.2/2002/5) on discrimination in the criminal justice system;

2. *Decides* to appoint Ms. Zerrougui as Special Rapporteur to conduct a detailed study of discrimination in the criminal justice system with a view to determining the most effective means of ensuring equal treatment in the criminal justice system for all persons without discrimination, particularly vulnerable persons;

3. *Requests* the Special Rapporteur to submit to the Sub-Commission a preliminary report at its fifty-fifth session, a progress report at its fifty-sixth session and a final report at its fifty-seventh session;

4. *Requests* the Secretary-General to provide the Special Rapporteur with any assistance necessary to enable her to fulfil her mandate, including the assistance of a consultant having specialized knowledge of the subject;

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

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

*18th meeting
12 August 2002*

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

2002/4. Establishment of the International Criminal Court

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

Convinced that the impunity enjoyed by perpetrators of human rights violations constitutes a fundamental obstacle to the observance of human rights,

Convinced also that the ratification of the Statute of the International Criminal Court by the largest number of States will constitute an important guarantee in the struggle against impunity,

1. *Welcomes* the entry into force, on 1 July 2002, of the Statute of the International Criminal Court (the Rome Statute);

2. *Deeply deplores* the immunity allowed to nationals of States parties or not parties to the Rome Statute who participate in operations established or authorized by the United Nations Security Council for the maintenance or restoration of international peace and security, under the terms of resolution 1422 (2002) of 12 July 2002 of the United Nations Security Council;

3. *Notes* that the transparency and impartiality shown in the selection of judges will to a large extent determine the legitimacy, credibility and effectiveness of the International Criminal Court;

4. *Invites* States parties to opt for a transparent procedure for nominating the Court's judges, after consultation with the highest national judicial and academic authorities, such as to guarantee their full competence, their independence, an equitable geographic and gender representation, and an accurate reflection of the principal legal systems;

5. *Urges* all States to ratify the Rome Statute as soon as possible and to ensure its full implementation;

6. *Emphasizes* that States must not hinder the implementation of the Statute of the International Criminal Court and must observe the principles of the Statute, whether they have ratified it or not;

7. *Decides* to continue consideration of this question at its fifty-fifth session.

*18th meeting
12 August 2002*

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

2002/5. Recognition of responsibility and reparation for massive and flagrant violations of human rights which constitute crimes against humanity and which took place during the period of slavery, colonialism and wars of conquest

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

Referring to its decision 2000/114, and drawing the attention of the international community to the cases of massive and flagrant violations of human rights which should be considered as crimes against humanity and which have, to date, benefited from impunity, in spite of the tragic suffering which slavery, colonialism and wars of conquest have inflicted on numerous peoples in the world,

Recalling its resolution 2001/1 of 6 August 2001,

Considering that it is not possible to combat racism and racial discrimination, struggle against impunity or denounce the human rights violations which persist in the world without taking account of the deep wounds of the past,

Believing that, in the framework of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, it was necessary that the international community should consider the causes and consequences of those ills which, historically, have been brought about largely by slavery, colonialism and wars of conquest,

Believing also that the historic responsibility of the relevant Powers towards the peoples whom they colonized or reduced to slavery should be the subject of solemn and formal recognition and reparation,

Recalling that this responsibility is all the more well founded since the periods of slavery and colonialism have brought about a state of economic collapse in the countries concerned, serious consequences in the social fabric and other tragedies which continue even today to affect entire peoples throughout the world,

Considering that the solemn and formal recognition of this historic responsibility towards the peoples concerned should include a concrete and material aspect such as rehabilitation of the dignity of the peoples affected, active cooperation in development not limited to existing measures of development assistance, debt cancellation, implementation of the “Tobin tax”, technology transfers for the benefit of the peoples concerned and progressive restoration of cultural objects accompanied by means to ensure their effective protection,

Considering also that it is essential that the implementation of reparation should effectively benefit peoples, notably their most disadvantaged groups, with special attention being paid to the realization of their economic, social and cultural rights,

Convinced that such recognition and reparation will constitute the beginning of a process that will foster the institution of an indispensable dialogue between peoples whom history has put in conflict, for the achievement of a world of understanding, tolerance and peace,

1. *Takes note* of the Declaration and Programme of Action adopted in Durban, South Africa, in September 2001 at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance;
2. *Also takes note* of Commission on Human Rights decision 2002/109 of 25 April 2002, in which the Commission invites the Sub-Commission to give careful consideration to the Durban Declaration and Programme of Action and to play a complementary role in the realization of the objectives of the World Conference;
3. *Requests* all the countries concerned to acknowledge their historic responsibility and the consequences which follow from it to take initiatives which would assist, notably through debate on the basis of accurate information, in raising public awareness of the disastrous consequences of periods of slavery, colonialism and wars of conquest and the necessity of just reparation;
4. *Recommends* that the public recognition of the slave trade and slavery as crimes against humanity should include the establishment of a common date to commemorate every year, both in the United Nations and in all States, the abolition of the slave trade and slavery;
5. *Emphasizes* the importance for school curricula, university training and research, as well as the media, to place adequate emphasis on the recognition of the flagrant and massive human rights violations which occurred during the period of slavery, colonialism and wars of conquest, and to develop human rights training programmes;
6. *Recommends* that international, national or local initiatives, particularly those in the field of history and culture, involving museums, exhibitions, cultural activities and twinning projects, should help to contribute to this raising of collective awareness;
7. *Considers* that crimes against humanity and other flagrant and massive violations of human rights, to which statutes of limitation do not apply, should be prosecuted by the competent courts;

8. *Requests* the United Nations High Commissioner for Human Rights to initiate, in a concerted fashion, a process of reflection on appropriate procedures for guaranteeing the implementation of the present resolution, in particular with regard to acknowledgement and reparation;

9. *Decides* to remain seized of this question at its fifty-fifth session.

*18th meeting
12 August 2002*

[Adopted without a vote. See chap IV.]

2002/6. 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,

Taking note of the Declaration on the Right to Development (General Assembly resolution 41/128 of 4 December 1986, annex),

Recalling that in part I, paragraph 10, of the Vienna Declaration and Programme of Action (A/CONF.157/23), 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 (A/CONF.166/9, resolution 1, annex II) 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 United Nations system's capacity 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 (para. 99 (e)),

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 1977,

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

Bearing in mind 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 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,

Reaffirming the fundamental principles of equality, human dignity and social justice, and the right to drinking water supply and sanitation for every woman, man and child,

Convinced of the urgent and persistent need for increased attention and commitment by all decision makers to the right of everyone to drinking water supply and sanitation,

Bearing in mind the Protocol on Water and Health to the 1992 Convention on the 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 [art. 5 (1)],

Bearing in mind 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,

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. El-Hadji 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. El-Hadji 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,

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* Mr. Guissé’s preliminary report 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 (E/CN.4/Sub.2/2002/10);

2. *Subscribes* to the remarks of the expert to the effect that various obstacles linked to the realization of the right of everyone to drinking water supply and sanitation seriously impede the realization of economic, social and cultural rights, and that equality is an essential element for effective participation in the realization of the right to development and the right to a healthy environment;

3. *Requests* the Special Rapporteur to continue his 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, at the national and international levels, taking into account questions related to the realization of the right to development, in order to determine the most effective means of reinforcing activities in this field, and to submit a progress report to the Sub-Commission at its fifty-fifth session;

4. *Requests* the Secretary-General to invite Governments, United Nations bodies, the specialized agencies and interested non-governmental organizations to provide the Special Rapporteur with information necessary for the preparation of his report;

5. *Also requests* the Secretary-General to provide the Special Rapporteur with any assistance necessary to enable him to fulfil his mandate.

*22nd meeting
14 August 2002*

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

2002/7. Housing and property restitution in the context of refugees and other displaced persons

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

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

Recalling Commission on Human Rights resolutions 1996/25 of 19 April 1996, 1997/22 of 11 April 1997 and 1998/26 of 17 April 1998 and resolution 1998/28 of 17 April 1998, in which the Commission called upon the Sub-Commission and its members to further enhance cooperation with mechanisms of the Commission and, within their competence, with all relevant bodies, including human rights treaty bodies; Commission resolution 1999/81 of 28 April 1999, in which the Commission welcomed the Sub-Commission's efforts to enhance such cooperation; and Commission resolution 2002/66 of 25 April 2002, in which it reaffirmed that the Sub-Commission could best assist the Commission by providing it with independent expert studies carried out by its members or alternates,

Recalling also Commission on Human Rights resolution 1999/47 of 27 April 1999, in which the Commission encouraged the Sub-Commission to continue its work on the matter of housing and property restitution in the context of the return of refugees and internally displaced persons,

Recalling further that the Committee on the Elimination of Racial Discrimination, at its fiftieth session, decided to propose to the Sub-Commission nine topics for the preparation of studies, including on the return of refugees' or displaced persons' property,

Welcoming the developing cooperation between the Committee on the Elimination of Racial Discrimination and the Sub-Commission on this and other topics of mutual interest,

Recalling Sub-Commission decision 2001/122 of 16 August 2001 on the return of refugees' or displaced persons' property,

1. *Takes note* of the working paper submitted by Mr. Paulo Sérgio Pinheiro on the return of refugees' or displaced persons' property (E/CN.4/Sub.2/2002/17) and endorses the conclusions and recommendation contained therein;

2. *Reaffirms* its resolution 1998/26 of 26 August 1998 on housing and property restitution in the context of the return of refugees and internally displaced persons;

3. *Urges* all States to ensure the free and fair exercise of the right to return to one's home and place of habitual residence by all refugees and internally displaced persons and to develop effective and expeditious legal, administrative and other procedures to ensure the free and fair exercise of this right, including fair and effective mechanisms designed to resolve outstanding housing and property problems;

4. *Reiterates* that the adoption or application of laws by States which are designed to bring about or which result in the loss or removal of tenancy, use, ownership or other rights connected with housing or property, the retraction of the right to reside in a particular place, or laws of abandonment employed against refugees or internally displaced persons pose serious impediments to the return and reintegration of refugees and internally displaced persons and to reconstruction and reconciliation;

5. *Affirms* that the remedy of compensation should only be used when the remedy of restitution is not possible or when the injured party knowingly and voluntarily accepts compensation in lieu of restitution;

6. *Decides* to appoint Mr. Paulo Sérgio Pinheiro as Special Rapporteur with the task of preparing a comprehensive study on housing and property restitution in the context of the return of refugees and internally displaced persons based on his working paper as well as on the comments made and the discussions that took place at the fifty-fourth session of the Sub-Commission and the fifty-eighth session of the Commission;

7. *Requests* the Special Rapporteur to seek the advice and cooperation of the Committee on the Elimination of Racial Discrimination in carrying out his mandate;
8. *Also requests* the Special Rapporteur to submit a preliminary report to the Sub-Commission at its fifty-fifth session, a progress report at its fifty-sixth session and a final report at its fifty-seventh session;
9. *Requests* the Secretary-General to provide the Special Rapporteur with all the assistance necessary to enable him to accomplish his task;
10. *Recommends* the following draft decision to the Commission on Human Rights for adoption:

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

*22nd meeting
14 August 2002*

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

2002/8. The relationship between the enjoyment of economic, social and cultural rights and the right to development, and the working methods and activities of transnational corporations

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

Recalling its resolution 1998/8 of 20 August 1998, which established, for a three-year period, a sessional working group of the Sub-Commission, composed of five of its members, to examine the working methods and activities of transnational corporations,

Recalling also its resolution 2001/3 of 15 August 2001, in which it decided to extend, for a three-year period, the mandate of that working group so that it could fulfil its mandate, in particular by contributing to the drafting of relevant norms concerning human rights and transnational corporations and other economic units whose activities have an impact on the enjoyment of human rights,

Taking into account the background document (E/CN.4/Sub.2/1995/11), the report (E/CN.4/Sub.2/1996/12 and Corr.1) submitted by the Secretary-General in accordance with its resolution 1995/31 of 24 August 1995 and the working paper (E/CN.4/Sub.2/1998/6) prepared by Mr. El-Hadji Guissé in accordance with its resolution 1997/11 concerning transnational corporations, as well as the documents studied by the working group and the discussions that took place during its sessions from 1999 to 2002,

Taking note, in particular, of the working group's 2002 report (E/CN.4/Sub.2/2002/13) and the in-depth discussions held during the working group's 2002 session,

Taking note also of the draft human rights principles and responsibilities for transnational corporations and other business enterprises submitted to the working group (E/CN.4/Sub.2/2002/WG.2/WP.1 and Add.1) and the related commentary (E/CN.4/Sub.2/2002/WG.2/WP.1/Add.2),

1. *Encourages* the working group charged with examining the working methods and activities of transnational corporations to continue its discussions in accordance with its mandate under resolutions 1998/8 of 20 August 1998 and 2001/3 of 15 August 2001 and, in particular, invites Mr. El-Hadji Guissé to pursue his work on the impact of transnational corporations on economic, social and cultural rights, and to report to the working group at its next session;

2. *Notes* that the working group annexed the draft norms on responsibilities of transnational corporations and other business enterprises with regard to human rights (E/CN.4/Sub.2/2002/13, annex) to its 2002 report, taking into consideration the comments received during the Sub-Commission's annual sessions and in particular during the working group's meetings;

3. *Requests* that the draft norms on responsibilities of transnational corporations and other business enterprises with regard to human rights and the working group's report be widely circulated among non-governmental organizations, Governments, specialized agencies and other interested parties for comment, in the expectation that their comments will be taken into account when the draft is considered by the working group at its meetings during the Sub-Commission's fifty-fifth session, as well as by the Sub-Commission, and in the further expectation that the working group will submit a draft in the light of comments already received and to be received to the Sub-Commission for plenary consideration at the fifty-fifth session;

4. *Recommends* that the working group and the Sub-Commission continue their efforts to explore possible mechanisms for implementing the draft norms on responsibilities of transnational corporations and other business enterprises with regard to human rights, such as:

(a) The use of those human rights-related norms as a basis for determining the purchases of goods and services from and the partnerships developed with transnational corporations and other enterprises;

(b) The establishment or nomination by the Commission of a group of experts, a special rapporteur or a working group to receive information and undertake effective measures with regard to human rights violations or abuses committed by transnational corporations and other business enterprises;

(c) The use of other possible mechanisms of implementation;

5. *Invites* the working group, and in particular the authors of the commentary on the draft norms on responsibilities of transnational corporations and other business enterprises with regard to human rights (E/CN.4/Sub.2/2002/WG.2/WP.1/Add.2), to continue working on the draft norms and the commentary, so that they may serve as a reference for the practical interpretation and further development of the aforementioned draft norms and may be submitted to the working group and to the Sub-Commission at the fifty-fifth session;

6. *Requests* the Secretary-General to provide the working group with whatever services it requires to complete its tasks;

7. *Decides* to continue consideration of this matter at its fifty-fifth session under the relevant agenda item.

22nd meeting
14 August 2002

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

2002/9. Study on non-discrimination as enshrined in article 2, paragraph 2, of the International Covenant on Economic, Social and Cultural Rights

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

Noting the drafting by the Committee on Economic, Social and Cultural Rights of a general comment on article 3 of the International Covenant on Economic, Social and Cultural Rights, laying down that States parties to the Covenant undertake to ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights set forth in the Covenant,

Acknowledging the need to develop further understanding of the scope, content and implications of article 2, paragraph 2, of the International Covenant on Economic, Social and Cultural Rights containing the general principle of non-discrimination, which states that the States parties to the Covenant undertake to guarantee that the rights enunciated in the Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Recalling its decision 1997/112 of 27 August 1997 on the criteria for new studies and its resolution 2001/23 of 16 August 2001 in which it decided to entrust Mr. Fried van Hoof with the preparation, without financial implications, of a working paper on non-discrimination as enshrined in article 2, paragraph 2, of the International Covenant on Economic, Social and Cultural Rights, taking into account other relevant studies of the Sub-Commission, to be submitted under the agenda item entitled "Economic, social and cultural rights",

Reiterates its invitation to Mr. van Hoof to prepare, without financial implications, a working paper on non-discrimination as enshrined in article 2, paragraph 2, of the International Covenant on Economic, Social and Cultural Rights, taking into account other relevant studies of the Sub-Commission, to be submitted under the agenda item entitled “Economic, social and cultural rights”, in order to enable it to take a decision at its fifty-fifth session on the feasibility of a study on that subject.

22nd meeting
14 August 2002

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

2002/10. The right to food, and international guidelines for its implementation

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

Recalling its resolution 2001/7 of 15 August 2001 on the right to food, in which it appealed, through the Commission on Human Rights, to the world’s leaders, who were to assemble for the World Food Summit: five years later, to reaffirm the right of everyone to adequate food and to be free from hunger, to call on States to develop a national strategy to implement progressively the right to food, and to promote the right to food in poverty reduction strategies,

Noting with satisfaction the Declaration adopted in June 2002 by the World Food Summit: five years later, in particular the invitation to the Food and Agriculture Organization of the United Nations to establish an intergovernmental working group to elaborate, in a period of two years, a set of voluntary guidelines to support Member States’ efforts to realize the right to adequate food,

Noting that the Council of the Food and Agriculture Organization of the United Nations will establish that working group at its next session in October/November 2002, with the participation of stakeholders,

Noting Commission on Human Rights resolution 2001/25 of 20 April 2001 in which the Commission recommended that the United Nations High Commissioner for Human Rights organize a fourth consultation on the right to food, with a focus on the right to food as part of poverty reduction strategies and policies,

Welcoming the report of the Special Rapporteur of the Commission on Human Rights on the right to food (E/CN.4/2002/58 and Add.1),

Endorsing the recommendations of the first regular session of the Social Forum held in July 2002 (E/CN.4/Sub.2/2002/18, chap. IV, sect. B), which focused on poverty reduction and the right to adequate food in the context of globalization,

Welcoming recent initiatives in some States to initiate a national dialogue with all stakeholders on the implementation of the right to adequate food, as exemplified by seminars held in 2002 in Brazil, Nigeria, Norway and South Africa, and others being planned,

1. *Appeals* to all States to support and contribute to the work of the intergovernmental working group to be established under the auspices of the Food and Agriculture Organization of the United Nations to elaborate a set of voluntary guidelines to support Member States' efforts to realize the right to adequate food and to be free from hunger, with a view to achieving an inclusive and effective process that can be concluded within the time set by the World Food Summit: five years later;

2. *Calls upon* the Office of the United Nations High Commissioner for Human Rights to extend its cooperation to the Food and Agriculture Organization, and appeals to relevant international financial and development organizations to provide the intergovernmental working group with relevant information and ideas that can help in the formulation of meaningful guidelines;

3. *Calls upon* civil society to assist the intergovernmental working group constructively in making the guidelines as relevant as possible, especially by taking into account the voices of the poor;

4. *Recommends* that the process of elaborating the guidelines on the right to food should start with a broad consultation among all stakeholders, including non-governmental and intergovernmental organizations, to gather ideas and recommendations;

5. *Also recommends* that the fourth consultation on the right to food recommended by the Commission on Human Rights be organized during this process at a suitable time;

6. *Urges* Member States to consider holding national seminars with relevant stakeholders to initiate or develop a dialogue on the scope of and conditions for implementing the right to adequate food and to be free from hunger.

*22nd meeting
14 August 2002*

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

2002/11. Human rights, trade and investment

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

Recalling the Vienna Declaration and Programme of Action, in which the World Conference on Human Rights confirmed that the promotion and protection of human rights, in conformity with the Charter of the United Nations, is the first responsibility of Governments and that the human person is the central subject of development,

Recalling also its previous resolutions 1999/8 of 25 August 1999, 1999/29 of 26 August 1999 and 2001/5 of 15 August 2001 on the topic of globalization and its impact on the full enjoyment of human rights, as well as resolutions 1999/59 of 28 April 1999, 2001/32 of 23 April 2001 and 2002/28 of 22 April 2002 of the Commission on Human Rights,

Recalling further its resolutions 1998/12 of 20 August 1998 on human rights as the primary objective of trade, investment and financial policy, 1998/14 of 20 August 1998 on human rights and income distribution, 1999/30 of 26 August 1999 on trade liberalization and human rights, 2000/7 of 17 August 2000 on intellectual property and human rights, 2001/4 of 15 August 2001 on liberalization of trade in services, and human rights, and 2001/21 of 16 August 2001 on intellectual property and human rights,

Noting the discussions held at and the conclusions and recommendations of the first session of the Social Forum,

Concerned that international economic law and human rights law have developed as two parallel and separate regimes, with the risk that human rights principles, instruments and mechanisms will be marginalized as highlighted by the actual or potential human rights implications of World Trade Organization agreements, including the General Agreement on Trade in Services, the Agreement on Trade-Related Aspects of Intellectual Property Rights and the Agreement on Agriculture,

Affirming the fundamental importance of the delivery of basic services, particularly in the areas of health, education and water, as a means of promoting the realization of human rights,

Emphasizing the responsibility of States to ensure the realization of all human rights, including those to which the provision of such basic services is relevant, and the role of States in the process of trade liberalization, not only as negotiators of trade law and makers of trade policy, but also as the primary duty bearers for the implementation of human rights,

Considering that when not carefully regulated, foreign direct investment - as a key element of the globalization process, one of the main modes of delivering trade in services and a central activity of transnational corporations - can have a detrimental effect with regard to the enjoyment of human rights,

Noting that the United Nations High Commissioner for Human Rights, in her report on liberalization of trade in services and human rights (E/CN.4/Sub.2/2002/9), has identified investment as the most problematic mode of trade in services from the perspective of human rights,

Aware that according to the 2001 Doha Declaration members of the World Trade Organization will, at the Fifth Ministerial Conference to be held in September 2003, decide upon the undertaking of negotiations on a multilateral investment framework in the World Trade Organization,

1. *Reaffirms* the importance and relevance of human rights obligations in all areas of governance and development, including international and regional trade, investment, and financial agreements, policies and practices, and renews its request to all Governments and economic policy forums, including the World Trade Organization, the World Bank and the International Monetary Fund, to take international human rights obligations and principles fully into account in international economic policy formulation and implementation;

2. *Reiterates* its declaration that sanctions and negative conditionalities are not appropriate ways of promoting the integration of human rights in international economic policy and practice;

3. *Welcomes* the reports of the United Nations High Commissioner for Human Rights on liberalization of trade in services and human rights (E/CN.4/Sub.2/2002/9) and on globalization and its impact on the full enjoyment of human rights (E/CN.4/2002/54), focusing on the liberalization of agricultural trade and its impact on the realization of the right to development and of the right to food, and requests that they be provided to the World Trade Organization;

4. *Recommends*, through the High Commissioner for Human Rights, that the secretariat of the World Trade Organization and the members of the Council for Trade in Services, when conducting assessments of the General Agreement on Trade in Services and when engaging in services-related capacity-building and technical assistance activities, include consideration of the human rights implications of the international trade in services and take into account the relevant reports of the High Commissioner;

5. *Encourages* the High Commissioner for Human Rights to request observer status with the Council for Trade in Services of the World Trade Organization and, where considered necessary and appropriate, to make submissions in relation to the human rights implications of trade in services negotiations in the World Trade Organization, as well as in other forums;

6. *Recommends*, through the High Commissioner for Human Rights, that the Working Group on Trade and Investment, the Ministerial Conference and other relevant bodies of the World Trade Organization include consideration of the human rights and sustainable development implications of foreign direct investment and international investment frameworks in their decision-making about future work;

7. *Requests* the High Commissioner for Human Rights to submit a report on human rights, trade and investment, including specific attention to the human rights implications of privatization, to the Sub-Commission at its fifty-fifth session;

8. *Encourages* the High Commissioner for Human Rights to hold briefings on human rights approaches to trade liberalization for trade policy makers;

9. *Requests* the High Commissioner for Human Rights to make a comprehensive submission on human rights, trade and investment to the Fifth Ministerial Conference of the World Trade Organization, due to take place in Cancún, Mexico, in September 2003;

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

*22nd meeting
14 August 2002*

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

2002/12. The Social Forum

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

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

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

Recalling further Commission on Human Rights resolution 1999/53 of 27 April 1999 and decision 2000/107 of 26 April 2000, and Sub-Commission resolutions 1999/10 of 25 August 1999, 2000/6 of 17 August 2000 and 2001/24 of 16 August 2001 on the establishment of a forum for economic, social and cultural rights, to be called the Social Forum,

Recalling Commission on Human Rights decision 2001/103 of 25 April 2001 authorizing the Sub-Commission to hold the Social Forum during its fifty-third session,

Recalling also the holding of the preparatory panel meeting on the Social Forum during the fifty-third session of the Sub-Commission, in which the participants unanimously recognized the need for a new process/mechanism within the United Nations system with broad participation, reflecting the current structure of international society,

Considering the new challenges of globalization, of the changes in the international order and of the emergence of new actors in the international, regional and national economic and financial areas,

Considering also the need to listen to the most vulnerable and their advocates, and to ensure a meaningful and effective participation of those who are not heard,

Bearing in mind that poverty reduction remains an ethical and moral imperative of humankind, based on respect for human dignity,

Welcoming the adoption by the Economic and Social Council on 25 July 2002 of a decision authorizing the holding of the Social Forum and the convening of the first session of the Social Forum in Geneva on 2 August 2002,

1. *Requests* the Commission on Human Rights to recommend to the Economic and Social Council that it authorize the Sub-Commission to hold in Geneva an annual intersessional forum on economic, social and cultural rights to be known as the Social Forum, for two days on dates that would permit the possible participation of 10 members of the Sub-Commission, to be appointed by the regional groups of the Sub-Commission;

2. *Reiterates* its decision that the Social Forum will meet every year with the following mandate:

(a) To exchange information on the enjoyment of economic, social and cultural rights and their relationship with the processes of globalization;

(b) To follow up on situations of poverty and destitution throughout the world, bearing in mind that they amount to complete and permanent denial of human rights;

(c) To propose standards and initiatives of a juridical nature, guidelines and other recommendations for consideration by the Commission on Human Rights, the working groups on the right to development, the Committee on Economic, Social and Cultural Rights, the specialized agencies and other organs of the United Nations system;

(d) To follow up the agreements reached at the major world conferences and the Millennium Summit, and to make contributions to forthcoming major international events and discussion of issues related to the mandate of the Social Forum;

3. *Recommends* that the Social Forum address the following themes, inter alia:

(a) The interaction between civil, political, economic, social and cultural rights;

(b) The relationship between poverty, extreme poverty and human rights in a globalized world;

(c) The effect of international trade, finance and economic policies on income distribution, and the corresponding consequences for equality and non-discrimination at the national and international levels;

(d) Analysis of international decisions affecting basic resources for the population, and in particular those affecting enjoyment of the right to food, the right to education, the right to the highest attainable standard of physical and mental health, the right to adequate housing and the right to an adequate standard of living;

(e) Analysis of the impact of international trade, finance and economic policies on vulnerable groups, especially minorities, indigenous peoples, migrants, refugees and internally displaced persons, women, children, older persons, people living with HIV/AIDS, people with disabilities and other social sectors affected by such measures;

(f) The impact of public and private, multilateral and bilateral international development cooperation on the realization of economic, social and cultural rights;

(g) Follow-up of agreements reached at world conferences and international summits, particularly the Copenhagen World Summit for Social Development, and in other international bodies, concerning the link between economic, commercial and financial issues and the full realization of human rights, including economic, social and cultural rights;

(h) Social and economic indicators and their role in the realization of economic, social and cultural rights;

4. *Decides* that the next intersessional meeting of the Social Forum will address the following theme: “The relationship between globalization and rural poverty and the rights of peasants, pastoralists and other rural communities”;

5. *Requests* Mr. José Bengoa to prepare a working paper on rural poverty and other related matters for the next Social Forum;

6. *Decides* to approve the conclusions and recommendations of the first session of the Social Forum (E/CN.4/Sub.2/2002/18, chap. IV);

7. *Also decides* to extend an invitation to participate in the Social Forum to non-governmental organizations in consultative status with the Economic and Social Council and other non-governmental organizations outside Geneva and particularly newly emerging actors in the South, such as smaller groups, grass-roots organizations, voluntary, youth associations, community organizations, trade unions and associations of workers, representatives of the private sector, United Nations agencies, the relevant functional commissions of the Economic and Social Council, the regional economic commissions, international financial institutions and development agencies;

8. *Invites* United Nations bodies and specialized agencies, the relevant functional commissions of the Economic and Social Council, the regional economic commissions, the international financial institutions, the Committee on Economic, Social and Cultural Rights, special rapporteurs and independent experts, non-governmental organizations, scholars and trade unions and associations of workers to participate in and to submit studies to the Social Forum;

9. *Requests* the Office of the United Nations High Commissioner for Human Rights to seek effective means of ensuring consultation, including electronic consultation, with the most vulnerable on the theme selected for discussion at the Social Forum;

10. *Invites* the Social Forum to submit to the Sub-Commission at its fifty-fifty session a separate report containing a comprehensive and detailed summary of the discussion;

11. *Also invites* the Social Forum to submit recommendations, including draft resolutions, to the Sub-Commission at its fifty-fifth session;

12. *Invites* the Commission on Human Rights to consider the establishment of a voluntary fund to facilitate the participation of grass-roots groups and similar disadvantaged organizations in the Social Forum;

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

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

*22nd meeting
14 August 2002*

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

**2002/13. 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 accordance with the Universal Declaration of Human Rights, the International Covenants on Human Rights recognize that the ideal of free human beings enjoying freedom from fear and want can be achieved only if conditions are created whereby everyone may enjoy his or her economic, social and cultural rights, as well as his or her civil and political rights,

Recalling in particular that article 25 of the Universal Declaration of Human Rights stipulates that everyone has the right to a standard of living adequate for the health and well-being of him/herself and of his/her family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his/her control,

Reaffirming the Copenhagen Declaration on Social Development and the Programme of Action of the World Summit for Social Development, reaffirmed during the twenty-fourth special session of the General Assembly on the follow-up to the World Summit, held in Geneva in June 2000, which provide the substantive framework for eradicating poverty by setting specific targets, drawing up plans and implementing programmes,

Recalling Commission resolution 2001/31 of 23 April 2001 on human rights and extreme poverty, in which the Commission expressed its deep concern that 53 years after the adoption of the Universal Declaration of Human Rights, extreme poverty continued to spread in all countries of the world, regardless of their economic, social and cultural situation, and that its extent and manifestations, such as hunger, disease, lack of adequate shelter, illiteracy and hopelessness were particularly severe in developing countries, while acknowledging the achievements made in many parts of the world,

Mindful that in its resolution 2001/31 the Commission also requested the Sub-Commission to consider 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 organized in accordance with Commission resolution 2000/12 of 17 April 2000 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 and to report to the Commission at its fifty-ninth session,

Recalling its own resolutions 1999/15 on women and the right to development and 1996/23 on human rights and extreme poverty, as well as resolution 1996/22 and decision 1998/105 on the right to development and the follow-up thereto contained in resolution 1999/9,

Expressing its appreciation once more for the final report and addendum on the relationship between the enjoyment of human rights, in particular economic, social and cultural rights, and income distribution (E/CN.4/Sub.2/1997/9 and E/CN.4/Sub.2/1998/8) prepared by Mr. José Bengoa,

Taking note of the report of the Expert Seminar on Human Rights and Extreme Poverty (E/CN.4/2001/54/Add.1 and Corr.1), organized by the United Nations High Commissioner for Human Rights in accordance with Commission on Human Rights resolution 2000/12, and of its conclusions, and of the programme of work contained in document E/CN.4/Sub.2/2002/15,

Recalling the report of the Secretary-General (E/CN.4/Sub.2/2000/14 and Add.1) on promoting the right to development in the context of the United Nations Decade for the Elimination of Poverty (1997-2006), submitted in accordance with Sub-Commission resolution 1999/9,

Noting that a global study on poverty must consider regional specificities and approach the issues from a juridical, legal, institutional and socio-economic perspective, and using a human rights framework,

Taking into account the importance of international programmes against poverty, the “new poverty agenda” indicated by the International Monetary Fund and other international agencies, the projects and policies of the World Bank and other international financial bodies, and other relevant declarations and international programmes,

Taking into account also that the fight against poverty is one of the agreed international development goals and the importance of placing this issue at the centre of discussions in the forthcoming new Sub-Commission body, the Social Forum,

Aware of the need to explore possibilities for the implementation of existing human rights norms and standards in the context of the fight against extreme poverty,

Welcoming the request of the Commission expressed in its resolution 2001/31 in this regard,

1. *Reaffirms* that the existence of widespread extreme poverty inhibits the full and effective enjoyment of human rights and might, in some situations, constitute a threat to the right to life, and that its immediate alleviation and eventual eradication must remain a high priority for the international community;

2. *Re-emphasizes* that extreme poverty is a major issue to be addressed by Governments, civil society organizations and the organs and agencies of the United Nations system, including international trade and financial institutions, and in this context reaffirms that political commitment is a prerequisite for the eradication of poverty;

3. *Requests* Ms. Iulia-Antoanella Motoc, Mr. Asbjørn Eide, Mr. Yozo Yokota, Mr. El-Hadji Guissé and Mr. José Bengoa, with Mr. Bengoa as Coordinator and Mr. Emmanuel Decaux and Mr. Paulo Sérgio Pinheiro as alternates, to prepare, without financial implications, a joint working paper in three stages: a preliminary stage, to be submitted to the Sub-Commission at its fifty-fifth session; an interim stage, to be submitted at its fifty-sixth session; and a final stage, to be submitted at its fifty-seventh session, 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;

4. *Approves* the programme of work contained in document E/CN.4/Sub.2/2002/15, in particular the programme of general and regional seminars with the participation of Governments, international and regional organizations, non-governmental organizations and other associations and private institutions, and organizations of the poor;

5. *Requests* Governments to cooperate with this research by providing information, resources and invitations to the experts to visit their countries to examine programmes and experiences concerning the eradication of poverty;

6. *Requests* that the authors specifically consider the situations of poverty in Asia, Africa, Europe and Latin America in the light of international jurisprudence, treaties, covenants and other relevant instruments, in order to alleviate the situation of poverty, and that the authors also consider the policies of the World Bank, the World Trade Organization, the International Monetary Fund and other international bodies in order to fight poverty;

7. *Also requests* that the authors present conclusions and recommendations in order to contribute to work on a draft declaration on extreme poverty and human rights and other international and regional initiatives;

8. *Invites* the Secretariat to assist in the preparation of the study, the seminars and other activities suggested in the programme of work;

9. *Requests* Governments to provide data, including statistical information and information pertaining to the legal, economic or other measures they have taken to address the issue of poverty;

10. *Requests* regional specialized bodies from Asia, Africa, Europe and Latin America and international agencies such as the United Nations Conference on Trade and Development, the United Nations Development Programme, the United Nations Educational, Scientific and Cultural Organization and others to collaborate and provide information for the study.

*22nd meeting
14 August 2002*

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

2002/14. Optional protocol to the International Covenant on Economic, Social and Cultural Rights

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

Reaffirming the need to reinforce the realization of economic, social and cultural rights through the provision of adequate mechanisms and remedies when they are violated,

Recalling its call for the elaboration of an optional protocol to the International Covenant on Economic, Social and Cultural Rights to consider communications from individuals made in its resolution 1996/13 of 23 August 1996 and other pertinent resolutions, in particular its resolution 2001/6 of 15 August 2001,

Recalling also that in the Vienna Declaration and Programme of Action the World Conference on Human Rights encouraged the Commission on Human Rights to continue the examination of optional protocols to the International Covenant on Economic, Social and Cultural Rights,

Bearing in mind the guidance provided by the draft optional protocol to the International Covenant on Economic, Social and Cultural Rights,

Noting the report of the independent expert on the question of an optional protocol to the International Covenant on Economic, Social and Cultural Rights (E/CN.4/2002/57),

Welcoming the organization by the Office of the United Nations High Commissioner for Human Rights of workshops worldwide on the promotion of economic, social and cultural rights which examined, inter alia, the question of the justiciability of these rights, and in this respect taking note of the workshops held in New Delhi, Buenos Aires, Gaborone and Melbourne, Australia, the workshop held jointly with the International Commission of Jurists on 5 and 6 February 2001 (see E/CN.4/2001/62/Add.2), and the report of the round table organized on 30 November 2001 by the International Commission of Jurists on the draft optional protocol to the International Covenant on Economic, Social and Cultural Rights,

Welcoming also the decision of the Commission on Human Rights in resolution 2002/24 of 22 April 2002 to renew the mandate of the independent expert and to establish, at its fifty-ninth session, an open-ended working group of the Commission with a view to considering options regarding the elaboration of an optional protocol to the International Covenant on Economic, Social and Cultural Rights,

1. *Urges* the Commission on Human Rights at its fifty-ninth session to mandate the open-ended working group of the Commission to proceed with the drafting of the substantive text of an optional protocol to the International Covenant on Economic, Social and Cultural Rights;

2. *Decides* to continue to follow progress in the further elaboration and adoption of a draft optional protocol to the International Covenant on Economic, Social and Cultural Rights at its fifty-fifth session under the same agenda item.

*22nd meeting
14 August 2002*

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

2002/15. Indigenous peoples' permanent sovereignty over natural resources

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

Recalling its resolution 2001/10 of 15 August 2001 in which it requested Ms. Erica-Irene Daes to prepare a working paper on indigenous peoples' permanent sovereignty over natural resources, which is relevant to her study on indigenous peoples and their relationship to land (E/CN.4/Sub.2/2001/21),

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

Having heard the statement by Ms. Daes in presenting her working paper (E/CN.4/Sub.2/2002/23), in which she explained its importance and usefulness,

1. *Expresses its deep appreciation* to Ms. Erica-Irene Daes for her important and comprehensive working paper;

2. *Decides* to appoint Mrs. Daes as Special Rapporteur to undertake a study on indigenous peoples' permanent sovereignty over natural resources based on her working paper, and requests the Special Rapporteur to submit a preliminary report to the Sub-Commission at its fifty-fifth session and her final report at its fifty-sixth session;

3. *Requests* the Secretary-General to provide the Special Rapporteur with the necessary assistance to enable her to carry out her study;

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

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

*22nd meeting
14 August 2002*

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

2002/16. The rights of minorities

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

Noting Commission on Human Rights resolution 2002/57 of 25 April 2002 on the rights of persons belonging to national or ethnic, religious and linguistic minorities,

Having considered the report of the Working Group on Minorities on its eighth session (E/CN.4/Sub.2/2002/19 and Corr.1) and in particular the conclusions and recommendations contained therein,

Disturbed at the continued widespread occurrence of violent conflicts in many parts of the world where ethnic or religious hostility is engendered and exploited by one or more of the parties to the conflict,

Reiterating the need for States, minorities and majorities to search for peaceful and constructive solutions to problems affecting minorities,

Emphasizing the need for system-wide cooperation within the United Nations to facilitate peaceful solutions to situations involving minorities,

1. *Endorses* the conclusions and recommendations of the Working Group on Minorities at its eighth session as contained in its report (E/CN.4/Sub.2/2002/19);

2. *Welcomes* the Working Group's practice of requesting its members, and of encouraging the Working Group's partners, to prepare papers on thematic issues;

3. *Also welcomes* the holding of the International Seminar on Cooperation for the Better Protection of the Rights of Minorities in Durban, South Africa, on 1, 2 and 5 September 2001 and its report (E/CN.4/2002/92), and the launching in Durban of the *United Nations Guide for Minorities*;

4. *Notes* that 2002 marks the tenth anniversary year of the adoption of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities and in this regard recommends that the Office of the United Nations High Commissioner for Human Rights be requested to ask for additional pamphlets to be prepared for inclusion in the *United Nations Guide for Minorities*, in particular on the work of national human rights institutions regarding the promotion and protection of the rights of persons belonging to minorities; that support be given to the call for the translation into minority languages of the Declaration and the *Guide* for the purposes of future training activities; and that consideration be given to holding an international year for the world's minorities and to the possible establishment of a voluntary trust fund to facilitate the participation in the Working Group of minority representatives and experts from developing countries and for the organization of other activities relating to the protection of minorities;

5. *Takes note with satisfaction* of the third African workshop on multiculturalism in Africa, held in Gaborone from 18 to 22 February 2002 and of the intention of the Working Group to hold seminars in other regions, and recommends that the participation in such meetings of minority experts from developing countries be facilitated;

6. *Notes* that the first Seminar on Afro-descendants issues in the Americas was held in La Ceiba, Honduras, from 21 to 24 March 2002, and recommends that follow-up meetings be organized in 2003 or 2004;

7. *Recommends* that the United Nations High Commissioner for Human Rights, when inviting, among others, Governments to submit their views on how best to protect the rights of persons belonging to minorities, also request them (a) to consider providing the names of experts with a view to facilitating their participation in regional and international meetings and in advisory services; and (b) to consider providing information about recent cases relating to minority rights considered in the highest courts of the country;

8. *Notes* that the Working Group plans to hold future thematic discussions on, firstly, the preparation of a code of conduct on the implementation of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities and, secondly, on the mainstreaming of the human rights of persons belonging to minorities in national development plans and international development cooperation, and requests the Secretary-General to invite United Nations funds and programmes, including the United Nations Development Fund, as well as the World Bank and the regional development banks, to provide information on their policies concerning the protection of minority rights and on the incorporation of such concerns in their country programmes;

9. *Requests* Mr. Asbjørn Eide to update, without financial implications, his study on peaceful and constructive approaches to situations involving minorities (E/CN.4/Sub.2/1993/34) and to submit a progress report on the update to the Sub-Commission at its fifty-fifth session and the final report at its fifty-sixth session;

10. *Appeals* to all States, specialized agencies, non-governmental organizations and scholars to continue to participate actively in the work of the Working Group;

11. *Recommends* that the Commission on Human Rights consider the establishment of a special mechanism on minority issues.

*22nd meeting
14 August 2002*

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

2002/17. 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,

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 twentieth session (E/CN.4/Sub.2/2002/24) and, in particular, of its conclusions and recommendations,

Welcoming the creation of the Permanent Forum on Indigenous Issues and the work of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people,

Noting that the Economic and Social Council is to review in 2003 the various United Nations mandates that address the promotion and protection of the rights of indigenous peoples,

Noting also the large number of indigenous groups that were represented at the twentieth session of the Working Group and their view that the Working Group needs to continue to exist, alongside the Permanent Forum and the Special Rapporteur,

Noting further that the three mandates are complementary and do not give rise to duplication,

Noting that the Chairman of the Permanent Forum and the Special Rapporteur also expressed support for the continuation of the mandate of the Working Group,

Welcoming the close cooperation between the Working Group and the Permanent Forum and the Special Rapporteur,

1. *Expresses its full support* for the continuing need and therefore for the continuation of the Working Group on Indigenous Populations;
2. *Requests* the Chairman-Rapporteur of the Working Group to contact the Economic and Social Council to request that he be involved in the consultations regarding the United Nations mandates dealing with indigenous issues;
3. *Requests* the Commission on Human Rights, on the basis of the report of the Working Group on its twentieth session (E/CN.4/Sub.2/2002/24), including its programme of action, to express its support for the continuing need for the Working Group;
4. *Recommends* the following draft decision to the Commission on Human Rights for adoption:

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

*22nd meeting
14 August 2002*

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

2002/18. The rights of non-citizens

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

Welcoming the progress report of the Special Rapporteur, Mr. David Weissbrodt (E/CN.4/Sub.2/2002/25 and Add.1-3), and looking forward to the final report at its fifty-fifth session in 2003,

Taking note of Commission on Human Rights decision 2002/107 of 25 April 2002, in which the Commission approved the request of the Sub-Commission to request the Secretary-General to transmit a questionnaire of the Special Rapporteur to Governments, intergovernmental organizations, the human rights treaty bodies and non-governmental organizations to solicit any information they might wish to submit in connection with the study, and recalling its own decision 2001/108 of 15 August 2001,

Taking into account the transmission of the questionnaire (E/CN.4/Sub.2/2002/25, annex), by the Office of the United Nations High Commissioner for Human Rights shortly after the adoption of the decision and the receipt of a total of seven replies to the questionnaire to date,

Reminding Governments, intergovernmental organizations, the human rights treaty bodies and non-governmental organizations that replies to the questionnaire and references to additional information concerning the rights and status of non-citizens will be very helpful in preparing the final report,

1. *Decides* to extend the deadline for replies to the questionnaire to 15 November 2002;

2. *Requests* the Office of the High Commissioner for Human Rights to send a reminder, including the questionnaire, to all recipients noting the new deadline for replies.

*22nd meeting
14 August 2002*

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

2002/19. 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 resolution 48/163 of 21 December 1993, in which the Assembly proclaimed the International Decade of the World's Indigenous People,

Recalling also that the goal of the Decade is the strengthening of international cooperation for the solution of problems faced by indigenous peoples in such areas as human rights, the environment, development, education and health, as well as with regard to their lands and their resources,

Recalling further General Assembly resolution 50/157 of 21 December 1995, in which the Assembly adopted the comprehensive programme of activities for the International Decade of the World's Indigenous People,

Recalling the requests by the General Assembly, in its resolutions 50/157 and 52/108 of 12 December 1997, to assess the objectives of the Decade by quantifiable outcomes that will improve the lives of indigenous peoples and to evaluate the objectives halfway through the Decade and at its end,

Bearing in mind the most recent report of the Secretary-General on the programme of activities of the International Decade (A/56/206),

Recalling its resolution 2001/12 of 15 August 2001,

Noting with particular concern the delay in the work on the elaboration of the draft United Nations declaration on the rights of indigenous people, one of the main objectives of the Decade,

Having considered the report of the Working Group on Indigenous Populations on its twentieth session (E/CN.4/Sub.2/2002/24),

1. *Welcomes* the observance of the International Day of the World's Indigenous People on 26 July 2002;
2. *Recommends* that the celebration of the International Day of the World's Indigenous People be held on the fourth day of the twenty-first session of the Working Group on Indigenous Populations in order to ensure as large a participation of indigenous peoples as possible;
3. *Welcomes* the decision by the General Assembly in its resolution 52/108 of 12 December 1997 to appoint the United Nations High Commissioner for Human Rights as Coordinator for the International Decade of the World's Indigenous People;
4. *Recommends* that the Coordinator for the Decade appeal to Governments and other donors to contribute generously to the Voluntary Fund for the International Decade of the World's Indigenous People, in particular so that activities can be undertaken prior to the end of the Decade;
5. *Also recommends* that attention continue to be given to improving the extent of the participation of indigenous peoples in planning and implementing the activities of the Decade in order to implement fully the Decade's theme, "Indigenous people: partnership in action";
6. *Strongly recommends* that, in accordance with General Assembly resolution 50/157 of 21 December 1995, the draft United Nations declaration on the rights of indigenous peoples be adopted as early as possible and not later than the end of the International Decade in 2003 and, to this end, appeals to all participants in the intersessional working group of the Commission on Human Rights and to all others concerned to put into practice new, more dynamic ways and means of consultation and consensus-building, in order to accelerate the preparation of the draft declaration;
7. *Welcomes* the establishment of the Permanent Forum on Indigenous Issues;

8. *Notes* the view expressed by the indigenous caucus and indigenous and non-indigenous observers during the twentieth session of the Working Group on Indigenous Populations that the establishment of the Permanent Forum should not be construed as grounds for the abolition of the Working Group, which should continue to carry out the ample, flexible mandate conferred upon it by the Economic and Social Council in resolution 1982/34 of 7 May 1982;

9. *Welcomes with appreciation* the reports of the Workshop on indigenous peoples, private sector natural resource, energy and mining companies and human rights (E/CN.4/Sub.2/AC.4/2002/3) held in Geneva from 5 to 7 December 2001, the third Workshop on multiculturalism in Africa: peaceful and constructive group accommodation in situations involving minorities and indigenous peoples (E/CN.4/Sub.2/AC.4/2002/4) held in Gaborone from 18 to 22 February 2002, and the indigenous media dialogue held in Durban, South Africa, during the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (E/CN.4/Sub.2/AC.4/2002/5) organized by the Office of the United Nations High Commissioner for Human Rights in the framework of the International Decade;

10. *Recommends* that the High Commissioner for Human Rights, in consultation with interested Governments, organize meetings and other activities in all regions of the world within the framework of the International Decade in order, inter alia, to raise public awareness about indigenous issues;

11. *Also recommends* that the High Commissioner organize a seminar on treaties, agreements and other constructive arrangements between States and indigenous peoples to discuss possible follow-up to the study on the matter completed by the Special Rapporteur, Mr. Miguel Alfonso Martínez (E/CN.4/Sub.2/1999/20), and to explore ways and means of implementing the recommendations included therein;

12. *Invites* Mr. Alfonso Martínez to prepare a short working paper identifying the themes and possible outputs of the seminar on treaties for possible consideration by the Commission on Human Rights at its fifty-ninth session;

13. *Recommends* that the High Commissioner organize, in collaboration with the United Nations Conference on Trade and Development and the International Labour Organization and other relevant organizations, a follow-up workshop on indigenous peoples, private sector natural resource, energy and mining companies and human rights in order to contribute to the ongoing work of the sessional working group on the working methods and activities of transnational corporations of the Sub-Commission;

14. *Invites* the High Commissioner to explore the possibility of convening a world conference on indigenous peoples in 2004 to review the achievements of the Decade and recommend future action in relation to indigenous peoples;

15. *Congratulates* the Advisory Group for the Voluntary Fund for the Decade for the work it has accomplished;

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

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

*22nd meeting
14 August 2002*

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

2002/20. Presentation of the report of the Working Group on Indigenous Populations on its twentieth and twenty-first sessions to the Permanent Forum on Indigenous Issues

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

Having discussed the report of its Working Group on Indigenous Populations on its twentieth session (E/CN.4/Sub.2/2002/24),

Taking into account the request contained in paragraph 85 of that report,

Endorses the request contained in paragraph 85 of the report of the Working Group on Indigenous Populations on its twentieth session and recommends the following draft decision to the Commission on Human Rights for adoption:

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

*22nd meeting
14 August 2002*

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

2002/21. Working Group on Indigenous Populations

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

Recalling its resolution 2001/10 of 15 August 2001,

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

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 twentieth session (E/CN.4/Sub.2/2002/24) and, in particular, of its conclusions and recommendations,

Recalling 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 people,

Welcoming the discussions in the Working Group on Indigenous Populations during its twentieth session on the principal themes, “Indigenous peoples and their right to development, including participation in development affecting them”; “The Working Group and indigenous peoples: achievements in the United Nations system and a vision for the future”; and “The future working relationship between the Permanent Forum on Indigenous Issues, the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples and the Working Group on Indigenous Populations”,

Welcoming also the contribution made by the workshop on indigenous children and development, convened by non-governmental organizations at the United Nations Office at Geneva from 17 to 19 July 2002, to the debate on one of the principal themes of the twentieth session,

Mindful of the relevant recommendations adopted by the World Conference on Human Rights, 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 (Durban, South Africa, 31 August-8 September 2001),

1. *Expresses its deep appreciation* to all members of the Working Group on Indigenous Populations, and in particular to its Chairperson-Rapporteur, Mr. Miguel Alfonso Martínez, for the important and constructive work accomplished during its twentieth session;

2. *Requests* the Secretary-General to transmit the report of the Working Group on its twentieth session (E/CN.4/Sub.2/2002/24) to the United Nations High Commissioner for Human Rights, indigenous organizations, Governments and intergovernmental and non-governmental organizations concerned, as well as to all thematic rapporteurs, special representatives, independent experts and working groups;

3. *Requests* that the above-mentioned report of the Working Group be made available to the Commission on Human Rights at its fifty-ninth session;

4. *Recommends* that the Working Group, upon request, cooperate as a body of experts in any conceptual clarification or analysis which might assist the open-ended intersessional working group established by the Commission in its resolution 1995/32 of 3 March 1995 to elaborate further the draft United Nations declaration on the rights of indigenous peoples;

5. *Decides* that the Working Group at its twenty-first session shall adopt as the principal theme "Indigenous peoples and globalization", as agreed upon by the Working Group (E/CN.4/Sub.2/2001/24, para. 94), and that the Office of the High Commissioner for Human Rights shall invite all relevant organizations and departments of the United Nations system to provide information and, if possible, to participate in the meetings of the Working Group;

6. *Also decides* that the Working Group at its twenty-first session will consider the elaboration of draft guidelines relating to transnational companies whose activities affect indigenous communities, with particular emphasis on elements that would contribute to a better consultative process, equitable benefit-sharing and conflict resolution;

7. *Invites* the members of the Working Group to prepare the following working papers and commentaries for its twenty-first session:

(a) Mr. Yozo Yakota - a working paper on the possible elaboration of draft guidelines relating to transnational companies whose activities affect indigenous communities;

(b) Mr. El-Hadji Guissé - a working paper to serve as a framework for the discussions on the principal theme "Indigenous peoples and globalization";

(c) Ms. Iulia-Antoanella Motoc - a list with commentaries of possible standard-setting activities that might be considered by the Working Group at its future sessions;

(d) Ms. Françoise Hampson - a working paper containing commentaries on the most important provisions of the draft United Nations declaration on the rights of indigenous peoples;

(e) Mr. Miguel Alfonso Martínez - a list with commentaries of possible new studies to be undertaken by members of the Working Group in the immediate and near future;

8. *Decides*, in the light of the first report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people (E/CN.4/2002/97 and Add.1), to request Mr. Yakota to prepare a working paper on possible cooperation between the Special Rapporteur and the Working Group, for submission to the Working Group at its twenty-first session;

9. *Also decides*, in the light of the first session of the Permanent Forum on Indigenous Issues and of the mandate of the Forum as established in Economic and Social Council resolution 2000/22 of 28 July 2000, to request Mr. Alfonso Martínez to prepare a working paper on ways and means of developing cooperation between the Working Group and the Permanent Forum, for submission to the Working Group at its twenty-first session;

10. *Further decides* that the Working Group's agenda for its twenty-first session would be as follows: 1. Election of officers; 2. Adoption of the agenda; 3. Organization of the work of the session; 4. Review of developments: (a) General debate; (b) Principal theme: "Indigenous peoples and globalization"; 5. Standard-setting; 6. Other matters: (a) Cooperation with other United Nations bodies in the sphere of indigenous issues; (b) Follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance; (c) Review of activities undertaken under the International Decade of the World's Indigenous People; (d) State of the voluntary funds;

11. *Agrees* with the Working Group's decision in principle to establish as principal themes for its twenty-second (2004), twenty-third (2005), and twenty-fourth (2006) sessions, respectively, the following matters: "Conflict resolution of indigenous issues", "Domestic and international protection of indigenous traditional knowledge" and "Indigenous children and youth";

12. *Decides* that at its twenty-first session the Working Group will organize its discussions under the item "Review of developments: general debate" on the basis of issues raised under this item during the twentieth session;

13. *Invites* the Office of the High Commissioner for Human Rights, after consultations with the Chairperson-Rapporteur, to inform participants at the twenty-first session of the Working Group about the organization of issues under the item "Review of developments: general debate" in advance of the session in order to facilitate a more interactive dialogue;

14. *Requests* the Commission on Human Rights to invite Governments, intergovernmental organizations and indigenous and non-governmental organizations to provide information and data, in particular on the principal theme, to the Working Group at its twenty-first session;

15. *Requests* the High Commissioner for Human Rights, in consultation with interested Governments, to continue efforts to organize meetings on indigenous issues in different parts of the world so as to provide greater opportunity for participation by indigenous peoples and to raise public awareness about issues affecting them;

16. *Also requests* the High Commissioner to encourage studies with respect to the rights to food and adequate nutrition of indigenous peoples and indigenous peoples and poverty, stressing the linkage between their present general situation and their land rights, and to develop further cooperation with the Food and Agriculture Organization of the United Nations and the World Food Programme on indigenous issues;

17. *Invites* indigenous organizations and the indigenous caucus to submit a working paper on appropriate action that might be undertaken by the Working Group as follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance;

18. *Recommends* that the Commission on Human Rights, in view of the adoption of Economic and Social Council resolution 2002/28 of 25 July 2002 that permits indigenous organizations to participate in the work of the Permanent Forum on Indigenous Issues on the same basis as the Working Group on Indigenous Populations, adopt a similar procedure for participation in the Working Group established in accordance with Commission resolution 1995/32, in order to ensure consistency in matters relating to the participation of indigenous peoples in the work of the United Nations affecting them;

19. *Requests* the Chairperson-Rapporteur to inform the Board of Trustees of the United Nations Voluntary Fund for Indigenous Populations that the Working Group at its twenty-first session will highlight the issue "Indigenous peoples and globalization", so that the Board can bear this in mind when it meets for its sixteenth session;

20. *Appeals* to all Governments, organizations, including non-governmental organizations and indigenous groups, and other potential donors in a position to do so, to contribute generously to the United Nations Voluntary Fund for Indigenous Populations in order to assist representatives of indigenous communities and organizations to participate in the deliberations of the Working Group on Indigenous Populations, the open-ended intersessional working group on the draft United Nations declaration on the rights of indigenous peoples, and the Permanent Forum on Indigenous Issues;

21. *Expresses its appreciation* to Ms. Erica-Irene Daes for her statement on the achievements and future work of the Working Group;

22. *Requests* the Secretary-General to prepare an annotated agenda for the twenty-first session of the Working Group in accordance with the decision of the Working Group (E/CN.4/Sub.2/2002/24, para. 103);

23. *Requests* the Commission on Human Rights to request the Economic and Social Council to authorize the Working Group on Indigenous Populations to meet for five working days prior to the fifty-fifth session of the Sub-Commission in 2002;

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

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

*22nd meeting
14 August 2002*

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

2002/22. The concept and practice of affirmative action

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

Recalling its resolution 1998/5 of 20 August 1998, in which it decided to appoint Mr. Marc Bossuyt as Special Rapporteur with the task of preparing a study on the concept and practice of affirmative action,

Mindful of the preliminary report (E/CN.4/Sub.2/2000/11 and Corr.1) and the progress report (E/CN.4/Sub.2/2001/15) submitted by the Special Rapporteur,

1. *Welcomes* the final report (E/CN.4/Sub.2/2002/21) submitted by the Special Rapporteur, Mr. Marc Bossuyt, on the concept and practice of affirmative action;
2. *Wholeheartedly thanks* Mr. Bossuyt for his very useful report;
3. *Welcomes* the in-depth discussion of the final report at the time of its presentation to the Sub-Commission at its fifty-fourth session;
4. *Decides* to transmit the report to the Commission on Human Rights;
5. *Also decides* to transmit the report to the Committee on the Elimination of Racial Discrimination and to other treaty bodies;
6. *Requests* the Commission on Human Rights to consider having Mr. Bossuyt's final report translated into all the official languages of the United Nations, published and widely disseminated.

*22nd meeting
14 August 2002*

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

2002/23. International protection for refugees

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

Considering that the Universal Declaration of Human Rights proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set out therein, without distinction of any kind,

Recalling the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights, and article 14 of the Universal Declaration of Human Rights, which reaffirm that everyone, without distinction of any kind, is entitled to the right to seek and to enjoy in other countries asylum from persecution, as well as the right to return to one's own country,

Reaffirming the importance of the Convention relating to the Status of Refugees of 1951 and the Protocol thereto of 1967, and the critical role that they continue to play in protecting the rights of refugees throughout the world, as well as welcoming the Declaration of States parties adopted at the Ministerial Meeting organized by the Government of Switzerland and the Office of the United Nations High Commissioner for Refugees in Geneva on 12 and 13 December 2001,

Noting that the United Nations High Commissioner for Refugees is charged with the task of supervising international conventions providing for the protection of refugees, and recognizing that the effective coordination of measures taken to deal with this problem will depend upon the cooperation of States with the High Commissioner,

Applauding the endeavours of the United Nations High Commissioner for Refugees in upholding the principles of refugee law, human rights law and humanitarian law and ensuring the implementation of the Convention relating to the Status of Refugees as well as the Protocol thereto,

Recalling its resolutions 2000/20 of 18 August 2000 on the right to seek and enjoy asylum and 2000/21 of 18 August 2000 on detention of asylum-seekers,

Concerned that the plight of refugees around the world remains of serious concern, and concerned in particular at the plight of women and girl refugees, who may face the added risk of gender-related violence during the process of fleeing their home country and during the process of resettlement, as well as in the situation they face when they return to their home country,

Concerned also that the root causes of flight remain to be fully addressed,

1. *Reaffirms* the importance of the fundamental principle of non-refoulement as enshrined in international law;
2. *Expresses its concern* over the fate of persons who have risked their lives fleeing from their homes to escape persecution and other factors such as starvation or destitution, motivated in part by unfair international economic relations, and reaffirms that their human rights should be protected in accordance with international human rights instruments, in particular the Convention relating to the Status of Refugees of 1951 and the Protocol thereto of 1967;
3. *Notes with alarm* that the situation of women and girl refugees requires the urgent attention of the international community, and urges States and both the United Nations High Commissioner for Refugees and the United Nations High Commissioner for Human Rights to intensify their efforts to provide women and girl refugees with adequate protection in accordance with international human rights instruments;

4. *Reminds* States that the detention of asylum-seekers and refugees is an exceptional measure and should only be applied in the individual case where it has been determined by the appropriate authority to be necessary in line with international refugee and human rights law, and encourages States to explore alternatives to detention and to ensure that children under 18 are not detained;

5. *Urges* the international community to make greater efforts to address the needs of persons seeking asylum by ensuring access to fair and efficient asylum procedures or, where they do not exist, by facilitating access to the Office of the United Nations High Commissioner for Refugees in order that it may determine their status;

6. *Calls upon* States to avail themselves of legal, technical and logistical assistance from the Office of the United Nations High Commissioner for Refugees to build adequate protection capacities to receive and host refugees;

7. *Calls upon* States not party to the Convention relating to the Status of Refugees or the Protocol thereto, and/or those that have not established fair and efficient asylum procedures, to consult the Office of the United Nations High Commissioner for Refugees before determining the entitlement to refugee status of any individual;

8. *Reminds* States of their obligation not to return people to territories where they have a well-founded fear of being persecuted upon their return;

9. *Decides* to consider this matter at its fifty-fifth session under the same agenda item.

22nd meeting
14 August 2002
[Adopted without a vote. See chap. VIII.]

2002/24. Terrorism and human rights

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 Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, the International Covenants on Human Rights and other international and regional instruments relating to human rights and international humanitarian law,

Recalling the Vienna Declaration and Programme of Action adopted on 25 June 1993 by the World Conference on Human Rights, in which the Conference reaffirmed that terrorism is indeed aimed at the destruction of human rights, fundamental freedoms and democracy,

Recalling also the Declaration on the Occasion of the Fiftieth Anniversary of the United Nations and United Nations Millennium Declaration adopted by the General Assembly at its fiftieth and fifth-fifth sessions, respectively,

Recalling further General Assembly resolution 56/160 of 19 December 2001, Security Council resolution 1373 (2001) of 28 September 2001, as well as Commission on Human Rights resolution 2002/35 of 22 April 2002 and its own resolution 2001/18 of 16 August 2001,

Regretting that the negative impact of terrorism, in all its dimensions, on human rights continues to remain alarming despite national and international efforts to combat it,

Convinced that terrorism, in all its forms and manifestations, wherever and by whomever committed, can never be justified in any instance, including as a means to promote and protect human rights,

Bearing in mind that the most essential and basic human right is the right to life,

Bearing in mind also that terrorism creates an environment that destroys the freedom from fear of the people,

Convinced that terrorism in many cases poses a severe challenge to democracy, civil society and the rule of law,

Deploring the large number of innocent persons killed, massacred and maimed by terrorism in indiscriminate and random acts of violence and terror, which cannot be justified under any circumstances,

Reaffirming its strong condemnation of the heinous acts of terrorism, which have caused enormous loss of human life, destruction and damage in the cities of New York, host city of the United Nations, in Washington DC, and in Pennsylvania, which prompted the adoption of General Assembly resolution 56/1 of 12 September 2001, as well as Security Council resolutions 1368 (2001) of 12 September 2001, 1373 (2001) of 28 September 2001 and 1377 (2001) of 12 November 2001,

Emphasizing the need to intensify the fight against terrorism at the national level, to enhance effective international cooperation in combating terrorism in conformity with international law and to strengthen the role of the United Nations system in this respect,

Reiterating that all States have an obligation to promote and protect all human rights and fundamental freedoms, and that every individual should strive to secure their universal and effective recognition and observance,

Reaffirming that all measures to counter terrorism must be in strict conformity with international law, including international human rights and humanitarian law standards,

Considering the complexity of the phenomenon of terrorism and the extraordinary range and quantity of developments at the international, regional and national levels since 11 September 2001,

Reiterating the great importance of the study on terrorism and human rights,

Having considered the analytical and well-documented progress report (E/CN.4/Sub.2/2002/35) prepared by the Special Rapporteur, Ms. Kalliopi Koufa, and having heard her comprehensive introductory statement,

1. *Expresses its deep appreciation and thanks* to the Special Rapporteur, Ms. Kalliopi Koufa for her excellent progress report and her introductory statement;
2. *Requests* the Special Rapporteur to continue her work, taking into consideration the views and comments made during the discussion of the topic at the Sub-Commission, as well as the replies submitted by Governments, competent organs and bodies of the United Nations system and intergovernmental and non-governmental organizations;
3. *Also requests* the Special Rapporteur, keeping in mind the importance and the complexity of the study, to continue her direct contacts with the competent services and bodies of the United Nations, in particular those in New York and Vienna, and also requests the Special Rapporteur to visit those Offices as soon as possible in order to expand her research, to update data and information for the study and to expedite her work;
4. *Requests* the Secretary-General to transmit the progress report of the Special Rapporteur to Governments, specialized agencies and concerned intergovernmental and non-governmental organizations with the request that they submit to the Special Rapporteur, as soon as possible, comments, information and data relating to the study on terrorism and human rights;
5. *Also requests* the Secretary-General to continue to collect information, including a compilation of studies and publications, on the implications of terrorism for, as well as the effects of the fight against terrorism on, the enjoyment of human rights from all relevant sources, including Governments, specialized agencies, intergovernmental and non-governmental organizations and academic institutions, and to make them also available to the Special Rapporteur of the Sub-Commission;
6. *Requests* the Special Rapporteur, in view of the complexity of the phenomenon of terrorism and the extraordinary range and quantity of developments at the international, regional and national levels since the events of 11 September 2001, to submit an additional progress report to the Sub-Commission at its fifty-fifth session which will include a discussion of national, regional and international measures adopted and/or applied after 11 September 2001, and of the conceptual debate arising therefrom;

7. *Requests* Governments, intergovernmental organizations, national institutions for the promotion and protection of human rights, experts, including members of the treaty bodies and special rapporteurs, and non-governmental organizations to provide the Special Rapporteur with all relevant information;

8. *Requests* the Secretary-General to give the Special Rapporteur all the necessary assistance in order to hold consultations with the above-mentioned competent services and bodies of the United Nations system, in particular those located in New York and Vienna, to complement and expand her essential research and to collect all the up-to-date information and data needed for the preparation of her additional progress report;

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

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

22nd meeting
14 August 2002
[Adopted without a vote. See chap. VIII.]

2002/25. The prevention of human rights violations caused by the availability and misuse of 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 humanitarian law,

Reaffirming the importance of the right to life as a fundamental principle of international human rights law, as established in article 3 of the Universal Declaration of Human Rights and article 5 of the International Covenant on Civil and Political Rights,

Deeply concerned that hundreds of thousands of persons are killed or injured each year by small arms and light weapons and that such arms are also used to facilitate other grave human rights abuses, including rape, enforced disappearance and torture,

Taking account of standards and principles adopted by international bodies, including the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition, supplementing the United Nations Convention against

Transnational Organized Crime, adopted by the General Assembly on 31 May 2001, and the Programme of Action adopted by the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects in July 2001,

Convinced that the protection of human rights must be central to the development of further principles and norms regarding the transfer and misuse of small arms and light weapons and that human rights are not being given adequate consideration in other contexts,

Recalling its decision 2001/120 of 16 August 2001, in which it decided to entrust to Ms. Barbara Frey the task of drafting, without financial implications, 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,

Taking into account the working paper submitted by Ms. Barbara Frey at its fifty-fourth session (E/CN.4/Sub.2/2002/39),

1. *Encourages* States to adopt laws and policies regarding the manufacture, transfer and use of small arms that comply with principles of international human rights and international humanitarian law;
2. *Also encourages* States to provide training to armed forces and law enforcement personnel on basic principles of international human rights and humanitarian law, especially with regard to use of weapons, including the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials;
3. *Requests* that those who document human rights practices, including United Nations special rapporteurs, United Nations human rights monitors in field operations and non-governmental organizations, seek out information and report specifically on human rights abuses committed with small arms and light weapons;
4. *Endorses* the conclusions and recommendations of the working paper on small arms and light weapons submitted by Ms. Barbara Frey (E/CN.4/Sub.2/2002/39);
5. *Decides* to appoint Ms. Frey as Special Rapporteur with the task of preparing a comprehensive study on the prevention of human rights violations committed with small arms and light weapons based on her working paper as well as the comments received and the discussion that took place at the fifty-fourth session of the Sub-Commission and the fifty-eighth session of the Commission, and requests the Special Rapporteur to submit a preliminary report to the Sub-Commission at its fifty-fifth session, a progress report at its fifty-sixth session and a final report at its fifty-seventh session;
6. *Requests* the Secretary-General to provide the Special Rapporteur with all the assistance necessary to enable her to accomplish her task;

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

[For the text, see chap. I, draft decision 10.]

22nd meeting
14 August 2002
[Adopted without a vote. See chap. VIII.]

2002/26. Traditional practices affecting the health of women and the girl child

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

Recalling its resolution 2001/13 of 15 August 2001,

Affirming once again that female genital mutilation is a cultural practice which profoundly affects the physical and mental health of the girl child and of the women who are its victims,

Stressing that other practices equally harmful to the health of women and the girl child exist and are being perpetuated,

Recalling that the Universal Declaration of Human Rights, in its article 5, and the International Covenant on Civil and Political Rights, in its article 7, proclaim that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment,

Emphasizing the centrality of the Plan of Action adopted by the Sub-Commission (E/CN.4/Sub.2/1994/10/Add.1 and Corr.1) to the elimination of harmful traditional practices and the relevance of the conclusions reached at the regional seminars held in Burkina Faso (E/CN.4/Sub.2/1991/48) and Sri Lanka (E/CN.4/Sub.2/1994/10/Add.1 and Corr.1),

Deeply regretting that the Special Rapporteur is still encountering serious difficulties in performing her important task because of the absence of replies from numerous Governments concerned by harmful traditional practices on measures taken to implement the Plan of Action for the Elimination of Harmful Traditional Practices,

Noting with satisfaction General Assembly resolution 56/128 of 19 December 2001 on traditional or customary practices affecting the health of women and girls, and in particular its paragraph 3 (n) thereof,

Noting the consideration given by the United Nations General Assembly Special Session on Children to the issue of harmful traditional and customary practices,

Encouraging enhanced cooperation between the Division for the Advancement of Women and the Office of the United Nations High Commissioner for Human Rights in order to assist the Special Rapporteur in fulfilling her mandate,

Strongly encouraging the specialized agencies and organs of the United Nations, in particular the United Nations Children's Fund, the United Nations Population Fund and the World Health Organization, to continue to devote particular attention to the question of harmful traditional practices affecting the health of women and girls, particularly in the context of their regional and national programmes,

Expressing its appreciation to national and international non-governmental organizations for the numerous activities they are undertaking in the field to develop the awareness of the populations concerned with a view to the eradication of harmful traditional practices such as female genital mutilation,

Considering that efforts to combat harmful traditional practices should be continued through, inter alia, further development of the awareness of Governments and all national protagonists concerned by these practices,

1. *Takes note with satisfaction* of the sixth report on the situation regarding the elimination of traditional practices affecting the health of women and the girl child (E/CN.4/Sub.2/2002/32) submitted by the Special Rapporteur, Ms. Halima Embarek Warzazi, and shares her concern about the perpetuation of certain harmful traditional practices, in particular dowry-related violence and crimes of honour;
2. *Appeals* to all States concerned to intensify efforts to develop awareness of, and mobilize national public opinion concerning, the harmful effects of all forms of harmful traditional practices, in particular through education, information and training, in order to achieve the total eradication of these practices;
3. *Requests* all non-governmental organizations dealing with women's issues to continue to devote part of their activities to the study of the various harmful traditional practices and ways and means of eradicating them, and to inform the Special Rapporteur of any situation which merits the attention of the international community;
4. *Welcomes* the progress made in combating harmful traditional practices, including female genital mutilation, through the impetus of non-governmental organizations, in particular the Inter-African Committee, which should be given maximum encouragement;
5. *Appeals* to the international community to provide material, technical and financial support to the non-governmental organizations and groups working with dedication to achieve the total elimination of these cultural practices which are harmful to girl children and women;

6. *Calls upon* all Governments to give their full attention to the implementation of the Plan of Action for the Elimination of Harmful Traditional Practices and requests the Secretary-General to invite them to submit information regularly to the Sub-Commission on the situation regarding harmful traditional practices in their country;

7. *Considers* that one of the most effective means of developing the awareness of the Governments concerned regarding the problems of harmful traditional practices and appropriate solutions would be to organize regional seminars on the question;

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

9. *Requests* the United Nations High Commissioner for Human Rights to assist the mandate by raising funds for the organization of the seminars, especially the organization of a first seminar to be held in Europe;

10. *Requests* the Special Rapporteur to submit an updated report to the Sub-Commission at its fifty-fifth session;

11. *Decides* to continue consideration of the question at its fifty-fifth session, under the same agenda item.

22nd meeting

14 August 2002

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

2002/27. Report of the Working Group on Contemporary Forms of Slavery

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

Taking note of the report of the Working Group on Contemporary Forms of Slavery on its twenty-seventh session (E/CN.4/Sub.2/2002/33) and in particular the recommendations contained in chapter VII,

Deeply concerned at the information it contains relating to the exploitation of children, the traffic in persons, the exploitation of the prostitution of others, the exploitation of domestic and migrant workers, slave and child labour, the sexual exploitation of children, the abusive use of the Internet for the purpose of sexual exploitation, the sale of children, child prostitution and child pornography and the role of corruption in the perpetuation of slavery and related practices,

Noting that poverty, social exclusion, illiteracy, ignorance, armed conflicts and discrimination in all its forms are the main causes of contemporary forms of slavery,

Noting also that the status of ratification of the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of 1956 and the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949 is still unsatisfactory,

1. *Expresses* its appreciation to the Working Group on Contemporary Forms of Slavery for its valuable work and in particular for its continued attention to the problems submitted to it;

2. *Welcomes* the priority attention devoted by the Working Group to the issue of the exploitation of children, particularly in the context of prostitution and domestic servitude, at its twenty-seventh session;

I. EXPLOITATION OF CHILDREN, PARTICULARLY IN THE CONTEXT OF PROSTITUTION AND DOMESTIC SERVITUDE

3. *Calls upon* all States that have not already done so to ratify International Labour Organization Convention (No. 182) concerning the Prohibition of and Immediate Action for the Elimination of the Worst Forms of Child Labour (which includes trafficking, forced labour, debt bondage, forced recruitment into armed conflicts, commercial sexual exploitation and hazardous work), and calls upon States parties to this Convention to harmonize their national legislation with the Convention;

4. *Calls upon* States to ensure that the worst forms of child labour, including all forms of sexual exploitation, trafficking, domestic servitude and any form of forced labour, are prohibited and that the penalties are commensurate with the crimes committed and that this legislation is properly enforced;

5. *Urges* States, while attempting ultimately to eliminate child labour and child domestic labour by, inter alia, enacting and implementing laws on compulsory and free primary education, to adopt and enforce measures and regulations to eliminate all discrimination against girls in education, skills development and training and to protect child workers, in particular child domestic workers, and to ensure that they are not exploited;

6. *Requests* the Secretary-General to invite all States to inform the Working Group of measures adopted to implement the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography and report thereon to the Sub-Commission on the Promotion and Protection of Human Rights and the Commission on Human Rights at their next sessions;

7. *Requests once again*, in the context of the commemoration of the tenth anniversary of the adoption of the Programme of Action, a non-governmental organization to prepare and submit to the Working Group at its twenty-eighth session, in 2003, an assessment of its implementation, based on information provided by Governments and non-governmental organizations;

8. *Takes note* of the report of the new Special Rapporteur on the sale of children, child prostitution and child pornography, Mr. Juan Miguel Petit, to the Commission on Human Rights at its fifty-eighth session (E/CN.4/2002/88) and requests him, within the framework of his mandate, to continue to pay attention to issues relating to the traffic in children, such as organ transplantation, disappearances, the purchase and sale of children, adoption for commercial purposes or exploitation, child prostitution and child pornography, and to participate at the twenty-eighth session of the Working Group;

II. TRAFFIC IN PERSONS AND EXPLOITATION OF THE PROSTITUTION OF OTHERS

9. *Calls upon* States to recognize that human trafficking is a gross violation of human rights and fundamental freedoms and, hence, to criminalize it in all its forms;

10. *Urges* States to ensure that their policies and laws do not legitimize prostitution as the victims' choice of work;

11. *Calls upon* States to provide protection, assistance and temporary residence permits to victims that are not contingent on their cooperation with the prosecution of their exploiters, as articulated in articles 6, 7 and 8 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime;

12. *Urges* sending, transit and receiving States to establish or reinforce their cooperation with the goal of preventing trafficking and prostitution, prosecuting traffickers and other sexual exploiters and providing assistance and rehabilitation to victims;

13. *Recommends* the creation of special observatories at the national and regional levels to gather information from non-governmental organizations and individuals with relevant expertise in order to further the goals of the Programme of Action on the Traffic in Persons and the Exploitation of the Prostitution of Others (E/CN.4/Sub.2/1995/28/Add.1);

14. *Calls upon* United Nations bodies and agencies to develop and implement codes of conduct that prohibit all forms of sexual exploitation by United Nations employees and contract workers and humanitarian aid workers;

15. *Recommends* that the General Assembly consider declaring a United Nations year against trafficking in persons, especially women, youth and children, in order to protect their dignity and human rights;

III. PREVENTION OF THE TRANSBORDER TRAFFIC IN CHILDREN IN ALL ITS FORMS

16. *Welcomes* the fact that over 100 States have signed the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime and urges these and other States to ratify this instrument as soon as possible;

17. *Encourages* States to cooperate on a bilateral, regional and international basis, especially in the framework of South-South cooperation and with the assistance of non-governmental organizations, in order to address the problems associated with trafficking in children and the worst forms of child labour and to benefit from good practices in other countries;

18. *Calls upon* States to set action against trafficking within a human rights framework, so that the victims of child trafficking are fully protected and not treated as illegal immigrants;

19. *Encourages* strengthened cooperation between national and international law enforcement agencies, in particular the International Criminal Police Organization, responsible for detecting and intercepting child traffickers, as well as tracing the families of the trafficked children;

IV. THE ROLE OF CORRUPTION IN THE PERPETUATION OF SLAVERY AND SLAVERY-LIKE PRACTICES

20. *Urges once again* all States to take adequate steps to monitor and enforce laws, particularly as they relate to slavery, slavery-like practices and corruption, including trafficking in and exploitation of the prostitution of women and children;

21. *Urges* States to adopt and enforce legislation that prohibits corruption, including that committed by public officials;

22. *Encourages* States to take measures aimed at improving the training and professionalism of law enforcement personnel, as well as their respect for human rights;

V. MISUSE OF THE INTERNET FOR THE PURPOSE OF SEXUAL EXPLOITATION

23. *Recommends* that Governments, as a matter of priority, review, amend and enforce existing laws, or enact new laws, to prevent the misuse of the Internet for the distribution of pornographic images and for trafficking for the purpose of prostitution and the sexual exploitation of women and children;

24. *Urges* Governments to act more forcefully to eliminate traffic in persons, exploitation of the prostitution of others and sexual exploitation through the Internet, and to consider setting up a mechanism aimed at better control of the Internet when abused for those purposes;

25. *Requests* Governments to investigate and use as evidence of crimes and acts of discrimination advertising, correspondence and other communications over the Internet to promote sex trafficking, the exploitation of prostitution, sex tourism, bride trafficking and rape;

26. *Recommends* that Governments, research institutions, enforcement authorities, industry, non-governmental organizations and others develop and make available technological filtering devices designed to eliminate the distribution of pornographic images of women and children via the Internet and to ensure the safety of children using Internet chat rooms;

27. *Calls* for new levels of cooperation among Governments and national and regional law enforcement bodies in order to combat the misuse of the Internet to promote and carry out acts of trafficking for the purpose of sexual exploitation, sex tourism, sexual violence and sexual exploitation, especially pornography involving women and children;

VI. MIGRANT WORKERS AND DOMESTIC MIGRANT WORKERS

28. *Urges* States to ensure that protective regulations govern the employment situation of migrants and provide for safe conditions of work, and also to investigate and prosecute those responsible for illegal immigration channels used to purchase false documents for migrants who are being trafficked;

29. *Also urges* States to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, adopted by the General Assembly in its resolution 45/158 of 18 December 1990;

30. *Further urges* States to take the necessary measures to prohibit the confiscation of passports belonging to migrant workers, in particular migrant domestic workers, and to punish those responsible for such acts;

31. *Recommends* that non-governmental organizations pay particular attention to the grave problems affecting migrant workers and provide the Working Group with information in this regard;

VII. ERADICATION OF BONDED LABOUR AND ELIMINATION OF CHILD LABOUR

32. *Urges* States that have not yet done so to introduce comprehensive legislation to prohibit bonded labour in all its forms, as a matter of urgency, including provisions for the punishment of any future employers of bonded labourers; this legislation should include

measures of compensation for having been subjected to bonded labour and debt bondage, rehabilitation assistance including, at a minimum and where applicable, the grant of enough land to sustain a single family throughout the year, and legal provisions to protect their ownership and occupation of such land;

33. *Calls upon* States to provide support to organizations assisting victims of bonded labourers, particularly when they face harassment and threats;

34. *Urges* States to design and implement effective programmes to prevent and eliminate bonded labour which will incorporate a comprehensive development programme; such programmes should address: access to education, including vocational training; other practical training; basic health care; land reform and fairer leasing arrangements; provision of stable employment and the enforcement of the minimum wage;

35. *Calls upon* United Nations specialized agencies and intergovernmental organizations, such as the United Nations Children's Fund, the World Health Organization, the International Labour Organization, the United Nations Development Programme and others to develop joint programmes in order to break the cycle of poverty and social exclusion which makes people vulnerable to exploitation through bonded labour;

36. *Recommends* that all competent United Nations organs, specialized agencies, development banks and intergovernmental agencies involved in development initiatives take action to contribute to the elimination of debt bondage, in particular by the provision of alternative sources of credit to bonded labourers;

37. *Also recommends* the creation of an inter-agency group, operational at a local level and responsible at the national level, in the affected countries which would involve the various government departments, trade unions, employers' organizations, non-governmental organizations and community groups in eliminating the practice of debt bondage;

38. *Calls upon* national authorities to implement strictly the legislation related to bonded labour; the number of prosecutions brought, successful convictions obtained and sentences passed against those using bonded labourers should be recorded and made public on a regular basis;

39. *Calls upon* States to ensure that all boys and girls benefit from free compulsory education, as provided in the Convention on the Rights of the Child and other treaties;

40. *Invites* the international community to cooperate in developing viable alternatives to child labour, in particular for young girls;

41. *Requests* the Secretary-General to invite all States to continue to inform the Working Group of measures adopted to implement the Programme of Action for the Elimination of the Exploitation of Child Labour;

VIII. FORCED LABOUR

42. *Invites* the States concerned to introduce consolidated legislation on forced labour and to take urgent action to speed up criminal proceedings, secure successful prosecutions and apply effective sanctions against all those using forced labour;

43. *Requests* the Working Group to consider as a matter of priority at its twenty-ninth session (2004) the issue of forced labour, in light of the new Programme of Action of the International Labour Organization;

IX. MISCELLANEOUS

44. *Welcomes* the decision of the Working Group to consider as a matter of priority at its twenty-eighth session, in 2003, the issue of contemporary forms of slavery related to and generated by discrimination, in particular gender discrimination, focusing attention on abuses against women and girls, such as forced marriage, early marriage and sale of wives;

45. *Appeals* to all Governments to send observers to the meetings of the Working Group;

46. *Encourages* youth organizations and young persons from various non-governmental organizations to participate in the meetings of the Working Group;

47. *Recommends* that the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child, when examining the periodic reports of States parties, give particular attention to the implementation of articles 8 and 24 of the International Covenant on Civil and Political Rights, articles 10, 12 and 13 of the International Covenant on Economic, Social and Cultural Rights, article 6 of the Convention on the Elimination of All Forms of Discrimination against Women and articles 32, 34 and 36 of the Convention on the Rights of the Child, and include in their general comments and recommendations an item concerning contemporary forms of slavery;

48. *Also recommends* that the supervisory bodies of the International Labour Organization and the Committee on Conventions and Recommendations of the United Nations Educational, Scientific and Cultural Organization give particular attention in their work to issues related to the protection of children and other persons exposed to contemporary forms of slavery, such as the sale of children, child prostitution and child pornography, the exploitation of child labour, the issue of street children, child beggars, child camel jockeys and child manual scavengers, as well as bonded labour and the traffic in persons;

49. *Requests once again* the Secretary-General to transmit to the committees mentioned above, the special rapporteurs concerned and the Working Group on Enforced or Involuntary Disappearances the recommendations of relevance to them and the report of the Working Group;

50. *Also requests* the Secretary-General to give effect to his decision to reassign to the Working Group a Professional staff member of the Office of the High Commissioner for Human Rights, as was the case in the past, to work on a permanent basis to ensure continuity and close coordination within and outside the Office on issues relating to contemporary forms of slavery, in accordance with Commission on Human Rights resolutions 1996/61 of 26 April 1996 and 1999/46 of 27 April 1999;

51. *Requests* non-governmental organizations to disseminate information about the work of the Working Group as widely as possible;

52. *Recognizes* the advantages of continuity of the membership of the Working Group, while acknowledging that the designation of any member to participate in any working group of the Sub-Commission is the responsibility of the regional groups of the Sub-Commission;

53. *Invites* those Governments which have information relating to the priority issue to be discussed at the next session of the Working Group to assist the Working Group by providing the information either in advance of or at that session.

22nd meeting
14 August 2002
[Adopted without a vote. See chap. VIII.]

2002/28. United Nations Voluntary Trust Fund on Contemporary Forms of Slavery

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

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

Recalling also that the Fund was established to assist representatives of non-governmental organizations to participate in the deliberations of the Working Group on Contemporary Forms of Slavery by providing them with financial assistance and to extend, through established channels of assistance, humanitarian, legal and financial aid to individuals whose human rights have been severely violated as a result of contemporary forms of slavery,

Recalling further the close relationship between the mandate and the activities of the Working Group and those of the Board of Trustees of the Fund, and the necessary cooperation between them,

1. *Expresses its gratitude* to Governments, organizations, trade unions and individuals, including young students, who have contributed to the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery and encourages them to continue doing so;
2. *Expresses its appreciation* for the participation, at the twenty-seventh session of the Working Group on Contemporary Forms of Slavery, of eight representatives of non-governmental organizations working in six different countries in Africa, Asia and Europe financed by the Fund, including victims of contemporary forms of slavery, which was a valuable contribution to the work of the Working Group;
3. *Invites* the Board of Trustees of the Fund to continue to promote the participation at the annual sessions of the Working Group of individuals and organizations from as large a number of countries as possible, in accordance with the priorities established in the agenda of the Working Group;
4. *Notes with satisfaction* that twenty-one project grants were provided by the Fund to local non-governmental organizations working on issues related to contemporary forms of slavery and that three project leaders attended the session and reported on the implementation of their project;
5. *Expresses its support* for the work of the members of the Board of Trustees of the Fund, in particular their fund-raising activities;
6. *Recalls* the appeal made by the General Assembly in its resolution 46/122 of 17 December 1991 to all Governments to respond favourably to requests for contributions to the Fund, urges them as well as non-governmental organizations, other private or public entities and individuals to contribute to the Fund and encourages them to do so in order to enable the Fund to fulfil its mandate effectively in the year 2003;
7. *Decides* to continue to examine the situation and the activities of the Fund at its fifty-fifth session.

22nd meeting
14 August 2002
[Adopted without a vote. See chap. VIII.]

2002/29. Systematic rape, sexual slavery and slavery-like practices

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

Recalling its resolutions 2001/20 of 16 August 2001 and 2002/5 of 17 August 2002,

Recalling also 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 and E/CN.4/Sub.2/2001/29),

Taking into consideration resolutions of the Commission on Human Rights on the elimination of violence against women, including its resolution 2002/52 of 23 April 2002, and the report of the Special Rapporteur on violence against women to the Commission at its fifty-eighth session (E/CN.4/2002/83 and Add.1-3),

Mindful of the adoption of resolution 2002/5 in which it emphasized the historic responsibility of the relevant Powers for slavery and colonialism and requested all countries concerned to take initiatives, notably through debate on the basis of accurate information, in the raising of public awareness of the disastrous consequences of periods of slavery and colonialism,

1. *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 appreciation of her report (E/CN.4/Sub.2/2002/28);

2. *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 report;

3. *Considers* that the latest verdicts of the International Criminal Tribunal for the Former Yugoslavia and of the International Tribunal for Rwanda 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;

4. *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;

5. *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 between all peoples;

6. *Calls upon* the High Commissioner for Human Rights to submit a report to the Sub-Commission at its fifty-fifth session on the issues of systematic rape, sexual slavery and slavery-like practices during armed conflicts;

7. *Decides* to consider the issue under the same agenda item at its fifty-fifth session.

*22nd meeting
14 August 2002*

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

2002/30. The right to return of refugees and internally displaced persons

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

Recalling Sub-Commission resolutions 1994/24 of 26 August 1994 and 1998/26 of 26 August 1998, and Commission resolutions 1999/47 of 27 April 1999, 2000/53 of 25 April 2000 and 2001/54 of 24 April 2001,

Conscious that serious human rights violations and breaches of international humanitarian law are among the reasons why people flee their homes or places of habitual residence and become refugees or internally displaced persons,

Noting that millions of refugees and displaced persons remain in need of solutions and that voluntary return remains the durable solution sought by the largest number of them,

Concerned that the lack of progress with respect to voluntary repatriation reflects the fact that basic requirements for return, that is, physical, legal and material safety and the restoration of national protection, are not yet in place,

Recognizing that the right of refugees and internally displaced persons to return freely to their original homes or places of habitual residence in safety and dignity coupled with their right to adequate housing and property restitution or, should this not be possible, just compensation or another form of just reparation, form indispensable elements of national reintegration, reconstruction and reconciliation, and that the recognition of such rights, as well as judicial or other mechanisms to ensure the implementation of such rights, should be included in peace agreements ending armed conflicts,

Recognizing also the right of all returnees to the free exercise of their right to freedom of movement and to choose their residence, including the right to re-establish residence in their original homes or places of habitual residence, including issuance of relevant documentation, their right to privacy and respect for the home, their right to reside peacefully in the security of their own home and their right to enjoy access to all necessary social and economic services, in an environment free of any form of discrimination,

Noting that the right to freedom of movement and the right to adequate housing and property restitution include the right of protection for returning refugees and internally displaced persons against being compelled to return to their original homes or places of habitual residence and that the right to return to their original homes or places of habitual residence must be exercised in a voluntary, safe and dignified manner,

Observing that, in the present resolution, “those displaced” and “displaced persons” refer to both refugees and internally displaced persons, unless otherwise indicated, and that nothing in the present resolution affects any disputes with regard to title to territory,

1. *Confirms* that all those displaced have the right to return voluntarily in safety and dignity, as established in international human rights law;
2. *Also confirms* that all displaced persons have a right to return to their original homes or places of habitual residence or to settle voluntarily elsewhere; where authorities send displaced persons to a place other than their habitual residence, this does not affect their right to return to their place of habitual residence, nor their right to restitution or compensation or both;
3. *Reaffirms* that all those displaced have the right to adequate housing and property restitution or, should this not be possible, appropriate compensation or another form of just reparation, and the particular importance of these rights for displaced persons wishing to return to their original homes or places of habitual residence;
4. *Urges* all parties to peace agreements and voluntary repatriation agreements to include implementation of the right to return in safety and dignity, as well as housing and property restitution rights, consistent with the requirements of international law, in all such agreements;
5. *Confirms* that the exercise of the right to return is voluntary and not conditional upon permission or approval; if documentation of any sort is necessary, returnees are entitled to such documentation as of right and free of cost;
6. *Reminds* States of the right of all displaced persons to participate in the return and restitution process and in the development of the procedures and mechanisms put in place to protect these rights;
7. *Urges* all States to guarantee the free and fair exercise of the right to return to one's home or place of habitual residence by all displaced persons and to establish an enabling framework to enable return to take place in conditions of physical, legal and material safety and to restore full national protection of returning displaced persons; in this context, States are urged to take measures to ensure the physical safety of returnees; to remove legal and administrative barriers to return and to provide other legal guarantees for returnees; and to ensure non-discriminatory access to means of survival and basic services;

8. *Confirms* that the obligation of the State to assist the right of return includes an obligation, without which the right to return cannot be fulfilled, to make good any damage for which the authorities are responsible, including the obligation to restore the infrastructure, including water, sanitation, electricity, gas, roads and land, where it has been damaged or destroyed; in particular, States shall not charge returning displaced persons with the costs for services consumed by those who were temporarily accommodated in the displaced persons' homes;

9. *Reaffirms* the obligation of States to repeal any laws and regulations which are inconsistent with international legal standards, in particular the right to return and the right to adequate housing and property, and in this respect urges States to put in place effective and impartial mechanisms designed to resolve outstanding housing and property problems;

10. *Reminds* States of the need to ensure, in implementing the right to return, that measures are taken to address the special needs of women and children, including effective and equitable access to means of survival and basic services, including education, and the effective implementation of the right of women to full equality with respect to housing and property restitution, in particular in terms of access, control, ownership, possessory and inheritance rights;

11. *Confirms* that where displaced persons voluntarily settle elsewhere, this does not affect their right to return to their home or place of habitual residence, nor their right to housing and property restitution or, should this not be possible, just compensation or other form of just reparation;

12. *Recognizes* that displaced persons may choose voluntarily to exchange their property rights over their original homes or places of habitual residence for the same or similar rights over another property or undertake other possible transactions, on condition that such decisions are knowingly and voluntarily taken;

13. *Also recognizes* that property restitution processes are only effective if the rights of occupants of displaced persons' houses, who themselves are equally affected by displacement and in need of accommodation, are protected, and urges States to provide adequate alternative accommodation; where secondary occupants have no place to return to, States are encouraged to provide affordable social housing;

14. *Urges* States where secondary occupants are in possession of the homes of displaced persons as a result of criminal action to enforce their own laws and to ensure that displaced persons have the possibility to return in safety;

15. *Encourages* States to seek, through appropriate means, to cooperate with the Office of the United Nations High Commissioner for Refugees with regard to matters concerning refugees and, where appropriate, to internally displaced persons and with all other humanitarian organizations and other appropriate actors, in the exercise of their respective mandates, and to ensure rapid and unimpeded access to displaced persons in order to assist in their voluntary return or voluntary relocation and reintegration;

16. *Decides* to continue its consideration of the question of the right to return of displaced persons in the context of freedom of movement under the same agenda item at its fifty-fifth session;

17. *Recommends* that the Commission on Human Rights adopt the text of the present resolution.

*23rd meeting
15 August 2002*

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

2002/31. Tenth anniversary of the World Conference on Human Rights

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

A.

Recalling the Vienna Declaration and Programme of Action (A/CONF.157/23), which were adopted by the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993,

Bearing in mind the report of the Secretary-General (E/CN.4/2002/110) and Commission on Human Rights resolution 2002/85 of 26 April 2002 on the effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights,

Noting that the Vienna Declaration and Programme of Action strongly recommend that a concerted effort be made to encourage and facilitate the ratification of and accession or succession to international human rights treaties and protocols, with the aim of universal acceptance,

Considering that the progress achieved over the past 10 years in the effective implementation of this essential objective of the Vienna Declaration and Programme of Action is still insufficient,

Emphasizing that cooperation among the various human rights organizations of the United Nations system constitutes significant progress towards harmonizing existing mechanisms and improving their effectiveness, particularly between chairpersons of the human rights treaty bodies and between special rapporteurs and representatives, experts and chairpersons of working groups of the special procedures of the Commission on Human Rights,

Welcoming the recommendation made by the chairpersons of the human rights treaty bodies that those bodies should consider ways of strengthening cooperation with the Sub-Commission on the Promotion and Protection of Human Rights,

Emphasizing the importance of contacts and the exchange of information in order to promote better knowledge of the work undertaken by the respective treaty bodies, facilitate transparency, ensure greater consistency and improve the effectiveness of the organizations of the United Nations system responsible for promoting and protecting human rights,

1. *Recalls* that the universal ratification of international human rights instruments adopted in the framework of the United Nations, as well as other basic instruments, must remain a priority objective for all States;

2. *Expresses the wish* that the tenth anniversary of the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, may constitute an important step towards the effective realization of the objective referred to in paragraph 1 of this resolution, and requests States to seize this opportunity to take stock of their commitment in this field and, if they have made any reservations when ratifying these instruments, to re-examine them with a view to determining whether they can withdraw them or limit their scope;

3. *Welcomes* the forthcoming entry into force of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and requests all States to take this opportunity to consider signing and ratifying the Convention in order to ensure its effective implementation.

B.

Mindful of the main purposes of the United Nations Decade of International Law, which include the development and promotion of international law,

Recalling General Assembly resolution 51/158 of 16 December 1996, in which the Assembly endorsed the Secretary-General's decision that Member States, organizations of the United Nations system, other international organizations and other non-commercial users of the United Nations *Treaty Series* on the Internet should not be charged a user fee,

Noting the decision taken by the Secretary-General in his note on the United Nations Decade of International Law (A/52/363, para. 56) to charge a fee from users of the online version of the United Nations *Treaty Series*,

1. *Regrets* the Secretary-General's decision and invites him to ensure, particularly in the field of human rights, free access to all non-commercial users of the online version of the United Nations *Treaty Series*;

2. *Urges* the Secretary-General to allow members of the Sub-Commission and treaty bodies to have free access to the entire United Nations *Treaty Series* on the Internet;

3. *Requests* the United Nations High Commissioner for Human Rights to consider practical means of ensuring that non-commercial users have effective and free access to the online version of the United Nations *Treaty Series*.

*23rd meeting
15 August 2002*

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

B. Decisions

2002/101. Establishment of a sessional working group on the administration of justice under agenda item 3

At its 3rd meeting, on 30 July 2002, the Sub-Commission on the Promotion and Protection of Human Rights decided, without a vote, to establish a sessional working group on the administration of justice under agenda item 3, composed of the following members: Ms. Hampson, Ms. Motoc, Ms. O'Connor, Ms. Rakotoarisoa and Mr. Sorabjee.

[See chap. III.]

2002/102. Establishment of a sessional working group on the working methods and activities of transnational corporations under agenda item 4

At its 3rd meeting, on 30 July 2002, the Sub-Commission on the Promotion and Protection of Human Rights decided, without a vote, to establish a sessional working group to examine the working methods and activities of transnational corporations under agenda item 4, composed of the following members: Mr. Alfonso Martínez, Mr. Guissé, Mr. Kartashkin, Mr. Park and Mr. Weissbrodt.

[See chap. III.]

2002/103. Issue of the administration of justice through military tribunals

At its 18th meeting, on 12 August 2002, the Sub-Commission on the Promotion and Protection of Human Rights, noting with appreciation the updated version of the report on the issue of the administration of justice through military tribunals (E/CN.4/Sub.2/2002/4), submitted by Mr. Joinet, thanks him for his important work and decided, without a vote, to request Mr. Emmanuel Decaux to supplement that document, taking into account the comments made by the participants at the fifty-fourth session, and to submit, with no financial implications, an updated version of the report to the Sub-Commission at its fifty-fifth session.

[See chap. V.]

2002/104. The accountability of armed forces, United Nations civilian police, international civil servants and experts taking part in peace support operations (i.e. all operations of a peacekeeping or peace enforcement nature under a United Nations mandate)

At its 18th meeting, on 12 August 2002, the Sub-Commission on the Promotion and Protection of Human Rights, recalling its decision 2001/105 of 10 August 2001 and taking note of the information provided in document E/CN.4/Sub.2/2001/WP.1 and the questions submitted in document E/CN.4/Sub.2/2002/6, decided, without a vote, to request Ms. Françoise Hampson to submit, 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 to the Sub-Commission, at its fifty-fifth session, taking into account the discussion at the fifty-fourth session of the Sub-Commission.

[See chap. V.]

2002/105. Globalization and its impact on the full enjoyment of all human rights

At its 22nd meeting, on 14 August 2002, the Sub-Commission on the Promotion and Protection of Human Rights, recalling its resolutions on this question, including resolutions 1999/8 of 25 August 1999 and 2001/5 of 15 August 2001 and decision 2001/106 of 15 August 2001, resolutions 1999/59 of 28 April 1999, 2001/32 of 23 April 2001 and 2002/28 of 22 April 2002 and decision 2000/102 of 17 April 2000 of the Commission on Human Rights, and decision 2000/282 of 28 July 2000 of the Economic and Social Council; having received the two progress reports (E/CN.4/Sub.2/2000/13 and E/CN.4/Sub.2/2001/10) submitted to date by the Special Rapporteurs, Mr. Joseph Oloka-Onyango and Ms. Deepika Udagama; taking note of the Special Rapporteurs' request for additional time for further consultations with the international financial institutions; reaffirming Sub-Commission decision 2001/106 in which it requested Mr. Fried van Hoof to comment on the minimum guidelines comprising part of the final report on globalization and its impact on the full enjoyment of human rights; and noting the ongoing work within the International Labour Organization on the issue of globalization, including in particular of the World Commission on the Social Dimension of Globalization, and requesting the Special Rapporteurs to take it into account when finalizing their study, decided, without a vote, to request the Special Rapporteurs to submit their final report on globalization and its impact on the full enjoyment of human rights, and to present it in person to the Sub-Commission at its fifty-fifth session, in the expectation that the final report will be submitted to the Commission on Human Rights at its sixtieth session.

[See chap. VI.]

**2002/106. Corruption and its impact on the enjoyment of human rights,
in particular, economic, social and cultural rights**

At its 22nd meeting, on 14 August 2002, the Sub-Commission on the Promotion and Protection of Human Rights, guided by the Charter of the United Nations and the Universal Declaration of Human Rights, the International Covenants on Human Rights and the United Nations Convention against Transnational Organized Crime; noting the proposals for topics to be included in the study on poverty contained in the document on poverty and human rights (E/CN.4/Sub.2/2002/15), including the statement that corruption should be condemned and corruptors should face international justice if they escape national jurisdiction; recalling General Assembly resolutions calling for international cooperation to prevent corruption; recognizing the need to prevent corruption and money-laundering; and deeply concerned at corruption and its impact on the full enjoyment of human rights, decided, without a vote, to entrust Ms. Christy Mbonu with the task of preparing, without financial implications, a working paper on the impact of corruption on the realization and enjoyment of all human rights for submission to the Sub-Commission at its fifty-fifth session.

[See chap. VI.]

**2002/107. Recognition of the meritorious work done by Dr. Erica-Irene Daes
as Chairperson-Rapporteur of the Working Group on
Indigenous Populations**

At its 22nd meeting, on 14 August 2002, the Sub-Commission on the Promotion and Protection of Human Rights, taking into consideration the meritorious work done by Dr. Erica-Irene Daes for 18 years as Chairperson-Rapporteur of the Sub-Commission's Working Group on Indigenous Populations, decided, without a vote, to declare her an honorary member of the Working Group for life.

[See chap. VII.]

2002/108. Discrimination based on work and descent

At its 22nd meeting, on 14 August 2002, the Sub-Commission on the Promotion and Protection of Human Rights, recalling its resolution 2000/4 of 11 August 2000, in which it declared that discrimination based on work and descent is a form of discrimination prohibited by international law; recalling also its decision 2001/110 of 15 August 2001, in which it decided to entrust Mr. R.K.W. Goonesekere with the preparation of an expanded working paper on the subject; and taking note of the note by the secretariat (E/CN.4/Sub.2/2002/26), explaining that Mr. Goonesekere would not be submitting the expanded working paper, decided, without a vote, to entrust Mr. Asbjørn Eide and Mr. Yozo Yokota with the preparation, without financial

implications, of an expanded working paper on the topic of discrimination based on work and descent in regions other than those already covered, taking into account the comments made at the fifty-third and fifty-fourth sessions of the Sub-Commission, to be considered at the fifty-fifth session of the Sub-Commission.

[See chap. VII.]

2002/109. Humanitarian situation of the Iraqi population

At its 22nd meeting, on 14 August 2002, the Sub-Commission on the Promotion and Protection of Human Rights, referring to its decision 2001/115 of 16 August 2001; recalling the disastrous situation of the Iraqi population caused by the embargo imposed for 12 years; wishing to reaffirm that measures such as embargoes should be limited in time, should in no way affect innocent civilian populations and, for obvious humanitarian reasons, should be lifted even if the objectives of the measures have not yet been attained; reaffirming the need to respect the Charter of the United Nations, the Universal Declaration of Human Rights and the relevant provisions of the Geneva Conventions of 12 August 1949 and the two Additional Protocols thereto which prohibit the starving of civilian populations and the destruction of what is indispensable to their survival; underlining that such situations confront the United Nations with a serious moral dilemma; expressing once again its concern at the suffering endured daily by the civilian population, particularly the children who are exposed to different diseases and to untimely death; believing that the World Health Organization must devote special attention to the serious health problems affecting the Iraqi population; bearing in mind the vital needs and the conditions seriously affecting the standards of living, nutrition, education and access to health facilities of the population; and again considering any embargo that condemns an innocent people to hunger, disease, ignorance and even death to be a flagrant violation of the economic, social and cultural rights and the right to life of the people concerned and of international law, decided, without a vote, to appeal again to the international community, and to the Security Council in particular, for the embargo provisions affecting the humanitarian situation of the population of Iraq to be lifted. The Sub-Commission also decided to urge the international community and all Governments, including that of Iraq, to alleviate the suffering of the Iraqi population, in particular by facilitating the delivery of food, medical supplies and the wherewithal to meet their basic needs.

[See chap. VIII.]

2002/110. Reservations to human rights treaties

At its 22nd meeting, on 14 August 2002, the Sub-Commission on the Promotion and Protection of Human Rights, recalling its decision 1998/113 of 26 August 1998, its resolutions 1999/27 of 26 August 1999, 2000/26 of 18 August 2000 and 2001/17 of 16 August 2001 and Commission on Human Rights decision 2000/108 of 26 April 2000;

taking note of Commission decision 2001/113 of 25 April 2001; and taking note also of the working paper submitted by Ms. Françoise Hampson (E/CN.4/Sub.2/1999/28 and Corr.1) and of the information contained in document E/CN.4/Sub.2/2002/34 and of the discussion at the fifty-fourth session of the Sub-Commission, decided, without a vote, to request Ms. Hampson to submit an extended working paper on reservations to human rights treaties to the Sub-Commission at its fifty-fifth session.

[See chap. VIII.]

2002/111. Regulation of citizenship by successor States

At its 22nd meeting, on 14 August 2002, the Sub-Commission on the Promotion and Protection of Human Rights, taking into account the final draft articles on nationality of natural persons in relation to the succession of States (A/54/10, chap. IV, sect. E) adopted by the International Law Commission, decided, without a vote, to request Mr. Vladimir Kartashkin to prepare, without financial implications, a working paper on the regulation of citizenship by successor States with respect to nationals of the predecessor States and to submit his working paper to the Sub-Commission at its fifty-fifth session.

[See chap. VIII.]

2002/112. The rights of women married to foreigners

At its 22nd meeting, on 14 August 2002, the Sub-Commission on the Promotion and Protection of Human Rights, concerned at the extent of discrimination in relation to women married to foreigners, decided, by 21 votes to 1, to request Mr. Vladimir Kartashkin to prepare, without financial implications, a working paper on the rights of women married to foreigners, taking into consideration the comments made by members of the Sub-Commission, and to submit his working paper to the Sub-Commission at its fifty-fifth session.

[See chap. VIII.]

2002/113. Human rights and weapons of mass destruction, or with indiscriminate effect, or of a nature to cause superfluous injury or unnecessary suffering

At its 22nd meeting, on 14 August 2002, the Sub-Commission on the Promotion and Protection of Human Rights, recalling its resolutions 1997/36 and 1997/37 of 28 August 1997 and its decision 2001/119 of 16 August 2001, in which it authorized Mr. Y.K.J. Yeung Sik Yuen to prepare, without financial implications, in the context of human rights and humanitarian norms, a working paper assessing the utility, scope and structure of a study on the real and

potential dangers to the effective enjoyment of human rights posed by the testing, production, storage, transfer, trafficking or use of weapons of mass destruction or with indiscriminate effect, or of a nature to cause superfluous injury or unnecessary suffering, including the use of weaponry containing depleted uranium, and taking note of the working paper submitted to its present session by Mr. Sik Yuen (E/CN.4/Sub.2/2002/38), decided, by 17 votes to 3, with 2 abstentions, to request Mr. Sik Yuen to submit, without financial implications, an expanded and updated working paper on this topic to be considered at its fifty-fifth session, in which due attention should be paid to the comments and proposals advanced during the debate at the fifty-fourth session on the working paper.

[See chap. VIII.]

2002/114. Human rights and bioethics

At its 23rd meeting, on 15 August 2002, the Sub-Commission on the Promotion and Protection of Human Rights, concerned by the Universal Declaration on the Human Genome and Human Rights, taking into account Commission on Human Rights resolution 2001/71 of 25 April 2001, in which the Commission requested the Sub-Commission to consider what contribution it could make to the reflections of the International Bioethics Committee on the follow-up to the Universal Declaration on the Human Genome and Human Rights, and welcoming the oral presentation of the working paper (E/CN.4/Sub.2/2002/37) made by Ms. Iulia-Antoanella Motoc, decided, without a vote, to request Ms. Motoc to pursue her research, without financial implications, taking into consideration the comments made at the fifty-fourth session of the Sub-Commission, and to submit an expanded working paper to the Sub-Commission at its fifty-fifth session.

[See chap. VIII.]

2002/115. Issues and modalities for the effective universality of international human rights treaties

At its 23rd meeting, on 15 August 2002, the Sub-Commission on the Promotion and Protection of Human Rights, mindful that, in the Vienna Declaration and Programme of Action (A/CONF.157/23), the World Conference on Human Rights recommended that a concerted effort should be made to encourage and facilitate the ratification of international human rights treaties and protocols with the aim of universal acceptance, and seeking to work towards the achievement of this objective, decided, without a vote, to request Mr. Emmanuel Decaux to prepare a working paper, without financial implications, on issues and modalities for the effective universality of international human rights treaties, for submission to the Sub-Commission at its fifty-fifth session.

[See chap. VIII.]

2002/116. Promotion and consolidation of democracy

At its 23rd meeting, on 15 August 2002, the Sub-Commission on the Promotion and Protection of Human Rights, recalling its decisions 2000/116 of 18 August 2000 and 2001/114 of 16 August 2001 and expressing its appreciation to Mr. Manuel Rodríguez Cuadros for his extended working paper on measures provided in the various international human rights instruments for the promotion and consolidation of democracy (E/CN.4/Sub.2/2002/36), decided, without a vote, to request Mr. Rodríguez Cuadros to prepare, without financial implications, an additional expanded working paper, taking into account the comments and suggestions made at the fifty-fourth session of the Sub-Commission, for submission to the Sub-Commission at its fifty-fifth session.

[See chap. VIII.]

2002/117. Composition of working groups of the Sub-Commission for 2003

At its 23rd meeting, on 15 August 2002, the Sub-Commission on the Promotion and Protection of Human Rights decided, without a vote, to approve the following composition of its working groups for 2003:

| Regional group | Minorities | Slavery | Indigenous Populations | Communications |
|------------------------------------|-----------------------------------------|------------------------------------|----------------------------------------------|-------------------------------------|
| Africa | Ms. Zerrougui | Ms. Warzazi | Mr. Guissé | Mr. Yimer |
| | Mr. Dos Santos Alves (Alternate) | Ms. Rakotoarisoa (Alternate) | Ms. Mbonu (Alternate) | Ms. Zerrougui (Alternate) |
| Asia | Mr. Sorabjee | Mr. Sattar | Mr. Yokota | Mr. Chen |
| | Ms. Chung (Alternate) | Mr. Babar (Alternate) | Ms. Terao (Alternate) | Mr. Liu (Alternate) |
| Eastern Europe | Mr. Kartashkin | Mr. Ogurtsov | Ms. Motoc | Mr. Kartashkin |
| | Ms. Motoc (Alternate) | Ms. Sandru-Popescu (Alternate) | Mr. Ogurtsov (Alternate) | Mr. Malguinov (Alternate) |
| Latin America | Mr. Bengoa | Mr. Pinheiro | Mr. Alfonso Martínez | Mr. Rodríguez Cuadros |
| | Mr. Alfonso Martínez (Alternate) | Ms. O'Connor (Alternate) | Mr. Bengoa (Alternate) | Mr. Alfonso Martínez (Alternate) |
| Western Europe and Other States | Mr. Eide | Mr. Van Hoof | Ms. Hampson | Mr. Weissbrodt |
| | Ms. Koufa/ Mr. Zaikos (Alternate) | Ms. Frey/Ms. Betten (Alternate) | Mr. Weissbrodt/ Ms. Picard (Alternate) | Mr. Decaux (Alternate) |

[See chap. III.]

**2002/118. Order of the consideration of agenda items at the
fifty-fifth session of the Sub-Commission**

At its 23rd meeting, on 15 August 2002, the Sub-Commission on the Promotion and Protection of Human Rights, wishing to give equal attention to all items of its agenda and taking into account that at the current and previous sessions item 6 did not receive appropriate attention, decided, without a vote, to consider agenda items at the fifty-fifth session in the following order: 1, 2, 6, 3, 4, 5, 7.

[See chap. III.]

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-fourth session at the United Nations Office at Geneva from 29 July to 16 August 2002. It held 26 meetings (see E/CN.4/Sub.2/2002/SR.1-26), 3 of which were held in closed session (see E/CN.4/Sub.2/2002/SR.2, SR.17 and SR. 21).
2. The session was opened by Mr. David Weissbrodt, Chairperson of the Sub-Commission on the Promotion and Protection of Human Rights at its fifty-third session, who made a statement.
3. The United Nations High Commissioner for Human Rights, Ms. Mary Robinson, addressed the Sub-Commission at its 1st meeting, on 29 July 2002.

B. Attendance

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

C. Resolutions and documentation

5. The Sub-Commission adopted 31 resolutions and took 18 decisions. The texts of these resolutions and decisions appear in chapter II, sections A and B, respectively. Draft decisions for action or consideration by the Commission on Human Rights are set out in chapter I. For a list of the resolutions and decisions adopted by the Sub-Commission, see annex VIII to the present report.
6. Information concerning the administrative and programme budget implications of resolutions and decisions adopted by the Sub-Commission at its fifty-fourth session is provided in annex IV.
7. A list of the resolutions and decisions referring to matters drawn to the attention of the Commission on Human Rights is contained in annex V.
8. A list of studies completed at the fifty-fourth session, of ongoing studies, of working papers entrusted to members and of studies recommended for approval, drawn up in accordance with Commission on Human Rights resolution 1982/23, appears in annex VI.
9. A list of documents for the fifty-fourth session of the Sub-Commission appears in annex VII. Written communications submitted by non-governmental organizations for circulation at the session are also mentioned in annex VII.

D. Election of officers

10. At its 1st meeting, on 29 July 2002, the Sub-Commission elected the following officers by acclamation:

| | |
|---------------------------|----------------------------------------------------------------------|
| <u>Chairperson:</u> | Mr. Paulo Sérgio Pinheiro |
| <u>Vice-Chairpersons:</u> | Mr. Vladimir A. Kartashkin Mr. Yozo Yokota Ms. Leila Zerrougui |
| <u>Rapporteur:</u> | Mr. Emmanuel Decaux |

E. Adoption of the agenda

11. At the same meeting, the Sub-Commission had before it a note by the Secretary-General containing the provisional agenda for the fifty-fourth session (E/CN.4/Sub.2/2002/1), drawn up in accordance with rule 5 of the rules of procedure of the functional commissions of the Economic and Social Council, on the basis of the draft provisional agenda considered by the Sub-Commission at its fifty-third session in accordance with paragraph 3 of Economic and Social Council resolution 1894 (LVII).

12. At the 3rd meeting, on 30 July 2002, the agenda, as revised (see annex I), was adopted without a vote.

F. Organization of work and conduct of business

13. At the 1st meeting, the Chairperson of the fifty-eighth session of the Commission on Human Rights, Mr. Krzysztof Jakubowski, addressed the Sub-Commission, in accordance with Commission resolution 2002/66.

14. The Sub-Commission considered item 1 of the agenda at its 1st, 2nd (closed) and 3rd meetings, on 29 and 30 July, at part of its 17th (closed) meeting, on 12 August, and 21st (closed) meeting on 14 August, and at its 23rd meeting, on 15 August 2002.

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

16. At its 2nd (closed) meeting, on 29 July 2002, and 3rd meeting, on 30 July 2002, the Sub-Commission considered the organization of its work and conduct of business.

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

(a) To establish a sessional working group on the administration of justice under agenda item 3 and to nominate the following members of the Sub-Commission as members of the working group: Ms. Hampson, Ms. Motoc, Ms. O'Connor, Ms. Rakotoarisoa, and Mr. Sorabjee. For the text of the decision, see chapter II, section B, decision 2002/101;

(b) To establish a sessional working group to examine the working methods and activities of transnational corporations under agenda item 4 and to nominate the following members of the Sub-Commission as members of the working group: Mr. Alfonso Martínez, Mr. Guissé, Mr. Kartashkin, Mr. Park and Mr. Weissbrodt. For the text of the decision, see chapter II, section B, decision 2002/102.

18. The Sub-Commission accepted the recommendations of its officers regarding limitation of the frequency and duration of statements. Members of the Sub-Commission would be entitled to make one or more statements of 10 minutes 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: one or two non-governmental organizations: seven minutes; three to five non-governmental organizations: 10 minutes; 6 to 10 non-governmental organizations: 12 minutes; more than 10 non-governmental organizations: 15 minutes. Government observers would be limited to one statement of five minutes per item. That speaking time would also apply to observers for intergovernmental organizations, United Nations bodies, specialized agencies and other organizations.

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

20. The Sub-Commission also accepted the recommendation that special rapporteurs should limit their statements to 20 minutes, to be divided between the introduction of the report and the concluding remarks.

21. It was also accepted that Sub-Commission members taking the floor on procedural matters should be as brief as possible and not exceed two minutes.

22. It was agreed that, with regard to statements by government observers equivalent to a right of reply, a limitation to two replies, of three minutes for the first and of two minutes for the second, at the end of the general debate on any particular item(s), would be observed. Under any agenda item, government observers should not address the human rights situations in countries other than their own, except when exercising the right of reply.

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

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

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

26. Also at its 2nd (closed) meeting, the Sub-Commission approved the timetable for the consideration of agenda items proposed by the Bureau.

G. Other matters

27. At the 1st meeting, on 29 July 2002, 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 violation of human rights in all regions of the world.

Composition of working groups of the Sub-Commission for 2003

28. At the 23rd meeting, on 15 August 2002, the Sub-Commission considered a draft decision on the composition of the intersessional and pre-sessional working groups of the Sub-Commission introduced by the Chairperson on behalf of the Bureau of the Sub-Commission.

29. Mr. Yokota orally revised the draft decision.

30. The draft decision, as orally revised, was adopted without a vote. For the text of the decision, see chapter II, section B, decision 2002/117.

Consideration of agenda items

31. At the same meeting, the Sub-Commission considered a draft decision on the consideration of agenda items introduced orally by the Chairperson of the Sub-Commission.

32. Statements in connection with the draft decision were made by Mr. Bengoa, Ms. Hampson, Mr. Rodríguez Cuadros and Ms. Zerrougui.

33. The draft decision was adopted without a vote. For the text of the decision, see chapter II, section B, decision 2002/118.

34. After the adoption of the draft decision, Ms. Warzazi made a statement in explanation of her position.

Legal opinion

35. At the 26th meeting, on 16 August 2002, the Chairperson circulated to the members of the Sub-Commission a letter from the United Nations High Commissioner for Human Rights transmitting an opinion of the Legal Counsel, dated 15 August 2002, concerning resolution 2002/15 and decisions 2002/107 and 2002/113 adopted by the Sub-Commission.

36. A statement was made by Mr. Alfonso Martínez.

37. The Sub-Commission then decided to acknowledge receipt of the legal opinion.

IV. QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION, IN ALL COUNTRIES, INCLUDING COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII)

38. The Sub-Commission considered agenda item 2 at its 3rd to 6th meetings, on 30 and 31 July and 2 August, at its 14th meeting, on 8 August 2002, and at its 18th meeting, on 12 August 2002.

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

40. 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 a detailed list of speakers, see annex II.

Armed intervention and the right of peoples to self-determination

41. At the 18th meeting, on 12 August 2002, Mr. Alfonso Martínez introduced draft resolution E/CN.4/Sub.2/2002/L.3/Rev.1, sponsored by Mr. Alfonso Martínez, Mr. Chen, Mr. Decaux, Mr. Dos Santos Alves, Mr. Guissé, Mr. Kartashkin, Ms. O'Connor, Mr. Ogurtsov, Ms. Rakotoarisoa, Mr. Sattar, Mr. Sorabjee, Ms. Warzazi, and Ms. Zerrougui. Ms. Hampson and Mr. Park subsequently joined the sponsors.

42. The draft resolution was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 2002/1.

Current situation and future of human rights

43. At the same meeting, Ms. Warzazi introduced draft resolution, E/CN.4/Sub.2/2002/L.5, sponsored by Mr. Decaux, Mr. Eide, Ms. Motoc, Mr. Preware, Mr. Sattar, Mr. Sorabjee, Ms. Warzazi, Mr. Yimer and Ms. Zerrougui. Mr. Dos Santos Alves, Mr. Guissé, Ms. Hampson, Mr. Kartashkin, Ms. Koufa, Mr. Ogurtsov, Ms. Rakotoarisoa, Mr. Sattar and Mr. Sorabjee subsequently joined the sponsors.

44. Ms. Warzazi orally revised the title and paragraphs 4 and 6-9 of the draft resolution. Ms. Warzazi further orally revised the draft resolution by inserting two new paragraphs after paragraph 9.

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

46. The draft resolution, as orally revised, was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 2002/2.

47. After the adoption of the resolution, Mr. Alfonso Martínez made a statement in explanation of his position.

Effects of measures to combat terrorism on the enjoyment of human rights

48. At the 18th meeting, on 12 August 2002, the Chairperson stated that draft resolution E/CN.4/Sub.2/2002/L.2 had been withdrawn by its sponsors.

Recognition of responsibility and reparation for massive and flagrant violations of human rights which constitute crimes against humanity and which took place during the period of slavery, colonialism and wars of conquest

49. At the same meeting, Mr. Decaux introduced draft resolution E/CN.4/Sub.2/2002/L.6, sponsored by Mr. Bengoa, Mr. Decaux, Mr. Dos Santos Alves, Mr. Eide, Mr. Guissé, Ms. Hampson, Mr. Kartashkin, Ms. Koufa, Ms. Motoc, Ms. O'Connor, Mr. Park, Mr. Preware, Ms. Rakotoarisoa, Mr. Sattar, Mr. Sorabjee, Ms. Warzazi, Mr. Weissbrodt, Mr. Yimer, Mr. Yokota and Ms. Zerrougui. Mr. Alfonso Martínez, Ms. Betten, Mr. Chen and Mr. Ogurtsov subsequently joined the sponsors.

50. Mr. Decaux orally revised the second preambular paragraph as well as paragraphs 3, 4, and 7-9 of the draft resolution.

51. Statements in connection with the draft resolution were made by Mr. Guissé, Mr. Kartashkin, Mr. Ogurtsov and Ms. Warzazi.

52. The draft resolution, as orally revised, was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 2002/5.

Chairperson's statement

53. At the 14th meeting, on 8 August 2002, the Chairperson of the Sub-Commission made a statement, the text of which reads as follows:

“The Sub-Commission on the Promotion and Protection of Human Rights, recalling Commission on Human Rights resolution 2002/77 of 25 April 2002 and its own resolution 2000/17 of 17 August 2000, wishes, as a matter of urgency, to draw the attention of the United States authorities to the situation of Mr. Javier Suárez Medina, a Mexican national who has been detained for 13 years on death row in the State of Texas and is scheduled to be executed by lethal injection on 14 August 2002.

“Mr. Suárez Medina was only 19 years old when he was sentenced to death, and a number of serious breaches of his right to a defence occurred during his trial. In particular, the United States authorities did not comply with their obligations pursuant to article 36 of the Vienna Convention on Consular Relations of 1963, which guarantees the consular protection of foreign detainees.

“These obligations have been strongly reaffirmed by the Inter-American Court of Human Rights in its Advisory Opinion OC-16/99 of 1 October 1999, entitled ‘The right to information on consular assistance in the framework of the guarantees of the due process of law’, and by the International Court of Justice in its judgement in the LaGrand case (Germany v. United States of America) on 27 June 2001.

“The Sub-Commission urges the United States authorities to do everything possible to stay the execution of Mr. Javier Suárez Medina and to re-examine his case, guaranteeing him his right to consular protection and a fair trial.”

V. ADMINISTRATION OF JUSTICE, RULE OF LAW AND DEMOCRACY

54. The Sub-Commission considered agenda item 3 at its 6th to 9th meetings, on 2 to 6 August, 16th meeting, on 9 August, and 18th meeting, on 12 August 2002.
55. For the list of documents issued under agenda item 3, see annex VII to the present report.
56. At the 6th meeting, on 2 August 2002, Ms. Leïla Zerrougui, introduced her final working paper on discrimination in the criminal justice system (E/CN.4/Sub.2/2002/5). At the same meeting, Ms. Zerrougui made her concluding remarks.
57. At the 7th meeting, on 5 August 2002, Ms. Françoise Hampson introduced her working paper on the scope of the activities and the accountability of armed forces, United Nations civilian police, international civil servants and experts taking part in peace support operations (i.e. all operations of a peacekeeping or peace enforcement nature under a United Nations mandate) [E/CN.4/Sub.2/2002/6]. At the same meeting, Ms. Hampson made her concluding remarks.
58. At the 8th meeting, on the same day, Mr. Louis Joinet, introduced his interim report on the issue of the administration of justice through military tribunals (E/CN.4/Sub.2/2002/4). At the same meeting, Mr. Joinet made his concluding remarks.
59. At the 16th meeting, on 9 August 2002, Ms. Iulia-Antoanella Motoc, Chairperson-Rapporteur of the sessional working group on the administration of justice, presented the report of the working group (E/CN.4/Sub.2/2002/7).
60. 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 a detailed list of speakers, see annex II.

Discrimination in the criminal justice system

61. At the 18th meeting, on 12 August 2002, Ms. Warzazi introduced draft resolution E/CN.4/Sub.2/2002/L.12, sponsored by Mr. Alfonso Martínez, Mr. Bengoa, Mr. Chen, Mr. Decaux, Mr. Dos Santos Alves, Mr. Eide, Ms. Hampson, Mr. Kartashkin, Ms. Koufa, Ms. Motoc, Ms. O'Connor, Mr. Ogurtsov, Mr. Park, Mr. Preware, Ms. Rakotoarisoa, Mr. Sattar, Mr. Sorabjee, Ms. Warzazi, Mr. Weissbrodt, Mr. Yimer and Mr. Yokota. Mr. Guissé subsequently joined the sponsors.
62. Mr. Weissbrodt orally revised the third and fourth preambular paragraphs of the draft resolution.

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

64. The draft resolution, as orally revised, was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 2002/3.

Issue of the administration of justice through military tribunals

65. At the same meeting, Ms. Zerrougui introduced draft decision E/CN.4/Sub.2/2002/L.13, sponsored by Mr. Alfonso Martínez, Mr. Bengoa, Ms. Betten, Mr. Chen, Mr. Dos Santos Alves, Mr. Eide, Mr. Guissé, Ms. Hampson, Mr. Kartashkin, Ms. Koufa, Ms. Motoc, Ms. O'Connor, Mr. Park, Mr. Preware, Ms. Rakotoarisoa, Mr. Sattar, Mr. Sorabjee, Ms. Warzazi, Mr. Weissbrodt, Mr. Yimer, Mr. Yokota and Ms. Zerrougui.

66. The draft decision was adopted without a vote. For the text of the decision, see chapter II, section B, decision 2002/103.

The accountability of armed forces, United Nations civilian police, international civil servants and experts taking part in peace support operations (i.e. all operations of a peacekeeping or peace enforcement nature under a United Nations mandate)

67. At the same meeting, Ms. Hampson introduced draft decision E/CN.4/Sub.2/2002/L.9, sponsored by Mr. Bengoa, Ms. Betten, Mr. Chen, Mr. Decaux, Mr. Dos Santos Alves, Mr. Eide, Ms. Hampson, Mr. Kartashkin, Ms. Koufa, Ms. O'Connor, Mr. Ogurtsov, Mr. Park, Mr. Preware, Ms. Rakotoarisoa, Mr. Sattar, Mr. Sorabjee, Ms. Warzazi and Mr. Yokota.

68. Statements in connection with the draft decision were made by Mr. Alfonso Martínez, Mr. Eide, Mr. Guissé and Mr. Preware.

69. The draft decision was adopted without a vote. For the text of the decision, see chapter II, section B, decision 2002/104.

Establishment of the International Criminal Court

70. At the same meeting, Mr. Decaux introduced draft resolution E/CN.4/Sub.2/2002/L.14, sponsored by Mr. Bengoa, Ms. Betten, Mr. Decaux, Mr. Dos Santos Alves, Mr. Eide, Mr. Guissé, Ms. Hampson, Mr. Kartashkin, Ms. Koufa, Ms. Motoc, Ms. O'Connor, Mr. Park, Ms. Rakotoarisoa, Ms. Warzazi, Mr. Weissbrodt, Mr. Yokota and Ms. Zerrougui.

71. Mr. Decaux orally revised the second preambular paragraph and paragraphs 2, 3, 5 and 7. Mr. Decaux also deleted the third preambular paragraph, which read:

“Convinced further that the implementation of the Rome Statute should encounter no limitations,”.

72. Statements in connection with the draft resolution were made by Mr. Alfonso Martínez, Mr. Guissé, Ms. Hampson, Mr. Kartashkin, Mr. Preware, Mr. Sattar and Ms. Warzazi.
73. Before the adoption of the draft resolution, Mr. Sattar and Mr. Sorabjee made statements in explanation of their position.
74. The draft resolution, as orally revised, was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 2002/4.

VI. ECONOMIC, SOCIAL AND CULTURAL RIGHTS

75. The Sub-Commission considered agenda item 4 at its 9th to 13th meetings, on 6 to 8 August, at its 17th meeting, on 12 August, and at its 22nd meeting, on 14 August 2002.
76. For the list of documents issued under agenda item 4, see annex VII to the present report.
77. At the 9th meeting, on 6 August 2002:
- (a) Mr. El-Hadji Guissé, Special Rapporteur 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, introduced his preliminary report (E/CN.4/Sub.2/2002/10). At the same meeting, Mr. Guissé made his concluding remarks;
- (b) Mr. José Bengoa introduced a programme of work of the ad hoc working group established to prepare a study to contribute to the drafting of an international declaration on extreme poverty and human rights (E/CN.4/Sub.2/2002/15). At the same meeting, Mr. Bengoa made his concluding remarks.
78. At the 10th meeting, on the same day, Mr. Paulo Sérgio Pinheiro introduced his working paper on the return of refugees' or displaced persons' property (E/CN.4/Sub.2/2002/17). At the same meeting, Mr. Pinheiro made his concluding remarks.
79. At the 11th meeting, on 7 August 2002, Mr. José Bengoa introduced the report of the Social Forum (E/CN.4/Sub.2/2002/18) and the preliminary working paper outlining the methodology and work of the Social Forum (E/CN.4/Sub.2/2002/3). At the same meeting, Mr. Bengoa made his concluding remarks.
80. At the 13th meeting, on 8 August 2002, Mr. El-Hadji Guissé, Chairperson-Rapporteur of the in-session Working Group on the working methods and activities of transnational corporations, presented the report of the Working Group on its fourth session (E/CN.4/Sub.2/2002/13). At the same meeting, Mr. Guissé made his concluding remarks.
81. At the 17th meeting, on 12 August 2002, Mr. Miloon Kothari, Special Rapporteur of the Commission on Human Rights on adequate housing, made a statement.
82. In the general debate on agenda item 4, statements were made by members of the Sub-Commission and observers for Governments, intergovernmental organizations, United Nations bodies, specialized agencies, other organizations and non-governmental organizations. For a detailed list of speakers, see annex II.

Globalization and its impact on the full enjoyment of all human rights

83. At the 22nd meeting, on 14 August 2002, Mr. Weissbrodt introduced draft decision E/CN.4/Sub.2/2002/L.8, sponsored by Mr. Bengoa, Ms. Betten, Mr. Chen, Mr. Decaux, Mr. Dos Santos Alves, Mr. Eide, Ms. Hampson, Mr. Kartashkin, Ms. Motoc, Mr. Ogurtsov, Mr. Park, Mr. Preware, Ms. Rakotoarisoa, Mr. Sattar, Mr. Sorabjee, Ms. Warzazi, Mr. Weissbrodt, Mr. Yimer, Mr. Yokota and Ms. Zerrougui. Mr. Guissé and Ms. Koufa subsequently joined the sponsors.

84. Mr. Weissbrodt orally revised the text by adding a new sentence to the draft decision.

85. A statement in connection with the draft decision was made by Mr. Alfonso Martínez.

86. The draft decision, as orally revised, was adopted without a vote. For the text of the decision, see chapter II, section B, decision 2002/105.

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

87. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/2002/L.15, sponsored by Mr. Alfonso Martínez, Mr. Bengoa, Ms. Betten, Mr. Chen, Mr. Decaux, Mr. Eide, Mr. Guissé, Ms. Hampson, Mr. Kartashkin, Ms. Koufa, Ms. Motoc, Ms. O'Connor, Mr. Ogurtsov, Mr. Park, Mr. Preware, Ms. Rakotoarisoa, Mr. Sattar, Mr. Sorabjee, Mr. Weissbrodt, Mr. Yimer and Mr. Yokota. Mr. Dos Santos Alves and Ms. Zerrougui subsequently joined the sponsors.

88. The draft resolution was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 2002/6.

Housing and property restitution in the context of refugees and other displaced persons

89. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/2002/L.16, sponsored by Mr. Bengoa, Ms. Betten, Mr. Chen, Mr. Decaux, Mr. Dos Santos Alves, Mr. Eide, Mr. Guissé, Ms. Hampson, Mr. Kartashkin, Ms. Koufa, Ms. Motoc, Ms. O'Connor, Mr. Park, Mr. Preware, Mr. Sattar, Ms. Warzazi and Mr. Weissbrodt.

90. The draft resolution was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 2002/7.

91. After the adoption of the resolution, Mr. Alfonso Martínez made a statement in explanation of his position.

The relationship between the enjoyment of economic, social and cultural rights and the right to development, and the working methods and activities of transnational corporations

92. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/2002/L.17, sponsored by Mr. Alfonso Martínez, Mr. Bengoa, Ms. Betten, Mr. Chen, Mr. Decaux, Mr. Dos Santos Alves, Mr. Eide, Mr. Guissé, Ms. Hampson, Mr. Kartashkin, Ms. Koufa, Ms. Motoc, Ms. O'Connor, Mr. Ogurtsov, Mr. Park, Mr. Preware, Ms. Rakotoarisoa, Mr. Sattar, Mr. Sorabjee, Ms. Warzazi, Mr. Weissbrodt, Mr. Yimer, Mr. Yokota and Ms. Zerrougui.

93. Mr. Guissé orally revised paragraphs 3 and 5 of the draft resolution.

94. Mr. Weissbrodt further orally revised paragraph 5.

95. The draft resolution, as orally revised, was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 2002/8.

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

96. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/2002/L.18, sponsored by Mr. Alfonso Martínez, Mr. Bengoa, Ms. Betten, Mr. Chen, Mr. Dos Santos Alves, Mr. Eide, Mr. Guissé, Ms. Hampson, Mr. Kartashkin, Ms. Koufa, Ms. Motoc, Ms. O'Connor, Mr. Ogurtsov, Mr. Park, Mr. Sattar, Mr. Weissbrodt and Mr. Yokota. Mr. Sorabjee subsequently joined the sponsors.

97. The draft resolution was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 2002/9.

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

98. At the same meeting, the Sub-Commission considered draft decision E/CN.4/Sub.2/2002/L.20, sponsored by Mr. Alfonso Martínez, Mr. Bengoa, Ms. Betten, Mr. Chen, Mr. Decaux, Mr. Dos Santos Alves, Mr. Eide, Mr. Guissé, Mr. Kartashkin, Ms. Koufa, Ms. Motoc, Ms. O'Connor, Mr. Ogurtsov, Mr. Park, Mr. Preware, Ms. Rakotoarisoa, Mr. Sattar, Mr. Sorabjee, Ms. Warzazi, Mr. Weissbrodt, Mr. Yimer, Mr. Yokota and Ms. Zerrougui.

99. Mr. Guissé orally revised the last sentence of the draft decision.

100. A statement in connection with the draft decision was made by Ms. Warzazi.

101. The draft decision, as orally revised, was adopted without a vote. For the text of the decision, see chapter II, section B, decision 2002/106.

The right to food, and international guidelines for its implementation

102. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/2002/L.28, sponsored by Mr. Alfonso Martínez, Mr. Bengoa, Ms. Betten, Mr. Chen, Mr. Decaux, Mr. Dos Santos Alves, Mr. Eide, Mr. Guissé, Ms. Hampson, Mr. Kartashkin, Ms. Koufa, Ms. Motoc, Ms. O'Connor, Mr. Ogurtsov, Mr. Park, Mr. Preware, Ms. Rakotoarisoa, Mr. Sattar, Mr. Sorabjee, Ms. Warzazi, Mr. Weissbrodt, Mr. Yimer, Mr. Yokota and Ms. Zerrougui. Mr. Rodríguez Cuadros subsequently joined the sponsors.

103. Mr. Eide orally revised the third preambular paragraph and inserted a new paragraph after paragraph 3 of the draft resolution.

104. The draft resolution, as orally revised, was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 2002/10.

Human rights, trade and investment

105. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/2002/L.29, sponsored by Mr. Dos Santos Alves, Mr. Eide, Ms. Hampson, Mr. Kartashkin, Ms. Koufa, Ms. Motoc, Mr. Sattar, Ms. Warzazi, Mr. Weissbrodt and Mr. Yokota.

106. A statement in connection with the draft resolution was made by Mr. Guissé.

107. The draft resolution was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 2002/11.

The Social Forum

108. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/2002/L.33, sponsored by Mr. Alfonso Martínez, Mr. Bengoa, Mr. Chen, Mr. Dos Santos Alves, Mr. Eide, Mr. Guissé, Ms. Hampson, Mr. Kartashkin, Ms. Koufa, Ms. Motoc, Ms. O'Connor, Mr. Ogurtsov, Mr. Park, Mr. Preware, Mr. Sattar, Mr. Sorabjee, Ms. Warzazi, Mr. Yokota and Ms. Zerrougui. Ms. Rakotoarisoa and Mr. Rodríguez Cuadros subsequently joined the sponsors.

109. Mr. Bengoa orally revised paragraphs 1 and 13 of the draft resolution.

110. Statements in connection with the draft resolution were made by Mr. Alfonso Martínez, Mr. Guissé and Mr. Rodríguez Cuadros.

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

112. The draft resolution, as orally revised, was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 2002/12.

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

113. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/2002/L.34, sponsored by Mr. Bengoa, Mr. Eide, Mr. Guissé, Ms. Hampson, Mr. Kartashkin, Ms. Koufa, Ms. Motoc, Ms. O'Connor, Mr. Ogurtsov, Mr. Park, Mr. Preware, Ms. Rakotoarisoa, Mr. Sattar, Mr. Sorabjee and Mr. Yokota. Mr. Chen, Mr. Decaux and Ms. Zerrougui subsequently joined the sponsors.

114. Statements in connection with the draft resolution were made by Mr. Bengoa and Mr. Alfonso Martínez.

115. The draft resolution was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 2002/13

Optional protocol to the International Covenant on Economic, Social and Cultural Rights

116. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/2002/L.50, sponsored by Mr. Bengoa, Mr. Decaux, Mr. Dos Santos Alves, Mr. Eide, Mr. Guissé, Ms. Hampson, Mr. Kartashkin, Ms. Koufa, Mr. Ogurtsov, Mr. Park, Ms. Warzazi, Mr. Weissbrodt and Mr. Yokota. Mr. Rodríguez Cuadros and Ms. Zerrougui subsequently joined the sponsors.

117. The draft resolution was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 2002/14.

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

118. The Sub-Commission considered agenda item 5 at its 4th meeting, on 31 July 2002, at its 13th to 17th meetings, on 8 to 12 August 2002, at its 18th and 19th meetings, on 12 and 13 August and at its 22nd meeting, on 14 August 2002.

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

120. At the 4th meeting, on 31 July 2002, Ms. Erica-Irene A. Daes, former Chairperson-Rapporteur of the Working Group on Indigenous Populations, presented her working paper on indigenous peoples' permanent sovereignty over natural resources (E/CN.4/Sub.2/2002/23). At the same meeting, Ms. Daes made her concluding remarks.

121. At the 13th meeting, on 8 August 2002, Mr. Marc Bossuyt, Special Rapporteur on the concept and practice of affirmative action, presented his final report (E/CN.4/Sub.2/2002/21). At the same meeting, Mr. Bossuyt made his concluding remarks.

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

(a) Mr. Asbjørn Eide, Chairperson-Rapporteur of the Working Group on Minorities, presented the report of the Working Group on its eighth session (E/CN.4/Sub.2/2002/19). At the same meeting, Mr. Eide made his concluding remarks;

(b) Mr. Miguel Alfonso Martínez, Chairperson-Rapporteur of the Working Group on Indigenous Populations, presented the report of the Working Group on its twentieth session (E/CN.4/Sub.2/2002/24). At the 17th meeting, on 12 August 2002, Mr. Alfonso Martínez made his concluding remarks;

(c) Mr. David Weissbrodt, Special Rapporteur on the rights of non-citizens, presented his progress report (E/CN.4/Sub.2/2002/25 and Add.1-3). At the 15th meeting, on 9 August 2002, Mr. Weissbrodt made his concluding remarks.

123. At the 16th meeting, on 9 August 2002:

(a) Mr. Ion Diaconu, Chairperson of the Committee on the Elimination of Racial Discrimination, made a statement;

(b) Mr. Patrick Thornberry, Rapporteur of the sixty-first session of the Committee on the Elimination of Racial Discrimination, made a statement.

124. 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 a detailed list of speakers, see annex II.

Indigenous peoples' permanent sovereignty over natural resources

125. At the 22nd meeting, on 14 August 2002, the Sub-Commission considered draft resolution E/CN.4/Sub.2/2002/L.4, sponsored by Mr. Alfonso Martínez, Mr. Bengoa, Mr. Decaux, Mr. Dos Santos Alves, Mr. Eide, Mr. Guissé, Ms. Hampson, Mr. Kartashkin, Ms. Koufa, Ms. Motoc, Ms. O'Connor, Mr. Ogurtsov, Mr. Park, Mr. Sattar, Mr. Sorabjee, Ms. Warzazi, Mr. Weissbrodt, Mr. Yimer, Mr. Yokota and Ms. Zerrougui.

126. The draft resolution was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 2002/15.

The rights of minorities

127. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/2002/L.22, sponsored by Mr. Bengoa, Mr. Eide, Mr. Kartashkin, Mr. Sorabjee and Ms. Zerrougui.

128. Mr. Eide orally revised paragraph 11 of the draft resolution.

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

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

131. The draft resolution as orally revised was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 2002/16.

Working Group on Indigenous Populations

132. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/2002/L.24, sponsored by Mr. Alfonso Martínez, Mr. Bengoa, Ms. Betten, Mr. Chen, Mr. Decaux, Mr. Dos Santos Alves, Mr. Eide, Mr. Guissé, Ms. Hampson, Mr. Kartashkin, Ms. Koufa, Ms. Motoc, Ms. O'Connor, Mr. Ogurtsov, Mr. Park, Mr. Preware, Ms. Rakotoarisoa, Mr. Sattar, Ms. Warzazi, Mr. Weissbrodt, Mr. Yimer, Mr. Yokota and Ms. Zerrougui. Mr. Rodríguez Cuadros subsequently joined the sponsors.

133. The draft resolution was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 2002/17.

The rights of non-citizens

134. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/2002/L.31, sponsored by Mr. Alfonso Martínez, Ms. Betten, Mr. Chen, Mr. Dos Santos Alves, Mr. Eide, Ms. Hampson, Mr. Kartashkin, Ms. Koufa, Ms. Motoc, Ms. O'Connor, Mr. Ogurtsov, Mr. Park, Mr. Preware, Mr. Sattar, Mr. Sorabjee, Mr. Yimer, Mr. Yokota and Ms. Zerrougui. Mr. Decaux and Mr. Guissé subsequently joined the sponsors.

135. The draft resolution was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 2002/18.

Affirmative action

136. At the same meeting, the Chairperson stated that draft decision E/CN.4/Sub.2/2002/L.32 had been withdrawn by its sponsors.

Recognition of the meritorious work done by Dr. Erica-Irene Daes as Chairperson-Rapporteur of the Working Group on Indigenous Populations

137. At the same meeting, the Sub-Commission considered draft decision E/CN.4/Sub.2/2002/L.37, sponsored by Mr. Alfonso Martínez, Mr. Guissé, Ms. Hampson, Ms. Motoc and Mr. Yokota.

138. A statement in connection with the draft decision was made by Mr. Alfonso Martínez.

139. The draft decision was adopted without a vote. For the text of the decision, see chapter II, section B, decision 2002/107.

International Decade of the World's Indigenous People

140. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/2002/L.38, sponsored by Mr. Alfonso Martínez, Mr. Guissé, Ms. Hampson, Ms. Motoc and Mr. Yokota. Mr. Kartashkin and Ms. O'Connor subsequently joined the sponsors.

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

142. The draft resolution was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 2002/19.

Presentation of the report of the Working Group on Indigenous Populations on its twentieth and twenty-first sessions to the Permanent Forum on Indigenous Issues

143. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/2002/L.39, sponsored by Mr. Alfonso Martínez, Mr. Guissé, Ms. Hampson, Ms. Motoc and Mr. Yokota.

144. The draft resolution was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 2002/20.

Working Group on Indigenous Populations

145. At the same meeting, Mr. Alfonso Martínez introduced draft resolution E/CN.4/Sub.2/2002/L.40, sponsored by Mr. Alfonso Martínez, Mr. Guissé, Ms. Hampson, Ms. Motoc and Mr. Yokota.

146. The draft resolution was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 2002/21.

Discrimination based on work and descent

147. At the same meeting, the Sub-Commission considered draft decision E/CN.4/Sub.2/2002/L.42, sponsored by Mr. Decaux, Mr. Dos Santos Alves, Ms. Frey, Ms. Hampson, Mr. Kartashkin, Ms. Motoc, Ms. O'Connor, Mr. Park and Mr. Sorabjee.

148. A statement in connection with the draft decision was made by Mr. Sorabjee.

149. The draft decision was adopted without a vote. For the text of the decision, see chapter II, section B, decision 2002/108.

The concept and practice of affirmative action

150. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/2002/L.47, sponsored by Mr. Alfonso Martínez, Mr. Bengoa, Ms. Betten, Mr. Chen, Mr. Decaux, Mr. Dos Santos Alves, Mr. Eide, Mr. Guissé, Mr. Kartashkin, Ms. Koufa, Mr. Park, Mr. Preware, Ms. Rakotoarisoa, Mr. Weissbrodt and Mr. Yokota. Ms. Motoc, Mr. Ogurtsov, Mr. Sattar, Mr. Sorabjee and Ms. Warzazi subsequently joined the sponsors.

151. Mr. Decaux orally revised paragraph 6 of the draft resolution.

152. The draft resolution, as orally revised, was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 2002/22.

VIII. SPECIFIC HUMAN RIGHTS ISSUES:

(a) Women and human rights;

(b) Contemporary forms of slavery;

(c) New priorities, in particular terrorism

153. The Sub-Commission considered agenda item 6 at its 18th to 20th meetings, on 12 and 13 August, and at its 22nd and 23rd meetings, on 14 and 15 August 2002.

154. For the list of documents issued under agenda item 6, see annex VII to the present report.

155. At the 18th meeting, on 12 August 2002, Mr. Y.K.J Yeung Sik Yuen, former member of the Sub-Commission on the Promotion and Protection of Human Rights, introduced his working paper on human rights and weapons of mass destruction, or with indiscriminate effect, or of a nature to cause superfluous injury or unnecessary suffering (E/CN.4/Sub.2/2002/38). At the 19th meeting, Mr. Yeung Sik Yuen made his concluding remarks.

156. At the 19th meeting, on 13 August 2002, Ms. Kalliopi Koufa, Special Rapporteur on terrorism and human rights, presented her progress report (E/CN.4/Sub.2/2002/35). At the 20th meeting, on the same day, Ms. Koufa made her concluding remarks.

157. At the 20th meeting, on the same day:

(a) Ms. Halima Embarek Warzazi, Special Rapporteur on traditional practices affecting the health of women and the girl child, presented her sixth report (E/CN.4/Sub.2/2002/32) and, as Chairperson-Rapporteur of the Working Group on Contemporary Forms of Slavery, the report of the Working Group on its twenty-seventh session (E/CN.4/Sub.2/2002/33). At the same meeting, Ms. Warzazi made her concluding remarks;

(b) Ms. Barbara Frey presented her working paper on the question of the trade, carrying and use of small arms and light weapons in the context of human rights and humanitarian norms (E/CN.4/Sub.2/2002/39). At the same meeting, Ms. Frey made her concluding remarks;

(c) Ms. Françoise Hampson presented her expanded working paper on reservations to human rights treaties (E/CN.4/Sub.2/2002/34). At the same meeting, Ms. Hampson made her concluding remarks.

158. At the 23rd meeting, on 15 August 2002:

(a) Mr. Manuel Rodríguez Cuadros presented his expanded working paper on the measures provided in the various international human rights instruments for the promotion and consolidation of democracy (E/CN.4/Sub.2/2002/36). At the same meeting, Mr. Rodríguez Cuadros made his concluding remarks;

(b) Ms. Iulia-Antoanella Motoc presented her working paper on the issue of the Universal Declaration on the Human Genome and Human Rights (E/CN.4/Sub.2/2002/37). At the same meeting, Ms. Motoc made her concluding remarks.

159. 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 a detailed list of speakers, see annex II.

Humanitarian situation of the Iraqi population

160. At the 22nd meeting, on 14 August 2002, the Sub-Commission considered draft decision E/CN.4/Sub.2/2002/L.7, sponsored by Mr. Alfonso Martínez, Mr. Bengoa, Mr. Decaux, Mr. Eide, Ms. Motoc, Mr. Ogurtsov, Mr. Park, Mr. Sattar, Mr. Sorabjee, Ms. Warzazi, Mr. Yimer and Mr. Yokota. Mr. Guissé, Mr. Kartashkin, Ms. O'Connor and Ms. Zerrougui subsequently joined the sponsors.

161. A statement in connection with the draft decision was made by Ms. Warzazi.

162. The draft decision was adopted without a vote. For the text of the decision, see chapter II, section B, decision 2002/109.

163. After the adoption of the decision, Mr. Guissé, Ms. Hampson, Mr. Park and Mr. Weissbrodt made statements in explanation of their positions.

International protection for refugees

164. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/2002/L.19, sponsored by Mr. Bengoa, Ms. Betten, Mr. Decaux, Mr. Dos Santos Alves, Mr. Eide, Mr. Guissé, Mr. Kartashkin, Ms. Koufa, Ms. Motoc, Ms. O'Connor, Mr. Ogurtsov, Mr. Park, Mr. Preware, Ms. Rakotoarisoa, Mr. Sorabjee, Ms. Warzazi, Mr. Weissbrodt, Mr. Yimer, Mr. Yokota and Ms. Zerrougui.

165. The Sub-Commission also considered a proposal to replace the draft resolution, sponsored by Ms. Hampson with that contained in document E/CN.4/Sub.2/2002/L.45.

166. Ms. Hampson orally revised paragraph 1 of her proposal and added a new paragraph 9.

167. Mr. Chen proposed to amend paragraph 8 by replacing "people" with "refugees".

168. An extensive procedural debate took place in connection with the draft resolution and the proposed amendment (see the summary record of the meeting (E/CN.4/Sub.2/2002/SR.22)).

169. At the request of Mr. Chen, a vote, by show of hands, was taken on the amendment, which was rejected by 13 votes to 9, with 2 abstentions.

170. Subsequently, Mr. Rodríguez Cuadros joined the sponsors and Mr. Guissé, Mr. Kartashkin, Mr. Preware and Ms. Warzazi withdrew as sponsors.

171. The draft resolution, as contained in E/CN.4/Sub.2/2002/L.45 was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 2002/23.

172. After the adoption of the resolution, statements were made by Mr. Alfonso Martínez, Mr. Chen, Mr. Guissé, Mr. Rodríguez Cuadros, Mr. Preware and Mr. Sattar.

Terrorism and human rights

173. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/2002/L.21, sponsored by Mr. Alfonso Martínez, Mr. Bengoa, Mr. Chen, Mr. Decaux, Mr. Dos Santos Alves, Mr. Eide, Mr. Guissé, Ms. Hampson, Mr. Kartashkin, Ms. Motoc, Ms. O'Connor, Mr. Ogurtsov, Mr. Park, Mr. Preware, Ms. Rakotoarisoa, Mr. Sattar, Mr. Sorabjee, Ms. Warzazi, Mr. Weissbrodt, Mr. Yimer, Mr. Yokota and Ms. Zerrougui. Mr. Rodríguez Cuadros subsequently joined the sponsors.

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

175. The draft resolution was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 2002/24.

The prevention of human rights violations caused by the availability and misuse of small arms and light weapons

176. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/2002/L.23, sponsored by Mr. Alfonso Martínez, Mr. Bengoa, Ms. Betten, Mr. Chen, Mr. Decaux, Mr. Dos Santos Alves, Mr. Eide, Ms. Hampson, Ms. Koufa, Mr. Park, Mr. Sattar, Mr. Sorabjee, Ms. Warzazi, Mr. Weissbrodt, Mr. Yimer, Mr. Yokota and Ms. Zerrougui. Mr. Preware subsequently joined the sponsors.

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

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

179. The draft resolution was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 2002/25.

180. After the adoption of the resolution, Mr. Guissé made a statement in explanation of his position.

Traditional practices affecting the health of women and the girl child

181. At the same meeting, Mr. Yimer introduced draft resolution E/CN.4/Sub.2/2002/L.25, sponsored by Mr. Alfonso Martínez, Mr. Bengoa, Ms. Betten, Mr. Chen, Mr. Decaux, Mr. Dos Santos Alves, Mr. Eide, Ms. Frey, Ms. Hampson, Mr. Kartashkin, Ms. Koufa, Ms. Mbonu, Ms. Motoc, Ms. O'Connor, Mr. Ogurtsov, Mr. Park, Ms. Rakotoarisoa, Mr. Sattar, Mr. Sorabjee, Ms. Warzazi, Mr. Yimer, Mr. Yokota and Ms. Zerrougui. Mr. Rodríguez Cuadros subsequently joined the sponsors.

182. The draft resolution was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 2002/26.

183. After the adoption of the resolution, Mr. Guissé made a statement in explanation of his position.

Report of the Working Group on Contemporary Forms of Slavery

184. At the same meeting, Ms. Warzazi introduced draft resolution E/CN.4/Sub.2/2002/L.26, sponsored by Mr. Alfonso Martínez, Mr. Bengoa, Ms. Betten, Mr. Chen, Mr. Decaux, Mr. Dos Santos Alves, Mr. Eide, Ms. Frey, Ms. Hampson, Mr. Kartashkin, Ms. Koufa, Ms. Mbonu, Ms. Motoc, Ms. O'Connor, Mr. Ogurtsov, Mr. Park, Ms. Rakotoarisoa, Mr. Sattar, Mr. Sorabjee, Ms. Warzazi, Mr. Yimer, Mr. Yokota and Ms. Zerrougui. Mr. Rodríguez Cuadros subsequently joined the sponsors.

185. The draft resolution was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 2002/27.

United Nations Voluntary Trust Fund on Contemporary Forms of Slavery

186. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/2002/L.27, sponsored by Mr. Alfonso Martínez, Mr. Bengoa, Ms. Betten, Mr. Chen, Mr. Decaux, Mr. Dos Santos Alves, Mr. Eide, Ms. Frey, Ms. Hampson, Mr. Kartashkin, Ms. Koufa, Ms. Mbonu, Ms. Motoc, Ms. O'Connor, Mr. Ogurtsov, Mr. Park, Ms. Rakotoarisoa, Mr. Sattar, Mr. Sorabjee, Ms. Warzazi, Mr. Yimer, Mr. Yokota and Ms. Zerrougui.

187. The draft resolution was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 2002/28.

Reservations to human rights treaties

188. At the same meeting, the Sub-Commission considered draft decision E/CN.4/Sub.2/2002/L.30, sponsored by Mr. Bengoa, Ms. Betten, Mr. Chen, Mr. Decaux, Mr. Dos Santos Alves, Mr. Eide, Mr. Guissé, Ms. Hampson, Ms. Koufa, Ms. O'Connor, Mr. Park, Mr. Preware, Mr. Sattar and Mr. Sorabjee. Mr. Rodríguez Cuadros and Mr. Weissbrodt subsequently joined the sponsors.

189. The draft decision was adopted without a vote. For the text of the decision, see chapter II, section B, decision 2002/110.

Regulation of citizenship by successor States

190. At the same meeting, Mr. Kartashkin introduced draft decision E/CN.4/Sub.2/2002/L.35, sponsored by Mr. Alfonso Martínez, Mr. Bengoa, Ms. Betten, Mr. Chen, Mr. Decaux, Mr. Dos Santos Alves, Mr. Eide, Mr. Guissé, Ms. Hampson, Mr. Kartashkin, Ms. Koufa, Ms. Motoc, Ms. O'Connor, Mr. Ogurtsov, Mr. Park, Mr. Preware, Ms. Rakotoarisoa, Mr. Sattar, Mr. Sorabjee, Ms. Warzazi, Mr. Weissbrodt, Mr. Yimer, Mr. Yokota and Ms. Zerrougui. Mr. Rodríguez Cuadros subsequently joined the sponsors.

191. The draft decision was adopted without a vote. For the text of the decision, see chapter II, section B, decision 2002/111.

The rights of women married to foreigners

192. At the same meeting, the Sub-Commission considered draft decision E/CN.4/Sub.2/2002/L.36, sponsored by Mr. Alfonso Martínez, Mr. Bengoa, Ms. Betten, Mr. Chen, Mr. Dos Santos Alves, Mr. Eide, Mr. Guissé, Ms. Hampson, Mr. Kartashkin, Ms. Koufa, Ms. Motoc, Ms. O'Connor, Mr. Ogurtsov, Mr. Park, Mr. Preware, Ms. Rakotoarisoa, Mr. Sattar, Ms. Warzazi, Mr. Weissbrodt, Mr. Yimer, Mr. Yokota and Ms. Zerrougui. Mr. Guissé subsequently withdrew as sponsor.

193. Mr. Kartashkin orally revised the title of the draft decision.

194. A statement in connection with the draft decision was made by Mr. Alfonso Martínez.

195. At the request of Mr. Guissé, a vote, by show of hands, was taken on the draft decision, as orally revised, which was adopted by 21 votes to 1 with no abstentions. For the text of the decision, see chapter II, section B, decision 2002/112.

Systematic rape, sexual slavery and slavery-like practices

196. At the same meeting, Mr. Park introduced draft resolution E/CN.4/Sub.2/2002/L.41, sponsored by Mr. Bengoa, Mr. Chen, Mr. Decaux, Mr. Eide, Mr. Kartashkin, Ms. Koufa, Ms. O'Connor, Mr. Ogurtsov, Mr. Park, Mr. Preware, Ms. Rakotoarisoa, Mr. Sattar, Mr. Sorabjee and Mr. Weissbrodt. Ms. Hampson, Mr. Guissé, Mr. Rodríguez Cuadros, Ms. Warzazi and Mr. Yokota subsequently joined the sponsors.

197. Mr. Park orally revised the draft resolution by deleting the first three preambular paragraphs, by revising the fourth, fifth and sixth preambular paragraphs, by inserting a new paragraph after paragraph 2, and by revising paragraphs 5 and 6.

198. Statements in connection with the draft resolution were made by Mr. Bengoa, Mr. Kartashkin and Mr. Yokota.

199. The draft resolution, as orally revised, was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 2002/29.

Human rights and weapons of mass destruction, or with indiscriminate effect, or of a nature to cause superfluous injury or unnecessary suffering

200. At the same meeting, Mr. Alfonso Martínez introduced draft decision E/CN.4/Sub.2/2002/L.43, sponsored by Mr. Alfonso Martínez, Mr. Chen, Mr. Dos Santos Alves, Mr. Kartashkin, Ms. Koufa, Mr. Ogurtsov, Mr. Preware, Ms. Rakotoarisoa, Mr. Sattar, Mr. Sorabjee and Ms. Warzazi. Mr. Bengoa, Mr. Guissé, Ms. O'Connor, Mr. Rodríguez Cuadros and Ms. Zerrougui subsequently joined the sponsors.

201. Mr. Alfonso Martínez orally revised the draft decision.

202. Statements in connection with the draft decision were made by Mr. Alfonso Martínez, Mr. Bengoa, Mr. Eide, Mr. Guissé, Ms. Hampson and Ms. Warzazi.

203. Ms. Hampson orally amended the last three lines of the draft decision.

204. At the request of Mr. Alfonso Martínez, a vote, by show of hands, was taken on the amendment introduced by Ms. Hampson, which was rejected by 14 votes to 3, with 3 abstentions. The amendment read as follows: “[decides to request Mr. Sik Yuen] and Ms. Hampson to submit, without financial implications, an expanded and updated working paper on a human rights analytical framework for the examination of issues relating to the possession and use of weapons with indiscriminate effect and conventional weapons, taking into account international humanitarian law, the work of the International Committee of the Red Cross and other sources of relevant information”.

205. Statements in explanation of vote after the vote were made by Mr. Kartashkin and Mr. Sattar.

206. A statement in explanation of vote before the vote was made by Mr. Weissbrodt.

207. At the request of Ms. Warzazi, a vote, by show of hands, was taken on the draft decision, as orally revised, which was adopted by 17 votes to 3, with 2 abstentions. For the text of the decision, see chapter II, section B, decision 2002/113.

Human rights and bioethics

208. At the 23rd meeting, on 15 August 2002, the Sub-Commission considered draft decision E/CN.4/Sub.2/2002/L.44, sponsored by Mr. Alfonso Martínez, Mr. Chen, Mr. Decaux, Mr. Dos Santos Alves, Mr. Eide, Mr. Guissé, Ms. Hampson, Mr. Kartashkin, Ms. Koufa, Mr. Park, Mr. Preware, Ms. Rakotoarisoa, Mr. Sattar, Ms. Warzazi, Mr. Weissbrodt and Mr. Yokota. Ms. Zerrougui subsequently joined the sponsors.

209. Ms. Koufa orally revised the draft decision.

210. A statement in connection with the draft decision was made by Mr. Guissé.

211. The draft decision, as orally revised, was adopted without a vote. For the text of the decision, see chapter II, section B, decision 2002/114.

The right to return of refugees and internally displaced persons

212. At the same meeting, Ms. Hampson introduced draft resolution E/CN.4/Sub.2/2002/L.46, sponsored by Ms. Betten, Mr. Chen, Mr. Decaux, Mr. Dos Santos Alves, Mr. Eide, Mr. Guissé, Ms. Hampson, Mr. Kartashkin, Ms. Koufa, Ms. Motoc, Ms. O'Connor, Mr. Ogurtsov, Mr. Park, Mr. Sattar, Mr. Sorabjee, Ms. Warzazi, Mr. Weissbrodt, Mr. Yimer and Mr. Yokota.

213. Ms. Hampson orally revised paragraph 7 and inserted a new paragraph after paragraph 13.

214. The draft resolution, as orally revised, was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 2002/30.

215. After the adoption of the resolution, Mr. Alfonso Martínez and Mr. Guissé made statements in explanation of their position.

Tenth anniversary of the World Conference on Human Rights

216. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/2002/L.48, sponsored by Mr. Bengoa, Mr. Chen, Mr. Decaux, Mr. Eide, Mr. Guissé, Ms. Hampson, Mr. Kartashkin, Ms. Koufa, Mr. Park, Ms. Rakotoarisoa, Ms. Warzazi, Mr. Weissbrodt, Mr. Yimer, Mr. Yokota and Ms. Zerrougui. Ms. O'Connor and Mr. Ogurtsov subsequently joined the sponsors.

217. Mr. Decaux orally revised paragraph 1 of the draft resolution.

218. The draft resolution, as orally revised, was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 2002/31.

Issues and modalities for the effective universality of international human rights treaties

219. At the same meeting, the Sub-Commission considered draft decision E/CN.4/Sub.2/2002/L.49, sponsored by Mr. Alfonso Martínez, Mr. Bengoa, Ms. Betten, Mr. Dos Santos Alves, Mr. Eide, Mr. Guissé, Ms. Hampson, Mr. Kartashkin, Ms. Koufa, Ms. Motoc, Mr. Park, Mr. Preware, Ms. Rakotoarisoa, Ms. Warzazi, Mr. Weissbrodt, Mr. Yimer, Mr. Yokota and Ms. Zerrougui. Ms. O'Connor, Mr. Rodríguez Cuadros, Mr. Sattar and Mr. Sorabjee subsequently joined the sponsors.

220. The draft decision was adopted without a vote. For the text of the decision, see chapter II, section B, decision 2002/115.

221. After the adoption of the decision, Mr. Alfonso Martínez made a statement in explanation of his position.

Promotion and consolidation of democracy

222. At the same meeting, Mr. Sorabjee orally introduced a draft decision on the promotion and consolidation of democracy. Mr. Decaux, Mr. Dos Santos Alves, Mr. Eide, Mr. Kartashkin, Ms. Koufa, Ms. Motoc, Mr. Sattar, Ms. Warzazi, Mr. Yimer and Ms. Zerrougui subsequently joined the sponsors.

223. Mr. Alfonso Martínez orally amended the draft decision.

224. The draft decision, as orally amended, was adopted without a vote. For the text of the decision, see chapter II, section B, decision 2002/116.

IX. DRAFT PROVISIONAL AGENDA AND ADOPTION OF THE REPORT:

- (a) Draft provisional agenda for the fifty-fifth session of the Sub-Commission;**
- (b) Adoption of the report on the fifty-fourth session**

225. The Sub-Commission considered agenda item 7 at its 26th meeting, on 16 August 2002.

Draft provisional agenda for the fifty-fifth session of the Sub-Commission

226. In accordance with paragraph 3 of Economic and Social Council resolution 1894 (LVII) of 1 August 1974, the Sub-Commission had before it document E/CN.4/Sub.2/2002/L.1 containing the draft provisional agenda for the fifty-fifth session of the Sub-Commission.

227. The draft provisional agenda reads as follows:

1. *Organization of work*

Legislative authority: Commission on Human Rights resolution 2002/66 and decision 2000/109 (annex, chap. 4); Sub-Commission decisions 1999/114, 2002/117 and 2002/118.

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

Legislative authority: Commission on Human Rights resolution 2002/66 and decision 2000/109 (annex, paras. 51-53); Sub-Commission resolutions 2002/1, 2002/2 and 2002/5.

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

Legislative authority: Sub-Commission resolutions 2002/3 and 2002/4, and decisions 2002/103, 2002/104 and 2002/116.

* Pursuant to Commission on Human Rights resolution 2002/50, a gender perspective is integrated into all agenda items.

Documentation:

- (a) Preliminary report of Ms. Zerrougui, Special Rapporteur on discrimination in the criminal justice system (resolution 2002/3, para. 5);
- (b) Updated report of Mr. Decaux on the issue of the administration of justice through military tribunals (decision 2002/103);
- (c) Working paper by Ms. Hampson 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 (decision 2002/104);
- (d) Additional expanded working paper by Mr. Rodríguez Cuadros on measures provided in the various international human rights instruments for the promotion and consolidation of democracy (decision 2002/116).

4. *Economic, social and cultural rights**

Legislative authority: Sub-Commission resolutions 1999/8, 1999/9, 2002/6, 2002/7, 2002/8, 2002/9, 2002/11, 2002/12, 2002/13 and 2002/14, and decisions 2002/105 and 2002/106.

Documentation:

- (a) Final report of Mr. Oloka-Onyango and Ms. Udagama, Special Rapporteurs on globalization and its impact on the full enjoyment of all human rights (resolution 1999/8 and decision 2002/105);
- (b) Annual report of the Secretary-General on the realization of the right to development (resolution 1999/9);
- (c) Progress report of Mr. Guissé, Special Rapporteur on the promotion of the realization of the right to drinking water supply and sanitation (resolution 2002/6, para. 3);
- (d) Preliminary report of Mr. Pinheiro, Special Rapporteur on housing and property restitution in the context of the return of refugees and internally displaced persons (resolution 2002/7, para. 10);
- (e) Report of the sessional working group on the working methods and activities of transnational corporations (resolution 2002/8, para. 3);
- (f) Commentary by Mr. Eide and Mr. Weissbrodt on the draft norms on responsibilities of transnational corporations and other business enterprises with regard to human rights (resolution 2002/8, para. 5);

- (g) Working paper by Mr. van Hoof on non-discrimination as enshrined in article 2, paragraph 2, of the International Covenant on Economic, Social and Cultural Rights (resolution 2002/9);
- (h) Report of the High Commissioner for Human Rights on human rights, trade and investment (resolution 2002/11, para. 7);
- (i) Report of the Social Forum (resolution 2002/12, para. 10);
- (j) Preliminary joint working paper by Ms. Motoc, Mr. Eide, Mr. Yokota, and Mr. Guissé, with Mr. Bengoa as Coordinator and Mr. Decaux and Mr. Pinheiro as Alternates, on the implementation of existing human rights norms and standards in the context of the fight against extreme poverty (resolution 2002/13, para. 3);
- (k) Working paper by Ms. Mbonu on the impact of corruption on the realization and enjoyment of all human rights (decision 2002/106).

5. *Prevention of discrimination:**

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

Legislative authority: Economic and Social Council resolution 1982/34; Commission on Human Rights resolutions 1995/24 and 1998/19; Sub-Commission resolutions 2002/15, 2002/16, 2002/18 and 2002/21, and decision 2002/108.

Documentation:

- (a) Report of the Working Group on Minorities on its ninth session (Commission resolutions 1995/24 and 1998/19);
- (b) Preliminary report of Ms. Daes, Special Rapporteur on indigenous people's permanent sovereignty over natural resources (Sub-Commission resolution 2002/15, para. 4);
- (c) Progress report by Mr. Eide on peaceful and constructive approaches to situations involving minorities (Sub-Commission resolution 2002/16, para. 9);
- (d) Final report of Mr. Weissbrodt, Special Rapporteur on the rights of non-citizens (Sub-Commission resolution 2002/18);

- (e) Report of the Working Group on Indigenous Populations on its twenty-first session (Economic and Social Council resolution 1982/34; Sub-Commission resolution 2002/21);
- (f) Expanded working paper by Mr. Eide and Mr. Yokota on the topic of discrimination based on work and descent (Sub-Commission decision 2002/108).

6. *Specific human rights issues:**

- (a) *Women and human rights;*
- (b) *Contemporary forms of slavery;*
- (c) *New priorities, in particular terrorism*

Legislative authority: Economic and Social Council decisions 16 and 17 (LVI); Sub-Commission resolutions 5 (XIV), 2002/23, 2002/24, 2002/25, 2002/26, 2002/27, 2002/28, 2002/29 and 2002/30, and decisions 2002/110, 2002/111, 2002/112, 2002/113, 2002/114 and 2002/115.

Documentation:

- (a) Report of the Working Group on Contemporary Forms of Slavery on its twenty-eighth session (Economic and Social Council decisions 16 and 17 (LVI));
- (b) Report of the Secretary-General (resolution 5 (XIV));
- (c) Additional progress report of Ms. Koufa, Special Rapporteur on terrorism and human rights (resolution 2002/24, para. 6);
- (d) Preliminary report of Ms. Frey, Special Rapporteur on the prevention of human rights violations committed with small arms and light weapons (resolution 2002/25, para. 7);
- (e) Updated report of Ms. Warzazi, Special Rapporteur on traditional practices affecting the health of women and the girl child (resolution 2002/26, para. 10);
- (f) Report of the Secretary-General on measures to implement the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography (resolution 2002/27, para. 6);

- (g) Report of the High Commissioner for Human Rights on the issues of systematic rape, sexual slavery and slavery-like practices during armed conflicts (resolution 2002/29, para. 6);
- (h) Extended working paper by Ms. Hampson on reservations to human rights treaties (decision 2002/110);
- (i) Working paper by Mr. Kartashkin on the regulation of citizenship by successor States with respect to nationals of the predecessor States (decision 2002/111);
- (j) Working paper by Mr. Kartashkin on the rights of women married to foreigners (decision 2002/112);
- (k) Expanded and updated working paper by Mr. Sik Yuen on the utility, scope and structure of a study on the real and potential dangers to the effective enjoyment of human rights posed by the testing, production, storage, transfer, trafficking or use of weapons of mass destruction, or with indiscriminate effect, or of a nature to cause superfluous injury or unnecessary suffering, including the use of weaponry containing depleted uranium (decision 2002/113);
- (l) Expanded working paper by Ms. Motoc on human rights and bioethics (decision 2002/114);
- (m) Working paper by Mr. Decaux on issues and modalities for the effective universality of international human rights treaties (decision 2002/115).

7. *Draft provisional agenda and adoption of the report:*

- (a) *Draft provisional agenda for the fifty-sixth session of the Sub-Commission;*
- (b) *Adoption of the report on the fifty-fifth session*

Legislative authority: Economic and Social Council resolution 1894 (LVII).

Documentation:

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

Adoption of the report on the fifty-fourth session

228. At the same meeting, the Rapporteur of the Sub-Commission presented the draft report on the work of its fifty-fourth session (E/CN.4/Sub.2/2002/L.10 and Add.1-6 and E/CN.4/Sub.2/2002/L.11 and Add.1-2).

229. Statements in connection with the adoption of the report were made by Mr. Alfonso Martínez, Ms. Koufa and Mr. Weissbrodt.

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

231. Concluding remarks were made by Mr. Pinheiro, Chairperson of the fifty-fourth session of the Sub-Commission.

232. In the general debate on agenda item 7, statements were made by members of the Sub-Commission and observers for non-governmental organizations. For a detailed list of speakers, see annex II.

ANNEXES

Annex I

Agenda

1. Organization of work
2. Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation, in all countries, with particular reference to colonial and other dependent countries and territories: report of the Sub-Commission under Commission on Human Rights resolution 8 (XXIII)*
3. Administration of justice, rule of law and democracy*
4. Economic, social and cultural rights*
5. Prevention of discrimination:*

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

6. Specific human rights issues:*

 - (a) Women and human rights;
 - (b) Contemporary forms of slavery;
 - (c) New priorities, in particular terrorism

7. Draft provisional agenda and adoption of the report:
 - (a) Draft provisional agenda for the fifty-fifth session of the Sub-Commission;
 - (b) Adoption of the report on the fifty-fourth session

* Pursuant to Commission on Human Rights resolution 2002/50, a gender perspective is integrated into all agenda items.

Annex II

List of speakers: General debate

| Agenda item ^a | Meeting | Speakers |
|--------------------------------------------------------------------------------------------|-------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1 Organization of work | 1st | Members: Mr. Alfonso Martínez, Mr. Bengoa, Mr. Eide, Mr. Guissé, Ms. Hampson, Mr. Kartashkin, Ms. Motoc, Ms. Warzazi, Mr. Weissbrodt, Mr. Park, Mr. Sorabjee, Mr. Yimer |
| | 2nd (<u>closed meetings</u>) | |
| | part of 17th (<u>closed meeting</u>) | Members: Mr. Alfonso Martínez, Mr. Decaux, Mr. Eide, Mr. Guissé, Ms. Hampson, Mr. Kartashkin, Ms. Koufa, Mr. Ogurtsov, Mr. Park, Mr. Preware, Mr. Sorabjee, Ms. Warzazi, Mr. Weissbrodt, Mr. Yimer |
| | 21st (<u>closed meeting</u>) | Members: Mr. Alfonso Martínez, Mr. Bengoa, Mr. Chen, Mr. Decaux, Mr. Eide, Ms. Hampson, Mr. Guissé, Mr. Kartashkin, Ms. Koufa, Ms. Motoc, Ms. O'Connor, Mr. Ogurtsov, Mr. Park, Mr. Preware, Mr. Rodríguez Cuadros, Mr. Sattar, Mr. Sorabjee, Ms. Warzazi, Mr. Weissbrodt, Mr. Yimer, Mr. Yokota |
| 2 Question of the violation of human rights and fundamental freedoms, ... | 3rd | Members: Mr. Kartashkin, Ms. Warzazi Government observers: Azerbaijan, Bahrain, Mexico, Pakistan, Turkey Observers for non-governmental organizations: American Association of Jurists, Association for World Education, Dominicans for Justice and Peace, Innu Council of Nitassinan, Indian Movement "Tupaj Amaru", Interfaith International, International Association of Democratic Lawyers, International Educational Development, International Federation of Human Rights Leagues, International Organization for the Elimination of All Forms of Racial Discrimination, World Muslim Congress (also on behalf of International Human Rights Association of American Minorities and International Islamic Federation of Student Organizations), World Union for Progressive Judaism |
| | 4th | Members: Mr. Chen, Mr. Decaux, Mr. Guissé, Mr. Sattar, Mr. Sorabjee, Mr. Weissbrodt Observers for non-governmental organizations: Afro-Asian Peoples' Solidarity Organization, International Institute for Peace, Médecins du monde - International |

| Agenda item ^a | Meeting | Speakers |
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| <p style="text-align: center;">2</p> <p>Question of the violation of human rights and fundamental freedoms, ... (concluded)</p> | 5th | <p>Members: Mr. Alfonso Martínez, Mr. Eide, Mr. Guissé, Ms. Hampson, Ms. O'Connor, Mr. Park, Ms. Warzazi, Mr. Weissbrodt, Mr. Yokota, Ms. Zerrougui, Government observer: Democratic People's Republic of Korea Observers for non-governmental organizations: European Union of Public Relations, Indigenous World Association, International Indian Treaty Council, International League for the Rights and Liberation of Peoples, Movement Against Racism and for Friendship Among Peoples, Society for Threatened Peoples, World Federation of Democratic Youth, World Organization Against Torture</p> |
| | 6th | <p>Members: Ms. Motoc, Mr. Weissbrodt, Mr. Yokota Government observers: Iraq, Syrian Arab Republic Government observers (right of reply): China, Colombia, Democratic People's Republic of Korea, Nepal, Republic of Korea, Russian Federation</p> |
| | 7th | <p>Government observer: Morocco</p> |
| | 14th | <p>Government observer: Mexico</p> |
| <p style="text-align: center;">3</p> <p>Administration of justice ...</p> | 6th | <p>Members: Mr. Bengoa, Mr. Decaux, Mr. Eide, Mr. Guissé, Ms. Hampson, Mr. Kartashkin, Ms. O'Connor, Mr. Ogurtsov, Mr. Weissbrodt, Mr. Yokota Observers for non-governmental organizations: Association for World Education</p> |
| | 7th | <p>Members: Mr. Alfonso Martínez, Mr. Eide, Mr. Guissé, Mr. Kartashkin, Ms. Koufa, Ms. Motoc, Mr. Park, Mr. Sattar, Ms. Warzazi, Mr. Weissbrodt, Mr. Yokota Observers for non-governmental organizations: Dominicans for Justice and Peace (also on behalf of Franciscans International and Pax Christi International), Indian Movement "Tupaj Amaru", International Association of Democratic Lawyers, International Commission of Jurists, International Confederation of Free Trade Unions, International Federation of Human Rights Leagues, International Organization for the Elimination of All Forms of Racial Discrimination, Movement Against Racism and for Friendship Among Peoples</p> |

| Agenda item ^a | Meeting | Speakers |
|-----------------------------------------------------------------------------------------------------------------|---------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: center;"> 3 Administration of justice ... <u>(concluded)</u> </p> | 8th | <p> Members: Mr. Decaux, Mr. Guissé, Ms. Hampson, Mr. Sorabjee, Ms. Zerrogou Observers for non-governmental organizations: American Association of Jurists, Indigenous World Association, Interfaith International, International Commission of Jurists, International Educational Development, International Islamic Federation of Student Organizations, International Human Rights Association of American Minorities, International PEN, Japan Federation of Bar Associations, North-South XXI, Organisation tunisienne de jeunes médecins sans frontières, Pax Romana, Transnational Radical Party, World Federation of Trade Unions, World Muslim Congress, World Organization Against Torture </p> |
| | 9th | <p> Member: Mr. Sorabjee Government observers: Morocco, Nigeria, Tunisia, Turkey Government observers (right of reply): Brazil, Colombia, Egypt, Iraq, Mauritania Observers for non-governmental organizations: Himalayan Research and Cultural Foundation, International League for the Rights and Liberation of Peoples, Liberation </p> |
| | 16th | <p> Members: Mr. Decaux, Mr. Guissé </p> |
| <p style="text-align: center;"> 4 Economic, social and cultural rights </p> | 9th | <p> Members: Ms. Betten, Mr. Decaux, Mr. Eide, Mr. Kartashkin, Ms. Mbonu, Mr. Ogurtsov, Mr. Park, Mr. Preware, Mr. Sorabjee, Mr. Yokota Observers for non-governmental organizations: Association of World Citizens </p> |
| | 10th | <p> Members: Mr. Bengoa, Mr. Decaux, Mr. Eide, Mr. Park, Mr. Sorabjee, Mr. Weissbrodt, Mr. Yimer Government observer: Egypt Observers for non-governmental organizations: Himalayan Research and Cultural Foundation, Human Rights Advocates International, Indian Movement “Tupaj Amaru”, International Association of Democratic Lawyers, International Commission of Jurists, International Confederation of Free Trade Unions, International Federation of University Women (also on behalf of 10 non-governmental organizations), International Movement ATD Fourth World, International Organization for the Elimination of All Forms of Racial Discrimination, North-South XXI (also on behalf of Indian Movement “Tupaj Amarau” and Organisation tunisienne de jeunes médecins sans frontières), Pax Romana, World Federation of Trade Unions, World Organization Against Torture </p> |

| Agenda item ^a | Meeting | Speakers |
|---------------------------------------------------------------------------------------------------------|---------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: center;">4 Economic, social and cultural rights (concluded)</p> | 11th | <p>Members: Ms. Betten, Mr. Eide, Mr. Guissé, Mr. Kartashkin, Ms. O'Connor, Mr. Park, Mr. Sattar, Mr. Sorabjee, Mr. Weissbrodt, Mr. Yokota Observers for intergovernmental organizations, United Nations bodies, specialized agencies and other organizations: International Labour Office, World Bank Observers for non-governmental organizations: American Association of Jurists, Indian Movement "Tupaj Amaru", International Movement ATD Fourth World, Minnesota Advocates for Human Rights, Movement Against Racism and for Friendship Among Peoples, World Muslim Congress</p> |
| | 12th | <p>Members: Mr. Guissé, Ms. Hampson Observers for non-governmental organizations: Afro-Asian Peoples' Solidarity Organization, Asian Centre for Organization, Research and Development, Atlas - Association tunisienne pour l'auto-développement et la solidarité, Centre Europe - Tiers Monde, European Union of Public Relations, Interfaith International, International Educational Development, International Federation of Human Rights Leagues, International Indian Treaty Council (also on behalf of Indigenous World Association), International Institute for Peace, International Islamic Federation of Student Organizations, International League for the Rights and Liberation of Peoples, International Movement for Fraternal Union Among Races and Peoples, Liberation, Médecins du monde - International, Minority Rights Group, Pax Romana, Transnational Radical Party, Union of Arab Jurists, Women's Sports Foundation</p> |
| | 13th | <p>Member: Ms. Zerrougui Government observers: Iraq, Syrian Arab Republic, Yugoslavia Government observer (right of reply): Argentina</p> |
| | 17th | <p>Members: Mr. Alfonso Martínez, Mr. Bengoa, Mr. Eide, Mr. Guissé</p> |

| Agenda item ^a | Meeting | Speakers |
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| <p style="text-align: center;">5</p> <p>Prevention of discrimination ...</p> | 4th | <p>Members: Mr. Bengoa, Mr. Eide, Mr. Kartashkin, Mr. Weissbrodt, Mr. Yokota</p> <p>Observers for non-governmental organizations: Indian Movement “Tupaj Amaru”, Indigenous World Association</p> |
| | 13th | <p>Members: Ms. Betten, Mr. Eide, Mr. Guissé, Mr. Ogurtsov, Mr. Park, Mr. Sorabjee, Ms. Warzazi, Mr. Yimer</p> <p>Government observer: Brazil</p> <p>Observers for non-governmental organizations: Himalayan Research and Cultural Foundation</p> |
| | 14th | <p>Members: Mr. Alfonso Martínez, Mr. Bengoa, Mr. Decaux, Mr. Guissé, Mr. Kartashkin, Ms. Motoc, Mr. Park, Mr. Sattar, Mr. Sorabjee, Mr. Yokota, Ms. Zerrougui</p> <p>Government observer: Latvia</p> <p>Observers for non-governmental organizations: All For Reparation and Emancipation, Indigenous World Association, Movement Against Racism and for Friendship Among Peoples</p> |
| | 15th | <p>Members: Mr. Alfonso Martínez, Mr. Bengoa, Ms. Betten, Mr. Eide, Ms. Motoc, Mr. Park, Mr. Preware, Ms. Sardenberg Zelner Gonçalves, Mr. Sorabjee, Mr. Yimer, Mr. Yokota</p> <p>Government observer: Austria</p> <p>Observers for intergovernmental organizations, United Nations bodies, specialized agencies and other organizations: International Labour Office</p> <p>Observers for non-governmental organizations: Association for World Education, Baha’i International Community, Human Rights Advocates, International Indian Treaty Council (also on behalf of four non-governmental organizations), Lutheran World Federation (also on behalf of International Movement Against All Forms of Discrimination and Racism and Minority Rights Group), Minority Rights Group (also on behalf of International Movement Against All Forms of Discrimination and Racism and International Federation of Human Rights Leagues), Pax Christi International (also on behalf of Caritas Internationalis - International Confederation of Catholic Charities and Franciscans International)</p> |

| Agenda item ^a | Meeting | Speakers |
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| <p style="text-align: center;">5 Prevention of discrimination ... <u>(concluded)</u></p> | 16th | <p>Members: Mr. Alfonso Martínez, Mr. Eide, Ms. Frey, Ms. Hampson, Ms. Mbonu Observers for non-governmental organizations: American Association of Jurists, Asian Centre for Organization, Research and Development, Dominicans for Justice and Peace, Fraternité Notre Dame, Himalayan Research and Cultural Foundation, Human Rights Watch, International Association of Democratic Lawyers, International Educational Development, International Federation of Free Journalists, International Institute for Non-Aligned Studies, International Organization for the Elimination of All Forms of Racial Discrimination, Liberation, Transnational Radical Party, World Union for Progressive Judaism</p> |
| | 17th | <p>Members: Mr. Chen, Mr. Eide Observers for intergovernmental organizations, United Nations bodies, specialized agencies and other organizations: World Bank Observers for non-governmental organizations: Aboriginal and Torres Strait Islander Commission, Indian Movement “Tupaj Amaru”, Indigenous World Association, Interfaith International, International Islamic Federation of Student Organizations, International League for the Rights and Liberation of Peoples, World Muslim Congress</p> |
| | 18th | <p>Observers for non-governmental organizations: Afro-Asian Peoples’ Solidarity Organization</p> |
| | 19th | <p>Members: Mr. Eide, Ms. Warzazi Government observers: Azerbaijan, Chile, China, India, Iraq, Sri Lanka, Yugoslavia Government observers (right of reply): Armenia, Azerbaijan, Pakistan, Viet Nam Observers for intergovernmental organizations, United Nations bodies, specialized agencies and other organizations: World Bank Observers for non-governmental organizations: International Institute for Peace, Movement Against Racism and for Friendship Among Peoples, Pax Romana</p> |

| Agenda item ^a | Meeting | Speakers |
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| <p style="text-align: center;">6</p> <p>Specific human rights issues ...</p> | 18th | <p>Members: Mr. Decaux, Mr. Eide, Mr Guissé, Ms. Hampson, Mr. Park, Mr. Sorabjee, Mr. Yokota</p> |
| | 19th | <p>Members: Mr. Alfonso Martínez, Mr. Chen, Mr. Eide, Mr. Guissé, Ms. Hampson, Mr. Park, Ms. Warzazi, Mr. Yimer</p> |
| | 20th | <p>Members: Mr. Bengoa, Mr. Decaux, Mr. Eide, Mr. Guissé, Ms. Hampson, Mr. Kartashkin, Ms. Motoc, Ms. O'Connor, Mr. Preware, Mr. Sattar, Mr. Sorabjee, Mr. Yokota, Ms. Zerrougui</p> <p>Government observers: Mexico, Pakistan, Sudan, Turkey</p> <p>Observers for non-governmental organizations: Association for World Education, Dominicans for Justice and Peace (also on behalf of Pax Christi International and Caritas Internationalis - International Confederation of Catholic Charities), Franciscans International (also on behalf of Caritas Internationalis - International Confederation of Catholic Charities), Indian Movement “Tupaj Amaru”, International Fellowship of Reconciliation (also on behalf of Japan Fellowship of Reconciliation), Zonta International (also on behalf of International Council of Jewish Women, International Federation of University Women and International Council of Women)</p> |
| | 23rd | <p>Members: Mr. Alfonso Martínez, Mr. Eide, Mr. Guissé, Ms. Hampson, Mr. Kartashkin, Mr. Park, Mr. Sorabjee, Mr. Weissbrodt, Mr. Yimer, Ms. Zerrougui</p> <p>Government observer: Pakistan</p> <p>Observers for intergovernmental organizations, United Nations bodies, specialized agencies and other organizations: International Labour Office</p> <p>Observers for non-governmental organizations: Indian Movement “Tupaj Amaru”, Indigenous World Association, World Union for Progressive Judaism</p> |

Annex III

Attendance

Experts and alternates

| <i>Name</i> | <i>Country of nationality</i> |
|---------------------------------------------------------------------|-----------------------------------------------------------|
| Mr. Miguel ALFONSO MARTÍNEZ Mr. Juan Antonio FERNÁNDEZ PALACIOS* | (Cuba) |
| Mr. José BENGUA | (Chile) |
| Mr. CHEN Shiqiu Mr. LIU Xinsheng* | (China) |
| Mr. Emmanuel DECAUX Ms. Michèle PICARD* | (France) |
| Mr. Rui Baltazar DOS SANTOS ALVES Mr. Cristiano DOS SANTOS* | (Mozambique) |
| Mr. Asbjørn EIDE Mr. Jan HELGESEN* | (Norway) |
| Mr. El-Hadji GUISSÉ | (Senegal) |
| Ms. Françoise Jane HAMPSON | (United Kingdom of Great Britain and Northern Ireland) |
| Mr. Fried van HOOFF Ms. Lammy BETTEN* | (Netherlands) |
| Mr. Vladimir A. KARTASHKIN Mr. Oleg S. MALGUINOV* | (Russian Federation) |
| Ms. Kalliopi KOUFA Mr. Nikolaos ZAIKOS* | (Greece) |
| Ms. Iulia-Antoanella MOTOC Ms. Victoria SANDRU-POPESCU* | (Romania) |

* Alternate.

| <i>Name</i> | <i>Country of nationality</i> |
|--------------------------------------------------------------------------|-------------------------------|
| Ms. Florizelle O'CONNOR | (Jamaica) |
| Mr. Stanislav OGURTSOV | (Belarus) |
| Mr. Soo Gil PARK Ms. Chin Sung CHUNG* | (Republic of Korea) |
| Mr. Paulo Sérgio PINHEIRO Ms. Marília SARDENBERG ZELNER GONÇALVES* | (Brazil) |
| Mr. Godfrey Bayour PREWARE Ms. Christy Ezim MBONU* | (Nigeria) |
| Ms. Lalaina RAKOTOARISOA | (Madagascar) |
| Mr. Manuel RODRIGUEZ CUADROS | (Peru) |
| Mr. Abdul SATTAR Mr. Khalid Aziz BABAR* | (Pakistan) |
| Mr. Soli Jehangir SORABJEE | (India) |
| Ms. Halima Embarek WARZAZI | (Morocco) |
| Mr. David WEISSBRODT Ms. Barbara FREY* | (United States of America) |
| Mr. Fisseha YIMER | (Ethiopia) |
| Mr. Yozo YOKOTA Ms. Yoshiko TERAQO* | (Japan) |
| Ms. Leïla ZERROUGUI | (Algeria) |

States Members of the United Nations represented by observers

| | | |
|------------------------------------------|----------------------------|---------------------------------------------------------|
| Albania | Georgia | Norway |
| Algeria | Germany | Oman |
| Andorra | Ghana | Pakistan |
| Argentina | Greece | Peru |
| Armenia | Guatemala | Philippines |
| Australia | Haiti | Poland |
| Austria | Honduras | Portugal |
| Azerbaijan | Hungary | Qatar |
| Bahrain | India | Republic of Korea |
| Bangladesh | Indonesia | Romania |
| Belarus | Iran (Islamic Republic of) | Russian Federation |
| Belgium | Iraq | San Marino |
| Bhutan | Israel | Saudi Arabia |
| Bolivia | Italy | Senegal |
| Brazil | Japan | Singapore |
| Bulgaria | Kazakhstan | Slovakia |
| Cameroon | Kenya | Slovenia |
| Canada | Kuwait | South Africa |
| Chile | Latvia | Spain |
| China | Lebanon | Sri Lanka |
| Colombia | Libyan Arab Jamahiriya | Sudan |
| Congo | Lithuania | Syrian Arab Republic |
| Costa Rica | Luxembourg | Thailand |
| Côte d'Ivoire | Madagascar | Togo |
| Croatia | Malaysia | Tunisia |
| Cyprus | Malta | Turkey |
| Czech Republic | Mauritania | Ukraine |
| Democratic People's Republic of Korea | Mauritius | United Kingdom of Great Britain and Northern Ireland |
| Denmark | Mexico | United States of America |
| Egypt | Monaco | Uruguay |
| Eritrea | Morocco | Venezuela |
| Estonia | Myanmar | Viet Nam |
| Ethiopia | Nepal | Yugoslavia |
| Finland | Netherlands | |
| France | New Zealand | |
| Gabon | Nicaragua | |
| | Nigeria | |

Non-Member States represented by observers

Holy See, Switzerland

Other observers

Palestine

United Nations bodies

| | |
|----------------------------------------------------------------|---------------------------------------------------|
| Office of the United Nations High Commissioner for Refugees | United Nations Population Fund |
| United Nations Development Programme | United Nations Standing Committee on Nutrition |
| United Nations Environment Programme | World Food Programme |
| United Nations Non-governmental Liaison Service | |

Specialized agencies

| | |
|------------------------------------------------------------|----------------------------------------------------------------------|
| Food and Agriculture Organization of the United Nations | United Nations Educational, Scientific, and Cultural Organization |
| International Labour Organization | World Bank |
| International Telecommunication Union | World Health Organization |
| | World Intellectual Property Organization |

Intergovernmental organizations

| | |
|------------------------------------------|---------------------------------------------------|
| Council of Europe | Organisation internationale de la francophonie |
| Council of the European Union | Organization of the Islamic Conference |
| International Organization for Migration | |
| League of Arab States | |

Other entities

International Committee of the Red Cross

Non-governmental organizations

General consultative status

| | |
|---------------------------------------------------------------------------------------------------|-------------------------------------------------|
| Academic Council on the United Nations System | International Council of Women |
| Commission of the Churches on International Affairs of the World Council of Churches | International Institute for Non-Aligned Studies |
| Conference of Non-Governmental Organizations in Consultative Relationship with the United Nations | International Movement ATD Fourth World |
| Europe-Third World Centre | International Organization of Employers |
| Franciscans International | Médecins du monde-International |
| International Alliance of Women | Transnational Radical Party |
| International Confederation of Free Trade Unions | World Confederation of Labour |
| | World Federation of Democratic Youth |
| | World Federation of Trade Unions |
| | World Muslim Congress |

Special consultative status

| | |
|---------------------------------------------------------|-------------------------------------------------------------------------|
| Admiral Family Circle Islamic Community, Inc. | Association for the Prevention of Torture |
| African Commission of Health and Human Rights Promoters | Atlas-Association tunisienne pour l'auto-développement et la solidarité |
| African Society of International and Comparative Law | Centre on Housing Rights and Evictions |
| Afro-Asian Peoples' Solidarity Organization | Christian Aid |
| Agir ensemble pour les droits de l'homme | Congress of Black Women of Canada |
| All India Women's Conference | Consultative Council of Jewish Organizations |
| All India Women's Education Fund Association | Coordinating Board of Jewish Organizations |
| American Association of Jurists | Dominicans for Justice and Peace |
| Anti-Slavery International | Enfants du monde-Droits de l'homme |
| Arab Organization for Human Rights | Federation of Associations of Former International Civil Servants |
| Asia-Japan Women's Resource Centre | Femmes Africa Solidarité |
| Asian Centre for Organization Research and Development | France libertés-Fondation Danielle Mitterrand |
| Association des femmes educatrices du Mali | Fraternité Notre Dame, Inc. |
| | General Arab Women Federation |

Himalayan Research and Cultural Foundation
Human Rights Advocates, Inc.
Human Rights Watch
Indian Council of Education
Indian Movement "Tupaj Amaru"
Indigenous World Association
Innu Council of Nitassinan
Interfaith International
International Alert
International Association for the Defense of Religious Liberty
International Association of Democratic Lawyers
International Commission of Catholic Prison Pastoral Care
International Commission of Jurists
International Committee for the Respect and Application of the African Charter on Human and Peoples' Rights
International Council of Jewish Women
International Federation of Human Rights Leagues
International Federation of Social Workers
International Indian Treaty Council
International Institute of Humanitarian Law
International Islamic Federation of Student Organizations
International League for the Rights and Liberation of Peoples
International Movement for Fraternal Union among Races and Peoples
International 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
Japan Federation of Bar Associations
Japan Fellowship of Reconciliation
Korea Women's Associations United
Latin American Federation of Associations of Relatives of Disappeared Detainees
Lutheran World Federation
Mediterranean Women's Studies Centre
Migrants Rights International
Minnesota Advocates for Human Rights
North-South XXI
Organisation pour la promotion et la protection des droits de la femme et de l'enfant au Burundi
Pan Pacific and South East Asia Women's Association International
Pax Christi International
Pax Romana (International Catholic Movement for Intellectual and Cultural Affairs and International Movement of Catholic Students)
Society for Threatened Peoples
Syriac Universal Alliance, The Temple of Understanding
Union of Arab Jurists
United Towns Agency for North-South Cooperation
Women's Sports Foundation
World Federation for Mental Health
World Federation of Methodist and Uniting Church Women
World Information Clearing Centre
World Movement of Mothers
World Organization Against Torture
Young Doctors without Frontiers Tunisia

Roster

All For Reparations and Emancipation
Association for World Education
Association of World Citizens
B'nai B'rith International
Consejo Indio de Sud América
European Union of Public Relations
Indigenous Peoples' Centre for
Documentation, Research and Information
(DOCip)
International Baccalaureate Organization
International Educational Development, Inc.
International Federation of Free Journalists
International Federation of Rural Adult
Catholic Movements
International Human Rights Associations
of American Minorities

International Human Rights Internship
Programme
International Institute for Peace
International Movement Against All Forms
of Discrimination and Racism
International Peace Bureau
International PEN
Liberation
Minority Rights Group International
Movement Against Racism and for
Friendship Among Peoples
Servas International
World Association for the School as an
Instrument of Peace
World Christian Life Community
World Union for Progressive Judaism

Annex IV

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

Should the draft decisions recommended to the Commission on Human Rights at its fifty-ninth session be adopted, additional resources which would be required under section 22 would be the subject of a statement on administrative and programme budget implications included in the report of the Commission. Accordingly, no statements on administrative and programme budget implications are included in the present report in respect of resolutions and decisions adopted by the Sub-Commission at its fifty-fourth session.

Annex V

Sub-Commission resolutions and decision referring to matters which are drawn to the attention of the Commission on Human Rights or on which the Commission is expected to take action

Resolutions

- | | |
|---------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 2002/2 | Current situation and future of human rights, paragraph 11 |
| 2002/8 | The relationship between the enjoyment of economic, social and cultural rights and the right to development, and the working methods and activities of transnational corporations, paragraph 4 |
| 2002/12 | The Social Forum, paragraph 12 |
| 2002/14 | Optional protocol to the International Covenant on Economic, Social and Cultural Rights, paragraph 1 |
| 2002/16 | The rights of minorities, paragraph 11 |
| 2002/17 | Working Group on Indigenous Populations, paragraph 3 |
| 2002/19 | International Decade of the World's Indigenous People, paragraphs 6 and 12 |
| 2002/21 | Working Group on Indigenous Populations, paragraphs 14 and 18 |
| 2002/22 | The concept and practice of affirmative action, paragraphs 4 and 6 |
| 2002/30 | The right to return of refugees and internally displaced persons, paragraph 17 |

Decision

- | | |
|----------|------------------------------------------------------------------------|
| 2002/105 | Globalization and its impact on the full enjoyment of all human rights |
|----------|------------------------------------------------------------------------|

Annex VI

List of studies and reports

A. Studies and reports completed at the fifty-fourth session of the Sub-Commission^a

| Title and agenda item | Special Rapporteur | Legislative authority (Mandate established in/by, and latest resolution(s) on the subject) | First submission | Final submission |
|-------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------|---------------------------------------------------------------|----------------------------------------------------|
| Final report on the concept and practice of affirmative action (Item 5) | Mr. Marc Bossuyt* (Belgium) <i>* Mr. Bossuyt is no longer a member of the Sub-Commission</i> | 1999 Commission decision 1999/107 Sub-Commission resolution 1998/5 and decision 2001/107 | Fifty-second session (2000) (E/CN.4/Sub.2/2000/11 and Corr.1) | Fifty-fourth session (2002) (E/CN.4/Sub.2/2002/21) |

**B. Ongoing studies and reports entrusted to special rapporteurs
in accordance with existing legislative authority^a**

| Title and agenda item | Special Rapporteur | Legislative authority (Mandate established in/by, and latest resolution(s) on the subject) | First submission | Final submission |
|----------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|----------------------------------------------------------------------------------------|
| 1. Final report on globalization and its impact on the full enjoyment of all human rights (Item 4) | Mr. Joseph Oloka-Onyango (Uganda) and Ms. Deepika Udagama (Sri Lanka) | 2000 Commission decision 2000/102 and resolution 2002/28 Sub-Commission resolution 1999/8 and decision 2002/105 | Fifty-second session (2000) (E/CN.4/Sub.2/2000/13) | Fifty-fifth session(2003) Sixtieth session of the Commission on Human Rights (2004) |
| 2. Progress report on the promotion of the realization of the right to drinking water supply and sanitation (Item 4) | Mr. El-Hadji Guissé (Senegal) | 2002 Commission decision 2002/105 and Sub-Commission resolution 2002/6 | Fifty-fourth session (2002) (E/CN.4/Sub.2/2002/10) | Fifty-sixth session (2004) |
| 3. Final report on the rights of non-citizens (Item 5) | Mr. David Weissbrodt (United States of America) | 2000 Commission decision 2000/104 and 2002/107 Sub-Commission decision 2000/103 and resolution 2002/18 | Fifty-third session (2001) (E/CN.4/Sub.2/2001/20 and Add.1) | Fifty-fifth session (2003) |
| 4. Additional progress report on terrorism and human rights (Item 6) | Ms. Kalliopi Koufa (Greece) | 1998 Commission decision 1998/107 and resolution 2002/35 Sub-Commission resolution 1997/39 and 2002/24 | Fifty-first session (1999) (E/CN.4/Sub.2/1999/27) | Fifty-fifth session (2003) |
| 5. Updated report on traditional practices affecting the health of women and the girl child (Item 6) | Ms. Halima Embarek Warzazi (Morocco) | 1989 Commission decision 1989/107 and 2001/107 Sub-Commission resolution 2000/10 and 2002/26 | Forty-first session (1989) (E/CN.4/Sub.2/1989/42 and Add.1) | Fifty-fifth session (2003) |

| Title and agenda item | Special Rapporteur | Legislative authority (Mandate established in/by, and latest resolution(s) on the subject) | First submission | Final submission |
|---------------------------------------------------------------------|------------------------------------|-----------------------------------------------------------------------------------------------|---------------------------------------------------------------|--------------------------------------------------------------|
| 6. Final report on human rights and human responsibilities (Item 6) | Mr. Miguel Alfonso Martínez (Cuba) | 2001 Commission resolution 2001/115 and decision 2002/110 Sub-Commission decision 2000/111 | Fifty-eighth session of the Commission on Human Rights (2002) | Fifty-ninth session of the Commission on Human Rights (2003) |

C. Working papers and other documents without financial implications entrusted to experts of the Sub-Commission^a

| Title and agenda item | Entrusted to | Legislative authority (Latest Sub-Commission resolution/decision on the subject) | First submission | Final submission |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------|----------------------------------------------------------------------------------|-----------------------------|----------------------------|
| 1. Updated report on the issue of the administration of justice through military tribunals (Item 3) | Mr. Emmanuel Decaux (France) | Sub-Commission decision 2002/103 | Fifty-third session (2001) | Fifty-fifth session (2003) |
| 2. 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 (Item 3) | Ms. Françoise Hampson (United Kingdom of Great Britain and Northern Ireland) | Sub-Commission decision 2002/104 | Fifty-fourth session (2002) | Fifty-fifth session (2003) |
| 3. Additional expanded working paper on measures provided in the various international human rights instruments for the promotion and consolidation of democracy (Item 3) | Mr. Manuel Rodríguez Cuadros (Peru) | Sub-Commission decision 2002/116 | Fifty-third session (2001) | Fifty-fifth session (2003) |
| 4. Commentary on the draft norms on responsibilities of transnational corporations and other business enterprises with regard to human rights (Item 4) | Mr. Asbjørn Eide (Norway) and Mr. David Weissbrodt (United States of America) | Sub-Commission resolution 2002/8 | Fifty-fourth session (2002) | Fifty-fifth session (2003) |
| 5. Working paper on non discrimination as enshrined in article 2, paragraph 2, of the International Covenant on Economic, Social and Cultural Rights (Item 4) | Mr. Fried van Hoof (Netherlands) | Sub-Commission resolution 2002/9 | | Fifty-fifth session (2003) |

| Title and agenda item | Entrusted to | Legislative authority (Latest Sub-Commission resolution/decision on the subject) | First submission | Final submission |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------|-----------------------------|--------------------------------------------------------------|
| 6. 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 (Item 4) | Ms. Iulia-Antoanella Motoc (Romania), Mr. Asbjørn Eide (Norway), Mr. Yozo Yokota (Japan), Mr. El-Hadji Guissé (Senegal), with Mr. José Bengoa (Chile) as Coordinator and Mr. Emmanuel Decaux (France) and Mr. Paulo Sérgio Pinheiro (Brazil) as Alternates | Sub-Commission resolution 2002/13 | Fifty-fourth session (2002) | Fifty-seventh session (2005) |
| 7. Working paper on the impact of corruption on the realization and enjoyment of all human rights (Item 4) | Ms. Christy Ezim Mbonu (Nigeria) | Sub-Commission decision 2002/106 | | Fifty-fifth session (2003) |
| 8. Progress report on peaceful and constructive approaches to situations involving minorities (Item 5) | Mr. Asbjørn Eide (Norway) | Sub-Commission resolution 2002/16 | | Fifty-sixth session (2004) |
| 9. Working paper identifying the themes and possible outputs of the seminar on treaties, agreements and other constructive arrangements between States and indigenous peoples (Item 5) | Mr. Miguel Alfonso Martínez (Cuba) | Sub-Commission resolution 2002/19 | | Fifty-ninth session of the Commission on Human Rights (2003) |
| 10. Expanded working paper on the topic of discrimination based on work and descent in regions other than those already covered (Item 5) | Mr. Asbjørn Eide (Norway) and Mr. Yozo Yokota (Japan) | Sub-Commission decision 2002/108 | Fifty-third session (2001) | Fifty-fifth session (2003) |

| Title and agenda item | Entrusted to | Legislative authority (Latest Sub-Commission resolution/decision on the subject) | First submission | Final submission |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------|
| <p>11. Extended working paper on reservations to human rights treaties (Item 6)</p> <p>12. Working paper on the regulation of citizenship by successor States with respect to nationals of the predecessor States (Item 6)</p> <p>13. Working paper on the rights of women married to foreigners (Item 6)</p> <p>14. Expanded and updated working paper assessing the utility, scope and structure of a study on the real and potential dangers to the effective enjoyment of human rights posed by the testing, production, storage, transfer, trafficking or use of weapons of mass destruction, or with indiscriminate effect, or of a nature to cause superfluous injury or unnecessary suffering, including the use of weaponry containing depleted uranium (Item 6)</p> | <p>Ms. Françoise Hampson (United Kingdom of Great Britain and Northern Ireland)</p> <p>Mr. Vladimir A. Kartashkin (Russian Federation)</p> <p>Mr. Vladimir A. Kartashkin (Russian Federation)</p> <p>Mr. Yeung Kam Yeung Sik Yuen* (Mauritius)</p> <p><i>* Mr. Sik Yuen is no longer a member of the Sub-Commission</i></p> | <p>Sub-Commission decision 2002/110</p> <p>Sub-Commission decision 2002/111</p> <p>Sub-Commission decision 2002/112</p> <p>Sub-Commission decision 2002/113</p> | <p>Fifty-first session (1999)</p> <p>Fifty-fourth session (2002)</p> | <p>Fifty-fifth session (2003)</p> <p>Fifty-fifth session (2003)</p> <p>Fifty-fifth session (2003)</p> <p>Fifty-fifth session (2003)</p> |

| Title and agenda item | Entrusted to | Legislative authority (Latest Sub-Commission resolution/decision on the subject) | First submission | Final submission |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|-------------------------------------------------------------------------------------|--------------------------------|-------------------------------|
| 15. Expanded working paper on the Universal Declaration on the Human Genome and Human Rights as the contribution of the Sub-Commission to the reflections of the International Bioethics Committee on the follow-up to the Universal Declaration (Item 6) | Ms. Iulia-Antoanella Motoc (Romania) | Sub-Commission decision 2002/114 | Fifty-fourth session (2002) | Fifty-fifth session (2003) |
| 16. Working paper on issues and modalities for the effective universality of international human rights treaties (Item 6) | Mr. Emmanuel Decaux (France) | Sub-Commission decision 2002/115 | | Fifty-fifth session (2003) |

D. Studies and reports recommended to the Commission on Human Rights for approval

| Title and agenda item | Member of Sub-Commission to be appointed as special rapporteur | Legislative authority | First submission | Final submission |
|----------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------|-----------------------------------|----------------------------|------------------------------|
| 1. Discrimination in the criminal justice system (Item 3) | Ms. Leïla Zerrougui (Algeria) | Sub-Commission resolution 2002/3 | Fifty-fifth session (2003) | Fifty-seventh session (2005) |
| 2. Housing and property restitution in the context of refugees and internally displaced persons (Item 4) | Mr. Paulo Sérgio Pinheiro (Brazil) | Sub-Commission resolution 2002/7 | Fifty-fifth session (2003) | Fifty-seventh session (2005) |
| 3. Indigenous peoples' permanent sovereignty over natural resources (Item 5) | Ms. Erica-Irene Daes* (Greece) <i>* Ms. Daes is no longer a member of the Sub-Commission</i> | Sub-Commission resolution 2002/15 | Fifty-fifth session (2003) | Fifty-sixth session (2004) |
| 4. Prevention of human rights violations committed with small arms and light weapons (Item 6) | Ms. Barbara Frey (United States of America) | Sub-Commission resolution 2002/25 | Fifty-fifth session (2003) | Fifty-seventh session (2005) |

^a This list has been prepared in accordance with Commission on Human Rights resolution 1982/23.

Annex VII

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

Documents issued in the general series

| <u>Symbol</u> | <u>Agenda item</u> | |
|---------------------------|------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| E/CN.4/Sub.2/2002/1 | | Provisional agenda: note by the Secretary-General |
| E/CN.4/Sub.2/2002/1/Rev.1 | | Agenda |
| E/CN.4/Sub.2/2002/1/Add.1 | | Annotations to the provisional agenda prepared by the Secretary-General |
| E/CN.4/Sub.2/2002/2 | 6 | Report of the Secretary-General on the implementation of the Programme of Action for the Elimination of the Exploitation of Child Labour, submitted pursuant to Sub-Commission resolution 1997/22 |
| E/CN.4/Sub.2/2002/3 | 4 | The Social Forum: working paper submitted by Mr. José Bengoa pursuant to Sub-Commission resolution 2001/24 |
| E/CN.4/Sub.2/2002/4 | 3 | Issue of the administration of justice through military tribunals: report submitted by Mr. Louis Joinet pursuant to Sub-Commission decision 2001/103 |
| E/CN.4/Sub.2/2002/5 | 3 | Discrimination in the criminal justice system: final working paper prepared by Ms. Leïla Zerrougui pursuant to Sub-Commission decision 2001/104 |
| E/CN.4 /Sub.2/2002/6 | 3 | Scope of the activities and the accountability of armed forces, United Nations civilian police, international civil servants and experts taking part in peace support operations (i.e. all operations of a peacekeeping or peace enforcement nature under a United Nations mandate): work in progress submitted by Françoise Hampson in accordance with Sub-Commission decision 2001/105 |

Documents issued in the general series (continued)

| <u>Symbol</u> | <u>Agenda item</u> | |
|----------------------|------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| E/CN.4/Sub.2/2002/7 | 3 | Report of the sessional working group on the administration of justice Chairperson-Rapporteur: Ms. Iulia-Antoanella Motoc |
| E/CN.4/Sub.2/2002/8 | 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.2/2002/9 | 4 | Liberalization of trade in services and human rights: report of the High Commissioner |
| E/CN.4/Sub.2/2002/10 | 4 | 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: preliminary report submitted by Mr. El-Hadji Guissé in pursuance of decision 2002/105 of the Commission on Human Rights and resolution 2001/2 of the Sub-Commission on the Promotion and Protection of Human Rights |
| E/CN.4/Sub.2/2002/11 | 4 | Economic, social and cultural rights: note by the secretariat |
| E/CN.4/Sub.2/2002/12 | 4 | Idem |
| E/CN.4/Sub.2/2002/13 | 4 | Report of the sessional working group on the working methods and activities of transnational corporations on its fourth session Chairperson-Rapporteur: Mr. El-Hadji Guissé |
| E/CN.4/Sub.2/2002/14 | 4 | Globalization and its impact on the full enjoyment of all human rights: note by the secretariat |
| E/CN.4/Sub.2/2002/15 | 4 | Poverty and human rights: programme of work of the ad hoc working group established to prepare a study to contribute to the drafting of an international declaration on extreme poverty and human rights |
| E/CN.4/Sub.2/2002/16 | 4 | Not submitted |

Documents issued in the general series (continued)

| <u>Symbol</u> | <u>Agenda item</u> | |
|-------------------------------------|------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| E/CN.4/Sub.2/2002/17 | 4 | The return of refugees' or displaced persons' property: working paper submitted by Mr. Paulo Sérgio Pinheiro pursuant to Sub-Commission decision 2001/122 |
| E/CN.4/Sub.2/2002/18 | 4 | The Social Forum: report of the Chairman-Rapporteur, José Bengoa, in accordance with Sub-Commission resolution 2001/24 |
| E/CN.4/Sub.2/2002/19 and Corr.1 | 5 | Report of the Working Group on Minorities on its eighth session Chairman-Rapporteur: Mr. Asbjørn Eide |
| E/CN.4/Sub.2/2002/20 | 5 (b) | International Decade of the World's Indigenous People: note by the secretariat |
| E/CN.4/Sub.2/2002/21 | 5 | The concept and practice of affirmative action: final report submitted by Mr. Marc Bossuyt, Special Rapporteur, in accordance with Sub-Commission resolution 1998/5 |
| E/CN.4/Sub.2/2002/22 | 5 | The rights of minorities: note by the secretariat |
| E/CN.4/Sub.2/2002/23 | 5 (b) | Indigenous peoples' permanent sovereignty over natural resources: working paper by Dr. Erica-Irene A. Daes, former Chairperson-Rapporteur of the Working Group on Indigenous Populations |
| E/CN.4/Sub.2/2002/24 | 5 (b) | Report of the Working Group on Indigenous Populations on its twentieth session Chairperson-Rapporteur: Mr. Miguel Alfonso Martínez |
| E/CN.4/Sub.2/2002/25 and Add.1-3 | 5 | The rights of non-citizens: progress report of the Special Rapporteur, Mr. David Weissbrodt, submitted in accordance with Sub-Commission decisions 2000/103 and 2001/108, as well as Commission decision 2002/107 |

Documents issued in the general series (continued)

| <u>Symbol</u> | <u>Agenda item</u> | |
|----------------------|------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| E/CN.4/Sub.2/2002/26 | 5 | Discrimination based on work and descent: note by the secretariat |
| E/CN.4/Sub.2/2002/27 | 6 (a) | Report of the Secretary-General on the situation of women and girls in the territories occupied by Afghan armed groups, submitted in accordance with Sub-Commission resolution 2001/15 |
| E/CN.4/Sub.2/2002/28 | 6 | Systematic rape, sexual slavery and slavery-like practices during armed conflicts: report of the High Commissioner for Human Rights |
| E/CN.4/Sub.2/2002/29 | 6 | Other issues: note by the Secretary-General |
| E/CN.4/Sub.2/2002/30 | 6 | Not submitted |
| E/CN.4/Sub.2/2002/31 | 6 | Idem |
| E/CN.4/Sub.2/2002/32 | 6 | Sixth report on the situation regarding the elimination of traditional practices affecting the health of women and the girl child, produced by Mrs. Halima Embarek Warzazi pursuant to Sub-Commission resolution 2000/13 |
| E/CN.4/Sub.2/2002/33 | 6 (b) | Report of the Working Group on Contemporary Forms of Slavery on its twenty-seventh session Chairperson-Rapporteur: Mrs. Halima Embarek Warzazi |
| E/CN.4/Sub.2/2002/34 | 6 | Reservations to human rights treaties: working paper preparatory to the submission of the expanded working paper by Françoise Hampson submitted in accordance with Sub-Commission decision 2002/17 |
| E/CN.4/Sub.2/2002/35 | 6 | Terrorism and human rights: second progress report prepared by Ms. Kalliopi K. Koufa, Special Rapporteur |

Documents issued in the general series (continued)

| <u>Symbol</u> | <u>Agenda item</u> | |
|----------------------|------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| E/CN.4/Sub.2/2002/36 | 6 | Promotion and consolidation of democracy: expanded working paper by Mr. Manuel Rodríguez Cuadros on the measures provided in the various international human rights instruments for the promotion and consolidation of democracy, in accordance with the mandate contained in decision 2000/116 of the Sub-Commission on the Promotion and Protection of Human Rights |
| E/CN.4/Sub.2/2002/37 | 6 | The Universal Declaration on the Human Genome and Human Rights |
| E/CN.4/Sub.2/2002/38 | 6 | Human rights and weapons of mass destruction, or with indiscriminate effect, or of a nature to cause superfluous injury or unnecessary suffering: working paper submitted by Y.K.J. Yeung Sik Yuen in accordance with Sub-Commission resolution 2001/36 |
| E/CN.4/Sub.2/2002/39 | 6 | The question of the trade, carrying and use of small arms and light weapons in the context of human rights and humanitarian norms: working paper submitted by Ms. Barbara Frey in accordance with Sub-Commission decision 2001/120 |
| E/CN.4/Sub.2/2002/40 | 5 | Report of the Regional Seminar on Afro-descendants in the Americas (La Ceiba, Honduras, 21-24 March 2002) Ms. Edna Maria Santos Roland, Rapporteur Fala Preta - Organização de Mulheres Negras (Brazil) |
| E/CN.4/Sub.2/2002/41 | 4 | Intellectual property and human rights: note by the secretariat |
| E/CN.4/Sub.2/2002/42 | 1 | Organization of work: note by the secretariat |

Documents issued in the general series (continued)

| <u>Symbol</u> | <u>Agenda item</u> | |
|----------------------|------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| E/CN.4/Sub.2/2002/43 | 4, 5 and 6 | Report submitted by the United Nations Population Fund |
| E/CN.4/Sub.2/2002/44 | 4, 5 and 6 | Document submitted by the World Health Organization |
| E/CN.4/Sub.2/2002/45 | 5 | Letter dated 8 August 2002 from the Permanent Representative of Singapore to the United Nations Office at Geneva addressed to the Chairperson of the fifty-fourth session of the Sub-Commission on the Promotion and Protection of Human Rights |

Documents issued in the limited series

| <u>Symbol</u> | <u>Agenda item</u> | |
|-----------------------------|------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| E/CN.4/Sub.2/2002/L.1 | 7 (a) | Draft provisional agenda for the fifty-fifth session of the Sub-Commission: note by the Secretary-General |
| E/CN.4/Sub.2/2002/L.2 | 2 | Effects of measures to combat terrorism on the enjoyment of human rights: draft resolution |
| E/CN.4/Sub.2/2002/L.3/Rev.1 | 2 | Armed intervention and the right of peoples to self-determination: draft resolution |
| E/CN.4/Sub.2/2002/L.4 | 5 | Indigenous peoples' permanent sovereignty over natural resources: draft resolution |
| E/CN.4/Sub.2/2002/L.5 | 2 | Situation and future of human rights: draft resolution |
| E/CN.4/Sub.2/2002/L.6 | 2 | Recognition of responsibility and reparation for massive and flagrant violations of human rights which constitute crimes against humanity and which took place during the period of slavery, colonialism and wars of conquest: draft resolution |
| E/CN.4/Sub.2/2002/L.7 | 6 | Humanitarian situation of the Iraqi population: draft decision |
| E/CN.4/Sub.2/2002/L.8 | 4 | Globalization and its impact on the full enjoyment of all human rights: draft decision |
| E/CN.4/Sub.2/2002/L.9 | 3 | The accountability of armed forces, United Nations civilian police, international civil servants and experts taking part in peace support operations (i.e. all operations of a peacekeeping or peace enforcement nature under a United Nations mandate): draft decision |

Documents issued in the limited series (continued)

| <u>Symbol</u> | | <u>Agenda item</u> |
|------------------------------------|---|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| E/CN.4/Sub.2/2002/L.10 and Add.1-6 | 7 | Draft report of the Sub-Commission on the Promotion and Protection of Human Rights Rapporteur: Mr. Emmanuel Decaux |
| E/CN.4/Sub.2/2002/L.11 and Add.1-2 | 7 | Idem |
| E/CN.4/Sub.2/2002/L.12 | 3 | Discrimination in the criminal justice system: draft resolution |
| E/CN.4/Sub.2/2002/L.13 | 3 | Issue of the administration of justice through military tribunals: draft decision |
| E/CN.4/Sub.2/2002/L.14 | 3 | Establishment of the International Criminal Court: draft resolution |
| E/CN.4/Sub.2/2002/L.15 | 4 | Promotion of the realization of the right to drinking water and sanitation: draft resolution |
| E/CN.4/Sub.2/2002/L.16 | 4 | Housing and property restitution in the context of refugees and other displaced persons: draft resolution |
| E/CN.4/Sub.2/2002/L.17 | 4 | The relationship between the enjoyment of economic, social and cultural rights and the right to development, and the working methods and activities of transnational corporations: draft resolution |
| E/CN.4/Sub.2/2002/L.18 | 4 | Study on non-discrimination as enshrined in article 2, paragraph 2, of the International Covenant on Economic, Social and Cultural Rights: draft resolution |
| E/CN.4/Sub.2/2002/L.19 | 6 | International protection for refugees: draft resolution |

Documents issued in the limited series (continued)

| <u>Symbol</u> | <u>Agenda item</u> | |
|------------------------|------------------------|-----------------------------------------------------------------------------------------------------------------------------------|
| E/CN.4/Sub.2/2002/L.20 | 4 | Corruption and its impact on the enjoyment of human rights, in particular, economic, social and cultural rights: draft decision |
| E/CN.4/Sub.2/2002/L.21 | 6 | Terrorism and human rights: draft resolution |
| E/CN.4/Sub.2/2002/L.22 | 5 | The rights of minorities: draft resolution |
| E/CN.4/Sub.2/2002/L.23 | 6 | The prevention of human rights violations caused by the availability and misuse of small arms and light weapons: draft resolution |
| E/CN.4/Sub.2/2002/L.24 | 5 | Working Group on Indigenous Populations: draft resolution |
| E/CN.4/Sub.2/2002/L.25 | 6 | Traditional practices affecting the health of women and the girl child: draft resolution |
| E/CN.4/Sub.2/2002/L.26 | 6 | Report of the Working Group on Contemporary Forms of Slavery: draft resolution |
| E/CN.4/Sub.2/2002/L.27 | 6 | United Nations Voluntary Trust Fund on Contemporary Forms of Slavery: draft resolution |
| E/CN.4/Sub.2/2002/L.28 | 4 | The right to food, and international guidelines for its implementation: draft resolution |
| E/CN.4/Sub.2/2002/L.29 | 4 | Human rights, trade and investment: draft resolution |
| E/CN.4/Sub.2/2002/L.30 | 6 | Reservations to human rights treaties: draft decision |
| E/CN.4/Sub.2/2002/L.31 | 5 | The rights of non-citizens: draft resolution |
| E/CN.4/Sub.2/2002/L.32 | 5 | Affirmative action: draft decision |
| E/CN.4/Sub.2/2002/L.33 | 4 | The Social Forum: draft resolution |

Documents issued in the limited series (continued)

| <u>Symbol</u> | <u>Agenda item</u> | |
|------------------------|------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| E/CN.4/Sub.2/2002/L.34 | 4 | Implementation of existing human rights norms and standards in the context of the fight against extreme poverty: draft resolution |
| E/CN.4/Sub.2/2002/L.35 | 6 | Regulation of citizenship by successor States: draft decision |
| E/CN.4/Sub.2/2002/L.36 | 6 | Women and human rights: draft decision |
| E/CN.4/Sub.2/2002/L.37 | 5 (b) | Recognition of the meritorious work done by Dr. Erica-Irene Daes as Chairperson-Rapporteur of the Working Group on Indigenous Populations: draft decision |
| E/CN.4/Sub.2/2002/L.38 | 5 (b) | International Decade of the World's Indigenous People: draft resolution |
| E/CN.4/Sub.2/2002/L.39 | 5 (b) | Presentation of the report of the Working Group on Indigenous Populations on its twentieth and twenty-first sessions to the Permanent Forum on Indigenous Issues: draft resolution |
| E/CN.4/Sub.2/2002/L.40 | 5 (b) | Working Group on Indigenous Populations: draft resolution |
| E/CN.4/Sub.2/2002/L.41 | 6 (b) | Systematic rape, sexual slavery and slavery-like practices: draft resolution |
| E/CN.4/Sub.2/2002/L.42 | 5 | Discrimination based on work and descent: draft decision |
| E/CN.4/Sub.2/2002/L.43 | 6 | Human rights and weapons of mass destruction, or with indiscriminate effect, or of a nature to cause superfluous injury or unnecessary suffering: draft decision |
| E/CN.4/Sub.2/2002/L.44 | 6 | Human rights and bioethics: draft decision |
| E/CN.4/Sub.2/2002/L.45 | 6 | Ms. Hampson: amendment to draft resolution E/CN.4/Sub.2/2002/L.19 |

Documents issued in the limited series (continued)

| <u>Symbol</u> | <u>Agenda item</u> | |
|------------------------|------------------------|---------------------------------------------------------------------------------------------------------------|
| E/CN.4/Sub.2/2002/L.46 | 6 | The right to return of refugees and internally displaced persons: draft resolution |
| E/CN.4/Sub.2/2002/L.47 | 5 | The concept and practice of affirmative action: draft resolution |
| E/CN.4/Sub.2/2002/L.48 | 6 | Tenth anniversary of the World Conference on Human Rights: draft resolution |
| E/CN.4/Sub.2/2002/L.49 | 6 | Issues and modalities for the effective universality of international human rights treaties: draft resolution |
| E/CN.4/Sub.2/2002/L.50 | 4 | Optional Protocol to the International Covenant on Economic, Social and Cultural Rights: draft resolution |

Documents issued in the non-governmental organization series

| <u>Symbol</u> | <u>Agenda item</u> | |
|-------------------------|------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------|
| E/CN.4/Sub.2/2002/NGO/1 | 6 (c) | Written statement submitted by the National Organization of Circumcision Information Resource Centers (NOCIRC), a non-governmental organization on the Roster |
| E/CN.4/Sub.2/2002/NGO/2 | 6 (a) | Written statement submitted by Human Rights Advocates, a non-governmental organization in special consultative status |
| E/CN.4/Sub.2/2002/NGO/3 | 2 | Written statement submitted by the Jammu and Kashmir Council for Human Rights, a non-governmental organization in special consultative status |
| E/CN.4/Sub.2/2002/NGO/4 | 3 | Written statement submitted by Pax Christi International, a non-governmental organization in special consultative status |
| E/CN.4/Sub.2/2002/NGO/5 | 5 | Written statement submitted by Human Rights Watch, a non-governmental organization in special consultative status |
| E/CN.4/Sub.2/2002/NGO/6 | 4 | Written statement submitted by International League for Human Rights, a non-governmental organization in special consultative status |
| E/CN.4/Sub.2/2002/NGO/7 | 2 | Written statement submitted by France Libertés, a non-governmental organization in special consultative status |
| E/CN.4/Sub.2/2002/NGO/8 | 5 | Written statement submitted by Syriac Universal Alliance, a non-governmental organization in special consultative status |

Documents issued in the non-governmental organization series (continued)

| <u>Symbol</u> | <u>Agenda item</u> | |
|--------------------------|------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| E/CN.4/Sub.2/2002/NGO/9 | 4 | Joint written statement submitted by Europe-Third World Centre, World Confederation of Labour, non-governmental organizations in general consultative status, American Association of Jurists, Centro de Estudios Europeos, Commission for the Defense of Human Rights in Central America, France Libertés: Fondation Danielle Mitterrand, Indian Movement "Tupaj Amaru", International League for the Rights and Liberation of Peoples, Union of Arab Jurists, Women's International League for Peace and Freedom, non-governmental organizations in special consultative status, International Educational Development, Movement against Racism and for Friendship among Peoples and World Peace Council, non-governmental organizations on the Roster |
| E/CN.4/Sub.2/2002/NGO/10 | 4 | Idem |
| E/CN.4/Sub.2/2002/NGO/11 | 4 | Exposé écrit/présenté par le Centre Europe-Tiers Monde, organisation non-gouvernementale dotée du statut consultatif général |
| E/CN.4/Sub.2/2002/NGO/12 | 4 | Idem |
| E/CN.4/Sub.2/2002/NGO/13 | 5 | Written statement submitted by Europe-Third World Centre, a non-governmental organization in general consultative status |
| E/CN.4/Sub.2/2002/NGO/14 | 3 | Written statement submitted by Pax Christi International, a non-governmental organization in special consultative status |

Documents issued in the non-governmental organization series (continued)

| <u>Symbol</u> | <u>Agenda item</u> | |
|--------------------------|------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------|
| E/CN.4/Sub.2/2002/NGO/15 | 3 | Written statement submitted by the International Fellowship of Reconciliation, a non-governmental organization in special consultative status |
| E/CN.4/Sub.2/2002/NGO/16 | 3 | Exposición/presentada por escrito por la Asociación Americana de Juristas, organización no gubernamental reconocida como entidad consultiva especial |
| E/CN.4/Sub.2/2002/NGO/17 | 4 | Idem |
| E/CN.4/Sub.2/2002/NGO/18 | 6 | Idem |
| E/CN.4/Sub.2/2002/NGO/19 | 2 | Written statement submitted by the Association for World Education, a non-governmental organization on the Roster |
| E/CN.4/Sub.2/2002/NGO/20 | 3 | Idem |
| E/CN.4/Sub.2/2002/NGO/21 | 4 and 5 | Exposición presentada por escrito por Movimiento Indio "Tupaj Amaru" organización no gubernamental reconocida como entidad consultiva especial |
| E/CN.4/Sub.2/2002/NGO/22 | 3 | Written statement submitted by Japan Fellowship of Reconciliation, a non-governmental organization in special consultative status |
| E/CN.4/Sub.2/2002/NGO/23 | 6 | Idem |
| E/CN.4/Sub.2/2002/NGO/24 | 6 | Written statement by the Association for World Education, a non-governmental organization on the Roster |

Documents issued in the non-governmental organization series (continued)

| <u>Symbol</u> | <u>Agenda item</u> | |
|--------------------------|------------------------|-----------------------------------------------------------------------------------------------------------------------------------|
| E/CN.4/Sub.2/2002/NGO/25 | 6 (c) | Written statement submitted by the World Union for Progressive Judaism, a non-governmental organization on the Roster |
| E/CN.4/Sub.2/2002/NGO/26 | 4 and 5 | Idem |
| E/CN.4/Sub.2/2002/NGO/27 | 6 | Written statement submitted by Asia-Japan Women's Resource Centre, a non-governmental organization in special consultative status |
| E/CN.4/Sub.2/2002/NGO/28 | 5 | Written statement submitted by All For Reparation and Emancipation (AFRE), a non-governmental organization on the Roster |

Annex VIII

Resolutions and decisions adopted by the Sub-Commission on the Promotion and Protection of Human Rights and statement made by the Chairperson on behalf of the Sub-Commission at its fifty-fourth session

A. Resolutions [31] and decisions [18] adopted by the Sub-Commission

| Document E/CN.4/Sub.2/2002/ | Action taken | No. | Title ^a | Method of adoption ^b | Paragraphs of report |
|--------------------------------|-----------------|----------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|-------------------------|
| | | | AGENDA ITEM 1: ORGANIZATION OF WORK | | |
| | Decision | 2002/101 | Establishment of a sectional working group on the administration of justice under agenda item 3 | Without a vote | 17 (a) |
| | Decision | 2002/102 | Establishment of a sectional working group on the working methods and activities of transnational corporations under agenda item 4 | Without a vote | 17 (b) |
| | Decision | 2002/117 | Composition of working groups of the Sub-Commission for 2003 | Without a vote | 28-30 |
| | Decision | 2002/118 | Order of the consideration of agenda items at the fifty-fifth session of the Sub-Commission | Without a vote | 31-34 |
| | | | AGENDA ITEM 2: QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, ... ^c | | |
| L.3/Rev.1 | Resolution | 2002/1 | Armed intervention and the right of peoples to self-determination | Without a vote | 41-42 |
| L.5 | Resolution | 2002/2 | Current situation and future of human rights | Without a vote | 43-47 |
| L.6 | Resolution | 2002/5 | Recognition of responsibility and reparation for massive and flagrant violations of human rights which constitute crimes against humanity and which took place during the period of slavery, colonialism and wars of conquest | Without a vote | 49-52 |
| | | | AGENDA ITEM 3: ADMINISTRATION OF JUSTICE, RULE OF LAW AND DEMOCRACY ^c | | |
| L.12 | Resolution | 2002/3 | Discrimination in the criminal justice system | Without a vote | 61-64 |
| L.14 | Resolution | 2002/4 | Establishment of the International Criminal Court | Without a vote | 70-74 |

| Document E/CN.4/Sub.2/2002/ | Action taken | No. | Title ^a | Method of adoption ^b | Paragraphs of report |
|--------------------------------|-----------------|----------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|-------------------------|
| | | | AGENDA ITEM 3: ADMINISTRATION OF JUSTICE, RULE OF LAW AND DEMOCRACY (<u>continued</u>) | | |
| L.13 | Decision | 2002/103 | Issue of the administration of justice through military tribunals | Without a vote | 65-66 |
| L.9 | Decision | 2002/104 | The accountability of armed forces, United Nations civilian police, international civil servants and experts taking part in peace support operations (i.e. all operations of a peacekeeping or peace enforcement nature under a United Nations mandate) | Without a vote | 67-69 |
| | | | AGENDA ITEM 4: ECONOMIC, SOCIAL AND CULTURAL RIGHTS ^c | | |
| L.15 | Resolution | 2002/6 | Promotion of the realization of the right to drinking water and sanitation | Without a vote | 87-88 |
| L.16 | Resolution | 2002/7 | Housing and property restitution in the context of refugees and other displaced persons | Without a vote | 89-91 |
| L.17 | Resolution | 2002/8 | The relationship between the enjoyment of economic, social and cultural rights and the right to development, and the working methods and activities of transnational corporations | Without a vote | 92-95 |
| L.18 | Resolution | 2002/9 | Study on non-discrimination as enshrined in article 2, paragraph 2, of the International Covenant on Economic, Social and Cultural Rights | Without a vote | 96-97 |
| L.28 | Resolution | 2002/10 | The right to food, and international guidelines for its implementation | Without a vote | 102-104 |
| L.29 | Resolution | 2002/11 | Human rights, trade and investment | Without a vote | 105-107 |
| L.33 | Resolution | 2002/12 | The Social Forum | Without a vote | 108-112 |
| L.34 | Resolution | 2002/13 | Implementation of existing human rights norms and standards in the context of the fight against extreme poverty | Without a vote | 113-115 |
| L.50 | Resolution | 2002/14 | Optional protocol to the International Covenant on Economic, Social and Cultural Rights | Without a vote | 116-117 |
| L.8 | Decision | 2002/105 | Globalization and its impact on the full enjoyment of all human rights | Without a vote | 83-86 |
| L.20 | Decision | 2002/106 | Corruption and its impact on the enjoyment of human rights, in particular, economic, social and cultural rights | Without a vote | 98-101 |

| Document E/CN.4/Sub.2/2002/ | Action taken | No. | Title ^a | Method of adoption ^b | Paragraphs of report |
|--------------------------------|-----------------|----------|------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|-------------------------|
| | | | AGENDA ITEM 5: PREVENTION OF DISCRIMINATION ... ^c | | |
| L.4 | Resolution | 2002/15 | Indigenous peoples' permanent sovereignty over natural resources | Without a vote | 125-126 |
| L.22 | Resolution | 2002/16 | The rights of minorities | Without a vote | 127-131 |
| L.24 | Resolution | 2002/17 | Working Group on Indigenous Populations | Without a vote | 132-133 |
| L.31 | Resolution | 2002/18 | The rights of non-citizens | Without a vote | 134-135 |
| L.38 | Resolution | 2002/19 | International Decade of the World's Indigenous People | Without a vote | 140-142 |
| L.39 | Resolution | 2002/20 | Presentation of the report of the Working Group on Indigenous Populations on its twentieth and twenty-first sessions to the Permanent Forum on Indigenous Issues | Without a vote | 143-144 |
| L.40 | Resolution | 2002/21 | Working Group on Indigenous Populations | Without a vote | 145-146 |
| L.47 | Resolution | 2002/22 | The concept and practice of affirmative action | Without a vote | 150-152 |
| L.37 | Decision | 2002/107 | Recognition of the meritorious work done by Dr. Erica-Irene Daes as Chairperson-Rapporteur of the Working Group on Indigenous Populations | Without a vote | 137-139 |
| L.42 | Decision | 2002/108 | Discrimination based on work and descent | Without a vote | 147-149 |
| | | | AGENDA ITEM 6: SPECIFIC HUMAN RIGHTS ISSUES ... ^c | | |
| L.45 | Resolution | 2002/23 | International protection for refugees | Without a vote | 164-172 |
| L.21 | Resolution | 2002/24 | Terrorism and human rights | Without a vote | 173-175 |
| L.23 | Resolution | 2002/25 | The prevention of human rights violations caused by the availability and misuse of small arms and light weapons | Without a vote | 176-180 |
| L.25 | Resolution | 2002/26 | Traditional practices affecting the health of women and the girl child | Without a vote | 181-183 |
| L.26 | Resolution | 2002/27 | Report of the Working Group on Contemporary Forms of Slavery | Without a vote | 184-185 |
| L.27 | Resolution | 2002/28 | United Nations Voluntary Trust Fund on Contemporary Forms of Slavery | Without a vote | 186-187 |
| L.41 | Resolution | 2002/29 | Systematic rape, sexual slavery and slavery-like practices | Without a vote | 196-199 |
| L.46 | Resolution | 2002/30 | The right to return of refugees and internally displaced persons | Without a vote | 212-215 |
| L.48 | Resolution | 2002/31 | Tenth anniversary of the World Conference on Human Rights | Without a vote | 216-218 |
| L.7 | Decision | 2002/109 | Humanitarian situation of the Iraqi population | Without a vote | 160-163 |

| Document E/CN.4/Sub.2/2002/ | Action taken | No. | Title ^a | Method of adoption ^b | Paragraphs of report |
|--------------------------------|-----------------|----------|--------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|-------------------------|
| | | | AGENDA ITEM 6: SPECIFIC HUMAN RIGHTS ISSUES ... (<u>continued</u>) | | |
| L.30 | Decision | 2002/110 | Reservations to human rights treaties | Without a vote | 188-189 |
| L.35 | Decision | 2002/111 | Regulation of citizenship by successor States | Without a vote | 190-192 |
| L.36 | Decision | 2002/112 | The rights of women married to foreigners | Vote (21/1/0) | 192-195 |
| L.43 | Decision | 2002/113 | Human rights and weapons of mass destruction, or with indiscriminate effect, or of a nature to cause superfluous injury or unnecessary suffering | Vote (17/3/2) | 200-207 |
| L.44 | Decision | 2002/114 | Human rights and bioethics | Without a vote | 208-211 |
| L.49 | Decision | 2002/115 | Issues and modalities for the effective universality of international human rights treaties | Without a vote | 219-221 |
| | Decision | 2002/116 | Promotion and consolidation of democracy | Without a vote | 222-224 |
| | | | AGENDA ITEM 7: DRAFT PROVISIONAL AGENDA AND ADOPTION OF THE REPORT ... | | |

B. Statement [1] made by the Chairperson on behalf of the Sub-Commission

| Agenda item | Subject | Date | Paragraphs of report |
|-------------|-------------------|---------------|----------------------|
| 2 | Stay of execution | 8 August 2002 | 53 |

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

^b In the case of a vote, the figures in brackets represent: votes in favour/votes against/abstentions.

^c Pursuant to Commission on Human Rights resolution 2002/50, a gender perspective is integrated into all agenda items.