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Agenda item 7 (a)

DRAFT PROVISIONAL AGENDA AND ADOPTION OF THE REPORT

ADOPTION OF THE REPORT ON THE FIFTY-FIFTH SESSION

**Draft report of the Sub-Commission on the Promotion
and Protection of Human Rights**

Rapporteur: Mr. Stanislav Ogurtsov

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* E/CN.4/Sub.2/2003/L.10 and Addenda contain the draft chapters of the report relating to the organization of the session and the various items on the agenda. Resolutions and decisions adopted by the Sub-Commission, as well as draft resolutions and decisions for action by, and other matters of concern to, the Commission on Human Rights will be contained in documents E/CN.4/Sub.2/2003/L.11 and Addenda.

** Pursuant to Commission on Human Rights resolution 2002/50, a gender perspective is integrated into all agenda items.

V. Administration of justice, rule of law and democracy

1. The Sub-Commission considered agenda item 3 at its 11th to 14th meetings, on 6 and 7 August, and at its 21st and 22nd meetings, on 13 August 2003.
2. For the list of documents issued under agenda item 3, see annex VII to the present report.
3. At the 11th meeting, on 6 August 2003, Mr. Decaux introduced his updated report on the issue of the administration of justice through military tribunals (E/CN.4/Sub.2/2003/4).
4. At the 12th meeting, on the same day, Mr. Abdelfattah Amor, Chairperson of the Human Rights Committee, made a statement.
5. At the same meeting:
 - (a) Ms. Zerrougui, Special Rapporteur on discrimination in the criminal justice system, introduced her preliminary report (E/CN.4/Sub.2/2003/3). At the same meeting, Ms. Zerrougui made her concluding remarks;
 - (b) Ms. Hampson described progress made on 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).
6. At the 13th meeting, on 7 August 2003:
 - (a) Ms. Motoc, Chairperson-Rapporteur of the sessional working group on the administration of justice, presented the report of the working group (E/CN.4/Sub.2/2003/6);
 - (b) Mr. Rodríguez Cuadros introduced his additional expanded working paper on measures provided in the various international human rights instruments for the promotion and consolidation of democracy (E/CN.4/Sub.2/2003/7).
7. In the general debate on agenda item 3, statements were made by members of the Sub-Commission and observers for Governments and non-governmental organizations. For the detailed list of speakers, see annex II.

Women in prison

8. At the 21st meeting, on 13 August 2003, the Sub-Commission considered draft decision E/CN.4/Sub.2/2003/L.32, sponsored by Mr. Bengoa, Mr. Chen Shiqiu, Mr. Decaux, Mr. Dos Santos Alves, Mr. Eide, Mr. Guissé, Ms. Hampson, Mr. Kartashkin, Ms. Koufa, Mr. Park, Mr. Pinheiro, Ms. Rakotoarisoa, Mr. Rodríguez Cuadros, Mr. Yimer, Mr. Yokota and Ms. Zerrougui.

9. The draft decision was adopted without a vote. For the text of the decision, see chapter II, section B, decision 2003/104.

Discrimination against convicted persons who have served their sentence

10. At the same meeting, Ms. Zerrougui introduced draft resolution E/CN.4/Sub.2/2003/L.23, sponsored by Mr. Bengoa, Mr. Decaux, Mr. Eide, Mr. Guissé, Ms. Hampson, Ms. O'Connor, Mr. Park, Mr. Pinheiro, Mr. Sattar, Mr. Sorabjee, Mr. Yimer, Mr. Yokota and Ms. Zerrougui. Mr. Dos Santos Alves subsequently joined the sponsors.

11. Statements in connection with the draft resolution were made by Mr. Alfonso Martínez, Mr. Eide, Mr. Guissé, Mr. Kartashkin, Mr. Pinheiro and Mr. Sorabjee.

12. The draft resolution was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 2003/7.

Issue of the administration of justice through military tribunals

13. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/2003/L.26, sponsored by Mr. Bengoa, Mr. Chen Shiqiu, Mr. Dos Santos Alves, Mr. Eide, Mr. Guissé, Ms. Hampson, Mr. Kartashkin, Ms. Koufa, Ms. Motoc, Mr. Ogurtsov, Mr. Park, Mr. Pinheiro, Ms. Rakotoarisoa, Mr. Rodríguez Cuadros, Mr. Sattar, Mr. Weissbrodt, Mr. Yimer and Ms. Zerrougui. Mr. Sorabjee and Mr. Yokota subsequently joined the sponsors.

14. The draft resolution was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 2003/8.

Promotion and consolidation of democracy

15. At the same meeting, the Sub-Commission considered draft decision E/CN.4/Sub.2/2003/L.30, sponsored by Mr. Bengoa, Mr. Chen Shiqiu, Mr. Decaux, Mr. Dos Santos Alves, Mr. Eide, Mr. Guissé, Mr. Kartashkin, Ms. Koufa, Ms. O'Connor, Mr. Park, Mr. Pinheiro, Ms. Rakotoarisoa, Mr. Sattar, Mr. Weissbrodt, Mr. Yimer and Mr. Yokota. Ms. Hampson and Ms. Zerrougui subsequently joined the sponsors.

16. The draft decision was adopted without a vote. For the text of the resolution, see chapter II, section B, decision 2003/106.

Working paper on the difficulties of establishing guilt and/or responsibilities with regard to crimes of sexual violence

17. At the 22nd meeting, on the same day, the Sub-Commission considered draft decision E/CN.4/Sub.2/2003/L.31, sponsored by Mr. Chen Shiqiu, Mr. Decaux, Mr. Dos Santos Alves, Mr. Guissé, Ms. Hampson, Mr. Kartashkin, Ms. Mbonu, Mr. Park, Mr. Pinheiro, Ms. Rakotoarisoa and Mr. Weissbrodt. Mr. Alfonso Martínez, Mr. Yokota and Ms. Zerrougui subsequently joined the sponsors.

18. Ms. Hampson orally revised the penultimate line of the draft decision.

19. A statement in connection with the draft decision was made by Ms. Zerrougui.

20. The draft decision, as orally revised, was adopted without a vote. For the text of the decision, see chapter II, section B, decision 2003/107.

Working paper on the criminalization investigation and prosecution of acts of serious sexual violence

21. At the same meeting, the Sub-Commission considered draft decision E/CN.4/Sub.2/2003/L.34, sponsored by Mr. Chen Shiqiu, Mr. Decaux, Mr. Dos Santos Alves, Mr. Guissé, Ms. Hampson, Mr. Kartashkin, Ms. Mbonu, Mr. Park, Mr. Pinheiro and Ms. Rakotoarisoa.

22. The draft decision was adopted without a vote. For the text of the decision, see chapter II, section B, decision 2003/108.

International Criminal Court

23. At the 21st and 22nd meetings, on 13 August 2003, the Sub-Commission considered draft resolution E/CN.4/Sub.2/2003/L.24, sponsored by Mr. Bengoa, Mr. Decaux, Mr. Eide, Mr. Guissé, Ms. Hampson, Ms. Koufa, Ms. Motoc, Ms. O'Connor, Mr. Pinheiro, Mr. Rodríguez Cuadros, Mr. Yokota and Ms. Zerrougui.

24. Mr. Decaux orally revised operative paragraphs 3 and 4 and further deleted the words “, whether they have ratified it or not;” in paragraph 4.

25. Statements in connection with the draft resolution were made by Mr. Alfonso Martínez, Mr. Bengoa, Mr. Kartashkin, Mr. Park, Mr. Pinheiro, Mr. Sorabjee, Mr. Weissbrodt and Mr. Yokota.

26. The draft resolution, as orally revised, was adopted without a vote. For the text of the decision, see chapter II, section A, resolution 2003/10.

Transfers with particular reference to death penalty

27. At the 21st and 22nd meetings, the Sub-Commission considered draft resolution E/CN.4/Sub.2/2003/L.35, sponsored by Mr. Decaux, Mr. Dos Santos Alves, Mr. Eide, Ms. Hampson, Ms. Koufa, Ms. O'Connor, Mr. Park and Mr. Pinheiro.

28. Ms. Hampson orally revised operative paragraphs 3 and 5 of the draft resolution.

29. Statements in connection with the draft resolution were made by Mr. Alfonso Martínez, Mr. Bengoa, Ms. Hampson, Mr. Guissé, Ms. Mbonu, Mr. Sorabjee, Mr. Yokota and Ms. Zerrougui.

30. The draft resolution, as orally revised, was adopted without a vote. For the text of the decision, see chapter II, section A, resolution 2003/11.
