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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-FIFTH SESSION**

Geneva, 28 July-15 August 2003

Rapporteur: Mr. Stanislav Ogurtsov

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

A. Resolution

Prohibition of forced evictions

The Commission on Human Rights,

Recalling its 1993/77 of 10 March 1993 and the analytical report on forced evictions submitted by the Secretary-General (E/CN.4/1994/20) to the Commission at its fiftieth session,

Recalling also Sub-Commission on the Promotion and Protection of Human Rights resolutions 1991/12 of 26 August 1991, 1992/14 of 27 August 1992, 1993/41 of 26 August 1993, 1994/39 of 26 August 1994, 1995/29 of 24 August 1995, 1996/27 of 29 August 1996, 1997/6 of 22 August 1997 and 1998/9 of 20 August 1998,

Reaffirming that every woman, man and child has the right to a secure place to live in peace and dignity, which includes the right not to be evicted unlawfully, arbitrarily or on a discriminatory basis from one's home, land or community,

Recognizing that the often violent practice of forced eviction involves the coerced and involuntary removal of persons, families and groups from their homes, lands and communities, whether or not deemed legal under prevailing systems of law, resulting in greater homelessness and inadequate housing and living conditions,

Emphasizing that ultimate legal and political responsibility for preventing forced evictions rests with Governments,

Recalling, however, that general comment No. 2 (1990) on international technical assistance measures, adopted by the Committee on Economic, Social and Cultural Rights at its fourth session, states, *inter alia*, that international agencies should scrupulously avoid involvement in projects which involve, among other things, large-scale evictions or displacement of persons without the provision of all appropriate protection and compensation (E/1990/23, annex III, para. 6), and general comment No. 4 (1991) in which the Committee considered that instances of forced eviction were, *prima facie*, incompatible with the requirements of the International Covenant on Economic, Social and Cultural Rights and could only be justified in the most exceptional circumstances, and in accordance with the relevant principles of international law (E/1992/23, annex III, para. 18),

Noting with interest the recent case law of the European Court of Human Rights, the Inter-American Commission on Human Rights and the African Commission on Human and Peoples' Rights regarding the prohibition of forced eviction,

Recalling the adoption of general comment No. 7 (1997) on forced evictions by the Committee on Economic, Social and Cultural Rights (E/1998/22, annex IV), in which the Committee recognized, inter alia, that women, children, youth, older persons, indigenous people, ethnic and other minorities, and other marginalized or vulnerable groups all suffer disproportionately from the practice of force eviction, and that women in all groups are disproportionately affected, given the extent of statutory and other forms of discrimination which often apply in relation to the property rights of women, including home ownership and rights of access to property of accommodation, and given the particular vulnerability of women to acts of gender-based violence and sexual abuse when they are rendered homeless,

Noting also the provisions on forced evictions contained in the Habitat Agenda (A/CONF.165/14), adopted by the second United Nations Conference on Human Settlements (Habitat II) convened in June 1996,

1. *Reaffirms* that the practice of forced eviction constitutes a gross violation of a broad range of human rights, in particular the right to adequate housing, the right to remain, the right to freedom of movement, the right to privacy, the right to property, the right to an adequate standard of living, the right to security of the home, the right to security of the person, the right to security of tenure and the right to equality of treatment;

2. *Strongly urges* Governments to undertake immediately measures, at all levels, aimed at eliminating the practice of forced evictions by, inter alia, repealing existing plans involving forced evictions as well as any legislation allowing for forced evictions and by adopting and implementing legislation ensuring the right to security of tenure for all residents;

3. *Also strongly urges* Governments to protect all persons who are currently threatened with forced eviction, and to adopt all necessary measures giving full protection against forced eviction, based upon effective participation, consultation and negotiation with affected persons or groups;

4. *Recommends* that all Governments provide immediate restitution, compensation and/or appropriate and sufficient alternative accommodation or land to persons and communities that have been forcibly evicted, following mutually satisfactory negotiations with the affected persons or groups and consistent with their wishes, rights and needs, and recognizing the obligation to ensure such provision in the event of any forced eviction;

5. *Recommends* that all Governments ensure that any eviction that is otherwise deemed lawful is carried out in a manner which does not violate any of the human rights of those evicted;

6. *Reminds* all international financial, trade, development and other related institutions and agencies, including member or donor States that have voting rights within such bodies, to take fully into account the views contained in the present resolution and the obligations under international human rights and humanitarian law on the practice of forced eviction;

7. *Requests* the United Nations High Commissioner for Human Rights to give due attention to the practice of forced eviction in discharging his responsibilities and to undertake measures, whenever possible, to persuade Governments to comply with relevant international standards, to prevent planned forced evictions from taking place and to ensure the provision of restitution or just and fair compensation, as the case may warrant, when forced evictions have already occurred;

8. *Welcomes* the report of the expert seminar on the practice of forced evictions convened from 11 to 13 June 1997 and the comprehensive human rights guidelines on development-based displacement adopted by the expert seminar (E/CN.4/Sub.2/1997/7);

9. *Invites* all States to consider the comprehensive human rights guidelines on development-based displacement as contained in document E/CN.4/Sub.2/1997/7, with a view to approving the guidelines in their present form at its sixty-first session;

10. *Decides* to consider the issue of forced evictions at its sixty-first session under the agenda item entitled "Economic, social and cultural rights".

[See chap. II, sect. A, resolution 2003/27,
and chap. VIII.]

B. Decisions

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

The Commission on Human Rights, taking note of the Sub-Commission on the Promotion and Protection of Human Rights resolution 2003/2 of 13 August 2003, and convinced of the destructive effects of all forms of corruption on the enjoyment of human rights, the rule of law and the implementation of the right to development, decides to endorse the decision of the Sub-Commission to appoint Ms. Christy Mbonu as Special Rapporteur with the task of preparing a comprehensive study on corruption and its impact on the full enjoyment of human rights, in particular economic, social and cultural rights, based on her working paper (E/CN.4/Sub.2/2003/18) as well as the comments received and the useful discussions that took place at the fifty-fifth session of the Sub-Commission, and requests the Special Rapporteur to submit a preliminary report to the Sub-Commission at its fifty-sixth session, a progress report at its fifty-seventh session and a final report at its fifty-eighth 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 2003/2,
and chap. VI.]

2. Human rights and bioethics

The Commission on Human Rights, taking note of Sub-Commission on the Promotion and Protection of Human Rights resolution 2003/4 of 13 August 2003, decides to approve the decision of the Sub-Commission to appoint Ms. Iulia-Antoanella Motoc as Special Rapporteur to undertake a study on human rights and the human genome, based on her working paper (E/CN.4/Sub.2/2003/36). The Special Rapporteur is requested to submit her preliminary report to the Sub-Commission at its fifty-sixth session and her final report to the Commission at its sixty-first session. The Commission also requested the Secretary-General to provide the Special Rapporteur with the necessary assistance to enable her to carry out her study.

[See chap. II, sect. A, resolution 2003/4,
and chap. VIII.]

3. United Nations Decade for Human Rights Education, 1995-2004

The Commission on Human Rights, taking into consideration the report of the High Commissioner for Human Rights on the follow-up to the United Nations Decade for Human Rights Education, 1995-2004 (E/CN.4/2003/101), as well as the recommendations contained in the report of the High Commissioner on the midterm evaluation of the Decade (A/55/360), decides to recommend to the Economic and Social Council that it recommend to the General Assembly the proclamation of a second Decade for Human Rights Education to begin on 1 January 2005.

[See chap. II, sect. A, resolution 2003/5,
and chap. VIII.]

4. Terrorism and human rights

The Commission on Human Rights, taking note of resolution 2003/6 of 13 August 2003 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 final 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 finalize her study.

[See chap. II, sect. A, resolution 2003/6,
and chap. VIII.]

5. The rights of non-citizens

The Commission on Human Rights, taking note of resolution 2003/21 of 13 August 2003 of the Sub-Commission on the Promotion and Protection of Human Rights, recommends to the Economic and Social Council the following decision for adoption:

“The Economic and Social Council decides to authorize Mr. David Weissbrodt as Special Rapporteur for a period of three years with the task of furthering the study of the rights of non-citizens based on the final report (E/CN.4/Sub.2/2003/23 and Add.1-4) of the Special Rapporteur by monitoring the rights of non-citizens (including refugees, asylum-seekers, stateless persons and forcibly trafficked persons) and taking effective action in response to information received; cooperating with the Commission’s thematic procedures (particularly the Special Rapporteur on the human rights of migrants) and the human rights treaty bodies (particularly the Committee on Migrant Workers and Members of Their Families) in order to secure consistency of approach and avoid duplication of effort; making recommendations to the Sub-Commission, other relevant United Nations bodies, and other interested parties; and preparing an annual report to the Sub-Commission on the rights of non-citizens. The Council requests the Secretary-General to provide the Special Rapporteur with all the assistance necessary to enable him/her to accomplish this task.”

[See chap. II, sect. A, resolution 2003/21,
and chap. VII.]

6. Human rights implications, particularly for indigenous people, of the disappearance of States for environmental reasons

The Commission on Human Rights urgently calls upon the Secretary-General to prepare a report, with assistance from the Office of the United Nations High Commissioner on Human Rights, on the legal implications of the disappearance of States for environmental reasons, including the implications for the human rights of their residents, with particular reference to the rights of indigenous people, and to submit the report to the General Assembly, the Economic and Social Council, the Commission on Human Rights and the Sub-Commission on the Promotion and Protection of Human Rights, and recommends that the Council recommend to the Assembly, upon receipt of the report, that it set up a working group to consider the issue and that its report be circulated to the Council, the Commission and the Sub-Commission.

[See chap. II, sect. A, resolution 2003/24,
and chap. VII.]

7. The universal implementation of international human rights treaties

The Commission on Human Rights, taking note of resolution 2003/25 of 14 August 2003 of the Sub-Commission on the Promotion and Protection of Human Rights, approves the decision of the Sub-Commission to appoint Mr. Emmanuel Decaux Special Rapporteur to conduct a detailed study of the universal implementation of international human rights treaties based on his working paper (E/CN.4/Sub.2/2003/37), the comments made and the discussions that took place at the fifty-fifth session of the Sub-Commission, and its decision to request the Special Rapporteur to submit a preliminary report to the Sub-Commission at its fifty-sixth session, an interim report at its fifty-seventh session and a final report at its fifty-eighth session. The Commission also endorses the request to the Secretary-General to provide the Special Rapporteur with all necessary assistance to enable him to carry out its mandate, inter alia in his contacts with States.

[See chap. II, sect. A, resolution 2003/25,
and chap. VIII.]

8. Harmful traditional practices affecting the health of women and the girl child

The Commission on Human Rights, taking note of Sub-Commission on the Promotion and Protection of Human Rights resolution 2003/28 of 14 August 2003, approves the Sub-Commission's decision to renew the mandate of the Special Rapporteur on harmful traditional practices affecting the health of women and the girl child for a further three years and requests the Special Rapporteur to submit an updated report to the Sub-Commission at its fifty-sixth session.

[See chap. II, sect. A, resolution 2003/28,
and chap. VIII.]

9. Working Group on Indigenous Populations

The Commission on Human Rights, taking note of resolution 2003/29 of 14 August 2003 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-sixth session of the Sub-Commission in 2004.

[See chap. II, sect. A, resolution 2003/29,
and chap. VII.]

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 decision 2003/105 of 13 August 2003 of the Sub-Commission on the Promotion and Protection of Human Rights and recalling its own decision 2003/112 of 25 April 2003, decides to approve the request of the Sub-Commission to the Secretary-General to transmit a questionnaire elaborated by the Special Rapporteur to Governments, national human rights institutions and non-governmental organizations to solicit information required in connection with the study, in particular on the national laws and training programmes used to implement the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, in order that the Special Rapporteur may take them fully into account in preparing her progress report for the fifty-sixth session of the Sub-Commission.

[See chap. II, sect. B, decision 2003/105,
and chap. VIII.]

11. Publishing the report of the Special Rapporteur on the rights of non-citizens

The Commission on Human Rights, recalling its decision 2000/104 of 25 April 2000 and Economic and Social Council decision 2000/283 of 28 July 2000 authorizing the Sub-Commission on the Promotion and Protection of Human Rights to appoint one of its members as Special Rapporteur with the task of preparing a comprehensive study of the rights of non-citizens and also its decision 2002/107 of 25 April 2002 authorizing the Sub-Commission to request information in regard to the study, and welcoming the final report (E/CN.4/Sub.2/2003/23 and Add.1-4), together with the working paper (E/CN.4/Sub.2/1999/7 and Add.1), the preliminary report (E/CN.4/Sub.2/2001/20 and Add.1) and the progress report (E/CN.4/Sub.2/2000/25 and Add.1-3) submitted by the Special Rapporteur, decides to request the Special Rapporteur to compile and update all his reports, addenda and questionnaire replies into a single report.

The Commission recommends to the Economic and Social Council the following draft decision for adoption:

“The Economic and Social Council, recalling its decision 2000/283 of 28 July 2000 authorizing a comprehensive study of the rights of non-citizens and Commission on Human Rights decision 2000/104 of 25 April 2000, decides that the updated and consolidated report on the rights of non-citizens should be published in all official languages of the United Nations and given the widest possible distribution, including to Governments, relevant bodies and agencies of the United Nations system (including the International Labour Organization, the Office of the United Nations High Commissioner for Refugees, treaty bodies and the Special Rapporteur on the human rights of migrants), specialized agencies, regional intergovernmental organizations and non-governmental organizations.”

[See chap. II, sect. B, decision 2003/220,
and chap. VII.]

12. Voluntary fund on minority-related activities

“The Commission on Human Rights, taking note of resolution 2003/23 of 13 August 2003 of the Sub-Commission on the Promotion and Protection of Human Rights, endorses its recommendation that a voluntary fund on minority-related activities be established to facilitate the participation in the Working Group on Minorities and its related activities of minority representatives and experts from developing countries and for the organization of other activities relating to the implementation of the rights of persons belonging to minorities, with the members of the Working Group acting as a virtual decision-making board. The Commission recommends that the Economic and Social Council approve this request and recommend to the General Assembly that it give favourable consideration to the establishment of a voluntary fund on minority-related activities.”

[See chap. II, sect. B, decision 2003/111,
and chap. VII.]

13. International year/decade for the world's minorities

“The Commission on Human Rights, taking note of resolution 2003/23 of 13 August 2003 of the Sub-Commission on the Promotion and Protection of Human Rights, endorses its recommendation that an international year for the world's minorities be proclaimed, to be followed by a decade, with a view, inter alia, to advancing the implementation of article 9 of the United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities relating to cooperation among the specialized agencies and other organizations of the United Nation system for the full realization of the rights and principles set forth in the Declaration, within their respective competence.”

[See chap. II, sect. A, resolution 2003/23,
and chap. VII.]

14. Globalization and its impact on the full enjoyment of human rights

“The Commission on Human Rights, taking note of Sub-Commission on the Promotion and Protection of Human Rights decision 2003/117 of 15 August 2003, decides to approve the Sub-Commission's request that the reports of the Special Rapporteurs of the Sub-Commission on globalization and its impact on the full enjoyment of economic, social and cultural rights (E/CN.4/Sub.2/2000/13, E/CN.4/Sub.2/2001/10 and E/CN.4/Sub.2/2003/14) be published in the official languages of the United Nations.”

[See chap. II, sect. B, decision 2003/117,
and chap. VI.]

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

A. Resolutions

2003/1. Promotion of the realization of the right to drinking water and sanitation

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

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

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

Recalling the Declaration on the Right to Development,

Recalling also that in part I, paragraph 10, of the Vienna Declaration and Programme of Action, the World Conference on Human Rights reaffirmed the right to development as a universal and inalienable right and an integral part of human rights, and urged States and the international community to promote effective international cooperation for the realization of the right to development and the elimination of obstacles to development,

Taking account of the results of the World Summit for Social Development, held in Copenhagen from 6 to 12 March 1995, especially the recommendations in its Programme of Action concerning the United Nations system to strengthen United Nations operational activities for development in order to ensure the implementation of the World Summit outcome, as well as the 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,

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,

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* the preliminary report submitted by Mr. El-Hadji Guissé on, in particular, the content of the right to drinking water and sanitation and the implementation of the right to drinking water;

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 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 final report;

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

*21st meeting
13 August 2003*

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

**2003/2. Corruption and its impact on the full enjoyment of human rights,
in particular economic, social and cultural rights**

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

Guided by the Charter of the United Nations and the Universal Declaration of Human Rights, the United Nations Convention against Transnational Organized Crime as well as other relevant human rights instruments,

Deeply concerned that the enjoyment of human rights, be they economic, social and cultural or civil and political, is seriously undermined by the phenomenon of corruption,

Taking account of standards against corruption adopted at the national, regional and international levels, including the revised draft United Nations Convention against Corruption contained in document A/AC.261/3/Rev.4,

Convinced that corruption has become a major international concern, taking many forms, from routine cases of bribery or petty abuse of power to the amassing of spectacular personal wealth through embezzlement or other dishonest means,

Recalling its decision 2002/106 of 14 August 2002, in which it decided to entrust to Ms. Christy Mbonu the task of preparing, without financial implications, a working paper on the question of corruption and its impact on the enjoyment of human rights, in particular, economic, social and cultural rights,

Taking into account the working paper submitted by Ms. Mbonu (E/CN.4/Sub.2/2003/18) and the very useful interactive debate among the participants at the Sub-Commission on this question,

1. *Encourages* political leaders in their respective countries to be national examples of probity, integrity and self-esteem so as to give a decent moral direction to governance at all levels;

2. *Urges* States to introduce national mechanisms to prevent and combat corruption through the establishment of specific anti-corruption legislation;

3. *Also urges* States to aggressively combat and eliminate corruption, particularly among law enforcement agencies and the judiciary;
4. *Calls upon* civil society, particularly the media and non-governmental organizations, to become more involved in the prevention and punishment of corruption;
5. *Endorses* the conclusions and recommendations of the working paper on corruption and its impact on the full enjoyment of human rights, in particular economic, social and cultural rights, submitted by Ms. Christy Mbonu;
6. *Decides* to appoint Ms. Mbonu as Special Rapporteur with the task of preparing a comprehensive study on corruption and its impact on the full enjoyment of human rights, in particular economic, social and cultural rights, based on her working paper and the opinions expressed during the debate on this issue during the present session, and requests the Special Rapporteur to submit a preliminary report to the Sub-Commission at its fifty-sixth session, a progress report at its fifty-seventh session and a final report at its fifty-eighth session;
7. *Requests* the Secretary-General to provide the Special Rapporteur with all the assistance necessary to enable her to accomplish her task;
8. *Recommends* the following draft decision to the Commission on Human Rights for adoption:

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

*21st meeting
13 August 2003*

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

2003/3. 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.2/2003/31) and in particular the recommendations contained in chapter VI,

Deeply concerned at the information it contains relating to the role of discrimination and gender discrimination in the perpetuation of slavery, 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, rapid population growth, HIV/AIDS, poor governance, corruption, impunity, discrimination in all its forms and armed conflicts 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 contemporary forms of slavery related to and generated by discrimination, in particular gender discrimination;

I. CONTEMPORARY FORMS OF SLAVERY RELATED TO AND
GENERATED BY DISCRIMINATION, IN PARTICULAR
GENDER DISCRIMINATION

3. *Recognizes* that victims of slavery and slavery-like practices frequently belong to minority groups, particular racial groups or categories of people who are especially vulnerable to a wide range of discriminatory acts, including women, children, indigenous peoples, people of descent-based groups and migrant workers;

4. *Urges* Governments to fully implement general recommendation XXIX on descent-based discrimination adopted by the Committee on the Elimination of Racial Discrimination, including by: reviewing, enacting or amending legislation to outlaw all forms of discrimination based on descent; resolutely implementing legislation and other measures in force; and formulating and implementing a comprehensive national strategy, with the participation of members of affected groups, to eliminate discrimination against members of descent-based groups;

5. *Also urges* Governments to establish and implement national policies and action plans to combat racism, racial discrimination, xenophobia and related intolerance, including their gender-based manifestations, as recommended in the Declaration and Programme of Action of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance held in Durban, South Africa, in 2001;

6. *Invites* States to review and, where necessary, reform legislation and practice to increase the minimum age for marriage with and without parental consent to 18 years, for both girls and boys, in accordance with the new general comment No. 4 of the Committee on the Rights of the Child;

7. *Also invites* States to implement programmes and policies aimed at combating practices affecting the health of children, especially girls, and at setting up broad information campaigns on the devastating effects and consequences of certain identified practices, such as early marriages/early pregnancies, on girls;

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

8. *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 and to condemn and penalize traffickers and intermediaries;

9. *Urges* States to ensure that their policies and laws do not legitimize prostitution as the victims' choice of work, or promote the legalization or regulation of prostitution;

10. *Urges* Governments that have not yet done so to sign and ratify the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949, the Convention to Eliminate All Forms of Discrimination against Women and the United Nations Convention against Transnational Organized Crime, including the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children;

11. *Calls upon* States to ensure that the protection and support provided to the victims are at the centre of any anti-trafficking policy and 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* States to allocate resources for comprehensive programmes designed to provide assistance to, protection for, and healing reintegration into society and rehabilitation of victims;

13. *Also urges* States to devise, enforce and strengthen effective measures at the national, regional and international levels to prevent, combat and eliminate all forms of trafficking through comprehensive anti-trafficking strategies which include legislative measures, prevention campaigns and information exchange;

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, and invites non-governmental organizations to do the same in their sphere of competence;

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. SEXUAL EXPLOITATION OF CHILDREN AND ACTIVITIES OF THE SPECIAL RAPPORTEUR ON THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY

16. *Takes note* of the report of the 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.4/2003/79) 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-ninth session of the Working Group;

17. *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 Prevention of the Sale of Children, Child Prostitution and Child Pornography;

IV. ERADICATION OF BONDED LABOUR AND ELIMINATION OF CHILD LABOUR

18. *Calls upon* all States that have not already done so to ratify International Labour Organization Convention (No. 182) concerning the prohibition 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 the Convention to harmonize their national legislation with it;

19. *Also calls upon* States to ensure that the worst forms of child labour are prohibited and that the penalties are commensurate with the crimes committed and that this legislation is properly enforced;

20. *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 ensure that they are not exploited;

21. *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 the ownership and occupation of such land by former bonded labourers;

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

23. *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;

24. *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;

25. *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;

26. *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;

27. *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, and invites the international community to cooperate in developing viable alternatives to child labour, in particular for young girls;

28. *Requests* the Secretary-General to invite all States to inform the Working Group of measures adopted to implement the Programme of Action for the Elimination of the Exploitation of Child Labour and to report thereon to the Sub-Commission and the Commission on Human Rights at their next sessions;

V. MIGRANT WORKERS AND DOMESTIC MIGRANT WORKERS

29. *Welcomes* the entry into force on 1 July 2003 of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families adopted by the General Assembly by its resolution 45/158 of 18 December 1990;

30. *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;

31. *Also urges* States, in particular receiving countries, to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;

32. *Further urges* States to take the necessary measures to prohibit and punish those who confiscate passports belonging to migrant workers, in particular migrant domestic workers;

33. *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;

VI. FORCED LABOUR

34. *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;

35. *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;

36. *Invites* the International Labour Organization, in cooperation with the members of the Working Group, to consider organizing, within the framework of the twenty-ninth session of the Working Group, consultations on the issue of the forced labour;

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

37. *Once again urges* 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;

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

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

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

40. *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 trafficking for the purposes of prostitution, pornography and the sexual exploitation of women and children;

41. *Urges* Governments to act more forcefully to eliminate traffic in persons, exploitation of the prostitution of others, pornography and all other forms of sexual exploitation through the Internet, and in that regard to consider setting up monitoring systems aimed at a better control of the Internet;

42. *Calls* for closer cooperation among Governments, non-governmental organizations and Internet service providers in order to combat the misuse of the Internet;

IX. MISCELLANEOUS

43. *Welcomes* the decision of the Working Group to consider as a matter of priority at its thirtieth session (2005), in the context of its thirtieth anniversary, an assessment of its activities and work;

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

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

46. *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 relating to the protection of children and other persons exposed to contemporary forms of slavery;

47. *Once again requests* the Secretary-General to transmit to the special rapporteurs and Working Groups concerned the recommendations of relevance to them and the report of the Working Group;

48. *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 United Nations 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;

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

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

*21st meeting
13 August 2003*

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

2003/4. Human rights and bioethics

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

Recalling its decision 2002/114 of 15 August 2002,

Taking note of Commission on Human Rights resolution 2003/69 of 25 April 2003 in which the Commission again requested the Sub-Commission on the Promotion and Protection of Human Rights 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,

Taking note also of the expanded working paper submitted by Ms. Antoanella-Iulia Motoc (E/CN.4/Sub.2/2003/36),

1. *Expresses its appreciation* to Ms. Antoanella-Iulia Motoc for her comprehensive working paper;
2. *Decides* to appoint Ms. Motoc as Special Rapporteur to undertake a study on human rights and the human genome based on her working paper, and requests the Special Rapporteur to submit a preliminary report to the Sub-Commission at its fifty-sixth session and her final report to the Commission at its sixty-first 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, sect. B, draft decision 2.]

21st meeting
13 August 2003
[Adopted without a vote. See chap. VIII.]

2003/5. United Nations Decade for Human Rights Education, 1995-2004

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,

Reaffirming article 26 of the Universal Declaration of Human Rights, in accordance with which education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms,

Recalling the Vienna Declaration and Programme of Action adopted in June 1993 by the World Conference on Human Rights, in particular Part II, paragraphs 78 to 82 thereof,

Welcoming the meaningful cooperation with the United Nations Educational, Scientific and Cultural Organization on this matter,

Affirming that human rights education is a key to changing attitudes and behaviour based on racism, racial discrimination, xenophobia and related intolerance and to promoting tolerance and respect for diversity in societies, and that such education is a determining factor in the promotion, dissemination and protection of the democratic values of justice and equity, which are essential to prevent and combat the spread of racism, racial discrimination, xenophobia and related intolerance, as was recognized at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban, South Africa, from 31 August to 8 September 2001,

Recalling the responsibility of the United Nations High Commissioner for Human Rights to coordinate relevant United Nations education and public information programmes in the field of human rights,

Recalling also General Assembly resolution 49/184 of 23 December 1994, in which the Assembly proclaimed the ten-year period beginning on 1 January 1995 the United Nations Decade for Human Rights Education, welcomed the Plan of Action for the Decade and requested the High Commissioner to coordinate the implementation of the Plan of Action,

Recognizing the invaluable and creative role that non-governmental and community-based organizations play in the promotion and protection of human rights by disseminating public information and engaging in human rights education, especially at the grass-roots level and in remote and rural communities,

Welcoming the initiative of the Office of the High Commissioner to develop further the project entitled “Assisting Communities Together”, launched in 1998, supported by voluntary funds and designed to provide small grants to grass-roots and local organizations carrying out practical human rights activities,

Recalling the midterm global evaluation of progress made towards the achievement of the objectives of the Decade undertaken by the Office of the High Commissioner, in cooperation with all other principal actors in the Decade, which was presented in the relevant report of the High Commissioner to the General Assembly at its fifty-fifth session (A/55/360),

Recalling with appreciation the report of the High Commissioner for Human Rights on the implementation of the Plan of Action of the United Nations Decade for Human Rights Education, 1995-2004 (E/CN.4/2003/100),

Recalling also with appreciation the study of the High Commissioner on the follow-up to the United Nations Decade for Human Rights Education, 1995-2004 (E/CN.4/2003/101),

1. *Encourages* Governments, regional organizations and intergovernmental and non-governmental organizations to explore further the potential support and contribution to human rights education of all relevant partners, including the private sector, development, trade and financial institutions and the media, and to seek their cooperation in the development of human rights education strategies;

2. *Recommends* that the human rights treaty bodies, when examining reports of States parties, devote attention specifically to human rights education and that human rights education be included in the agenda of the annual meeting of the persons chairing the treaty bodies so that they can make recommendations on how human rights education can contribute to national capacity-building aimed at strengthening national human rights protection mechanisms;

3. *Also recommends* that the United Nations High Commissioner for Human Rights, jointly with the United Nations Educational, Scientific and Cultural Organization and in consultation with all Member States, in accordance with paragraph 21 of Commission resolution 2003/70 of 25 April 2003, encourage Governments to organize meetings, workshops and other activities at the regional and international levels on the achievements and shortcomings of the Decade, to be coordinated by the Office of the High Commissioner;

4. *Requests* the Office of the High Commissioner to make available the study of the High Commissioner on the follow-up to the United Nations Decade for Human Rights Education, 1995-2004 (E/CN.4/2003/101) to the members of the Sub-Commission at its fifty-sixth session in order that they may review the achievements of the Decade and explore the possibilities for further steps to be taken under the Plan of Action of the Decade;

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

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

*21st meeting
13 August 2003*

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

2003/6. Terrorism and human rights

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

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the 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 acts, methods and practices of terrorism in all its forms and manifestations are activities aimed at the destruction of human rights, fundamental freedoms and democracy, threatening territorial

integrity, security of States and destabilizing legitimately constituted Governments, and that the international community should take the necessary steps to enhance cooperation to prevent and combat terrorism,

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

Recalling further General Assembly resolutions 56/160 of 19 December 2001 and 57/219 of 18 December 2002, Security Council resolutions 1373 (2001) of 28 September 2001 and 1377 (2001) of 12 November 2001, as well as Commission on Human Rights resolutions 2003/37 of 23 April 2003 and 2003/68 of 25 April 2003, and its own resolution 2002/24 of 14 August 2002,

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 of promoting and protecting 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,

Bearing in mind further that terrorism in many cases poses a serious challenge to democracy, civil society and the rule of law,

Reiterating that all States have an obligation to promote and protect all human rights and fundamental freedoms and to ensure effective implementation of their obligations under international human rights and humanitarian law,

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

Reiterating further that, in accordance with article 4 of the International Covenant on Civil and Political Rights, certain rights are recognized as non-derogable in any circumstances and that any measures derogating from the provisions of the Covenant must be in accordance with that article in all cases, and underlining the exceptional and temporary nature of any such derogations,

Mindful of the initiatives introduced on the question of human rights and terrorism at the General Assembly and the Commission on Human Rights since the previous session of the Sub-Commission,

Mindful also of 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,

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

Having considered the analytical and well-documented additional progress report (E/CN.4/Sub.2/2003/WP.1 and Add.1 and 2) 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 additional progress report and her introductory statement;
2. *Requests* the Special Rapporteur to continue her work with a view to completing her study on the conceptual aspects of terrorism and human rights and submitting her final report to the Sub-Commission at its fifty-sixth session, 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 update her research, information and data for the completion and finalization of her study;
4. *Requests* the Secretary-General to transmit the additional 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 make available also to the Special Rapporteur all collected information, including the 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;
6. *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;
7. *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 finalize her study;

8. *Requests* that the additional progress report be translated into the official languages of the United Nations and published as an official document;

9. *Requests* the Office of the United Nations High Commissioner for Human Rights to ensure the distribution of the additional progress report and the addenda at the sixtieth session of the Commission on Human Rights;

10. *Requests* the Secretary-General to ensure that the additional progress report and the addenda can be accessed by those seeking information on the activities of the Economic and Social Council on the web site "UN action against terrorism";

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

[For the text, see chap. II, sect. B, draft decision 4.]

*21st meeting
13 August 2003*

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

2003/7. Discrimination against convicted persons who have served their sentence

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

Noting that persons convicted of crimes after serving their prison sentences and otherwise fulfilling the terms of their criminal punishment return to civil society,

Recalling article 2 of the Universal Declaration of Human Rights, stating that everyone is entitled to all the rights and freedoms set forth in the Declaration, without distinction of any kind,

Noting principle 5 of the Basic Principles for the Treatment of Prisoners, annexed to General Assembly resolution 45/111 of 14 December 1990, which provides that except for those limitations that are demonstrably necessitated by the fact of incarceration, all prisoners shall retain the human rights and fundamental freedoms set out in the Universal Declaration of Human Rights and, where the State concerned is a party, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights and the Optional Protocol thereto, as well as such other rights as are set out in other United Nations covenants,

Considering principle 10 of the Basic Principles, which provides that with the participation and help of the community and social institutions, and with due regard to the interests of victims, favourable conditions shall be created for the reintegration of the ex-prisoner into society under the best possible conditions,

Considering also article 25 of the International Covenant on Civil and Political Rights, which guarantees every citizen the right and opportunity, without unreasonable restrictions, to take part in the conduct of public affairs, directly or through freely chosen representatives, and to vote and be elected at genuine periodic elections,

Noting article 4 of the International Covenant on Economic, Social and Cultural Rights, in which States parties recognize that, in the enjoyment of those rights provided by the State in conformity with the Covenant, the State may subject such rights only to such limitations as are determined by law insofar as this may be compatible with the nature of these rights and solely for the purpose of promoting the general welfare in a democratic society,

Noting also the International Convention on the Elimination of All Forms of Racial Discrimination which through its articles 1 and 5 bars distinction that nullifies or impairs political rights, in particular the rights to participate in elections and to vote on the basis of universal and equal suffrage,

Concerned that some States permit official and unofficial forms of discrimination to be practised against persons who have served their terms of criminal punishment, such as disenfranchisement and denial of basic economic and social benefits accorded to other persons such as public housing, opportunities to obtain private housing, public educational benefits, public welfare benefits, employment opportunities and other types of benefits which could help such persons reintegrate successfully into civil society,

Concerned in particular that historically discriminatory practices may sometimes lead to disproportionate numbers of the poor and minorities in a criminal justice system, which in turn leads to a cycle of poverty, discrimination and greater marginalization of such persons if they are discriminated against after serving a sentence of imprisonment by virtue of their status as former prisoners,

Noting that where minorities are disproportionately represented in prison populations, denial to them of the right to vote results not only in their exclusion as a class from voting in elections, but also may result in the dilution or cancellation of the voting strength of entire racial or ethnic minorities in a given State or political subdivision,

Noting also the United Nations Standard Minimum Rules for Non-custodial Measures (The Tokyo Rules), adopted by the General Assembly by its resolution 45/110 of 14 December 1990, in particular paragraph 12.2, which states that the conditions to be observed in non-custodial measures shall be practical, precise and as few as possible, and be aimed at reducing the likelihood of an offender relapsing into criminal behaviour and at increasing the offender's chances of social integration, taking into account the needs of the victim,

Concerned that convicted persons who believe that they will be denied employment solely on the basis of their criminal record may be less inclined to improve their job skills while in prison, which can undermine the objectives of rehabilitation and training in the penal system, i.e. keeping persons out of prison, avoiding relapses in criminal behaviour and promoting successful, rewarding employment for ex-offenders,

1. *Urges* States to examine their treatment of convicted persons after they have served their punishment and to cease any official or unofficial practices of discrimination against such persons, bearing in mind relevant international human rights standards;

2. *Requests* its sessional working group on the administration of justice to examine this question and to suggest types of information that could be collected in order to understand better the extent of discrimination against convicted persons who have served their sentences and the relevant international human rights standards that would apply to such situations;

3. *Decides* to continue consideration of this matter under the item of its agenda entitled "Prevention of discrimination".

*21st meeting
13 August 2003*

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

2003/8. Issue of the administration of justice through military tribunals

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

Recalling its decisions 2001/103 of 10 August 2001 and 2002/103 of 12 August 2002,

Mindful of articles 3, 5, 8, 9 and 10 of the Universal Declaration of Human Rights and articles 2, 4, 7, 10, 14, 15 and 26 of the International Covenant on Civil and Political Rights,

Mindful also of the Basic Principles on the Independence of the Judiciary, the Basic Principles on the Role of Lawyers and the Guidelines on the Role of Prosecutors,

Recalling Commission on Human Rights resolution 2002/37 of 22 April 2002 and noting with appreciation Commission resolution 2003/39 of 23 April 2003,

Noting with appreciation general comment No. 29 on derogations during a state of emergency (article 4 of the Covenant), adopted by the Human Rights Committee on 24 July 2001, and stressing that only a court of law may try and convict a person for a criminal offence,

Reiterating that every person is entitled, in full equality, to a fair and public hearing by a competent, independent and impartial tribunal, in the determination of his or her rights and obligations and of any criminal charge against him or her,

Reiterating also that everyone has the right to be tried by ordinary courts or tribunals using established legal procedures and that tribunals that do not use such duly established procedures of the legal process shall not be created to displace the jurisdiction belonging to the ordinary courts or judicial tribunals,

Convinced that the independence and impartiality of judges should be respected in all circumstances and that the independence and impartiality of the judiciary are essential prerequisites for the protection of human rights and for ensuring that there is no discrimination in the administration of justice,

Stressing that the composition, operation and procedures of the military courts should comply with the international standards and rules providing for a fair and just trial,

Stressing also the need to develop principles and guidelines on the administration of justice through military tribunals,

1. *Welcomes* the report submitted by Mr. Emmanuel Decaux on the administration of justice through military tribunals and the recommendations contained therein (E/CN.4/Sub.2/2003/4);
2. *Requests* Mr. Decaux to continue his work on the development of principles governing the administration of justice through military tribunals;
3. *Also requests* Mr. Decaux to submit to it, at its fifty-sixth session, an updated report;
4. *Invites* Governments, the relevant United Nations bodies, specialized institutions, regional intergovernmental organizations and non-governmental organizations to provide or continue to provide information on the issue to Mr. Decaux;
5. *Welcomes* the initiative taken by the International Commission of Jurists to organize a seminar of experts, including military experts, in Geneva in 2003, under the auspices of the Office of the United Nations High Commissioner for Human Rights;
6. *Decides* to continue its consideration of the issue at its fifty-sixth session, under the same agenda item.

21st meeting
13 August 2003
[Adopted without a vote. See chap. V.]

2003/9. The right to food, and progress in developing international voluntary 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 at 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,

Recalling the Declaration adopted by the World Food Summit: five years later in Rome in June 2002, which, in particular, invited 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 progressively realize the right to adequate food for all,

Noting with satisfaction that the Council of the Food and Agriculture Organization established in October 2002 an open-ended intergovernmental working group under the Committee on World Food Security to draw up, with the participation of all stakeholders, voluntary guidelines to support the progressive realization of the right to adequate food in the context of national food security, and that the Intergovernmental Working Group held its first session in Rome in March 2003 and plans to hold its second session at the end of September 2003,

Taking into consideration that the development of voluntary guidelines for the implementation of the right to adequate food is the first example of intergovernmental voluntary guidelines being developed for the implementation of a specific economic, social and cultural right and deserves particular attention by all Member States, the relevant international financial institutions and development organizations and civil society,

Noting with satisfaction the thorough preparatory work undertaken by the joint Rome-based Ad Hoc Unit of the secretariat of the Food and Agriculture Organization and the Office of the United Nations High Commissioner for Human Rights to facilitate and coordinate the process,

Recalling its resolution 2002/10 of 14 August 2002 in which it appealed to all States to support and contribute to the work of the Intergovernmental Working Group, with a view to achieving an inclusive and effective process that can be concluded within the time limit set by the World Food Summit: five years later,

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 South Africa, Brazil, Norway, Germany, Uganda, Mali and Sierra Leone and others being planned, which can also contribute directly to the development of the international guidelines,

Recalling 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 expert consultation on the right to food, with a focus on this right as part of strategies and policies for the eradication of poverty,

Welcoming the report of the Special Rapporteur of the Commission on Human Rights on the right to food (E/CN.4/2003/54),

1. *Appeals* to all States to contribute actively to the work of the Intergovernmental Working Group for the Elaboration of a Set of Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security when it meets next in Rome at the end of October 2003, ensuring that the guidelines are solidly founded in human rights law and practice in addition to commonly agreed standards for sustainable economic, social and human development; this may warrant stronger involvement by the human rights bodies in Geneva as stakeholders in the process, including considering the holding of a meeting of the Intergovernmental Working Group, or of its bureau, in Geneva;

2. *Renews its call* upon relevant international financial institutions and development organizations to provide the Intergovernmental Working Group with relevant information and ideas that can help in the formulation of meaningful guidelines;

3. *Also renews its call* upon civil society to assist the Intergovernmental Working Group in making the guidelines as relevant as possible, especially by taking into account the voices of the poor;

4. *Urges* Member States to consider holding national seminars with relevant stakeholders to initiate or develop a domestic dialogue on the scope of and conditions for implementing the right to adequate food and to be free from hunger in the particular contexts of their countries, drawing from the experiences and lessons learned in those countries where initial national seminars have been held, and making the results available so as also to contribute to the intergovernmental process for the elaboration of the voluntary guidelines;

5. *Recommends* that the fourth expert consultation on the right to food recommended by the Commission on Human Rights be convened before the third and last session of the Intergovernmental Working Group in 2004, drawing on the findings of the three earlier expert consultations held in Geneva, Rome and Bonn in 1997, 1998 and 2001, respectively, as well as on the lessons learned from the national seminars held to that date;

6. *Appeals* to the United Nations High Commissioner for Human Rights to continue to seek, as a matter of priority, funds to enable the fourth expert consultation on the right to food to be held in early 2004 and also appeals to donor countries to express their interest in funding the consultation.

21st meeting
13 August 2003
[Adopted with a vote. See chap. VI.]

2003/10. 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 Rome Statute of the International Criminal Court by the largest number of States will constitute an important guarantee in combating impunity,

Recalling its resolution 2002/4 of 12 August 2002 on the establishment of the International Criminal Court,

1. *Welcomes* the establishment of the International Criminal Court, following the election of its judges, women and men representing all continents and all major legal systems, and the appointment of its prosecutor;
2. *Deeply regrets* that the immunity allowed to nationals of States parties or not parties to the Rome Statute who participate in operations established or authorized by the Security Council for the maintenance or restoration of international peace and security, under the terms of Council resolution 1422 (2002) of 12 July 2002, has been extended by resolution 1487 (2003) of 12 June 2003, at the risk of perpetuating a temporary derogation by misconstruing article 16 of the Rome Statute;
3. *Also regrets* that, in its resolution 1497 (2003) of 1 August 2003 on the conflict in Liberia, the Security Council decided that current or former officials or personnel from a contributing State that is not a party to the Rome Statute shall be subject to the exclusive jurisdiction of that contributing State for all alleged acts or omissions arising out of or related to the multinational force or United Nations stabilization force in Liberia, unless such exclusive jurisdiction has been expressly waived by that contributing State;
4. *Considers* unacceptable the increasing pressure that is being exerted, at both the multilateral and the bilateral level, to hinder implementation of the Rome Statute and recalls that States must observe the principles of the Statute;
5. *Urges* all States to ratify the Rome Statute as soon as possible and to ensure its full implementation;
6. *Decides* to continue consideration of this question at its fifty-sixth session.

*22nd meeting
13 August 2003*

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

**2003/11. Transfers of persons with particular reference
to the death penalty**

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

Reaffirming the development towards the abolition of the death penalty generally, as reflected in article 6, paragraph 2, of the International Covenant on Civil and Political Rights and in the Second Optional Protocol thereto, aiming at the abolition of the death penalty, Protocol No. 6 to the Convention for the Protection of Human Rights and Fundamental Freedoms concerning the abolition of the death penalty, article 4, paragraphs 2 and 3, of the American Convention on Human Rights and the Protocol to the American Convention on Human Rights to Abolish the Death Penalty,

Recalling Commission on Human Rights resolutions 1998/8 of 3 April 1998, 1999/61 of 28 April 1999, 2000/65 of 26 April 2000 and 2001/68 of 25 April 2001, in which the Commission expressed the conviction that abolition of the death penalty contributed to the enhancement of human dignity and to the progressive development of human rights,

Recalling also Commission on Human Rights resolution 2002/77 of 25 April 2002 and noting resolution 2003/67 of 24 April 2003, in which the Commission requested that States reserve explicitly the right to refuse extradition upon a request for extradition on a capital charge in the absence of effective assurances from relevant authorities of the requesting State that capital punishment will not be carried out,

Recalling further the recommendations of the Special Rapporteur of the Commission on Human Rights on extrajudicial, summary or arbitrary executions (E/CN.4/2002/74, chap. VII) in relation to the failures to comply with the safeguards and guarantees for the protection of persons facing the death penalty,

Noting that the death penalty is often imposed after trials which do not conform to international standards of fairness and that members of racial, national or ethnic minorities appear to be disproportionately subject to the death penalty,

Welcoming the tendency in retentionist States to restrict the number of crimes carrying a possible death sentence,

Welcoming also the fact that many countries, whilst retaining the death penalty in their penal legislation, are applying a moratorium on executions,

Recalling the view of the Commission on Human Rights that the death penalty should not be imposed on or carried out against a person suffering from any form of mental disorder,

Recalling also the prohibition of the imposition of the death penalty in international law on those aged under 18 at the time of the commission of the offence,

Deeply concerned that several countries transfer persons to States which still have the death penalty, often outside the context of extradition,

1. *Reminds* all States of their obligation not to transfer persons, whether by way of extradition or otherwise, to the jurisdiction of States where the person transferred may be subject to torture or inhuman treatment, including protracted detention on death row;

2. *Reminds* those States which have abolished or suspended the use of the death penalty that they may refuse to transfer persons, whether by way of extradition or otherwise, to the jurisdiction of States which still use the death penalty;

3. *Urges* all States:

(a) Not to transfer persons to the jurisdiction of States which still use the death penalty unless there is a guarantee that the death penalty will be neither sought nor applied in the particular case;

(b) Not to transfer persons to the jurisdiction of States where the person transferred may be held without trial or subject to an unfair trial;

(c) To ensure that no person is transferred to the jurisdiction of another State outside the context of extradition;

(d) To ensure that all persons have the effective possibility of challenging any proposed transfer to the jurisdiction of another State before its courts;

4. *Urges* constituent units of federal States which do not use the death penalty not to transfer persons to a constituent unit of the same State that still maintains the death penalty;

5. *Reminds* all States which refuse to transfer a person to the authorities of another State on one of the grounds indicated above that, where a person is suspected of having committed an international crime, that is to say, an offence in relation to which any State may exercise jurisdiction, they must ensure that:

(a) Their national courts have the jurisdiction to try such suspects;

(b) International crimes are treated as crimes in national law;

(c) They do in fact prosecute such suspects, to which end any other State must provide such cooperation as is necessary and compatible with human rights law; and

(d) The sentences imposed on those convicted are commensurate with the gravity of the offence; nothing in this resolution precludes the possibility of transfer to the jurisdiction of the International Criminal Court;

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

22nd meeting
13 August 2003
[Adopted without a vote. See chap. V.]

2003/12. 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, setting out that States parties to the Covenant should 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 Covenant 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 resolutions 2001/23 of 16 August 2001 and 2002/9 of 14 August 2002 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”,

Taking into account Mr. van Hoof’s illness and subsequent inability to complete a working paper on non-discrimination as enshrined in article 2, paragraph 2, of the Covenant,

Requests Mr. Emmanuel Decaux 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-sixth session on the feasibility of a study on that subject.

22nd meeting
13 August 2003
[Adopted without a vote. See chap. VI.]

**2003/13. 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,

Recalling that the General Assembly, in its resolution 57/211 of 18 December 2002, reaffirmed (a) that extreme poverty and exclusion from society constitute a violation of human dignity and that urgent national and international action is therefore required to eliminate them; (b) that it is essential for States to foster participation by the poorest people in the decision-making process in the societies in which they live, in the promotion of human rights and in efforts to combat extreme poverty; and (c) that appropriate attention must continue to be given to the links between human rights and extreme poverty,

Recalling 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,

Mindful that in its resolution 2001/31 of 23 April 2001 the Commission on Human Rights 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,

Noting with satisfaction Commission resolution 2003/24 of 22 April 2003, in which the Commission expressed deep concern that extreme poverty continued to spread in all countries of the world, regardless of their economic, social and cultural situation, and reaffirmed that it was essential for States to foster participation by the poorest people in the decision-making process in the societies in which they lived and in the realization of human rights,

Aware that, in its resolution 2003/24, the Commission encouraged the ad hoc working group of the Sub-Commission established to prepare a study to contribute to the drafting of an international declaration on extreme poverty and human rights to adopt an approach to human rights and extreme poverty based on the universality, indivisibility, interdependence and interrelation of all human rights,

Recalling its own resolutions 1999/15 of 25 August 1999 on women and the right to development and 1996/23 on human rights and extreme poverty, resolution 1996/22 of 29 August 1998 and decision 1998/105 of 20 August on the right to development and the follow-up thereto contained in resolution 1999/9 of 25 August 1999,

Mindful of the definition of extreme poverty given in the final report on human rights and extreme poverty submitted by the Special Rapporteur, Mr. Leandro Despouy (E/CN.4/Sub.2/1996/13, annex III), which underscores both the similarity and the difference between situations of poverty and extreme poverty, both appearing to be due to similar phenomena varying essentially in number, extent and duration,

Taking note of the reports of the independent expert, Ms. Anne-Marie Lizin, on human rights and extreme poverty (E/CN.4/1999/48, E/CN.4/2000/52, E/CN.4/2001/54 and Corr.1, E/CN.4/2002/55, E/CN.4/2003/52), in particular her suggestions for bringing together people in extreme poverty and those working with them on policy implementation, and her recommendation that yearly round tables be held bringing together all parties concerned,

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 with interest the Draft Guidelines: A Human Rights Approach to Poverty Reduction Strategies, prepared by the Office of the United Nations High Commissioner for Human Rights,

Bearing in mind the importance of international programmes against poverty in a human rights setting of the United Nations Educational, Scientific and Cultural Organization, 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,

Bearing in mind also that the fight against poverty is one of the agreed international development goals and the importance of placing the issue at the centre of discussions at the Sub-Commission's Social Forum,

Aware of the need to apply human rights norms and standards in the context of the fight against extreme poverty,

1. *Reaffirms* that the existence of widespread extreme poverty inhibits the full and effective enjoyment of human rights and may, 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 extreme poverty;
3. *Requests* Ms. Iulia-Antoanelle Motoc, Mr. Emmanuel Decaux, Mr. Yozo Yokota, Mr. El-Hadji Guissé and Mr. José Bengoa, with Mr. Bengoa as coordinator, to prepare, without financial implications, a joint working paper in three stages, submitting a progress report at the fifty-sixth session and a final report at the 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. *Requests* the experts to work with a view to the development of a specific instrument that does not overlap with existing treaties such as the Slavery Convention or the International Convention on the Suppression and Punishment of the Crime of Apartheid;
5. *Also requests* the experts to address extreme poverty specifically, in accordance with the terms of reference given to them by the Commission in its resolutions 2001/31 of 23 April 2001 and 2003/24 of 22 April 2003 as a violation of human dignity and all human rights, civil and political as well as economic, social and cultural;
6. *Approves* the underlying principles of a conceptual framework set out in document E/CN.4/Sub.2/2003/17, in particular the argument that a rights-based approach compels policy makers to focus on the most vulnerable and disadvantaged, those who are often excluded by “average progress”;
7. *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;
8. *Requests* the experts to consider specifically the situations of poverty in various parts of the world in the light of international jurisprudence, treaties, covenants and other relevant instruments with a view to putting an end to extreme poverty and social exclusion, and to consider the policies of the World Bank, the World Trade Organization, the International Monetary Fund and other international bodies for fighting poverty;
9. *Also requests* the experts to present conclusions and recommendations in order to contribute to work on the draft declaration on extreme poverty and human rights and other international and regional initiatives;

10. *Encourages* the experts to adopt an operational approach to extreme poverty based on the principle of the justiciability of rights and the need to give States clear obligations and objectives, assigning all countries collective responsibility for combating extreme poverty all over the world;

11. *Requests* the experts to adopt an approach towards extreme poverty which strengthens bonds of solidarity and social inclusion mechanisms, giving the very poorest people the capacity to exercise all their rights and enjoy respect for their human dignity;

12. *Encourages* the establishment, with input from the various parties and population groups concerned, of a range of indicators for keeping track of situations of extreme poverty, its needs and its evolution;

13. *Invites* non-governmental organizations to contribute to the study by making their experience, practical knowledge and support available to the ad hoc working group of the Sub-Commission;

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

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

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

*22nd meeting
13 August 2003*

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

2003/14. 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, 2001/24 of 16 August 2001 and 2002/12 of 14 August 2002 on the establishment of a forum for economic, social and cultural rights, to be called the Social Forum,

Welcoming 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 and the Commission's decision 2003/107 of 22 April 2003 to recommend to the Economic and Social Council that it authorize the Sub-Commission to convene 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 provision of all the necessary facilities for the preparation and servicing of the event, and welcoming Council decision 2003/264 of 23 July 2003,

Recalling the holding of the preparatory panel meeting on the Social Forum during the fifty-third and the first meeting before the fifty-fourth 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 meaningful and effective participation of those who are not heard, and to have a constructive dialogue with officials of international institutions and governmental representatives,

Bearing in mind that the reduction of poverty, especially rural poverty, remains an ethical and moral imperative of humankind, based on respect for human dignity, and noting that the Secretary-General, in his statement to the Economic and Social Council on 30 June 2003, during the high-level segment of its substantive session of 2003, said that rural development was rightly the theme of the segment as three quarters of the world's poorest people, defined as those living on \$1 or less per day, lived in rural areas and that some 900 million of them drew their meagre livelihoods from agriculture and other rural activities,

Taking into account that a human rights perspective is necessary for the fight against poverty, and especially the rights of the rural population, peasants, and pastoralist and fishing communities,

1. *Expresses its satisfaction* at Commission on Human Rights decision 2003/107 of 22 April 2003 and Economic and Social Council decision 2003/264 of 23 July 2003 authorizing the convening of an annual intersessional Social Forum;

2. *Reiterates* its decision that the Social Forum shall 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 monitor 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 Group 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 monitor 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 be held in Geneva on 20 and 21 May 2004 and have as its theme “Rural poverty, development and the rights of peasants and other rural communities”;

5. *Requests* Mr. José Bengoa to prepare a working paper on rural poverty, rural development and the rights of peasant and other rural communities, and other related matters for the next Social Forum and to coordinate with the Secretary-General for the preparation of this meeting;

6. *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 in particular newly emerging actors, such as smaller groups and rural associations of the South, grass-roots organizations, peasant and farmers’ organizations and their national and international associations, pastoralist associations, fishermen’s/women’s organizations, voluntary organizations, 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;

7. *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, trade unions and associations of workers to participate in and to submit studies to the Social Forum;

8. *Invites* Governments to participate in the Social Forum with delegations composed of specialists in rural policies, social planning and, in particular, international cooperation programmes;

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 organizations of the most vulnerable on the theme selected for the Social Forum, especially videoconferences during March and April 2004, to prepare for the meeting;

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

11. *Also invites* the Social Forum to submit recommendations, including draft resolutions, to the Sub-Commission at its fifty-sixth 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. *Requests* the Secretary-General to adopt the appropriate measures to disseminate information about the Social Forum, invite the relevant individuals and organizations to the Social Forum, prepare the two videoconferences before the Social Forum and take all practical measures required for the success of this initiative.

*22nd meeting
13 August 2003*

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

2003/15. Effects of measures to combat terrorism on the enjoyment of 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,

Reaffirming its condemnation of the heinous acts of terrorism that caused enormous loss of human life, destruction and damage in the cities of New York, host city of the United Nations, and Washington, D.C., 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,

Reaffirming also that all States have an obligation to promote and protect all human rights and fundamental freedoms and to ensure effective implementation of their obligations under international humanitarian law,

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

Noting with great concern that some measures adopted after 11 September 2001 at the national, regional and international levels have a harmful impact on the exercise of human rights and fundamental freedoms,

Alarmed in particular at the establishment of military courts whose rules derogate flagrantly from the intangible standards relating to the right to liberty and security, as well as the right to a fair trial,

Concerned at the existence of discriminatory laws and practices in the administration of justice, directed, in particular, against non-citizens,

Concerned also at the rise in racism and xenophobia following the attacks of 11 September 2001 and at the measures adopted by States concerning non-citizens and asylum-seekers, in particular the derogations from the principle of non-refoulement of asylum-seekers,

Deploring the fact that the legitimate measures taken by States to combat terrorism has, in some cases, served as a pretext for infringing the right to liberty and security, freedom of movement, the right to a fair trial, the right to privacy and family life, freedom of expression and the rights to freedom of religion, assembly and association, and deploring in particular the measures taken against human rights defenders, unionists, political opponents and journalists,

Bearing in mind the fundamental principle according to which any restriction on the exercise of human rights and fundamental freedoms must be provided for by law and be necessary, in a democratic society, for the pursuit of a legitimate aim and not undermine the substance of the right in question,

Recalling, moreover, that derogations from human rights and fundamental freedoms must strictly respect the criteria set forth in article 4 of the International Covenant on Civil and Political Rights, as interpreted by the United Nations Human Rights Committee in its general comment No. 29 (2001),

Bearing in mind the important reports submitted this year to the Sub-Commission, in particular those on terrorism and human rights (E/CN.4/Sub.2/2003/WP.1 and Add.1 and 2) and also on the rights of non-citizens (E/CN.4/Sub.2/2003/23 and Add.1-4), on the issue of the administration of justice by military tribunals (E/CN.4/Sub.2/2003/4) and on discrimination in the criminal justice system (E/CN.4/Sub.2/2003/3),

Noting that nothing in the present resolution should be interpreted as limiting in any way any action that may be taken by the United Nations High Commissioner for Human Rights in the field of State measures to counter terrorism,

Welcoming the publication of the Digest of Jurisprudence of the United Nations and Regional Organizations on the Protection of Human Rights While Countering Terrorism,

1. *Strongly condemns* all acts, methods and practices of terrorism as criminal and unjustifiable, wherever and by whomsoever committed;
2. *Recalls* that States must ensure that all measures adopted to combat terrorism comply with their obligations under international human rights law, international refugee law and international humanitarian law;
3. *Emphasizes* that States have the obligation, under international law, to protect all persons within their jurisdiction against terrorist acts, and to pursue and punish their perpetrators, in full respect of international human rights standards;

4. *Notes* that several important reports submitted this year to the Sub-Commission address, from different standpoints, the problem of respect for human rights in the fight against terrorism;

5. *Decides*, with a view to rationalizing the work of the Sub-Commission on the subject, to rename the existing sub-item 6 (c) “New priorities, in particular terrorism and counter-terrorism” in order to study the compatibility of counter-terrorism measures, both legislation and other activities adopted at the national, regional and international levels, particularly those adopted after 11 September 2001, with international human rights standards, giving particular attention to their impact on the most vulnerable groups, with a view to elaborating detailed guidelines;

6. *Also decides* to appoint Ms. Kalliopi Koufa as coordinator, with a mandate to gather the necessary documentation for the effective work of the Sub-Commission;

7. *Requests* Governments, intergovernmental organizations, national institutions for the promotion and protection of human rights, experts and non-governmental organizations to provide the coordinator and the Sub-Commission with all pertinent and precise information in this respect.

*22nd meeting
13 August 2003*

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

2003/16. Responsibilities of transnational corporations and other business enterprises with regard to human rights

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 on the basis of 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 background document (E/CN.4/Sub.2/1998/6) prepared by Mr. El-Hadji Guissé in accordance with its resolution 1997/11 of 22 August 1997 concerning transnational corporations,

Recalling also its resolution 2001/3 of 15 August 2001 in which it decided to extend the mandate of the working group for another three-year period,

Recalling further its resolution 2002/8 of 14 August 2002 in which it invited the working group to continue working on the draft norms and commentary on the responsibilities of transnational corporations and other business enterprises with regard to human rights so that they could be broadly disseminated and submitted by the working group to the Sub-Commission at its fifty-fifth session, and noting that the commentary may serve as a reference for the practical interpretation of the norms,

Noting that the working group agreed by consensus upon and submitted to the Sub-Commission the Norms on the responsibilities of transnational corporations and other business enterprises with regard to human rights (E/CN.4/Sub.2/2003/12/Rev.2) which take into account comments received during the past four years, including at this year's sessions of the working group and the Sub-Commission,

Recognizing that the Norms, as explicated by the Commentary (E/CN.4/Sub.2/2003/38/Rev.2), reflect most of the current trends in the field of international law, and particularly international human rights law, with regard to the activities of transnational corporations and other business enterprises,

Aware that the Norms provide for several basic measures of implementation and that the Commentary sets forth a number of other procedures for implementing the Norms,

1. *Approves* the Norms on the responsibilities of transnational corporations and other business enterprises with regard to human rights submitted by the working group (E/CN.4/Sub.2/2003/12/Rev.2);
2. *Decides* to transmit to the Commission on Human Rights the Norms on the Responsibilities of Transnational Corporations and Other Business Enterprises with regard to Human Rights for consideration and adoption by the Commission;
3. *Recommends* that the Commission on Human Rights invite Governments, United Nations bodies, specialized agencies, non-governmental organizations and other interested parties to submit to it at its sixty-first session and to the Sub-Commission at its fifty-seventh session comments on the Norms on the Responsibilities of Transnational Corporations and Other Business Enterprises with regard to Human Rights and the Commentary on the Norms;
4. *Also recommends* that after having received comments from Governments, United Nations bodies, specialized agencies, non-governmental organizations and other interested parties, the Commission on Human Rights consider establishing an open-ended working group to review the Norms on the Responsibilities of Transnational Corporations and Other Business Enterprises with regard to Human Rights and the Commentary on the Norms;
5. *Requests* the working group on the working methods and activities of transnational corporations to receive information from Governments, non-governmental organizations, business enterprises, individuals, groups of individuals and other sources concerning the possible negative impact of the activities of transnational corporations and other business enterprises on human rights, and particularly affecting implementation of the Norms on the Responsibilities of Transnational Corporations and Other Business Enterprises with regard to Human Rights, and to invite the transnational corporations or other business enterprises concerned to provide any comments they may wish within a reasonable time;

6. *Also requests* the working group to study the information submitted and to transmit its comments and recommendations to the appropriate transnational corporations or other business enterprises, Governments and relevant non-governmental organizations or other sources of information;

7. *Recommends* that the working group 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, that it pursue its efforts to explore possible mechanisms for implementing the Norms on the Responsibilities of Transnational Corporations and Other Business Enterprises with regard to Human Rights, such as the continuation by Mr. El-Hadji Guissé of his work on the impact of the activities of transnational corporations on economic, social and cultural rights, as part of its future work;

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

9. *Requests* the Working Group on Indigenous Populations to gather the views of indigenous peoples and indigenous organizations and communities as well as other interested parties to supplement the Commentary on the Norms and/or to draft a new set of principles which would include further references to indigenous concerns and rights with regard to transnational corporations and other business enterprises;

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

*22nd meeting
13 August 2003*

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

2003/17. Prohibition of forced evictions

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

Recalling Commission on Human Rights resolution 1993/77 of 10 March 1993 and the analytical report on forced evictions submitted by the Secretary-General (E/CN.4/1994/20) to the Commission at its fiftieth session,

Recalling also its resolutions 1991/12 of 26 August 1991, 1992/14 of 27 August 1992, 1993/41 of 26 August 1993, 1994/39 of 26 August 1994, 1995/29 of 24 August 1995, 1996/27 of 29 August 1996, 1997/6 of 22 August 1997 and 1998/9 of 20 August 1998,

Reaffirming that every woman, man and child has the right to a secure place to live in peace and dignity, which includes the right not to be evicted unlawfully, arbitrarily or on a discriminatory basis from one's home, land or community,

Recognizing that the often violent practice of forced eviction involves the coerced and involuntary removal of persons, families and groups from their homes, lands and communities, whether or not deemed legal under prevailing systems of law, resulting in greater homelessness and inadequate housing and living conditions,

Emphasizing that ultimate legal and political responsibility for preventing forced evictions rests with Governments,

Recalling, however, that general comment No. 2 (1990) on international technical assistance measures adopted by the Committee on Economic, Social and Cultural Rights at its fourth session states, inter alia, that international agencies should scrupulously avoid involvement in projects which involve, among other things, large-scale evictions or displacement of persons without the provision of all appropriate protection and compensation and general comment No. 4 (1991) in which the Committee considered that instances of forced eviction were, prima facie, incompatible with the requirements of the International Covenant on Economic, Social and Cultural Rights and could only be justified in the most exceptional circumstances, and in accordance with the relevant principles of international law,

Noting with interest the recent case law of the European Court of Human Rights, the Inter-American Commission on Human Rights and the African Commission on Human and Peoples' Rights regarding the prohibition of forced eviction,

Recalling the adoption of general comment No. 7 (1997) on forced evictions by the Committee on Economic, Social and Cultural Rights, in which the Committee recognized, inter alia, that women, children, youth, older persons, indigenous people, ethnic and other minorities, and other marginalized or vulnerable groups all suffer disproportionately from the practice of forced eviction and that women in all groups are disproportionately affected, given the extent of statutory and other forms of discrimination which often apply in relation to the property rights of women, including home ownership and rights of access to property or accommodation, and given the particular vulnerability of women to acts of gender-based violence and sexual abuse when they are rendered homeless,

Noting also the provisions on forced evictions contained in the Habitat Agenda adopted by the second United Nations Conference on Human Settlements (Habitat II) convened in June 1996,

1. *Reaffirms* that the practice of forced eviction constitutes a gross violation of a broad range of human rights, in particular the right to adequate housing, the right to remain, the right to freedom of movement, the right to privacy, the right to property, the right to an adequate standard of living, the right to security of the home, the right to security of the person, the right to security of tenure and the right to equality of treatment;

2. *Strongly urges* Governments to undertake immediately measures, at all levels, aimed at eliminating the practice of forced evictions by, inter alia, repealing existing plans involving forced evictions as well as any legislation allowing for forced evictions and by adopting and implementing legislation ensuring the right to security of tenure for all residents;
3. *Also strongly urges* Governments to protect all persons who are currently threatened with forced eviction and to adopt all necessary measures giving full protection against forced eviction, based upon effective participation, consultation and negotiation with affected persons or groups;
4. *Recommends* that all Governments provide immediate restitution, compensation and/or appropriate and sufficient alternative accommodation or land to persons and communities that have been forcibly evicted, following mutually satisfactory negotiations with the affected persons or groups and consistent with their wishes, rights and needs, and recognizing the obligation to ensure such provision in the event of any forced eviction;
5. *Also recommends* that all Governments ensure that any eviction that is otherwise deemed lawful is carried out in a manner that does not violate any of the human rights of those evicted;
6. *Reminds* all international financial, trade, development and other related institutions and agencies, including member or donor States that have voting rights within such bodies, to take fully into account the views contained in the present resolution and the obligations under international human rights and humanitarian law on the practice of forced eviction;
7. *Requests* the United Nations High Commissioner for Human Rights to give due attention to the practice of forced eviction in discharging his responsibilities and to undertake measures, whenever possible, to persuade Governments to comply with relevant international standards, to prevent planned forced evictions from taking place and to ensure the provision of restitution or just and fair compensation, as the case may warrant, when forced evictions have already occurred;
8. *Welcomes once again* the report of the expert seminar on the practice of forced evictions convened from 11 to 13 June 1997 and the comprehensive human rights guidelines on development-based displacement adopted by the expert seminar (E/CN.4/Sub.2/1997/7);
9. *Again urges* the Commission on Human Rights to invite all States to consider the comprehensive human rights guidelines on development-based displacement as contained in document E/CN.4/Sub.2/1997/7, with a view to approving the guidelines in their present form at its sixty-first session;
10. *Decides* to consider the issue of forced evictions at its fifty-sixth session under the agenda item entitled "Economic, social and cultural rights";

11. *Recommends* the following draft resolution for adoption by the Commission on Human Rights at its sixtieth session:

[For the text, see chap. I, sect. A.]

*22nd meeting
13 August 2003*

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

2003/18. Housing and property restitution

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 its decision 2001/122 of 16 August 2001 and its resolution 2002/30 of 15 August 2002 on the return of refugees' or displaced persons' property,

Recalling also its resolution 2002/7 of 14 August 2002 on housing and property restitution in the context of refugees and other displaced persons,

Recalling further Commission on Human Rights decision 2003/109 of 24 April 2003 on housing and property restitution in the context of the return of refugees and internally displaced persons,

Reaffirming its own resolution 1998/26 of 26 August 1998 on the same subject,

1. *Welcomes* the preliminary report of the Special Rapporteur, Mr. Paulo Sérgio Pinheiro, on housing and property restitution in the context of the return of refugees and internally displaced persons (E/CN.4/Sub.2/2003/11) and endorses the conclusions and recommendation contained therein;
2. *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;
3. *Reiterates* that the adoption or application of laws by States that are designed to or 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;

4. *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;

5. *Decides* to continue consideration of this issue at its fifty-sixth session under the same agenda item.

*22nd meeting
13 August 2003*

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

2003/19. 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 2002/14 in which it urged 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,

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,

Noting the report of the independent expert to examine the question of an optional protocol to the International Covenant on Economic, Social and Cultural Rights (E/CN.4/2003/53 and Corr.1 and 2),

Recalling the workshops organized by the Office of the United Nations High Commissioner for Human Rights on the promotion of economic, social and cultural rights which examined, inter alia, the question of the justiciability of these rights, in particular the workshops held in New Delhi, Buenos Aires, Gaborone and Melbourne, Australia, the workshop held jointly with the International Commission of Jurists and the report of the round table organized by the International Commission of Jurists on the draft optional protocol to the International Covenant on Economic, Social and Cultural Rights,

Welcoming the request of the Commission on Human Rights in paragraph 13 of resolution 2003/18 of 22 April 2003 to the open-ended working group of the Commission to meet for a period of 10 working days prior to the sixtieth session 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 sixtieth session to mandate the open-ended working group of the Commission to proceed with drafting the substantive text of an optional protocol to the International Covenant on Economic, Social and Cultural Rights;

2. *Urges* the open-ended working group of the Commission to draft an optional protocol to the International Covenant on Economic, Social and Cultural Rights that is comprehensive in scope and that provides that communications may be initiated by individual and collective victims as well as by individuals and groups empowered to initiate complaints on behalf of individual and collective victims; further, the instrument should be conceptualized as both a complaint mechanism and an inquiry procedure and preclude State party reservations;

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

*22nd meeting
13 August 2003*

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

2003/20. Prevention of corruption

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

Recalling General Assembly resolution 54/204 of 22 December 1999 and subsequent resolutions on the prevention of corrupt practices, the transfer of the proceeds of corruption, and the seizure, confiscation and repatriation of illicit funds,

Recalling also that the General Assembly requested the Ad Hoc Committee for the Negotiation of a Convention against Corruption in developing the draft convention to consider, inter alia, the seizure, confiscation and repatriation of illicit funds,

Noting that the Ad Hoc Committee has held six sessions and that the draft text of the convention against corruption has not yet been finalized,

Sharing the concern repeatedly expressed by the General Assembly at the seriousness of the problems posed by corrupt practices and the transfer of funds of illicit origin for the stability and security of societies, the values of democracy and morality and the social and economic development of societies,

Deeply concerned about the harmful impact of corrupt practices and the transfer of illicit funds on the economic and social as well as civil and political rights of people, including the rights to good governance, economic and social progress, an adequate standard of living, food, education and health care, especially in developing countries,

Taking into account the working paper submitted by Ms. Christy Mbonu on corruption and its impact on the full enjoyment of human rights (E/CN.4/Sub.2/2003/18),

1. *Recommends* that the convention against corruption provide for strong measures to criminalize corrupt practices and prevent the transfer of illicit funds and also provide for the seizure, confiscation and repatriation of illicit funds to countries of origin, overcoming obstructions posed by bank secrecy laws in some countries, and ensure effective international judicial cooperation;

2. *Considers* that the process should be expedited with a view to finalizing the convention against corruption as soon as possible.

*22nd meeting
13 August 2003*

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

2003/21. The rights of non-citizens

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 and other relevant international instruments on human rights and humanitarian law,

Reiterating the principle of equality and non-discrimination embodied in, inter alia, Article 1, paragraph 3, of the Charter of the United Nations, article 2, paragraph 1, of the Universal Declaration of Human Rights, article 2, paragraph 1, of the International Covenant on Civil and Political Rights, article 2, paragraph 2, of the International Covenant on Economic, Social and Cultural Rights and articles 1 and 2 of the International Convention on the Elimination of All Forms of Racial Discrimination,

Reiterating also that States are required to respect and secure the human rights of all human beings,

Concerned that discrimination in various forms against persons who are not citizens of the country in which they reside has continued despite national and international efforts,

Recalling its decision 1998/103 of 20 August 1998, in which it entrusted Mr. David Weissbrodt with the preparation of a working paper on the rights of persons who are not citizens of the country in which they live, and recalling also the working paper on the rights of non-citizens (E/CN.4/Sub.2/1999/7 and Add.1) submitted by Mr. Weissbrodt at the fifty-first session of the Sub-Commission,

Recalling also its resolution 1999/7 of 25 August 1999, in which it recommended that the Commission on Human Rights recommend to the Economic and Social Council that it authorize the Sub-Commission to appoint a special rapporteur to prepare a comprehensive study on the rights of non-citizens and that it established the mandate of the special rapporteur as consisting primarily of reporting on the status of non-citizens, taking into account the different categories of non-citizens with respect to different categories of rights in countries of different levels of development, with different rationales to be offered for such distinctions,

Recalling further Commission decision 2000/104 of 25 April 2000, in which the Commission requested the Council to authorize the Sub-Commission to appoint one of its members as Special Rapporteur with the task of preparing a comprehensive study of the rights of non-citizens, based on the working paper prepared by Mr. David Weissbrodt (E/CN.4/Sub.2/1999/7), as well as the comments made at the Sub-Commission and the Commission,

Recalling Economic and Social Council decision 2000/283 of 28 July 2000 approving Commission decision 2000/104,

Recalling also its decision 2000/103 of 1 August 2000 to appoint Mr. David Weissbrodt as Special Rapporteur on the rights of non-citizens, with the task of preparing a comprehensive study of the rights of non-citizens, and requesting him to submit a preliminary report to the Sub-Commission at its fifty-third session, a progress report at its fifty-fourth session and a final report at its fifty-fifth session,

Recalling further Commission decision 2002/107 of 25 April 2002 in which the Commission approved the request that the Secretary-General transmit the Special Rapporteur's questionnaire on the rights of non-citizens to Governments, intergovernmental organizations, the human rights treaty bodies and non-governmental organizations,

Having welcomed the Special Rapporteur's preliminary report (E/CN.4/Sub.2/2001/20 and Add.1) and progress report (E/CN.4/Sub.2/2002/25 and Add.1-3),

Welcoming the Special Rapporteur's final report (E/CN.4/Sub.2/2003/23 and Add.1-4) and welcoming with interest the updated information provided by the Special Rapporteur,

1. *Expresses its appreciation* to the Special Rapporteur, Mr. David Weissbrodt, for having completed this study in a timely fashion and at a time when the rights of non-citizens are increasingly a subject of concern;

2. *Decides* to transmit the Special Rapporteur's final report to the Commission on Human Rights and to Governments, the International Labour Organization, the International Organization for Migration, the United Nations High Commissioner for Refugees, the Committee on the Elimination of Racial Discrimination, the other human rights treaty bodies, the International Committee of the Red Cross and other relevant bodies of the United Nations, as well as to disseminate the report pursuant to Sub-Commission decision 2003/110 of 13 August 2003;

3. *Believes* that international human rights law requires, in principle, the equal treatment of citizens and non-citizens and that States should ensure that all exceptions to this principle in their national legislation are consistent with international human rights standards;
4. *Reiterates* the study's conclusion that continued discriminatory treatment of non-citizens in contravention of relevant international human rights instruments demonstrates the need for clear, comprehensive standards governing the rights of non-citizens, their implementation by States, and more effective international monitoring of compliance;
5. *Calls upon* States to pursue universal ratification and implementation of the principal human rights treaties that deal particularly with the rights of non-citizens, for example, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Convention and Protocol relating to the Status of Refugees, Conventions Nos. 97, 118 and 143 of the International Labour Organization, the Convention on the Reduction of Statelessness, the Convention relating to the Status of Stateless Persons, the Vienna Convention on Consular Relations and its two Protocols and, where applicable, relevant regional treaties such as Protocol Nos. 4 and 7 to the European Convention on Human Rights, the European Framework Convention for the Protection of National Minorities and the European Convention on Nationality;
6. *Encourages* States to abide by the Declaration on the Human Rights of Individuals Who are not Nationals of the Country in Which They Live;
7. *Urges* States to comply with their obligations under international human rights, labour, refugee and humanitarian law, including very helpful interpretations thereof, relating to non-citizens, including refugees, asylum-seekers, stateless persons and trafficked persons;
8. *Urges* the international community to provide non-citizens with protection and assistance in an equitable manner and with due regard to their needs in different parts of the world, in keeping with the principles of international solidarity, burden-sharing and international cooperation;
9. *Calls upon* States to take actions, consistent with the principles of freedom of expression and prohibition of advocacy of national, racial or religious hatred, to counter any tendency to target, stigmatize, stereotype, or profile members of particular population groups, such as non-citizens, by officials, the media and society at large;
10. *Urges* in addition that complaints made against such officials, notably those concerning discriminatory or racist behaviour, be subject to independent and effective scrutiny as well as effective remedy;
11. *Encourages* States to address the difficult challenges relating to migration, refugees and integration of non-citizens in a nuanced fashion, giving proper attention to a human rights perspective and particularly discouraging the use of racist or xenophobic propaganda vis-à-vis non-citizens;

12. *Suggests* that the human rights treaty bodies intensify their dialogues with States parties in regard to the rights accorded to, and the actual situations faced by, non-citizens within their respective spheres of concern and urge States to include information on non-citizens within their territory/jurisdiction in their reports to the treaty bodies;

13. *Urges* the treaty bodies, either individually or jointly, to prepare general comments/recommendations that would establish a consistent, structured approach to the protection of the rights of non-citizens;

14. *Welcomes* the efforts of the Committee on the Elimination of Racial Discrimination to work with the Special Rapporteur on the rights of non-citizens in preparing a revised general recommendation on the rights of non-citizens in the light of the Special Rapporteur's study;

15. *Requests* the Special Rapporteur to cooperate with the Committee on the Elimination of Racial Discrimination in preparing and issuing a revised general recommendation on the rights of non-citizens;

16. *Welcomes* the important role that the committee to be established under the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families will have in protecting the rights set forth in the Convention and expresses its conviction that the final report of the Special Rapporteur on the rights of non-citizens is useful in fulfilling its role in implementing the Convention;

17. *Notes* that the Special Rapporteur of the Commission on Human Rights on the human rights of migrants has an important role in continuing her review of the situation facing migrants throughout the world, visiting countries of particular concern, receiving communications about human rights problems and reporting to the Commission;

18. *Encourages* cooperation among the Commission, the Sub-Commission, the human rights treaty bodies, the Special Rapporteur on the human rights of migrants, the International Labour Organization, the Office of the United Nations High Commissioner for Refugees, the International Organization for Migration, the High Commissioner on National Minorities of the Organization for Security and Cooperation in Europe, the European Commission against Racism and Intolerance and relevant non-governmental organizations in regard to safeguarding the rights of non-citizens and cooperating in the preparation of the studies and working papers authorized by the Sub-Commission that will continue to scrutinize several aspects of the rights of non-citizens;

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

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

*22nd meeting
13 August 2003*

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

2003/22. Discrimination based on work and descent

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

Recalling article 2 of the Universal Declaration on Human Rights, which states that everyone is entitled to all human rights and fundamental freedoms 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, and the similar provisions contained in article 2, paragraph 1, of the International Covenant on Civil and Political Rights and article 2, paragraph 2, of the International Covenant on Economic, Social and Cultural Rights,

Recalling also that “descent” is included as one of the prohibited grounds of distinction, exclusion, restriction or preference contained in the definition of “racial discrimination” in article 1, paragraph 1, of the International Convention on the Elimination of All Forms of Racial Discrimination,

Recalling further its resolution 2000/4 of 11 August 2000 and the working paper (E/CN.4/Sub.2/2001/16) submitted by Mr. R.K.W. Goonesekere on this topic,

Welcoming the adoption of general recommendation XXIX (2002) on descent-based discrimination by the Committee on the Elimination of Racial Discrimination,

Taking account of the report of the Working Group on Contemporary Forms of Slavery at its twenty-eighth session (E/CN.4/Sub.2/2003/31), in which the Working Group recognized that victims of slavery and slavery-like practices frequently belong to minority groups, including descent-based groups,

Aware that discrimination based on work and descent has historically been a feature of societies in different regions of the world and continues to affect a significant proportion of the world’s population,

1. *Reaffirms* that discrimination based on work and descent is a form of discrimination prohibited by international human rights law;
2. *Recognizes and commends* the constitutional, legislative and administrative measures taken by some States to combat this form of discrimination and to remedy its consequences;
3. *Welcomes* the expanded working paper submitted by Mr. Asbjørn Eide and Mr. Yozo Yokota on discrimination based on work and descent (E/CN.4/Sub.2/2003/24) and endorses the conclusions and recommendations contained therein;
4. *Calls upon* States to formulate and implement without delay at the national, regional and international levels new and enhanced policies and plans of action to effectively eliminate discrimination based on work and descent, taking into account the measures proposed in general recommendation XXIX on descent-based discrimination adopted by the Committee on the Elimination of Racial Discrimination;

5. *Invites* States to give widespread publicity to general recommendation XXIX;
6. *Invites* all relevant special mechanisms of the Commission on Human Rights, in particular the Special Rapporteur on adequate housing, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, the Special Rapporteur on the right to education, the Special Rapporteur on the highest attainable standard of physical and mental health, the Special Rapporteur on violence against women and the Working Group on Arbitrary Detention, to consider the impact of discrimination based on work and descent and analogous forms of inherited social exclusion in the areas of their respective mandates;
7. *Decides* to entrust Mr. Eide and Mr. Yokota with the task of preparing, without financial implications, a further working paper on the topic of discrimination based on work and descent with a view to fulfilling the mandate given in Sub-Commission resolution 2000/4 of 11 August 2000, in particular, in order:
 - (a) To examine legal, judicial, administrative and educational measures taken by the Governments concerned;
 - (b) To identify additional communities affected by discrimination based on work and descent; and
 - (c) To prepare a draft set of principles and guidelines for all relevant actors, not only national or federal Governments but also local governments, as well as private-sector entities such as corporations, schools, religious institutions and other public places where discrimination based on work and descent often occurs, in cooperation and collaboration with relevant international human rights treaty bodies and United Nations organs and agencies, inter alia the Committee on the Elimination of Racial Discrimination, the International Labour Organization and the United Nations Educational, Scientific and Cultural Organization, taking full account of the contents of the Committee's general recommendation XXIX;
8. *Requests* Mr. Eide and Mr. Yokota to submit their working paper to the Sub-Commission at its fifty-sixth session;
9. *Decides* to continue consideration of this matter at its fifty-sixth session under the same agenda item.

22nd meeting
13 August 2003
[Adopted without a vote. See chap. VII.]

2003/23. The rights of minorities

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

Noting Commission on Human Rights resolution 2003/50 of 23 April 2003 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 ninth session (E/CN.4/Sub.2/2003/19) 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,

Affirming that effective measures and the creation of favourable conditions for the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities, ensuring effective non-discrimination and de facto equality for all, as well as full and effective participation in matters affecting them contribute to the prevention and peaceful solution of human rights problems and situations involving minorities,

Emphasizing the importance of the timely identification of human rights problems and situations involving national or ethnic, religious and linguistic minorities, and the necessity of taking measures for the prevention of tension and conflict,

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

Noting General Assembly resolution 57/337 of 3 July 2003 on prevention of armed conflict, in which the Assembly affirmed, inter alia, that the ethnic, cultural and religious identity of minorities must be protected,

Welcoming the work of the Working Group on Minorities in promoting regional and local initiatives for the protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities, including by organizing regional expert seminars,

1. *Endorses* the conclusions and recommendations of the Working Group on Minorities at its ninth session as contained in its report (E/CN.4/Sub.2/2003/19);
2. *Reaffirms* the importance of the Working Group and its uniqueness as the only forum in the United Nations with a mandate to deal exclusively with minority issues;
3. *Expresses satisfaction* with the progress report of Mr. Asbjørn Eide (E/CN.4/Sub.2/2003/21) and reiterates its request that the final report updating his 1993 study on peaceful and constructive approaches to situations involving minorities be submitted to the Sub-Commission at its fifty-sixth session;
4. *Welcomes* the Working Group's practice of requesting its members, and of encouraging the Working Group's partners, to prepare papers on thematic issues;

5. *Welcomes* the holding of the first Asian Subregional Seminar on Minority Rights: Cultural Diversity and Development in South-East Asia at Chiang Mai, Thailand, from 4 to 7 December 2002 and its reports (E/CN.4/Sub.2/AC.5/2003/2 and E/CN.4/Sub.2/AC.5/2003/WP.14) and endorses the proposal of the Working Group to hold seminars in other subregions of Asia, particularly South and East Asia, with a view to considering regional guidelines, principles or codes of conduct at such meetings;
6. *Welcomes* the intention of the Working Group to hold seminars in the West and Central African subregions and an inter-American seminar as a follow-up to the seminar held from 21 to 24 March 2002 in La Ceiba, Honduras, as well as its intention to cooperate with the Council of Europe for the holding of a seminar on the Roma, to which Roma representatives from non-European countries should also be invited, and recommends that the participation of minority experts from developing countries in those meetings be facilitated;
7. *Welcomes* the invitation from the Government of Finland to the Working Group to visit that country and the similar offer from Switzerland;
8. *Invites* the Office of the United Nations High Commissioner for Human Rights to consider organizing training workshops at the national level on the implementation of the rights of minorities;
9. *Notes* that the tenth session of the Working Group will be held in 2004 and welcomes the proposal to hold, immediately prior to that session, a two-day meeting on promoting the protection of minority rights, and recommends that minority experts, members of national human rights institutions, representatives of regional mechanisms, including on conflict prevention issues, as well as representatives of other intergovernmental organizations such as the United Nations Development Programme and the World Bank be invited to provide information on their policies concerning minority situations and on the incorporation of such concerns in their country programmes, including from the perspective of conflict-impact assessments, and to address the exclusion of disadvantaged minorities when considering policies for reaching the millennium development goals;
10. *Takes note* of the recommendation that the Office of the High Commissioner for Human Rights prepare additional pamphlets for inclusion in the *United Nations Guide for Minorities*, in particular on the work of conflict-prevention mechanisms for the promotion and protection of the rights of persons belonging to minorities;
11. *Recommends* that the 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 to consider providing the names of experts with a view to facilitating their participation in regional and international meetings and in advisory services and to consider providing information about recent cases relating to minority rights considered in the highest courts of the country;

12. *Requests* the Commission on Human Rights to ask the Office of the High Commissioner for Human Rights to seek information from Governments on the national or ethnic, religious and linguistic minorities recognized within their countries, on whether the principle of self-identification is recognized in law or practice and on the measures in place for protecting the identity of minorities, and to transmit that information to the Working Group;

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

14. *Recommends* the proclamation of an international year for the world's minorities, to be followed by a decade, with a view, inter alia, to advancing the implementation of article 9 of the United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities relating to inter-agency cooperation among the specialized agencies and other organizations of the United Nations system for the full realization of the rights and principles set forth in the Declaration, within their respective fields of competence, and decides to prepare a draft decision on that matter for the consideration of the Commission on Human Rights at its sixtieth session;

15. *Recommends* the establishment of a voluntary fund to facilitate the participation in the Working Group and its related activities of minority representatives and experts from developing countries and for the organization of other activities relating to the protection of minorities, and decides to prepare a draft decision to that effect for the consideration of the Commission on Human Rights at its sixtieth session;

16. *Urges* the Office of the High Commissioner for Human Rights, when drafting the report to the Commission on Human Rights at its sixtieth session requested in Commission resolution 2003/50 of 23 April 2003, to reflect the discussion which took place during the ninth session of the Working Group on Minorities with regard to the possible establishment of a special procedure on minority issues.

*22nd meeting
13 August 2003*

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

**2003/24. Human rights implications, particularly for indigenous peoples,
of the disappearance of States for environmental reasons**

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

Reaffirming the right not to be made stateless, as reflected in, inter alia, the Convention on the Reduction of Statelessness and the Universal Declaration of Human Rights,

Reaffirming also the right to retain citizenship unless it is given up voluntarily, as reflected in, inter alia, article 15 of the Universal Declaration of Human Rights and Commission on Human Rights resolution 1999/28 of 26 April 1999,

Reaffirming further the right of indigenous peoples to retain their character as indigenous peoples, as reflected in the draft United Nations declaration on the rights of indigenous peoples,

Noting the environmental changes, whatever their cause, which threaten the very survival of certain island States,

Noting also the environmental changes, whatever their cause, which reduce significantly the surface area of other States, with very serious social, economic and cultural consequences,

Recalling the United Nations Framework Convention on Climate Change of 1992,

Recalling also the Global Conference on Sustainable Development of Small Island Developing States and the Declaration of Barbados of 1994,

Recalling further the work of the Commonwealth Secretariat/World Bank Joint Task Force on Small States,

1. *Urgently recommends* to the Commission on Human Rights the following decision for adoption:

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

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

*23rd meeting
14 August 2003*

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

2003/25. The universal implementation of international human rights treaties

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

Bearing in mind the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights in 1993, which 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,

Recalling its previous work on the question, in particular its resolution 2002/31 of 15 August 2002,

Wishing the tenth anniversary of the World Conference to represent a fresh step towards the objective of universal implementation of international human rights treaties, whether through ratification or through actual domestic application,

Welcoming the entry into force of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the adoption of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and encouraging all States to become parties to those international agreements as soon as possible,

Taking account of the note by the Secretary-General (E/CN.4/Sub.2/2003/25) and the information on the work in progress regarding the operation of the human rights treaty bodies, and wishing to contribute to that collective endeavour,

1. *Welcomes* the working paper submitted by Mr. Emmanuel Decaux (E/CN.4/Sub.2/2003/37) on issues and modalities for the effective universality of international human rights treaties;

2. *Decides* to appoint Mr. Decaux Special Rapporteur with the task of undertaking a detailed study on the universal implementation of international human rights treaties so as to identify international and domestic obstacles to such implementation, to look for effective ways and means in the matter and also to identify the most effective means of ensuring the actual universality of human rights;

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

4. *Decides* that those reports will be considered under the agenda item entitled “Administration of justice, rule of law and democracy”;

5. *Requests* the Secretary-General to provide the Special Rapporteur with all necessary assistance to enable him to carry out its mandate, inter alia by facilitating his contacts with States, national institutions for the protection and promotion of human rights, international governmental and non-governmental organizations;

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

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

*23rd meeting
14 August 2003*

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

2003/26. Systematic rape, sexual slavery and slavery-like practices

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

Recalling its resolution 2002/29 of 14 August 2002,

Recalling also Security Council resolution 1325 (2000) of 31 October 2000, which, inter alia, reaffirmed the need to implement fully international humanitarian and human rights law that protects the rights of women and girls during and after conflicts, as well as the report of the Secretary-General on the impact of armed conflict on women and girls, the role of women in peace-building and the gender dimensions of peace processes and conflict resolution (S/2002/1154) issued pursuant to that resolution,

Noting the reports of the United Nations High Commissioner for Human Rights on systematic rape, sexual slavery and slavery-like practices during armed conflicts (E/CN.4/Sub.2/2000/20, E/CN.4/Sub.2/2001/29 and E/CN.4/Sub.2/2002/28),

Taking into consideration resolutions of the Commission on Human Rights on the elimination of violence against women, including its resolution 2003/45 of 23 April 2003, and the report of the Special Rapporteur on violence against women to the Commission at its fifty-ninth session (E/CN.4/2003/75 and Corr.1 and Add.1, Add.2 and Add.2/Corr.1, Add.3 and 4),

Conscious that, despite legal advances at the international level on the issues of systematic rape and sexual enslavement directed against civilian populations, women continue to face widespread sexual gender-based violence during conflicts,

1. *Welcomes* the work of the Secretary-General and notes with appreciation his report on women, peace and security (S/2002/1154);
2. *Also welcomes* the work of the United Nations High Commissioner for Human Rights on systematic rape, sexual slavery and slavery-like practices and takes note with great appreciation of his report (E/CN.4/Sub.2/2003/27);
3. *Deeply concerned* that systematic rape, sexual slavery and slavery-like practices are still being used to humiliate civilians and military personnel, to destroy society and to diminish prospects for a peaceful resolution of conflicts and that the resulting severe physical and psychological trauma endangers not only personal recovery but post-conflict reconstruction of the whole society, as pointed out in the above-mentioned reports;
4. *Considers* that the latest verdicts of the International Criminal Tribunal for the Former Yugoslavia, the International Tribunal for Rwanda and the Special Court for Sierra Leone acknowledging that rape and, more recently, sexual enslavement are crimes against humanity, and the special recognition in the Rome Statute of the International Criminal Court that sexual violence and sexual slavery committed in the context of either an internal or an international armed conflict may constitute crimes against humanity, war crimes and genocide falling within the jurisdiction of the Court, represent a significant step in the protection of women's human rights as they challenge widespread acceptance that torture, rape and violence against women are an integral part of war and conflict and hold the perpetrators of such crimes accountable;

5. *Reiterates* that States should provide effective criminal penalties and compensation for unremedied violations in order to end the cycle of impunity with regard to sexual violence committed during armed conflicts;
6. *Encourages* States to promote human rights education on the issues of systematic rape, sexual slavery and slavery-like practices during armed conflicts, ensuring the accuracy of accounts of historical events in the educational curricula, in an effort to prevent the recurrence of such violations and to encourage better understanding among all peoples;
7. *Calls upon* the High Commissioner for Human Rights to submit an updated report to the Sub-Commission at its fifty-sixth session on the issues of systematic rape, sexual slavery and slavery-like practices during armed conflicts;
8. *Decides* to consider the issue at its fifty-sixth session under the same agenda item.

*23rd meeting
14 August 2003*

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

2003/27. 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, and stressing the need for continued and strengthened cooperation,

Expressing its gratitude to Governments, organizations, trade unions and individuals, including young students, who have contributed to the Fund and encouraging them to continue doing so,

1. *Considers* that the participation at the twenty-eighth session of the Working Group on Contemporary Forms of Slavery of six representatives of non-governmental organizations working in different countries in Africa, America, Asia and Europe financed by the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery, including victims of contemporary forms of slavery, is a valuable contribution to the work of the Working Group;

2. *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;

3. *Notes with satisfaction* that project grants were provided by the Fund to local non-governmental organizations that work on issues of contemporary forms of slavery and that four project leaders attended the session and reported on the implementation of their project;

4. *Welcomes* the participation of a member of the Board of Trustees of the Fund at the session of the Working Group and encourages the members of the Board to attend the next session of the Working Group;

5. *Expresses its support* for the work of the members of the Board of Trustees of the Fund and of the secretariat, 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 and non-governmental organizations, other private or public entities and individuals to contribute to the Fund and encourages them to do so if possible by September 2003, in order to enable the Fund to fulfil its mandate effectively in the year 2004;

7. *Decides* to continue to examine the situation and the activities of the Fund at its fifty-sixth session.

*23rd meeting
14 August 2003*

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

2003/28. Harmful 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 2002/26 of 14 August 2002,

Affirming once again that female genital mutilation is a cultural practice that 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,

Noting that all harmful practices are not exclusively based on specific traditions or cultures but are also an expression of violence against women and girls,

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 importance of the Plan of Action for the Elimination of Harmful Traditional Practices 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,

Noting the consideration given by the General Assembly 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 satisfaction 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 eradicating 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,

Welcoming the recent adoption by the African Union of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa,

1. *Takes note with satisfaction* of the seventh report on the situation regarding the elimination of traditional practices affecting the health of women and the girl child (E/CN.4/Sub.2/2003/30) of the Special Rapporteur, Ms. Halima Embarek Warzazi, and shares her concern about the perpetuation of certain harmful traditional practices, in particular 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 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. *Requests* States, international and regional organizations, non-governmental organizations, United Nations bodies and all interested actors in the fight against harmful traditional practices to assist the Special Rapporteur in her compilation and identification of existing harmful practices affecting the health of women and girls;
5. *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 on Traditional Practices Affecting the Health of Women and Children, which should be given maximum encouragement;
6. *Also welcomes* the initiatives taken by non-governmental organizations and regional organizations in the fight against harmful traditional practices, especially female genital mutilation, and the adoption of the Addis Ababa Declaration and the common agenda for action calling for the eradication of female genital mutilation by 2005, as well as the Cairo Declaration for the Elimination of Female Genital Mutilation;
7. *Invites* the Special Rapporteur to assess the implementation of the common agenda for action adopted in Addis Ababa;
8. *Calls upon* the General Assembly to declare 6 February the international day on the elimination of female genital mutilation and all other harmful traditional practices affecting the health of women and girls;
9. *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 practices that are harmful to girl children and women;
10. *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 countries;
11. *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;

12. *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, and also to facilitate the work of the Special Rapporteur;
13. *Invites* the Commission on Human Rights to consider the possibility of appointing a special rapporteur of the Commission on harmful traditional practices affecting the health of women and girls;
14. *Decides* to renew for a further three-year period the mandate of the Special Rapporteur, and requests the Special Rapporteur to submit an updated report to the Sub-Commission at its fifty-sixth session;
15. *Decides* to continue consideration of the question at its fifty-sixth session, under the same agenda item;
16. *Recommends* the following draft decision to the Commission on Human Rights for adoption:

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

*23rd meeting
14 August 2003*

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

2003/29. Working Group on Indigenous Populations

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

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

Mindful of the relevant recommendations adopted by the World Conference on Human Rights in 1993, in particular those contained in Part I, paragraph 20, and Part II, paragraphs 28 to 32, of the Vienna Declaration and Programme of Action,

Mindful also of the relevant recommendations adopted by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance in 2001,

Recalling Economic and Social Council resolution 1982/34 of 7 May 1982, in which the Council authorized the Sub-Commission to establish annually a working group on indigenous populations,

Taking note with deep appreciation of the report of the Working Group on Indigenous Populations on its twenty-first session (E/CN.4/Sub.2/2003/22) and, in particular, of its conclusions and recommendations,

Welcoming the ample discussions in the Working Group during its twenty-first session under its twofold mandate: the review of developments pertaining to the promotion and protection of human rights and fundamental freedoms of indigenous people, including the main theme: “Indigenous peoples and globalization”, and standard-setting, as well as on cooperation with other United Nations bodies in the sphere of indigenous issues,

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,

Taking note of Commission on Human Rights resolution 2003/55 of 24 April 2003 and Economic and Social Council decision 2003/254 of 23 July 2003,

Welcoming the contribution made by the fourth international workshop on indigenous children and youth, convened by non-governmental organizations on 17 and 18 July 2003,

Recalling its resolution 2002/21 of 14 August 2002,

1. *Expresses its deep appreciation* to all members of the Working Group on Indigenous Populations for the important and constructive work accomplished during its twenty-first session and for the new working methods introduced with the purpose of facilitating a more interactive dialogue during its annual sessions;
2. *Requests* the Secretary-General to transmit the report of the Working Group on its twenty-first session (E/CN.4/Sub.2/2003/22) to the United Nations High Commissioner for Human Rights, indigenous organizations, Governments and intergovernmental and non-governmental organizations concerned, as well as to treaty bodies and all thematic rapporteurs, special representatives, independent experts and working groups;
3. *Invites* the treaty bodies and all thematic special procedures to advise the Working Group on how they take into account, in their work and in accordance with their respective mandates, the promotion and protection of indigenous peoples' rights;
4. *Requests* that the report of the Working Group on its twenty-first session be made available to the Commission on Human Rights at its sixtieth session;
5. *Reiterates its recommendation* that the Working Group, upon request, cooperate as a body of experts in any conceptual clarification or analysis that might assist the open-ended intersessional working group established by the Commission in its resolution 1995/32 of 3 March 1995 to complete as soon as possible the final version of the draft United Nations declaration on the rights of indigenous peoples;

6. *Decides* that the Working Group at its twenty-second session shall adopt as the principal theme “Indigenous peoples and conflict resolution”, as agreed upon by the Working Group (E/CN.4/Sub.2/2003/22, para. 120), and that the Office of the United Nations 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;

7. *Requests* the Working Group to review at its twenty-second session the revised draft principles and guidelines on the heritage of indigenous people elaborated by Ms. Erica-Irene Daes (E/CN.4/1995/26, annex);

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

(a) Mr. Yozo Yokota - a working paper to serve as a guideline for the review of the draft principles and guidelines on the heritage of indigenous peoples to be undertaken by the Working Group under its agenda item on standard-setting;

(b) Mr. El-Hadji Guissé - a supplementary working paper on globalization and indigenous peoples, including suggestions for future follow-up that could be considered by the Working Group and its parent bodies;

(c) Ms. Iulia-Antoanella Motoc - a preliminary working paper on the principle of free, prior and informed consent of indigenous peoples in relation to development affecting their lands and natural resources that would serve as a framework for the drafting of a legal commentary by the Working Group on this concept;

(d) Ms. Françoise Hampson - a working paper containing suggestions on possible follow-up by the Working Group on the human rights situation of indigenous peoples in States and territories threatened with extinction for environmental reasons;

(e) Mr. Miguel Alfonso Martínez - a working paper on indigenous peoples and conflict resolution to provide a framework for the discussions to be held under the principal theme;

9. *Decides*, in the light of the discussions held under the principal theme, “Globalization and indigenous peoples”, to invite the Office of the High Commissioner for Human Rights to organize, as a matter of priority, in consultation with the Chairperson-Rapporteur of the Working Group, a second workshop on indigenous peoples, mining and other private sector companies and human rights with a view to preparing guidelines based on respect for the cultures and traditions of these communities and the principle of free, prior and informed consent;

10. *Decides* that the Working Group’s agenda for its twenty-second 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 conflict resolution”; (c) globalization and indigenous peoples; 5. Standard-setting;

(a) legal commentary on the concept of free, prior and informed consent; (b) review of draft principles and guidelines on the protection of the heritage of indigenous peoples; 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; (e) the draft United Nations declaration on the rights of indigenous peoples; (f) States threatened with extinction for environmental reasons;

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

12. *Invites* the Office of the High Commissioner for Human Rights, after consultations with the Chairperson-Rapporteur, to inform participants at the twenty-second 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;

13. *Requests* the Office of the High Commissioner for Human Rights to invite Governments, intergovernmental organizations and indigenous and non-governmental organizations to provide information and data, in particular on the principal theme, relevant to the Working Group's agenda at its twenty-second session;

14. *Also requests* the Office of 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, in particular in the African, Asian, Oceanian and Latin American regions;

15. *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;

16. *Reiterates* its recommendation that the Commission on Human Rights, in view of the adoption of Economic and Social Council resolution 2002/28 of 25 July 2002 which 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;

17. *Requests* the Chairperson-Rapporteur to present the report of the Working Group on its preceding session to the annual meetings of the Board of Trustees of the United Nations Voluntary Fund for Indigenous Populations, without financial implications, and to inform the Board of the Working Group's agenda for its next session, so that the Board can bear this in mind when it meets;

18. *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 and the open-ended intersessional working group on the draft United Nations declaration on the rights of indigenous peoples;

19. *Requests* the Secretary-General to prepare an annotated agenda for the twenty-second session of the Working Group on the basis of paragraph 10 of the present resolution;

20. *Reiterates* its view that the Economic and Social Council, in reviewing at its substantive session for 2004 all United Nations mechanisms relating to indigenous peoples, should take into account the fact that the mandates of the Working Group, the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people and the Permanent Forum on Indigenous Issues are distinct and complementary and requests the Commission, in the light of the ongoing cooperation of these three mechanisms, to endorse this view;

21. *Requests* the Commission on Human Rights to endorse the participation of the Chairperson-Rapporteur of the Working Group at the third session of the Permanent Forum on Indigenous Issues, as recommended by the Working Group (E/CN.4/2003/22, para. 113), to enable him to present the report of the Working Group on its twenty-first session, and recommends to the Economic and Social Council that it approve such participation;

22. *Also 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-sixth session of the Sub-Commission in 2003;

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

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

23rd meeting
14 August 2003
[Adopted without a vote. See chap. VII.]

2003/30. 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/57/395),

Recalling its resolution 2002/19 of 14 August 2002,

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

Having considered the report of the Working Group on Indigenous Populations on its twenty-first session (E/CN.4/Sub.2/2003/22),

1. *Welcomes* the observance of the International Day of the World's Indigenous People on 24 July 2003;
2. *Recommends* that the celebration of the International Day of the World's Indigenous People be held on the fourth day of the twenty-second session of the Working Group on Indigenous Populations in order to ensure as large a participation of indigenous peoples, governmental representatives and intergovernmental and non-governmental organizations as possible;

3. *Recalls* 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, 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. *Recalls* the appeals to Governments and indigenous peoples by the United Nations High Commissioner for Human Rights, the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, the Chairperson of the Permanent Forum on Indigenous Issues and the Chairperson-Rapporteur of the Working Group on Indigenous Populations to make every effort to complete the work on the draft declaration;
8. *Welcomes* the first steps being taken to establish and promote cooperation between the Working Group, the Special Rapporteur and the Permanent Forum;
9. *Notes* the view expressed by the indigenous caucus and indigenous and non-indigenous observers during the twenty-first session of the Working Group 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;
10. *Welcomes with appreciation* the reports of the Consultation and Training Workshop for Pygmy Communities on Human Rights, Development and Cultural Diversity in cooperation with ILO and UNESCO (E/CN.4/Sub.2/AC.4/2003/11) held in the Dja Biosphere Reserve, Cameroon, from 11 to 15 November 2002 and the Workshop on Indigenous Peoples and Sustainable Development: Technical Follow-up to the World Summit on Sustainable Development (E/CN.4/Sub.2/AC.4/2003/10) organized by the Office of the High Commissioner for Human Rights in cooperation with the World Bank in Washington on 19 and 20 February 2003;

11. *Recommends* that the High Commissioner for Human Rights, in consultation with interested Governments, organize meetings in all regions of the world, and in particular an activity in Africa, Asia, Oceania and Latin America prior to the completion of the International Decade, in order, inter alia, to raise public awareness about indigenous issues;

12. *Invites* the High Commissioner to organize an international seminar at the end of the International Decade to evaluate the impact of the Decade and recommend future action in relation to indigenous peoples;

13. *Recommends* to its parent bodies that a second international decade of the world's indigenous peoples be proclaimed by the General Assembly which would focus on the promotion and protection of the rights, including the right to sustainable development, of indigenous peoples as well as implement the objectives of the first Decade that had not been fully realized.

*23rd meeting
14 August 2003*

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

B. Decisions

2003/101. Establishment of a sessional working group on the administration of justice under agenda item 3

At its 1st meeting, on 28 July 2003, 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.]

2003/102. Establishment of a sessional working group to examine the working methods and activities of transnational corporations under agenda item 4

As its 1st meeting, on 28 July 2003, 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. Malguinov, Mr. Park and Mr. Weissbrodt.

[See chap. III.]

2003/103. Postponement of draft decision E/CN.4/Sub.2/2003/L.33

At its 21st meeting, on 13 August 2003, the Sub-Commission on the Promotion and Protection of Human Rights decided, without a vote, to postpone until its next session the draft decision contained in document E/CN.4/Sub.2/2003/L.33.

[See chap. III.]

2003/104. Women in prison

At its 21st meeting, on 13 August 2003, the Sub-Commission on the Promotion and Protection of Human Rights decided, without a vote, to entrust Ms. Florizelle O'Connor with the preparation, without financial implications, of a working paper on women in prison, including issues relating to the children of women in prison, and requests Ms. O'Connor to submit her working paper to the Sub-Commission at its fifty-sixth session.

[See chap.V.]

2003/105. The prevention of human rights violations committed with small arms and light weapons

At its 21st meeting, on 13 August 2003, the Sub-Commission on the Promotion and Protection of Human Rights, recalling its resolution 2002/25 of 14 August 2002 and welcoming the preliminary report of the Special Rapporteur, Ms. Barbara Frey (E/CN.4/Sub.2/2003/29), decided, without a vote, to request the Secretary-General to transmit a questionnaire elaborated by the Special Rapporteur to Governments, national human rights institutions and non-governmental organizations to solicit information required in connection with her study, in particular on the national laws and training programmes used to implement the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, in order that the Special Rapporteur may take them fully into account in preparing her progress report for the fifty-sixth session of the Sub-Commission.

The Sub-Commission, taking note of Commission on Human Rights resolution 2003/59 of 24 April 2003, also decided to recommend the following draft decision to the Commission for adoption:

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

[See chap. VIII.]

2003/106. Promotion and consolidation of democracy

At its 21st meeting, on 13 August 2003, the Sub-Commission on the Promotion and Protection of Human Rights, recalling its decisions 2000/116 of 18 August 2000, 2001/114 of 16 August 2001 and 2002/116 of 15 August 2002 and again 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, the final version of his working paper, taking into account the comments and suggestions made at the fifty-fifth session of the Sub-Commission, for submission to the Sub-Commission at its fifty-sixth session.

[See chap. V.]

2003/107. Working paper on the difficulties of establishing guilt and/or responsibilities with regard to crimes of sexual violence

At its 22nd meeting, on 13 August 2003, the Sub-Commission on the Promotion and Protection of Human Rights, taking into account the working paper submitted by Ms. Lalaina Rakotoarisoa, (E/CN.4/Sub.2/2003/WG.1/CRP.1) decided, without a vote, to request her to prepare, without financial implications, an expanded working paper on the difficulties of establishing guilt and/or responsibility with regard to crimes of sexual violence, including the attitude of the investigating authorities, the gathering of evidence, including forensic evidence, rules of evidence, rules of criminal and civil procedure, the protection of witnesses and survivors before, during and after the proceedings, the special needs of child suspects, witnesses and survivors, rules on the disclosure of the identity of the suspect and survivor and the need to guarantee the rights of the defendant, and to submit it to the Sub-Commission at its fifty-sixth session with a view to identifying best practice.

[See chap. V.]

2003/108. Working paper on the criminalization, investigation and prosecution of acts of serious sexual violence

At its 22nd meeting, on 13 August 2003, the Sub-Commission on the Promotion and Protection of Human Rights, by way of follow-up to the final report on systematic rape, sexual slavery and slavery-like practices during armed conflict (E/CN.4/Sub.2/1998/13), decided, without a vote, to request Ms. Françoise Hampson to prepare, without financial implications, a working paper on the criminalization, investigation and prosecution of acts of serious sexual violence occurring in the context of an armed conflict or committed as part of a widespread or systematic attack directed against any civilian population, for submission to the sessional working group on the administration of justice of the Sub-Commission at its fifty-sixth session.

[See chap. V.]

2003/109. Working paper on debt

At its 22nd meeting, on 13 August 2003, the Sub-Commission on the Promotion and Protection of Human Rights, considering the adverse effects of debt and debt-servicing on the realization of economic, social and cultural rights, civil and political rights, the right to development and the right to a healthy environment and aware of the work of the Commission on Human Rights and its special procedures on this subject, decided, without a vote, to request Mr. El-Hadji Guissé to prepare, without financial implications, a working paper on the effects of debt on human rights for submission to the Sub-Commission at its fifty-sixth session.

[See chap. VI.]

2003/110. Publishing the final report of the Special Rapporteur on the rights of non-citizens

At its 22nd meeting, on 13 August 2003, the Sub-Commission on the Promotion and Protection of Human Rights decided, without a vote, to submit the following draft decision to the Commission on Human Rights for adoption:

[For the text, see chap. I, sect. B, draft decision 11.]

[See chap. VII.]

2003/111. Voluntary fund on minority-related activities

At its 22nd meeting, on 13 August 2003, the Sub-Commission on the Promotion and Protection of Human Rights decided, without a vote, to adopt the following draft decision for transmission to the Commission on Human Rights:

[For the text, see chap. I, sect. B, draft decision 12.]

[See chap. VII.]

2003/112. Composition of working groups of the Sub-Commission for 2004

At its 22nd meeting, on 13 August 2003, 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 2004, with the understanding that, in view of the forthcoming elections for half of the members of the Sub-Commission, to be held during the sixtieth session of the Commission on Human Rights, the Chairperson of the Sub-Commission, in consultation with the regional groups, would take the necessary action to replace any members of the working groups not re-elected to the Sub-Commission:

Regional group	Minorities	Slavery	Indigenous populations	Communications	Social Forum
Africa	Ms. Zerrougui	Ms. Warzazi	Mr. Guissé	Mr. Yimer	Mr. Mbonu Mr. Guissé
	Mr. Dos Santos Alves (alternate)	Ms. Rakotoarisoa (alternate)	Ms. Mbonu (alternate)	Ms. Zerrougui (alternate)	
Asia	Mr. Sorabjee	Mr. Sattar	Mr. Yokota	Mr. Chen Shiqiu	Mr. Chen Shiqiu Mr. Sattar
	Ms. Chung (alternate)	Mr. Park (alternate)	Ms. Terao (alternate)	Mr. Liu (alternate)	
Eastern Europe	Mr. Kartashkin	Mr. Ogurtsov	Ms. Motoc	Mr. Kartashkin	Ms. Popescu Mr. Ogurtsov
	Ms. Motoc (alternate)	Ms. Popescu (alternate)	Mr. Ogurtsov (alternate)	Mr. Malguinov (alternate)	
Latin America	Mr. Bengoa	Mr. Pinheiro	Mr. Alfonso Martínez	Mr. Rodríguez Cuadros	Mr. Bengoa Ms. O'Connor
	Mr. Rodríguez Cuadros (alternate)	Ms. O'Connor (alternate)	Mr. Bengoa (alternate)	Mr. Alfonso Martínez (alternate)	Mr. Pinheiro Mr. Alfonso Martínez (alternates)
Western Europe and other States	Mr. Eide	Ms. Frey	Ms. Hampson	Mr. Weissbrodt	Mr. Eide Mr. Decaux
	Ms. Koufa Mr. Decaux (alternates)	Mr. Decaux Ms. Koufa (alternates)	Mr. Decaux (alternate)	Mr. Decaux Ms. Hampson Ms. Frey (alternates)	Ms. Hampson (alternate)

[See chap. III.]

2003/113. Preliminary report on the study on indigenous peoples' permanent sovereignty over natural resources

At its 23rd meeting, on 14 August 2003, the Sub-Commission on the Promotion and Protection of Human Rights decided, without a vote:

(a) To express its deep appreciation to the Special Rapporteur, Ms. Erica-Irene A. Daes, for her very comprehensive preliminary report on the study on indigenous peoples' permanent sovereignty over natural resources (E/CN.4/Sub.2/2003/20), and welcomes the rich discussion that took place thereon;

(b) To request the Secretary-General to submit the report to Governments, indigenous peoples' communities and organizations, specialized agencies and other intergovernmental and non-governmental organizations concerned for their comments, information, data, etc. that would be important for the Special Rapporteur in elaborating her final report.

[See chap. VII.]

2003/114. Reservations to human rights treaties

At its 23rd meeting, on 14 August 2003, the Sub-Commission on the Promotion and Protection of Human Rights, recalling its decision 1998/113 of 26 August 1998 and its resolution 2001/17 of 16 August 2001, decided, without a vote, to request Ms. Françoise Hampson to update, without financial implications, her expanded working paper (E/CN.4/Sub.2/2003/WP.2) on the question of reservations to human rights treaties and to submit a final working paper to the Sub-Commission at its fifty-sixth session, taking into account the views expressed during the debate on this issue at the fifty-fifth session, with a view to transmitting it to the Committee on the Elimination of Racial Discrimination, the other treaty bodies and the International Law Commission.

[See chap. VIII.]

2003/115. Human rights and international solidarity

At its 23rd meeting, on 14 August 2003, the Sub-Commission on the Promotion and Protection of Human Rights, recalling Commission on Human Rights resolution 2002/73 of 25 April 2002 in which the Commission requested the Sub-Commission to undertake a study on the implementation of the resolution, decided, without a vote, to request Mr. Rui Baltazar Dos Santos Alves to prepare, without financial implications, a working paper on human rights and international solidarity and to submit it to the Sub-Commission at its fifty-sixth session.

[See chap. VIII.]

2003/116. The right to development

At its 23rd meeting, on 14 August 2003, the Sub-Commission on the Promotion and Protection of Human Rights, considering the Declaration on the Right to Development adopted by the General Assembly in its resolution 41/128 of 4 December 1986 and bearing in mind Commission on Human Rights resolution 2003/83 of 25 April 2003, in which the Commission requested the Sub-Commission to prepare a concept document establishing options for the implementation of the right to development and their feasibility, inter alia, an international legal standard of a binding nature, guidelines on the implementation of the right to development and principles for development partnership, including issues which any such instrument might address, for submission to the Commission at its sixty-first session for consideration and determination of the feasibility of those options, decided, without a vote, to request Ms. Florizelle O'Connor to prepare, without financial implications, and to submit to the Sub-Commission at its fifty-sixth session a working paper identifying and analysing possible alternatives that will enable the Sub-Commission to respond fully and as effectively as possible to the Commission's request by the date fixed in resolution 2003/83.

[See chap. VI.]

**2003/117. Globalization and its impact on the full enjoyment
of human rights**

At its 24th meeting, on 15 August 2003, the Sub-Commission on the Promotion and Protection of Human Rights, having welcomed with satisfaction the preliminary report (E/CN.4/Sub.2/2000/13) and progress report (E/CN.4/Sub.2/2001/10) of the Special Rapporteurs, Mr. Joseph Oloka-Onyongo and Ms. Deepika Udagama, and welcoming with satisfaction their final report (E/CN.4/Sub.2/2003/14), decided, without a vote, to thank the Special Rapporteurs for their important work and to transmit the reports to the Commission on Human Rights with a request that they be published in the official languages of the United Nations. The Sub-Commission also decided to continue consideration of this question at its fifty-sixth session.

The Sub-Commission further decided to recommend to the Commission on Human Rights the following draft decision for adoption:

[For the text, see chap. I, sect. B, draft decision 12.]

[See chap. VI.]

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-fifth session at the United Nations Office at Geneva from 28 July to 15 August 2003. It held 24 meetings (see E/CN.4/Sub.2/2003/SR.1-24), 3 of which were held in closed session (see E/CN.4/Sub.2/2003/SR.2, SR.20 and SR.21).
2. The session was opened by Mr. Paulo Sérgio Pinheiro, Chairperson of the Sub-Commission on the Promotion and Protection of Human Rights at its fifty-fourth session, who made a statement.
3. The Deputy High Commissioner for Human Rights, Mr. Bertrand Ramcharan, addressed the Sub-Commission at its 1st meeting, on 28 July 2003.

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 30 resolutions and took 17 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-fifth 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-fifth 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-fifth session of the Sub-Commission appears in annex VII. Written communications submitted by Governments and non-governmental organizations for circulation at the session are also mentioned in annex VII.

D. Election of officers

10. At its 1st meeting, on 28 July 2003, the Sub-Commission elected the following officers by acclamation:

Chairperson: Ms. Halima Warzazi

Vice-Chairpersons: Ms. Kalliopi Koufa
Mr. Abdul Sattar

Rapporteur: Mr. Stanislav Ogurtsov

11. At its 4th meeting, on 30 July 2003, the Sub-Commission elected Ms. Florizelle O'Connor as Vice-Chairperson by acclamation.

E. Adoption of the agenda

12. At the same meeting, the Sub-Commission had before it a note by the Secretary-General containing the provisional agenda for the fifty-fifth session (E/CN.4/Sub.2/2003/1), 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-fourth session in accordance with paragraph 3 of Economic and Social Council resolution 1894 (LVII).

13. At the 1st meeting, on 28 July 2003, the agenda (see annex I), was adopted without a vote.

F. Organization of work and conduct of business

14. At the 1st meeting, the Chairperson of the fifty-ninth session of the Commission on Human Rights, Ms. Najat Al-Hajjaji, addressed the Sub-Commission, in accordance with Commission resolution 2003/59.

15. The Sub-Commission considered item 1 of the agenda at its 1st, 2nd (closed) and 3rd meetings, on 28 and 29 July, at its 6th meeting, on 31 July, at its 20th (closed) meeting, on 13 August as well as at the closed and public parts of its 21st meeting, on 13 August 2003.

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

17. At its 1st meeting, on 28 July 2003, and 2nd meeting, on 29 July 2003, the Sub-Commission considered the organization of its work and conduct of business.

18. 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 2003/101;

(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. Malguinov, Mr. Park and Mr. Weissbrodt. For the text of the decision, see chapter II, section B, decision 2003/102.

19. 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: 1 or 2 non-governmental organizations: 7 minutes; 3 to 5 non-governmental organizations: 10 minutes; 6 to 10 non-governmental organizations: 12 minutes; more than 10 non-governmental organizations: 15 minutes. National human rights institutions would be allowed to make statements on the same basis as non-governmental organizations. 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.

20. 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.

21. The Sub-Commission also accepted the recommendation that special rapporteurs should limit their statements to 15 minutes, to be divided between the introduction of the report and the concluding remarks.

22. 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.

23. 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.

24. 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).

25. 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.

26. 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.

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

28. At the 6th meeting, on 31 July 2003, the Sub-Commission discussed the issues raised by the Deputy High Commissioner in his opening statement to the Sub-Commission. Statements in that connection were made by Mr. Alfonso Martínez, Mr. Bengoa, Mr. Chen Shiqui, Mr. Decaux, Mr. Eide, Ms. Hampson, Ms. Mbonu, Ms. Motoc, Ms. O'Connor, Mr. Park, Mr. Pinheiro, Mr. Sattar, Mr. Yokota and Ms. Zerrougui.

29. At the same meeting, Mr. William Bunch, Chief, Central Planning and Coordination Service, United Nations Office at Geneva, gave a briefing on documentation. Statements in this connection were made by Mr. Alfonso Martínez, Mr. Decaux, Mr. Eide and Ms. Hampson.

30. At the 23rd meeting, on 14 August 2003, the members of the Sub-Commission held an exchange of views with representatives of non-governmental organizations.

31. At the 23rd and 24th meetings, on 14 and 15 August 2003, representatives of the Administration Section of the Office of the High Commissioner for Human Rights made statements in connection with the programme budget implications of several draft resolutions and decisions considered by the Sub-Commission.

32. In response to the invitation received from the International Law Commission, Mr. Decaux, Ms. Hampson, Ms. Koufa, Ms. Motoc, Ms. O'Connor, Mr. Rodríguez Cuadros and Ms. Zerrougui attended a joint meeting for an exchange of views on the issue of reservations to human rights treaties.

G. Other matters

33. At the 1st meeting, on 28 July 2003, in accordance with decision 1994/103 of the Sub-Commission and at the proposal of the Chairperson, the Sub-Commission observed a minute of silence in honour of the victims of all forms of violations of human rights in all regions of the world.

Working paper on methods of work of the Sub-Commission

34. At the same meeting, the Sub-Commission decide to postpone the consideration of draft decision E/CN.4/Sub.2/2003/L.33, entitled “Working paper on methods of work of the Sub-Commission”. For the text of the decision, see chapter II, section B, decision 2003/103.

Composition of working groups of the Sub-Commission for 2004

35. At the 22nd meeting, on 13 August 2003, 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.

36. The draft decision was adopted without a vote. For the text of the decision, see chapter II, section B, decision 2003/112.

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)

37. The Sub-Commission considered agenda item 2 at its 3rd to 5th meetings, on 29 and 30 July, and at its 13th meeting, on 13 August 2003.

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

39. In the general debate on agenda item 2, statements were made by members of the Sub-Commission and observers for Governments and non-governmental organizations. For the detailed list of speakers, see annex II.

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

40. At the 22nd meeting, on 13 August 2003, the Sub-Commission considered draft resolution E/CN.4/Sub.2/2003/L.16, sponsored by Mr. Eide, Ms. Hampson, Ms. O'Connor, Mr. Park, Mr. Pinheiro and Mr. Sorabjee. Ms. Zerrougui subsequently joined the sponsors.

41. Ms. Hampson orally revised operative paragraphs 5, 6 and 7 of the draft resolution. Ms. Hampson further deleted the words "particularly after 11 September 2001" in operative paragraph 4 and the whole of paragraph 8 which read:

"Decides that if, prior to the beginning of the fifty-sixth session of the Sub-Commission, another effective mechanism is established with a mandate similar to that of the working group, such as the appointment of an independent expert on human rights to the Counter-Terrorism Committee of the Security Council or the appointment of a special rapporteur or working group of the Commission on Human Rights, the Sub-Commission shall decide to adjourn the meeting of the working group to the following session."

42. Statements in connection with the draft resolution were made by Mr. Alfonso Martínez, Mr. Chen Shiqiu, Mr. Decaux, Mr. Eide, Ms. Hampson, Mr. Kartashkin, Ms. Koufa, Ms. Mbonu, Mr. Park, Mr. Pinheiro, Mr. Sattar, Mr. Sorabjee and Ms. Zerrougui.

43. The draft resolution, as orally revised, was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 2003/15.

V. ADMINISTRATION OF JUSTICE, RULE OF LAW AND DEMOCRACY

44. 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.
45. For the list of documents issued under agenda item 3, see annex VII to the present report.
46. 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).
47. At the 12th meeting, on the same day, Mr. Abdelfattah Amor, Chairperson of the Human Rights Committee, made a statement.
48. 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).
49. 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 made a statement concerning his additional expanded working paper on measures provided in the various international human rights instruments for the promotion and consolidation of democracy (see E/CN.4/Sub.2/2003/7).
50. 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

51. 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.
52. 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

53. 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, Mr. Alfonso Martínez and Mr. Kartashkin subsequently joined the sponsors.

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

55. 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

56. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/2003/L.26, sponsored by Mr. Bengoa, Mr. Chen Shiqui, 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.

57. 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

58. At the same meeting, the Sub-Commission considered draft decision E/CN.4/Sub.2/2003/L.30, sponsored by Mr. Bengoa, Mr. Chen Shiqui, 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, Mr. Ogurtsov and Ms. Zerrougui subsequently joined the sponsors.

59. The draft decision was adopted without a vote. For the text of the decision, 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

60. 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 Shiqui, 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.

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

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

63. 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

64. 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.

65. 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

66. 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.

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

68. 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.

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

Transfers of persons with particular reference to the death penalty

70. 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. Mr. Yokota and Ms. Zerrougui subsequently joined the sponsors.

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

72. 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.

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

VI. ECONOMIC, SOCIAL AND CULTURAL RIGHTS

74. The Sub-Commission considered agenda item 4 at its 14th to 17th meetings, on 7 and 8 to 11 August, at its 21st and 22nd meetings, on 13 August, at its 23rd meeting, on 14 August and at its 24th meeting, on 15 August 2003.

75. For the list of documents issued under agenda item 4, see annex VII to the present report.

76. At the 14th meeting, on 7 August 2003:

(a) Mr. Guissé, Chairperson-Rapporteur of the sessional working group on the working methods and activities of transnational corporations, presented the report of the working group on its fifth session (E/CN.4/Sub.2/2003/13);

(b) Mr. 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 interim report (E/CN.4/Sub.2/2003/WP.3);

(c) Mr. Pinheiro, Special Rapporteur on housing and property restitution in the context of the return of refugees and internally displaced persons, introduced his preliminary report (E/CN.4/Sub.2/2003/11);

(d) Mr. J. Oloka-Onyango (on behalf also of Ms. Deepika Udagama), Special Rapporteur on globalization and its impact on the full enjoyment of all human rights, introduced their final report (E/CN.4/Sub.2/2003/14). At the 15th meeting, Mr. Oloka-Onyango made his concluding remarks;

(e) Ms. Mbonu introduced her working paper on corruption and its impact on the full enjoyment of human rights, in particular economic, social and cultural rights (E/CN.4/Sub.2/2003/18);

(f) Mr. Bengoa, as coordinator (on behalf also of Ms. Motoc, Mr. Eide, Mr. Yokota, Mr. Guissé, Mr. Decaux and Mr. Pinheiro), introduced the preliminary report on the implementation of existing human rights norms and standards in the context of the fight against extreme poverty (E/CN.4/Sub.2/2003/17).

77. At the 15th meeting, on 8 August 2003, Mr. Arjun Sengupta, independent expert of the Commission on Human Rights on the right to development, made a statement.

78. At the same meeting, Mr. Bengoa introduced his memorandum on the Social Forum (E/CN.4/Sub.2/2003/16, annex).

79. 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 the detailed list of speakers, see annex II.

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

80. At the 21st meeting, on 13 August 2003, the Sub-Commission considered draft resolution E/CN.4/Sub.2/2003/L.17, sponsored by Mr. Alfonso Martínez, Mr. Bengoa, Mr. Chen Shiqiu, Mr. Decaux, Mr. Dos Santos Alves, Mr. Eide, Mr. Guissé, Ms. Hampson, Ms. Koufa, Ms. Mbonu, Ms. Motoc, Ms. O'Connor, Mr. Park, Ms. Rakotoarisoa, Mr. Rodríguez Cuadros, Mr. Sattar, Mr. Weissbrodt, Mr. Yimer, Mr. Yokota and Ms. Zerrougui. Mr. Kartashkin and Mr. Pinheiro subsequently joined the sponsors.

81. The draft resolution was adopted unanimously. For the text of the resolution, see chapter II, section A, resolution 2003/1.

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

82. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/2003/L.18, sponsored by Mr. Alfonso Martínez, Mr. Chen Shiqiu, Mr. Decaux, Mr. Dos Santos Alves, Mr. Guissé, Mr. Kartashkin, Ms. Koufa, Ms. Mbonu, Ms. Motoc, Ms. O'Connor, Mr. Park, Mr. Pinheiro, Ms. Rakotoarisoa, Mr. Sattar, Mr. Weissbrodt and Ms. Zerrougui. Ms. Hampson, Mr. Ogurtsov, Mr. Sorabjee, Mr. Yimer and Mr. Yokota subsequently joined the sponsors.

83. 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.

84. The draft resolution was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 2003/2.

The right to food, and progress in developing international voluntary guidelines for its implementation

85. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/2002/L.5, sponsored by Mr. Alfonso Martínez, Mr. Bengoa, Mr. Chen Shiqiu, Mr. Decaux, Mr. Dos Santos Alves, Mr. Eide, Mr. Guissé, Ms. Hampson, Mr. Kartashkin, Ms. Koufa, Ms. Mbonu, Ms. Motoc, Ms. O'Connor, Mr. Ogurtsov, Mr. Park, Mr. Pinheiro, Ms. Rakotoarisoa, Mr. Sattar, Mr. Sorabjee, Mr. Weissbrodt, Mr. Yimer, Mr. Yokota and Ms. Zerrougui.

86. Mr. Eide orally revised operative paragraphs 1 and 6 of the draft resolution.

87. 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.

88. The draft resolution, as orally revised, was adopted unanimously. For the text of the resolution, see chapter II, section A, resolution 2003/9.

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

89. At the 22nd meeting, on the same day, the Sub-Commission considered draft resolution E/CN.4/Sub.2/2003/L.25, sponsored by Mr. Chen Shiqiu, Mr. Dos Santos Alves, Mr. Eide, Mr. Guissé, Mr. Kartashkin, Ms. Mbonu, Mr. Ogurtsov, Mr. Park, Mr. Sattar and Mr. Weissbrodt. Mr. Alfonso Martínez, Ms. Hampson, Ms. Koufa, Mr. Pinheiro, Mr. Yokota and Ms. Zerrougui subsequently joined the sponsors.

90. A statement in connection with the draft resolution was made by Mr. Kartashkin.

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

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

92. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/2003/L.38, sponsored by Mr. Bengoa, Mr. Chen Shiqiu, Mr. Decaux, Mr. Dos Santos Alves, Mr. Guissé, Ms. Koufa, Ms. Motoc, Ms. O'Connor, Ms. Rakotoarisoa, Mr. Rodríguez Cuadros, Mr. Sattar, Mr. Weissbrodt, Mr. Yokota and Ms. Zerrougui. Mr. Kartashkin subsequently joined the sponsors.

93. The draft resolution was adopted unanimously. For the text of the resolution, see chapter II, section A, resolution 2003/13.

The Social Forum

94. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/2002/L.39, sponsored by Mr. Bengoa, Mr. Chen Shiqiu, Mr. Decaux, Mr. Dos Santos Alves, Mr. Guissé, Ms. Koufa, Ms. Motoc, Ms. O'Connor, Ms. Rakotoarisoa, Mr. Rodríguez Cuadros, Mr. Sattar, Mr. Weissbrodt, Mr. Yimer and Mr. Yokota. Mr. Alfonso Martínez, Mr. Eide, Ms. Hampson, Mr. Kartashkin, Mr. Pinheiro and Ms. Zerrougui subsequently joined the sponsors.

95. 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.

96. The draft resolution was adopted unanimously. For the text of the resolution, see chapter II, section A, resolution 2003/14.

Responsibilities of transnational corporations and other business enterprises with regard to human rights

97. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/2003/L.8, sponsored by Mr. Alfonso Martínez, Mr. Guissé, Mr. Kartashkin, Mr. Park and Mr. Weissbrodt. Mr. Chen Shiqiu, Mr. Decaux, Mr. Dos Santos Alves, Mr. Eide,

Ms. Hampson, Ms. Koufa, Ms. Mbonu, Ms. Motoc, Ms. O'Connor, Mr. Ogurtsov, Mr. Pinheiro, Mr. Rodriguez Cuadros, Ms. Rakotoarisoa, Mr. Sattar, Mr. Yokota and Ms. Zerrougui subsequently joined the sponsors.

98. Mr. Weissbrodt orally revised the fourth, fifth and sixth preambular paragraphs and operative paragraph 1.

99. Statements in connection with the draft resolution were made by Mr. Bengoa, Mr. Decaux and Mr. Guissé.

100. The draft resolution, as orally revised, was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 2003/16.

Prohibition of forced evictions

101. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/2003/L.21, sponsored by Mr. Alfonso Martínez, Mr. Bengoa, Mr. Decaux, Mr. Dos Santos Alves, Mr. Eide, Mr. Guissé, Ms. Hampson, Ms. Motoc, Ms. O'Connor, Mr. Ogurtsov, Mr. Park, Mr. Pinheiro, Mr. Sattar, Mr. Sorabjee, Mr. Weissbrodt and Mr. Yimer. Mr. Kartashkin, Mr. Yokota and Ms. Zerrougui subsequently joined the sponsors.

102. The draft resolution was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 2003/17.

Working paper on debt

103. At the same meeting, the Sub-Commission considered draft decision E/CN.4/Sub.2/2003/L.45, sponsored by Mr. Bengoa, Mr. Chen Shiqui, Mr. Decaux, Mr. Dos Santos Alves, Mr. Guissé, Ms. Mbonu, Ms. O'Connor, Mr. Park, Ms. Rakotoarisoa, Mr. Sattar, Mr. Yimer and Mr. Yokota.

104. Mr. Weissbrodt orally revised the third line of the draft decision.

105. Statements in connection with the draft decisions were made by Mr. Alfonso Martínez, Mr. Kartashkin and Mr. Pinheiro.

106. The draft decision was adopted without a vote. For the text of the decision, see chapter II, section B, decision 2003/109.

Housing and property restitution

107. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/2003/L.22, sponsored by Mr. Alfonso Martínez, Mr. Bengoa, Mr. Decaux, Mr. Dos Santos Alves, Mr. Eide, Mr. Guissé, Ms. Hampson, Ms. Mbonu, Ms. Motoc, Ms. O'Connor, Mr. Ogurtsov, Mr. Park, Mr. Pinheiro, Ms. Rakotoarisoa, Mr. Sattar, Mr. Sorabjee, Mr. Weissbrodt and Mr. Yimer. Mr. Kartashkin subsequently joined the sponsors.

108. Mr. Pinheiro orally revised the draft resolution by adding a new fourth preambular paragraph.

109. A statement in connection with the draft resolution was made by Ms. Zerrougui.

110. The draft resolution, as orally revised, was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 2003/18.

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

111. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/2003/L.37, sponsored by Mr. Chen Shiqui, Mr. Decaux, Mr. Dos Santos Alves, Mr. Kartashkin, Ms. Koufa, Ms. Mbonu, Ms. O'Connor, Mr. Ogurtsov, Mr. Park, Ms. Rakotoarisoa, Mr. Rodríguez Cuadros, Mr. Weissbrodt, Mr. Yimer, Mr. Yokota and Ms. Zerrougui. Mr. Eide, Mr. Guissé and Ms. Hampson subsequently joined the sponsors.

112. The draft resolution was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 2003/19.

Prevention of corruption

113. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/2003/L.41, sponsored by Mr. Alfonso Martínez, Mr. Bengoa, Mr. Chen Shiqui, Mr. Decaux, Mr. Dos Santos Alves, Mr. Eide, Mr. Guissé, Ms. Hampson, Mr. Kartashkin, Ms. Koufa, Ms. Mbonu, Ms. Motoc, Ms. O'Connor, Mr. Park, Ms. Rakotoarisoa, Mr. Sattar, Mr. Weissbrodt, Mr. Yimer, Mr. Yokota and Ms. Zerrougui.

114. Mr. Sattar orally revised the last preambular paragraph and operative paragraph 1.

115. Statements in connection with the draft resolution were made by Ms. Hampson, Mr. Sattar, Mr. Sorabjee and Ms. Zerrougui.

116. The draft resolution, as orally revised, was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 2003/20.

The right to development

117. At the 22nd and 23rd meetings, on 13 and 14 August 2003, the Sub-Commission considered draft decision E/CN.4/Sub.2/2003/L.7, sponsored by Mr. Alfonso Martínez, Mr. Bengoa, Mr. Chen Shiqui, Mr. Decaux, Mr. Dos Santos Alves, Mr. Eide, Mr. Guissé, Ms. Hampson, Mr. Kartashkin, Ms. Koufa, Ms. Mbonu, Ms. Motoc, Mr. Ogurtsov, Mr. Park, Mr. Pinheiro, Ms. Rakotoarisoa, Mr. Sattar, Mr. Sorabjee, Mr. Weissbrodt, Mr. Yimer, Mr. Yokota and Ms. Zerrougui.

118. At the same meetings the Sub-Commission also considered amendments to L.7 as contained in E/CN.4/Sub.2/2003/L.46, sponsored by Mr. Eide.

119. Statements in relation to the draft decision and its amendments were made by Mr. Alfonso Martínez, Mr. Bengoa, Mr. Eide, Ms. Hampson, Mr. Kartashkin, Ms. Mbonu, Ms. O'Connor, Mr. Park, Mr. Pinheiro, Mr. Yimer, Mr. Yokota and Ms. Zerrougui.

120. At the 23rd meeting, on 14 August 2003, Mr. Eide withdrew document E/CN.4/Sub.2/2003/L.46.

121. 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.

122. The draft decision was adopted unanimously. For the text of the decision, see chapter II, section B, decision 2003/116.

Globalization and its impact on the full enjoyment of human rights

123. At the 24th meeting, on 15 August 2003, Ms. Zerrougui introduced a draft decision on globalization and its impact on the full enjoyment of human rights.

124. The draft decision was adopted without a vote. For the text of the decision, see chapter II, section B, decision 2003/117.

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**

125. The Sub-Commission considered agenda item 5 at its 17th and 18th meetings, on 11 August 2003, at its 19th and 20th meetings, on 12 August 2003, and at its 22nd and 23rd meetings, on 13 and 14 August 2003.

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

127. At the 17th meeting, on 11 August 2003:

(a) Mr. Weissbrodt, Special Rapporteur on the rights of non-citizens, presented his final report (E/CN.4/Sub.2/2003/23 and Add.1-4). At the 18th meeting, on the same day, Mr. Weissbrodt made his concluding remarks;

(b) Mr. Eide introduced his progress report on the update to the study on peaceful and constructive approaches to situations involving minorities (E/CN.4/Sub.2/2003/21). At the same meeting, Mr. Eide made his concluding remarks;

(c) Mr. Eide, Chairperson-Rapporteur of the Working Group on Minorities, presented the report of the Working Group on its ninth session (E/CN.4/Sub.2/2003/19).

128. At the 18th meeting, on the same day:

(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-third session of the Committee on the Elimination of Racial Discrimination, made a statement.

129. At the same meeting:

(a) Mr. Eide and Mr. Yokota introduced their expanded working paper on discrimination based on work and descent (E/CN.4/Sub.2/2003/24);

(b) Ms. Erica-Irene A. Daes, Special Rapporteur on indigenous peoples' permanent sovereignty over natural resources, presented her preliminary report (E/CN.4/Sub.2/2003/20). At the same meeting, Ms. Daes made her concluding remarks.

130. At the 19th meeting, on 12 August 2003, Mr. Miguel Alfonso Martínez, Chairperson-Rapporteur of the Working Group on Indigenous Populations, presented the report of the Working Group on its twenty-first session (E/CN.4/Sub.2/2003/22). At the same meeting, Mr. Alfonso Martínez made his concluding remarks.

131. In the general debate on agenda item 5, statements were made by members of the Sub-Commission and observers for Governments and non-governmental organizations. For the detailed list of speakers, see annex II.

The rights of non-citizens

132. At the 22nd meeting, on 13 August 2003, the Sub-Commission considered draft resolution E/CN.4/Sub.2/2003/L.13, sponsored by Mr. Bengoa, Mr. Chen Shiqiu, Mr. Decaux, Mr. Eide, Ms. Hampson, Ms. O'Connor, Mr. Ogurtsov, Mr. Park, Mr. Pinheiro, Ms. Rakotoarisoa, Mr. Sattar, Mr. Sorabjee, Mr. Yimer and Mr. Yokota. Mr. Kartashkin subsequently joined the sponsors.

133. Mr. Yimer orally revised operative paragraph 9 of the draft resolution.

134. Mr. Park orally revised operative paragraph 16 of the draft resolution.

135. Mr. Kartashkin orally amended the draft decision recommended to the Commission on Human Rights contained in the draft resolution.

136. Mr. Eide further amended Mr. Kartashkin's amendment.

137. Statements in connection with the draft resolution were made by Mr. Alfonso Martínez and Mr. Decaux.

138. 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.

139. The draft resolution, as revised and amended, was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 2003/21.

Publishing the final report of the Special Rapporteur on the rights of non-citizens

140. At the same meeting, the Sub-Commission considered draft decision E/CN.4/Sub.2/2003/L.12, sponsored by Mr. Bengoa, Mr. Chen Shiqiu, Mr. Decaux, Mr. Dos Santos Alves, Mr. Eide, Mr. Guissé, Ms. Hampson, Ms. Koufa, Ms. Mbonu, Ms. O'Connor, Mr. Ogurtsov, Mr. Park, Mr. Pinheiro, Ms. Rakotoarisoa, Mr. Sattar, Mr. Sorabjee, Mr. Yimer, Mr. Yokota and Ms. Zerrougui. Mr. Kartashkin, Ms. Motoc and Mr. Rodríguez Cuadros 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 decision.

142. The draft decision was adopted without a vote. For the text of the decision, see chapter II, section B, decision 2003/110.

Voluntary fund on minority-related activities

143. At the same meeting, the Sub-Commission considered draft decision E/CN.4/Sub.2/2003/L.27, sponsored by Mr. Bengoa, Mr. Eide, Mr. Kartashkin, Mr. Sorabjee and Ms. Zerrougui. Mr. Alfonso Martínez, Mr. Chen Shiqiu, Mr. Decaux, Mr. Guissé, Ms. Hampson, Ms. Koufa, Mr. Pinheiro and Mr. Sattar subsequently joined as sponsors.

144. Statements in connection with the draft decision were made by Mr. Alfonso Martínez, Mr. Bengoa and Mr. Eide.

145. The draft decision was adopted without a vote. For the text of the decision, see chapter II, section B, decision 2003/111.

Discrimination based on work and descent

146. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/2002/L.28, sponsored by Mr. Chen Shiqiu, Mr. Decaux, Mr. Dos Santos Alves, Mr. Guissé, Ms. Hampson, Mr. Kartashkin, Ms. Koufa, Ms. O'Connor, Mr. Park, Ms. Rakotoarisoa, Mr. Rodríguez Cuadros and Mr. Weissbrodt. Mr. Alfonso Martínez, Mr. Pinheiro and Mr. Sattar subsequently joined the sponsors.

147. Statements in connection with the draft resolution were made by Mr. Eide, Ms. Mbonu and Mr. Yokota.

148. The draft resolution was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 2003/22.

The rights of minorities

149. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/2003/L.29, sponsored by Mr. Bengoa, Mr. Eide, Mr. Kartashkin, Mr. Sorabjee and Ms. Zerrougui. Mr. Dos Santos Alves, Ms. Hampson, Ms. O'Connor, Mr. Ogurtsov, Mr. Park, Mr. Pinheiro, Mr. Sattar, Mr. Yimer and Mr. Yokota subsequently joined the sponsors.

150. A statement in connection with the draft resolution was made by Ms. Mbonu.

151. 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.

152. The draft resolution was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 2003/23.

Human rights implications, particularly for indigenous peoples, of the disappearance of States for environmental reasons

153. At the 23rd meeting, on 14 August 2003, the Sub-Commission considered draft resolution E/CN.4/Sub.2/2003/L.40, sponsored by Mr. Alfonso Martínez, Mr. Guissé, Ms. Hampson, Ms. Motoc and Mr. Yokota. Mr. Dos Santos Alves, Mr. Ogurtsov, Mr. Park, Mr. Pinheiro and Ms. Zerrougui subsequently joined the sponsors.

154. 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.

155. The draft resolution was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 2003/24.

Preliminary report on indigenous peoples' permanent sovereignty over natural resources

156. At the same meeting, the Sub-Commission considered draft decision, as circulated in a separate document, sponsored by Ms. Koufa.

157. A statement in connection with the draft decision was made by Mr. Yokota.

158. The draft decision was adopted without a vote. For the text of the decision, see chapter II, section B, decision 2003/113.

Working Group on Indigenous Populations

159. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/2003/L.42, sponsored by Mr. Alfonso Martínez, Mr. Guissé, Ms. Hampson, Mr. Yokota. Ms. Motoc subsequently joined the sponsors.

160. Statements in relation to the draft resolution were made by Mr. Alfonso Martínez and Ms. Hampson.

161. 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.

162. The draft resolution was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 2003/29.

International Decade of the World's Indigenous People

163. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/2003/L.43, sponsored by Mr. Alfonso Martínez, Mr. Guissé, Ms. Hampson, Ms. Motoc and Mr. Yokota.

164. Statements in connection with the draft resolution were made by Mr. Alfonso Martínez and Ms. Hampson.

165. 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.

166. The draft resolution was adopted unanimously. For the text of the resolution, see chapter II, section A, resolution 2003/30.

VIII. SPECIFIC HUMAN RIGHTS ISSUES:

- (a) **Women and human rights;**
- (b) **Contemporary forms of slavery;**
- (c) **New priorities, in particular terrorism**

167. The Sub-Commission considered agenda item 6 at its 5th to 10th meetings, on 30 and 31 July and 4 and 5 August, and at its 21st to 23rd meetings, on 13 and 14 August 2003.

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

169. At the 5th meeting, on 30 July 2003, Mr. Decaux introduced his working paper on issues and modalities for effective universality of international human rights treaties (E/CN.4/Sub.2/2003/37).

170. At the 7th meeting, on 4 August 2003, Mr. Pinheiro, Chairperson-Rapporteur of the Working Group on Contemporary Forms of Slavery, presented the report of the Working Group on its twenty-eighth session (E/CN.4/Sub.2/2003/31).

171. At the same meeting, Ms. Frey, Special Rapporteur on the prevention of human rights violations committed with small arms and light weapons, presented her preliminary report (E/CN.4/Sub.2/2003/29). At the same meeting, Ms. Frey made her concluding remarks.

172. At the 8th meeting, on the same day, Ms. Motoc presented her expanded working paper on human rights and bioethics (E/CN.4/Sub.2/2003/36). At the same meeting, Ms. Motoc made her concluding remarks.

173. At the same meeting, Ms. Koufa, Special Rapporteur on terrorism and human rights, presented her additional progress report (E/CN.4/Sub.2/2003/WP.1 and Add.1 and 2). At the 9th meeting, on 5 August 2003, Ms. Koufa made her concluding remarks.

174. At the same meeting, Ms. Warzazi, Special Rapporteur on traditional practices affecting the health of women and the girl child, presented her updated report (E/CN.4/Sub.2/2003/30). At the same meeting Ms. Warzazi made her concluding remarks.

175. At the 10th meeting, on 5 August 2003, Ms. Hampson presented her expanded working paper on reservations to human rights treaties (E/CN.4/Sub.2/2003/WP.2).

176. At the 11th meeting, on 6 August 2003, Mr. Kartashkin introduced his working paper on the rights of women married to foreigners (E/CN.4/Sub.2/2003/34). He also made an oral presentation concerning his working paper on the regulation of citizenship by successor States with respect to nationals of predecessor States (see E/CN.4/Sub.2/2003/33). At the same meeting, Mr. Kartashkin made his concluding remarks.

177. In the general debate on agenda item 6, statements were made by members of the Sub-Commission and observers for Governments and non-governmental organizations. For the detailed list of speakers, see annex II.

Report of the Working Group on Contemporary Forms of Slavery

178. At the 21st meeting, on 13 August 2003, the Sub-Commission considered draft resolution E/CN.4/Sub.2/2003/L.19, sponsored by Mr. Decaux, Mr. Ogurtsov, Mr. Pinheiro, Mr. Sattar, Ms. Frey and Mr. Yimer. Mr. Alfonso Martínez, Ms. Hampson, Mr. Guissé, Mr. Kartashkin, Ms. Mbonu, Ms. Motoc, Ms. O'Connor, Mr. Park, Ms. Rakotarisoa, Mr. Yokota and Ms. Zerrougui subsequently joined the sponsors.

179. The draft resolution was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 2003/3.

The prevention of human rights violations committed with small arms and light weapons

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

181. The draft decision was adopted without a vote. For the text of the decision, see chapter II, section B, decision 2003/105.

Human rights and bioethics

182. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/2003/L.4, sponsored by Mr. Alfonso Martínez, Mr. Bengoa, Mr. Chen Shiqui, Mr. Decaux, Mr. Dos Santos Alves, Mr. Eide, Mr. Guissé, Ms. Hampson, Mr. Kartashkin, Ms. Koufa, Ms. Mbonu, Ms. Motoc, Ms. O'Connor, Mr. Ogurtsov, Mr. Park, Mr. Pinheiro, Ms. Rakotoarisoa, Mr. Sattar, Mr. Sorabjee, Mr. Weissbrodt, Mr. Yimer, Mr. Yokota and Ms. Zerrougui.

183. 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.

184. The draft resolution was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 2003/4.

United Nations Decade for Human Rights Education, 1995-2004

185. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/2003/L.14, sponsored by Mr. Alfonso Martínez, Mr. Decaux, Mr. Dos Santos Alves, Mr. Guissé, Ms. Hampson, Ms. Koufa, Ms. Motoc, Mr. Ogurtsov, Mr. Park,

Ms. Rakotoarisoa, Mr. Sattar, Mr. Sorabjee, Mr. Weissbrodt, Mr. Yimer, Mr. Yokota and Ms. Zerrougui, Mr. Bengoa, Mr. Chen Shiqiu, Mr. Eide, Mr. Kartashkin and Ms. O'Connor subsequently joined the sponsors.

186. Mr. Yokota orally revised the draft resolution by introducing a new preambular paragraph 6 and by revising operative paragraph 5.

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

188. The draft resolution was adopted, as orally revised, unanimously. For the text of the resolution, see chapter II, section A, resolution 2003/5.

Terrorism and human rights

189. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/2003/L.6, sponsored by Mr. Alfonso Martínez, Mr. Chen Shiqiu, Mr. Decaux, Mr. Dos Santos Alves, Mr. Eide, Mr. Guissé, Mr. Malguinov, Ms. Mbonu, Ms. Motoc, Ms. O'Connor, Mr. Ogurtsov, Mr. Park, Mr. Pinheiro, Ms. Rakotoarisoa, Mr. Sattar, Mr. Sorabjee, Mr. Weissbrodt, Mr. Yimer, Mr. Yokota and Ms. Zerrougui. Ms. Hampson and Mr. Kartashkin subsequently joined the sponsors.

190. Ms. Hampson orally revised the draft resolution by inserting three new operative paragraphs 8, 9 and 10.

191. Mr. Yokota further amended operative paragraph 9 as proposed by Ms. Hampson.

192. 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.

193. The draft resolution was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 2003/6.

The universal implementation of international human rights treaties

194. At the 23rd meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/2003/L.3, sponsored by Mr. Chen Shiqiu, Mr. Dos Santos Alves, Mr. Eide, Mr. Guissé, Mr. Kartashkin, Ms. Koufa, Ms. Motoc, Mr. Ogurtsov, Mr. Pinheiro, Mr. Sattar, Mr. Sorabjee, Mr. Weissbrodt, Mr. Yokota and Ms. Zerrougui.

195. Statements in connection with the draft resolution were made by Mr. Alfonso Martínez, Mr. Decaux, Mr. Guissé and Mr. Sorabjee.

196. 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.

197. The draft resolution was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 2003/25.

Reservations to human rights treaties

198. At the same meeting, the Sub-Commission considered draft decision E/CN.4/Sub.2/2003/L.9, sponsored by Mr. Dos Santos Alves, Ms. Motoc, Ms. O'Connor, Mr. Park, Mr. Pinheiro, Mr. Sattar, Mr. Sorabjee, Mr. Weissbrodt and Mr. Yokota.

199. Statements in connection with the draft resolution were made by Mr. Alfonso Martínez, Ms. Motoc and Mr. Yimer.

200. The draft decision was adopted without a vote. For the text of the decision, see chapter II, section B, decision 2003/114.

Systematic rape, sexual slavery and slavery-like practices

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

202. The draft resolution was adopted unanimously. For the text of the resolution, see chapter II, section A, resolution 2003/26.

United Nations Voluntary Trust Fund on Contemporary Forms of Slavery

203. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/2003/L.20, sponsored by Mr. Decaux, Mr. Ogurtsov, Mr. Pinheiro, Mr. Sattar, Ms. Frey and Mr. Yimer. Mr. Alfonso Martínez, Mr. Dos Santos Alves, Mr. Guissé, Mr. Kartashkin, Ms. Mbonu, Ms. Rakotoarisoa, Ms. O'Connor and Ms. Zerrougui subsequently joined the sponsors.

204. The draft resolution was adopted unanimously. For the text of the resolution, see chapter II, section A, resolution 2003/27.

Harmful traditional practices affecting the health of women and the girl child

205. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/2003/L.36, sponsored by Mr. Alfonso Martínez, Mr. Bengoa, Mr. Chen Shiqiu, Mr. Dos Santos Alves, Mr. Eide, Mr. Guissé, Mr. Kartashkin, Ms. Koufa, Ms. Mbonu, Ms. Motoc, Ms. O'Connor, Mr. Ogurtsov, Mr. Park, Mr. Pinheiro, Ms. Rakotoarisoa, Mr. Rodríguez Cuadros, Mr. Sattar, Mr. Weissbrodt, Mr. Yimer, Mr. Yokota and Ms. Zerrougui. Mr. Decaux, Ms. Hampson and Mr. Sorabjee subsequently joined the sponsors.

206. A statement in connection with the draft resolution was made by Ms. Mbonu.

207. 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.

208. The draft resolution was adopted unanimously. For the text of the resolution, see chapter II, section A, resolution 2003/28.

Human rights and international solidarity

209. At the same meeting, the Sub-Commission considered draft decision E/CN.4/Sub.2/2003/L.44, sponsored by Mr. Alfonso Martínez, Mr. Bengoa, Mr. Chen Shiqui, Mr. Decaux, Mr. Eide, Mr. Guissé, Ms. Koufa, Ms. Mbonu, Ms. Motoc, Ms. O'Connor, Mr. Ogurtsov, Mr. Park, Mr. Pinheiro, Ms. Rakotoarisoa, Mr. Sattar, Mr. Weissbrodt, Mr. Yokota and Ms. Zerrougui.

210. Mr. Weissbrodt orally revised the fourth line of the decision.

211. Statements in connection with the draft decisions were made by Mr. Guissé, Mr. Yimer and Ms. Zerrougui.

212. The draft decision, as orally revised, was adopted without a vote. For the text of the decision, see chapter II, section B, decision 2003/115.

IX. 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

213. The Sub-Commission considered agenda item 7 at its 24th meeting, on 15 August 2003.

Draft provisional agenda for the fifty-sixth session of the Sub-Commission

214. In accordance with paragraph 3 of the Economic and Social Council resolution 1894 (LVII) of 1 August 1974, the Sub-Commission had before it document E/CN.4/Sub.2/2003/L.1 containing the draft provisional agenda for the fifty-sixth session of the Sub-Commission.

215. The draft provisional agenda reads as follows:

1. *Organization of work*

Legislative authority: Commission on Human Rights resolution 2003/59 and decision 2000/109 (annex, chap. 4); Sub-Commission decisions 1999/114 and 2003/112.

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 2003/59 and decision 2000/109 (annex, paras. 51-53); Sub-Commission resolution 2003/15.

3. *Administration of justice, rule of law and democracy*

Legislative authority: Sub-Commission resolutions 2003/7, 2003/8, 2003/10, 2003/11 and 2003/25, and decisions 2003/104, 2003/106, 2003/107 and 2003/108.

Documentation:

- (a) Preliminary report of Ms. Zerrougui, Special Rapporteur on discrimination in the criminal justice system (resolution 2002/3, para. 3);
- (b) Report of the sessional working group on the administration of justice (resolution 2003/7, para. 2);
- (c) Updated report of Mr. Decaux on the issue of the administration of justice through military tribunals (resolution 2003/8, para. 3);

- (d) Preliminary report of Mr. Decaux, Special Rapporteur on universal implementation of international human rights treaties (resolution 2003/25, para. 3);
- (e) Working paper by Ms. O'Connor on the issue of women in prison (decision 2003/104);
- (f) Final working paper by Mr. Rodríguez Cuadros on measures provided in the various international human rights instruments for the promotion and consolidation of democracy (decision 2003/106);
- (g) Expanded working paper by Ms. Rakotoarisoa on the difficulties of establishing guilt and/or responsibilities with regard to crimes of sexual violence (decision 2003/107);
- (h) Working paper by Ms. Hampson on the criminalization, investigation and prosecution of acts of serious sexual violence (decision 2003/108).

4. *Economic, social and cultural rights*

Legislative authority: Commission on Human Rights resolution 2003/83; Sub-Commission resolutions 1999/9, 2001/2, 2001/3, 2002/7, 2003/1, 2003/2, 2003/12, 2003/13, 2003/14, 2003/16, 2003/17, 2003/18, 2003/19, and decisions 2003/109, 2003/116 and 2003/117.

Documentation:

- (a) Annual report of the Secretary-General on the realization of the right to development (resolution 1999/9);
- (b) Final report of Mr. Guissé, Special Rapporteur on the promotion of the realization of the right to drinking water supply and sanitation (resolution 2001/2, para. 5);
- (c) Report of the sessional working group on the working methods and activities of transnational corporations (resolutions 2001/3, para. 4, and 2003/16, para. 7);
- (d) Progress 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. 8);
- (e) Preliminary report of Ms. Mbonu, Special Rapporteur on corruption and its impact on the full enjoyment of human rights (resolution 2003/2, para. 6);
- (f) Working paper by Mr. Decaux on non-discrimination as enshrined in article 2, paragraph 2, of the International Covenant on Economic, Social and Cultural Rights (resolution 2003/12, para. 1);

- (g) Progress report on the joint working paper by Ms. Motoc, Mr. Decaux, Mr Yokota and Mr. Guissé, with Mr. Bengoa as coordinator, 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 (resolution 2003/13, para. 3);
- (h) Report of the Social Forum (resolution 2003/14, paras. 10 and 11);
- (i) Working paper by Mr. Guissé on the effects of debt on human rights (decision 2003/109);
- (j) Working paper by Ms. O'Connor on the right to development (decision 2003/109).

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, 2003/7, 2003/22, 2003/23, 2003/24, 2003/29 and 2003/30, and decision 2003/113.

Documentation:

- (a) Report of the Working Group on Indigenous Populations on its twenty-second session (Economic and Social Council resolution 1982/34; Sub-Commission resolution 2003/29, paras. 22 and 23);
- (b) Report of the Working Group on Minorities on its tenth session (Commission resolutions 1995/24 and 1998/19);
- (c) Final report of Ms. Daes, Special Rapporteur on indigenous people's permanent sovereignty over natural resources (Sub-Commission resolution 2002/15, para. 2);
- (d) Annual report of Mr. Weissbrodt, Special Rapporteur on the rights of non-citizens (Sub-Commission resolution 2003/21, para. 19);
- (e) Further working paper by Mr. Eide and Mr. Yokota on the topic of discrimination based on work and descent (Sub-Commission resolution 2003/22, paras. 7 and 8);

- (f) Final report by Mr. Eide on peaceful and constructive approaches to situations involving minorities (Sub-Commission resolution 2003/23, para. 3).

6. *Specific human rights issues:*

- (a) *Women and human rights;*
- (b) *Contemporary forms of slavery;*
- (c) *New priorities, in particular terrorism and counter-terrorism.*

Legislative authority: Economic and Social Council decisions 16 and 17 (LVI); Commission on Human Rights resolution 2003/73; Sub-Commission resolutions 5 (XIV), 2003/3, 2003/4, 2003/6, 2003/15, 2003/26, 2003/27 and 2003/28, and decisions 2003/105, 2003/114 and 2003/115.

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) Progress report of Ms. Frey, Special Rapporteur on the prevention of human rights violations committed with small arms and light weapons (resolution 2002/25, para. 5, and decision 2003/105);
- (d) Report of the Secretary-General on measures to implement the Programme of Action for the Elimination of the Exploitation of Child Labour (resolution 2003/3, para. 28);
- (e) Preliminary report of Ms. Motoc, Special Rapporteur on human rights and the human genome (resolution 2003/4, para. 2);
- (f) Final report of Ms. Koufa, Special Rapporteur on terrorism and human rights (resolution 2003/6, para. 2);
- (g) Updated report of the High Commissioner for Human Rights on the issues of systematic rape, sexual slavery and slavery-like practices during armed conflicts (resolution 2003/26, para. 7);
- (h) Updated report of Ms. Warzazi, Special Rapporteur on traditional practices affecting the health of women and the girl child (resolution 2003/28, para. 14);

- (i) Final working paper by Ms. Hampson on reservations to human rights treaties (decision 2003/114);
- (j) Working paper by Mr. Dos Santos Alves on human rights and international solidarity (decision 2003/115).

7. *Draft provisional agenda and adoption of the report:*

- (a) *Draft provisional agenda for the fifty-seventh session of the Sub-Commission;*
- (b) *Adoption of the report on the fifty-sixth session*

Legislative authority: Economic and Social Council resolution 1894 (LVII).

Documentation:

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

Adoption of the report on the fifty-fourth session

216. At the same meeting, the Rapporteur of the Sub-Commission presented the draft report on the work of its fifty-fifth session (E/CN.4/Sub.2/2003/L.10 and Add.1-5 and E/CN.4/Sub.2/2003/L.11 and Add.1).

217. Statements in connection with the adoption of the report were made by Mr. Bengoa and Mr. Decaux.

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

219. At the same meeting, the Deputy High Commissioner for Human Rights, Mr. Ramcharan, made a statement.

220. Concluding remarks were made by Ms. Warzazi, Chairperson of the fifty-fifth session of the Sub-Commission.

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-sixth session of the Sub-Commission;
 - (b) Adoption of the report on the fifty-fifth session.

Annex II

List of speakers: general debate

Agenda item ^a	Meeting	Speakers
1 Organization of work	1st	Members: Mr. Alfonso Martínez, Mr. Eide, Mr. Guissé, Ms. Hampson, Ms. Motoc, Mr. Pinheiro, Mr. Weissbrodt, Mr. Yimer, Mr. Yokota
	2nd (<i>closed meetings</i>)	Members: Mr. Alfonso Martínez, Mr. Bengoa, Mr. Chen, Mr. Decaux, Mr. Eide, Mr. Guissé, Ms. Hampson, Ms. Koufa, Ms. Mbonu, Ms. Motoc, Mr. Pinheiro, Mr. Weissbrodt, Ms. Zerrougui
	6th	Members: Mr. Alfonso Martínez, Mr. Bengoa, Mr. Chen, Mr. Decaux, Mr. Eide, Ms. Hampson, Ms. Mbonu, Ms. Motoc, Ms. O'Connor, Mr. Park, Mr. Pinheiro, Mr. Sattar, Ms. Zerrougui, Mr. Yokota
	part of 20th (<i>closed meeting</i>)	Members: Mr. Alfonso Martínez, Mr. Bengoa, Mr. Decaux, Mr. Eide, Ms. Hampson, Mr. Guissé, Mr. Kartashkin, Ms. Motoc, Ms. Rakotarisoa, Mr. Rodríguez Cuadros, Mr. Sattar, Mr. Sorabjee, Mr. Weissbrodt, Mr. Yimer, Mr. Yokota, Ms. Zerrougui
	part of 21st (<i>closed meeting</i>)	Members: Mr. Alfonso Martínez, Mr. Bengoa, Mr. Chen, Mr. Decaux, Mr. Eide, Mr. Guissé, Ms. Hampson, Mr. Kartashkin, Ms. Koufa, Ms. Mbonu, Ms. Motoc, Mr. Pinheiro, Mr. Sattar, Mr. Sorabjee, Mr. Weissbrodt, Mr. Yimer, Mr. Yokota, Ms. Zerrougui

Agenda item ^a	Meeting	Speakers
<p style="text-align: center;">2</p> <p style="text-align: center;">Question of the violation of human rights and fundamental freedoms, ...</p>	3rd	<p>Member: Ms. Hampson</p> <p>Observers for non-governmental organizations: Afro-Asian Peoples' Solidarity Organization, American Association of Jurists, Asian-Japan Women's Resource Center, Dominicans for Justice and Peace, North South XXI, European Union of Public Relations, Franciscans International (also on behalf of International Federation of Human Rights Leagues), Interfaith International, International Association of Democratic Lawyers, International Human Rights Association of American Minorities, International Indian Treaty Council, International Institute for Peace, International Islamic Federation of Student Organizations, International League for the Rights and Liberation of Peoples, Minnesota Advocates for Human Rights, Pax Romana, Syriac Universal Alliance, Voluntary Action Network India, Women's International League for Peace and Freedom (also on behalf of World Movement of Mothers, General Arab Women Federation, Union of Arab Jurists, International Association of Democratic Lawyers, World Information Transfer, International Educational Development), World Muslim Congress, World Organization Against Torture, World Peace Council, World Union for Progressive Judaism, Young Doctors Without Frontiers Tunisia</p>
	4th	<p>Members: Mr. Bengoa, Mr. Decaux, Mr. Eide, Ms. Frey (on behalf of Mr. Weissbrodt), Ms. Hampson, Ms. O'Connor, Mr. Park, Mr. Pinheiro, Mr. Sorabjee, Mr. Yokota</p> <p>Government observers: Bahrain, Pakistan</p> <p>Government observer (right of reply): Bolivia</p> <p>Observers for non-governmental organizations: Europe-Third World Centre, Himalayan Research and Cultural Foundation, Indian Movement "Tupaj Amaru", Transnational Radical Party</p>
	5th	<p>Members: Mr. Pinheiro, Mr. Yokota</p> <p>Government observers (right of reply): Democratic People's Republic of Korea, Japan, Sudan</p>

Agenda item ^a	Meeting	Speakers
<p style="text-align: center;">6</p> <p>Specific human rights issues ...</p>	5th	<p>Members: Mr. Eide, Mr. Pinheiro</p> <p>Observers for non-governmental organizations: Afro-Asian Peoples' Solidarity Organization, American Association of Jurists, Association for World Education, Franciscans International (also on behalf of Dominicans for Justice and Peace), Inter-African Committee of Traditional Practices affecting the Health of Women and Children in Africa (also on behalf of International Movement for Fraternal Union Among Races and Peoples), International Association of Democratic Lawyers, International Educational Development, International Federation of University Women (also on behalf of Femmes Africa Solidarité, International Council of Women), International Institute of Peace, International Islamic Federation of Student Organizations, Japan Fellowship of Reconciliation, Pax Romana, World Muslim Congress, World Organization Against Torture</p>
	6th	<p>Observer for intergovernmental organizations, United Nations bodies, specialized agencies and other organizations: International Labour Office</p>
	7th	<p>Members: Mr. Alfonso Martínez, Mr. Chen, Mr. Decaux, Mr. Eide, Mr. Guissé, Ms. Hampson, Mr. Malguinov, Ms. Mbonu, Ms. Motoc, Ms. O'Connor, Mr. Park, Mr. Pinheiro, Mr. Weissbrodt, Mr. Yokota, Ms. Zerrougui</p> <p>Observers for non-governmental organizations: Union nationale de la femme tunisienne</p>
	8th	<p>Members: Mr. Chen, Mr. Decaux, Mr. Eide, Ms. Frey, Mr. Guissé, Ms. Hampson, Ms. Mbonu, Ms. Motoc, Ms. O'Connor, Mr. Park, Mr. Sorabjee, Mr. Yokota, Ms. Zerrougui</p> <p>Observer: Egypt</p> <p>Observers for non-governmental organizations: Asia-Japan Women's Resources Center, Interfaith International, Foundation of Japanese Honorary Debts</p>
	9th	<p>Members: Mr. Bengoa, Mr. Chen, Ms. Hampson, Mr. Eide, Mr. Guissé, Mr. Malguinov, Ms. Motoc, Mr. Park, Mr. Sattar, Mr. Sorabjee, Mr. Yimer, Mr. Yokota, Ms. Zerrougui</p> <p>Observers for non-governmental organizations: Himalayan Research and Cultural Foundation, Indian Council of Education, International Institute for Non-aligned Studies, Movement Against Racism and for Friendship among Peoples, Transnational Radical Party, World Federation of Trade Unions</p>

Agenda item ^a	Meeting	Speakers
<p style="text-align: center;">6 Specific human rights issues ... <i>(concluded)</i></p>	10th	<p>Members: Mr. Alfonso Martínez, Mr. Decaux, Mr. Eide, Mr. Guissé, Ms. Koufa, Ms. Motoc, Mr. Pinheiro, Mr. Sorabjee, Mr. Yokota Government observers: Bahrain, Democratic People's Republic of Korea, India, Sri Lanka Government observer (right of reply): China Observers for intergovernmental organizations, United Nations bodies, specialized agencies and other organizations: Office of the United Nations High Commissioner for Refugees Observers for non-governmental organizations: Amnesty International, Human Rights Watch, Indian Movement "Tupaj Amaru", International Commission of Jurists, International Human Rights Association of American Minorities, International League for the Rights and Liberation of Peoples, International Youth and Student Movement for the United Nations, Voluntary Action Network India, World Union for Progressive Judaism</p>
	11th	<p>Members: Mr. Decaux, Mr. Eide, Ms. Hampson, Mr. Guissé, Mr. Weissbrodt Government observer (right of reply): Sudan</p>
<p style="text-align: center;">3 Administration of justice ...</p>	11th	<p>Member: Mr. Sorabjee Observers for non-governmental organizations: Association for World Education, Dominicans for Justice and Peace (also on behalf of Pax Christi International, International Catholic Peace Movement, Dominican Leadership Conference, Congregations of Saint Joseph), Europe-Third World Centre, Friends World Committee for Consultation, Human Rights Advocates, International Association of Democratic Lawyers, International Islamic Federation of Student Organizations, Minnesota Advocates for Human Rights, Transnational Radical Party, World Muslim Congress, World Organization Against Torture</p>
	12th	<p>Members: Mr. Eide, Mr. Decaux, Mr. Dos Santos Alves, Mr. Guissé, Ms. Hampson, Mr. Kartashkin, Ms. Motoc, Ms. O'Connor, Mr. Park, Ms. Rokotarisoa, Mr. Sattar, Mr. Sorabjee, Mr. Weissbrodt, Mr. Yimer Observers for non-governmental organizations: American Association of Jurists, International Educational Development, Japan Federation of Bar Associations, World Peace Council</p>

Agenda item ^a	Meeting	Speakers
<p style="text-align: center;">3 Administration of justice ... <i>(concluded)</i></p>	<p style="text-align: center;">13th</p>	<p>Members: Mr. Decaux, Mr. Guissé, Ms. O'Connor, Mr. Park, Mr. Weissbrodt Observers for non-governmental organizations: Atlas - Association tunisienne pour l'auto-développement et la solidarité, European Union of Public Relations (also on behalf of Afro-Asian Peoples' Solidarity Organization), Franciscans International, Himalayan Research and Cultural Foundation, Interfaith International, International Commission of Jurists, International Federation of Human Rights Leagues, International Fellowship of Reconciliation (also on behalf of Japan Fellowship of Reconciliation), International Institute for Peace, International League for the Rights and Liberation of Peoples, International Movement for Fraternal Union among Races and Peoples, International Young Catholic Students, Pax Romana, Soka Gakkai International (also on behalf of World Federation of Methodist and Uniting Church Women, Pax Romana, International Organization for the Development of Freedom of Education, International Movement Against All Forms of Discrimination and Racism, World Federation of United Nations Associations, International Association for Religious Freedom), War Resisters International, World Federation of Trade Unions, Voluntary Action Network India</p>
	<p style="text-align: center;">14th</p>	<p>Government observers: Romania, Sudan, Turkey Government observer (right of reply): Egypt Observers for non-governmental organizations: Asian Women's Human Rights Council, International Human Rights Association of American Minorities</p>
<p style="text-align: center;">4 Economic, social and cultural rights</p>	<p style="text-align: center;">14th</p>	<p>Members: Mr. Chen, Mr. Dos Santos Alves, Mr. Eide, Mr. Guissé, Mr. Kartashkin, Ms. Mbonu, Mr. Pinheiro, Ms. Rokotarisoa, Mr. Sattar</p>

Agenda item ^a	Meeting	Speakers
<p style="text-align: center;">4 Economic, social and cultural rights <i>(continued)</i></p>	15th	<p>Members: Mr. Bengoa, Mr. Chen, Mr. Decaux, Mr. Eide, Mr. Guissé, Ms. Hampson, Ms. Mbonu, Ms. Motoc, Mr. Park, Mr. Pinheiro, Ms. O'Connor, Mr. Rodríguez Cuadros, Mr. Weissbrodt, Mr. Yimer, Mr. Yokota, Ms. Zerrougui</p> <p>Observers for non-governmental organizations: Dominicans for Justice and Peace (also on behalf of Dominican Leadership Conference, Human Rights Watch, International Federation of University Women (also on behalf of International Council of Nurses, International Council of Women, Women's International League for Peace and Freedom, International Council of Jewish Women, World Union of Catholic Women's Organizations, All India Women's Conference, Femmes Africa Solidarité, Zonta International, Inter-African Committee on Traditional Practices Affecting the Health of Women and Children, International Institute for Peace, Baha'i International Community), International Indian Treaty Council, Lawyers Committee for Human Rights (also on behalf of Minnesota Advocates for Human Rights), World Jewish Congress (also on behalf of International Association of Jewish Lawyers and Jurists), World Organization Against Torture</p>
	16th	<p>Observers for non-governmental organizations: Afro-Asian People's Solidarity Organization, All for Reparations and Emancipation, American Association of Jurists, Amnesty International, Asian Women's Human Rights Council, Atlas-Association tunisienne pour l'auto-développement et la solidarité, Christian Aid, Defence for Children International, Europe-Third World Centre, European Union of Public Relations, Franciscans International, Fraternité Notre-Dame, Indian Council of Education, Indian Movement "Tupaj Amaru", International Association of Democratic Lawyers, International Confederation of Free Trade Unions, International Educational Development, International Environmental Law Research Center, International Institute for Non-Aligned Studies, International Institute for Peace, International Islamic Federation of Student Organizations, International Movement ATD Fourth World, Movement against Racism and for Friendship among Peoples, Oxfam, Transnational Radical Party, Women's Sports Foundation, Voluntary Action Network India</p>

Agenda item ^a	Meeting	Speakers
<p style="text-align: center;">4 Economic, social and cultural rights <i>(concluded)</i></p>	<p style="text-align: center;">17th</p>	<p>Government observers: Bolivia, United States of America, Sudan, Switzerland Government observer (right of reply): Côte d'Ivoire Observers for intergovernmental organizations, United Nations bodies, specialized agencies and other organizations: International Labour Office, United Nations System Standing Committee on Nutrition Observers for non-governmental organizations: Foundation for Aboriginal and Islander Research Action, Himalayan Research and Cultural Foundation, Human Rights Advocates Inc., Interfaith International, International Commission of Jurists, International Committee for the Respect and Application of the African Charter on Human and Peoples' Rights, International Human Rights Association of American Minorities, International Federation of Human Rights Leagues, International League for the Rights and Liberation of Peoples, Minority Rights Group International, Pax Romana, World Federation of Trade Unions, World Muslim Congress</p>
<p style="text-align: center;">5 Prevention of discrimination ...</p>	<p style="text-align: center;">17th</p> <p style="text-align: center;">18th</p>	<p>Observers for non-governmental organizations: International Council of Jewish Women (also on behalf of Socialist International Women, International Council of Women, World Federation of Methodist and Uniting Church Women, United Towns Agency for North-South Cooperation, Indian Movement "Tupaj Amaru", International Alliance of Women, All India Women's Conference, International Federation of Socialist Workers, International League for the Rights and Liberation of Peoples), International Movement Against All Forms of Discrimination and Racism, World Peace Council</p> <p>Members: Mr. Alfonso Martínez, Mr. Bengoa, Mr. Eide, Mr. Guissé, Ms. Hampson, Mr. Kartashkin, Ms. Koufa, Ms. Motoc, Ms. Mbonu, Mr. Park, Mr. Rodríguez Cuadros, Mr. Yimer, Mr. Yokota, Ms. Zerrougui</p>

Agenda item ^a	Meeting	Speakers
<p style="text-align: center;">5 Prevention of discrimination ... <i>(concluded)</i></p>	19th	<p>Members: Mr. Eide, Mr. Weissbrodt Observers for non-governmental organizations: All for Reparations and Emancipation, Association for World Education, Baha'i International Community (also on behalf of Minority Rights Group International), Dominicans for Justice and Peace (also on behalf of Franciscans International, Pax Christi International, International Catholic Peace Movement), European Union of Public Relations, Himalayan Research and Cultural Foundation, Indian Council of South America, Indian Movement "Tupaj Amaru", International Association of Democratic Lawyers, International Confederation of Free Trade Unions, International Educational Development, International Indian Treaty Council, International Islamic Federation of Student Organizations, International Organization for the Elimination of All Forms of Racial Discrimination, Japan Fellowship of Reconciliation, Lutheran World Federation (also on behalf of Minority Rights Group International), Minnesota Advocates for Human Rights, Minority Rights Group International (also on behalf of African Society of International and Comparative Law), Transnational Radical Party, World Union for Progressive Judaism</p>
	20th	<p>Members: Mr. Pinheiro, Mr. Rodríguez Cuadros Government observers: Argentina, India, Mexico, Sri Lanka, Government observer (right of reply): Yemen Observers for intergovernmental organizations, United Nations bodies, specialized agencies and other organizations: International Labour Office, Organization for the Security and Cooperation in Europe Observers for non-governmental organizations: Afro-Asian Peoples' Solidarity Organization, Anti-Slavery International, Asian Women's Human Rights Council, Foundation for Aboriginal and Islander Research Action, Interfaith International, International Federation of Free Journalists, International Institute for Peace, International League for the Rights and Liberation of Peoples, International Service for Human Rights, Movement against Racism and for Friendship among Peoples, Pax Romana, Women's Sports Foundation, World Federation of Trade Unions</p>

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

Annex III

Attendance

Experts and alternates

<i>Name</i>	<i>Country of nationality</i>
Mr. Miguel ALFONSO MARTÍNEZ	(Cuba)
Mr. José BENGOA	(Chile)
Mr. CHEN Shiqiu	(China)
Mr. Emmanuel DECAUX	(France)
Mr. Rui Baltazar DOS SANTOS ALVES	(Mozambique)
Mr. Asbjørn EIDE	(Norway)
Mr. El-Hadji GUISSÉ	(Senegal)
Ms. Françoise Jane HAMPSON	(United Kingdom of Great Britain and Northern Ireland)
Mr. Vladimir A. KARTASHKIN Mr. Oleg S. MALGUINOV*	(Russian Federation)
Ms. Kalliopi KOUFA	(Greece)
Ms. Iulia-Antoanella MOTOC	(Romania)
Ms. Florizelle O'CONNOR	(Jamaica)
Mr. Stanislav OGURTSOV	(Belarus)
Mr. Soo Gil PARK Ms. Chin Sung CHUNG*	(Republic of Korea)

* Alternate.

<i>Name</i>	<i>Country of nationality</i>
Mr. Paulo Sérgio PINHEIRO	(Brazil)
Ms. Christy Ezim MBONU*	(Nigeria)
Ms. Lalaina RAKOTOARISOA	(Madagascar)
Mr. Manuel RODRÍGUEZ CUADROS	(Peru)
Mr. Abdul SATTAR	(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 TERAQ*	(Japan)
Ms. Leïla ZERROUGUI	(Algeria)

States Members of the United Nations represented by observers

Albania	Estonia	Nicaragua
Algeria	Ethiopia	Nigeria
Andorra	France	Norway
Argentina	Georgia	Oman
Armenia	Germany	Pakistan
Austria	Greece	Paraguay
Azerbaijan	Guatemala	Peru
Bahrain	Haiti	Poland
Bangladesh	Hungary	Portugal
Belarus	India	Qatar
Belgium	Indonesia	Republic of Korea
Bhutan	Iran (Islamic Republic of)	Romania
Bolivia	Ireland	Russian Federation
Bosnia and Herzegovina	Israel	San Marino
Botswana	Italy	Serbia and Montenegro
Brazil	Japan	Slovakia
Cameroon	Kazakhstan	Slovenia
Canada	Kenya	South Africa
Chile	Kuwait	Spain
China	Latvia	Sri Lanka
Colombia	Lebanon	Sudan
Congo	Libyan Arab Jamahiriya	Switzerland
Costa Rica	Lithuania	Syrian Arab Republic
Côte d'Ivoire	Luxembourg	Thailand
Cyprus	Madagascar	Tunisia
Democratic People's Republic of Korea	Malaysia	Turkey
Democratic Republic of the Congo	Mauritania	United Kingdom of Great Britain and Northern Ireland
Egypt	Mauritius	United States of America
El Salvador	Mexico	Venezuela
Eritrea	Monaco	Viet Nam
	Morocco	Yemen
	Nepal	

Non-member State represented by observers

Holy See

United Nations

Department of Public Information

United Nations Economic Commission
for Europe

United Nations bodies

Office for the Coordination of
Humanitarian Affairs
United Nations Children's Fund
United Nations Population Fund

United Nations Standing Committee
on Nutrition
World Food Programme

Specialized agencies

International Labour Office
United Nations Educational, Scientific
and Cultural Organization

World Bank
World Health Organization

Intergovernmental organizations

Council of Europe
European Commission
European Parliament
International Organization for Migration
League of Arab States

Office for Democratic Institutions and
Human Rights/Organization for
Security and Cooperation in Europe
Organization of the Islamic Conference

Other entities

International Committee of the Red Cross

National and regional human rights institutions

Conseil consultatif des droits de l'homme
(Morocco)

National Human Rights Commission of
the Republic of Korea

Non-governmental organizations

General consultative status

Care International	International Movement ATD Fourth World
Conference of Non-Governmental Organizations in Consultative Relationship with the United Nations	International Organization of Employers
Europe-Third World Centre	International Youth and Student Movement for the United Nations
Franciscans International	Transnational Radical Party
International Alliance of Women	World Confederation of Labour
International Council of Women	World Federation of Trade Unions
International Federation of Business and Professional Women	World Federation of United Nations Associations
International Institute for Non-Aligned Studies	World Muslim Congress
	Zonta International

Special consultative status

Action aides aux familles démunies	Consultative Council of Jewish Organizations
Admiral Family Circle Islamic Community	Coordination immigrés du Sud du monde
African Commission of Health and Human Rights Promoters	Defense for Children International
African Society of International and Comparative Law	Dominicans for Justice and Peace
Afro-Asian Peoples' Solidarity Organization	Femmes Africa Solidarité
Agir ensemble	Friends World Committee for Consultation
All India Women's Conference	General Arab Women Federation
All Ukrainian Women's People's Democratic Association	Himalayan Research and Cultural Foundation
American Association of Jurists	Human Rights Advocates
Anti-Slavery International	Human Rights Watch
Arab Center for the Independence of the Judiciary and the Legal Profession	Indian Council of Education
Arab Organization for Human Rights	Indian Movement "Tupaj Amaru"
Asia Japan Women's Resource Centre	Inter-African Committee on Traditional Practices affecting the Health of Women and Children
Asian Women's Human Rights Council	Interfaith International
Association of Former International Civil Servants	International Association for the Defense of Religious Liberty
Atlas-Association tunisienne pour l'auto développement et la solidarité	International Association of Democratic Lawyers
Baha'i International Community	International Commission of Jurists
Catholic Organization for Relief and Development	International Committee for the Respect and Application of the African Charter on Human and Peoples' Rights
Centre on Housing Rights and Evictions	International Cooperation for Development and Solidarity
Christian Aid	International Council of Jewish Women
Comité national d'action pour les droits de l'enfant et de la femme	International Federation of Human Rights Leagues

International Federation of Social Workers
International Federation of University Women
International Indian Treaty Council
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 Organization of Indigenous
Resource Development
International Service for Human Rights
International Work Group for Indigenous
Affairs
International Young Catholic Students
Japan Federation of Bar Associations
Japan Fellowship of Reconciliation
Latin American Human Rights Association
Mandat International
Minnesota Advocates for Human Rights
North South XXI
Pax Christi International

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
Fian-Foodfirst Information and Action
Network
Foundation for Aboriginal and Islander
Research Action
Foundation of Japanese Honorary Debts
International Educational Development
International Federation of Rural Adult
Catholic Movements
International Human Rights Association of
American Minorities
International Institute for Peace
International Movement Against All Forms
of Discrimination and Racism
Loretto Community
Movement Against Racism and For
Friendship Among Peoples
National Federation of Youth Organizations
in Bangladesh
Servas International
Soka Gakkai International
UNESCO Centre of Catalonia
World Association for the School as an
Instrument of Peace
World Forum on the Future of Sport Shooting
Activities
World Peace Council
World Union for Progressive Judaism

Annex IV

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

1. Should the draft decisions recommended to the Commission on Human Rights at its sixtieth session be adopted, additional resources which would be required under section 24 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-fifth session.

Annex V

**Sub-Commission resolutions 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

- | | |
|---------|--|
| 2003/14 | The Social Forum, paragraphs 7 and 12 |
| 2003/16 | Responsibilities of transnational corporations and other business enterprises with regard to human rights, paragraphs 2, 3 and 4 |
| 2003/17 | Prohibition of forced eviction, paragraph 9 |
| 2003/19 | Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, paragraphs 1 and 2 |
| 2003/21 | The rights of non-citizens, paragraph 18 |
| 2003/22 | Discrimination based on work and descent, paragraph 6 |
| 2003/23 | The rights of minorities, paragraphs 12 and 14 |
| 2003/28 | Harmful traditional practices affecting the health of women and the girl child, paragraphs 8 and 13 |
| 2003/29 | Working Group on Indigenous Populations, paragraphs 16, 20 and 21 |
| 2003/30 | International Decade of the World's Indigenous People, paragraph 13 |

Annex VI

List of studies and reports

A. Studies and reports completed at the fifty-fifth session of the Sub-Commission^a

Title and agenda item	Special Rapporteur	Legislative authority (mandate established in/by and latest resolution(s)/decision(s) on the subject)	First submission	Final submission
1. Final report on globalization and its impact on the full enjoyment of all human rights (item 4) (E/CN.4/Sub.2/2003/14)	Mr. Joseph Oloka-Onyango (Uganda) and Ms. Deepika Udagama (Sri Lanka)	Commission decision 2000/102; Sub-Commission decision 2003/117	Fifty-second session (2000)	Fifty-fifth session (2003) Sixtieth session of the Commission on Human Rights (2004)
2. Final report on the rights of non-citizens (item 5) (E/CN.4/Sub.2/2003/23 and Add.1-4)	Mr. David Weissbrodt (United States of America)	Commission decision 2000/104; Commission decision 2003/110	Fifty-third session (2001)	Fifty-fifth session (2003) (see also section E)

**B. Ongoing studies and reports submitted by special rapporteurs to the Sub-Commission
in 2003 in accordance with existing legislative authority^a**

Title and agenda item	Special Rapporteur	Legislative authority (mandate established in/by and latest resolution(s)/decision(s) on the subject)	First submission	Final submission
1. Progress report on the promotion of the realization of the right to drinking water supply and sanitation (item 4) (E/CN.4/Sub.2/2003/WP.3)	Mr. El Hadji Guissé (Senegal)	Commission decision 2002/105; Sub-Commission resolution 2003/1	Fifty-fourth session (2002)	Fifty-sixth session (2004)
2. Additional progress report on terrorism and human rights (item 6) (E/CN.4/Sub.2/2003/WP.1 and Add.1 and 2)	Ms. Kalliopi Koufa (Greece)	Commission decision 1998/107; Commission resolution 2003/37 and Sub-Commission resolution and 2003/6	Fifty-first session (1999)	Fifty-sixth session (2004)
3. Updated report on traditional practices affecting the health of women and the girl child (item 6) (E/CN.4/Sub.2/2003/30)	Ms. Halima Embarek Warzazi (Morocco)	Commission decision 1989/107; and Sub-Commission resolution 2003/28	Forty-first session (1989)	Fifty-eighth session (2006)
4. Preliminary report on discrimination in the criminal justice system (item 3) (E/CN.4/Sub.2/2003/3)	Ms. Leïla Zerrougui (Algeria)	Commission decision 2003/108; Sub-Commission resolution 2002/3	Fifty-fifth session (2003)	Fifty-eighth session (2006)
5. Preliminary report on housing and property restitution in the context of refugees and internally displaced persons (item 4) (E/CN.4/Sub.2/2003/11)	Mr. Paulo Sérgio Pinheiro (Brazil)	Commission decision 2003/109; Sub-Commission resolution 2003/18	Fifty-fifth session (2003)	Fifty-seventh session (2005)

Title and agenda item	Special Rapporteur	Legislative authority (mandate established in/by and latest resolution(s)/decision(s) on the subject)	First submission	Final submission
6. Preliminary report on indigenous peoples' permanent sovereignty over natural resources (item 5) (E/CN.4/Sub.2/2003/20)	Ms. Erica-Irene Daes* (Greece) * <i>Ms. Daes is no longer a member of the Sub-Commission</i>	Commission decision 2003/110; Sub-Commission decision 2003/113	Fifty-fifth session (2003)	Fifty-sixth session (2004)
7. Preliminary report on prevention of human rights violations committed with small arms and light weapons (item 6) (E/CN.4/Sub.2/2003/29)	Ms. Barbara Frey (United States of America)	Commission decision 2003/112; Sub-Commission decision 2003/115	Fifty-fifth session (2003)	Fifty-seventh session (2005)

**C. Working papers and other documents without financial implications
submitted to the Sub-Commission in 2003^a**

Title and agenda item	Entrusted to	Legislative authority and latest Sub-Commission resolution(s)/decision(s) on the subject	First submission	Final submission
1. Report on the issue of the administration of justice through military tribunals (item 3) (E/CN.4/Sub.2/2003/4)	Mr. Emmanuel Decaux (France)	Sub-Commission decision 2002/103; resolution 2003/8	Fifty-third session (2001)	Fifty-sixth session (2004)
2. Preliminary 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) (E/CN.4/Sub.2/2003/17)	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; resolution 2003/13	Fifty-fourth session (2002)	Fifty-seventh session (2005)
3. Progress report on peaceful and constructive approaches to situations involving minorities (item 5) (E/CN.4/Sub.2/2003/21)	Mr. Asbjørn Eide (Norway)	Sub-Commission resolution 2002/16; resolution 2003/23	Fifty-fifth session (2003)	Fifty-sixth session (2004)
4. Expanded working paper on the topic of discrimination based on work and descent in regions other than those already covered (item 5) (E/CN.4/Sub.2/2003/24)	Mr. Asbjørn Eide (Norway) and Mr. Yozo Yokota (Japan)	Sub-Commission decision 2002/108; resolution 2003/22	Fifty-third session (2001)	Fifty-sixth session (2004)
5. Working paper on reservations to human rights treaties (item 6) (E/CN.4/Sub.2/2003/WP.2)	Ms. Françoise Hampson (United Kingdom of Great Britain and Northern Ireland)	Sub-Commission resolution 2001/17; decision 2003/114	Fifty-first session (1999)	Fifty-sixth session (2004)

Title and agenda item	Entrusted to	Legislative authority and latest Sub-Commission resolution(s)/decision(s) on the subject	First submission	Final submission
6. Working paper on human rights and bioethics (item 6) (E/CN.4/Sub.2/2003/36)	Ms. Iulia-Antoanella Motoc (Romania)	Sub-Commission decision 2002/114; resolution 2003/4	Fifty-fourth session (2002)	Fifty-fifth session (2003)
7. Working paper on issues and modalities for the effective universality of international human rights treaties (item 6) (E/CN.4/Sub.2/2003/37)	Mr. Emmanuel Decaux (France)	Sub-Commission decision 2002/115; resolution 2003/25	Fifty-fifth session (2003)	Fifty-fifth session (2003)
8. Working paper on corruption (item 4) (E/CN.4/Sub.2/2003/18)	Ms. Christy Ezim Mbonu (Nigeria)	Sub-Commission decision 2002/106; resolution 2003/2	Fifty-fifth session (2003)	Fifty-fifth session (2003) (see also section E)
9. Working paper on the rights of women married to foreigners (item 6) (E/CN.4/Sub.2/2003/34)	Mr. Vladimir Kartshkin (Russian Federation)	Sub-Commission decision 2002/112	Fifty-fourth session (2002)	Fifty-fifth session (2003)
10. 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 (item 6) (E/CN.4/Sub.2/2003/35)	Mr. Sik Yuen* (Mauritius) <i>* Mr. Sik Yuen is no longer a member of the Sub-Commission</i>	Sub-Commission decision 2002/113	Fifty-fourth session (2002)	Fifty-fifth session (2003)

**D. Working papers and other documents without financial implications initiated
at the fifty-fifth session of the Sub-Commission^a**

Title and agenda item	Entrusted to	Legislative authority (latest Sub-Commission resolution/decision on the subject)
1. 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. Emmanuel Decaux (France)	Sub-Commission resolution 2003/12
2. Additional 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 2003/106
3. Working paper on women in prison (item 3)	Ms. Florizelle O'Connor (Jamaica)	Sub-Commission decision 2003/104
4. Working paper on the difficulties of establishing guilt and/or responsibilities with regard to crimes of sexual violence (item 3)	Ms. Lalaina Rakotoarisoa (Madagascar)	Sub-Commission decision 2003/107
5. Working paper on the criminalization, investigation and prosecution of acts of serious sexual violence (item 3)	Ms. Françoise Hampson (United Kingdom of Great Britain and Northern Ireland)	Sub-Commission decision 2003/108
6. Working paper on debt (item 4)	Mr. El Hadji Guissé (Senegal)	Sub-Commission decision 2003/109
7. Working paper on human rights and international solidarity (item 6)	Mr. Rui Baltazar Dos Santos Alves (Mozambique)	Commission resolution 2002/73 and Sub-Commission decision 2003/115
8. Working paper on the right to development (item 4)	Ms. Florizelle O'Connor (Jamaica)	Commission resolution 2003/83 and Sub-Commission decision 2003/116

E. 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. The impact of corruption on the realization and enjoyment of all human rights (item 4)	Ms. Christy Ezim Mbonu (Nigeria)	Sub-Commission resolution 2003/2	Fifty-sixth session (2004)	Fifty-eighth session (2006)
2. Human rights and the human genome (item 6)	Ms. Iulia-Antoanella Motoc (Romania)	Sub-Commission resolution 2003/4	Fifty-sixth session (2004)	Commission on Human Rights, sixty-first session (2005)
3. The issues and modalities for the effective universality of international human rights treaties (item 6)	Mr. Emmanuel Decaux (France)	Sub-Commission resolution 2003/25	Fifty-sixth session (2004)	Fifty-eighth session (2006)
4. Annual report on the rights of non-citizens (item 5)	Mr. David Weissbrodt (United States of America)	Sub-Commission resolution 2003/21	Fifty-sixth session (2004)	Fifty-eighth session (2006)

^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-fifth session of the Sub-Commission

Documents issued in the general series

<i>Symbol</i>		<i>Agenda item</i>
E/CN.4/Sub.2/2003/1		Provisional agenda: note by the Secretary-General
E/CN.4/Sub.2/2003/1/Add.1 and Corr.1		Annotations to the provisional agenda prepared by the Secretary-General
E/CN.4/Sub.2/2003/2	1	Statistics relating to the fifty-fourth session of the Sub-Commission on the Promotion and Protection of Human Rights: note by the secretariat
E/CN.4/Sub.2/2003/3	3	Discrimination in the criminal justice system: preliminary report of the Special Rapporteur, Ms. Leila Zerrougui, submitted in accordance with Sub-Commission Resolution 2002/3
E/CN.4/Sub.2/2003/4	3	Updated report on the issue of the administration of justice through military tribunals submitted by Mr. Emmanuel Decaux in accordance with Sub-Commission decision 2002/103
E/CN.4/Sub.2/2003/5		[Symbol not used]
E/CN.4/Sub.2/2003/6	3	Report of the sessional working group on the administration of justice
E/CN.4/Sub.2/2003/7	3	Promotion and consolidation of democracy: note by the secretariat
E/CN.4/Sub.2/2003/8	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.2/2003/9	4	Human rights, trade and investment: report of the High Commissioner for Human Rights

Documents issued in the general series (continued)

<i>Symbol</i>		<i>Agenda item</i>
E/CN.4/Sub.2/2003/10 (issued under the symbol E/CN.4/Sub.2/2003/WP.3)	4	Le droit à l'eau potable et à l'assainissement: rapport intérimaire du rapporteur spécial, M. El Hadji Guissé, soumis en application de la résolution 2002/6 de la Sous-commission
E/CN.4/Sub.2/2003/11	4	Housing and property restitution in the context of the return of refugees and internally displaced persons: preliminary report of the Special Rapporteur, Mr. Paulo Sérgio Pinheiro, submitted in accordance with Sub-Commission resolution 2002/7
E/CN.4/Sub.2/2003/12/Rev.2	4	Norms on the responsibilities of transnational corporations and other business enterprises with regard to human rights
E/CN.4/Sub.2/2003/13	4	Report of the sessional working group on the working methods and activities of transnational corporations on its fifth session
E/CN.4/Sub.2/2003/14	4	Globalization and its impact on the full enjoyment of human rights: final report submitted by the Special Rapporteur, Mr. J. Oloka-Onyango and Ms. Deepika Udagama, in accordance with Sub-Commission decision 2000/105
E/CN.4/Sub.2/2003/15	4	Study on non-discrimination as enshrined in article 2, paragraph 2, of the International Covenant on Economic, Social and Cultural Rights: note by the secretariat
E/CN.4/Sub.2/2003/16	4	The Social Forum: note by the secretariat
E/CN.4/Sub.2/2003/17	4	Implementation of existing human rights norms and standards in the context of the fight against extreme poverty: preliminary working paper submitted by Mr. José Bengoa, coordinator of the ad hoc group of experts, submitted in accordance with Sub-Commission resolution 2002/13

Documents issued in the general series (continued)

<i>Symbol</i>		<i>Agenda item</i>
E/CN.4/Sub.2/2003/18	4	Corruption and its impact on the full enjoyment of human rights, in particular economic, social and cultural rights: working paper submitted by Ms. Christy Mbonu in accordance with Sub-Commission decision 2002/106
E/CN.4/Sub.2/2003/19	5 (c)	Report of the Working Group on Minorities on its ninth session
E/CN.4/Sub.2/2003/20	5 (b)	Indigenous peoples' permanent sovereignty over natural resources: preliminary report of the Special Rapporteur, Ms. Erica-Irene A. Daes, submitted in accordance with Sub-Commission resolution 2002/15
E/CN.4/Sub.2/2003/21	5 (c)	Progress report on the update to the study on peaceful and constructive approaches to situations involving minorities submitted by Mr. Asbjørn Eide in accordance with Sub-Commission resolution 2002/16
E/CN.4/Sub.2/2003/22	5 (b)	Report of the Working Group on Indigenous Populations on its twenty-first session
E/CN.4/Sub.2/2003/23	5	The rights of non-citizens: final report of the Special Rapporteur, Mr. David Weissbrodt, submitted in accordance with Sub-Commission decision 2000/103, Commission resolution 2000/104 and Economic and Social Council decision 2000/283
E/CN.4/Sub.2/2003/23/Add.1	5	_____ : United Nations activities
E/CN.4/Sub.2/2003/23/Add.2	5	_____ : regional activities
E/CN.4/Sub.2/2003/23/Add.3	5	_____ : examples of practices in regard to non-citizens
E/CN.4/Sub.2/2003/23/Add.4	5	_____ : summary of comments received from Member States to the Special Rapporteur's questionnaire

Documents issued in the general series (continued)

<i>Symbol</i>	<i>Agenda item</i>	
E/CN.4/Sub.2/2003/24	5	Discrimination based on work and descent: expanded working paper submitted by Mr. Asbjørn Eide and Mr. Yozo Yokota pursuant to Sub-Commission decision 2002/108
E/CN.4/Sub.2/2003/25	6	Specific human rights issues: note by the Secretary-General
E/CN.4/Sub.2/2003/26	6	Report of the Secretary-General on the implementation of the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography, submitted pursuant to Sub-Commission resolution 1998/19
E/CN.4/Sub.2/2003/27	6	Systematic rape, sexual slavery and slavery-like practices during armed conflicts: report of the High Commissioner for Human Rights
E/CN.4/Sub.2/2003/28 (issued under the symbols E/CN.4/Sub.2/2003/WP.1 and Add.1 and 2)	6 (c)	Terrorism and human rights: additional progress report of the Special Rapporteur, Ms. Kalliopi Koufa
E/CN.4/Sub.2/2003/29	6	Prevention of human rights violations committed with small arms and light weapons: preliminary report submitted by the Special Rapporteur, Ms. Barbara Frey, in accordance with Sub-Commission resolution 2002/25
E/CN.4/Sub.2/2003/30	6	Seventh report on the situation regarding the elimination of traditional practices affecting the health of women and the girl child, submitted by the Special Rapporteur, Ms. Halima Embarek Warzazi, pursuant to Sub-Commission resolution 2002/26
E/CN.4/Sub.2/2003/31	6 (b)	Report of the Working Group on Contemporary Forms of Slavery on its twenty-eighth session
E/CN.4/Sub.2/2003/32 (issued under the symbol E/CN.4/Sub.2/2003/WP.2)	6	Reservations to human rights treaties: expanded working paper submitted by Ms. Françoise Hampson, in accordance with Sub-Commission decision 2001/17

Documents issued in the general series (continued)

<i>Symbol</i>	<i>Agenda item</i>	
E/CN.4/Sub.2/2003/33	6	Regulation of citizenship by successor States: note by the secretariat
E/CN.4/Sub.2/2003/34	6 (a)	The rights of women married to foreigners: working paper submitted by Mr. Vladimir Kartashkin pursuant to Sub-Commission decision 2002/112
E/CN.4/Sub.2/2003/35	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 Mr. Y.K.J. Yeung Sik Yuen in accordance with Sub-Commission decision 2002/113
E/CN.4/Sub.2/2003/36	6	Human rights and bioethics: expanded working paper submitted by Ms. Iulia-Antoanella Motoc, in accordance with Sub-Commission decision 2002/114
E/CN.4/Sub.2/2003/37	6	Issues and modalities for the effective universality of international human rights treaties: working paper submitted by Mr. Emmanuel Decaux in accordance with Sub-Commission resolution 2002/115
E/CN.4/Sub.2/2003/38/Rev.2	4	Commentary on the norms on the responsibilities of transnational corporations and other business enterprises with regard to human rights
E/CN.4/Sub.2/2003/39	3	Question of human rights and states of emergency: list of States which have proclaimed or continued a state of emergency: report of the Office of the High Commissioner for Human Rights submitted in accordance with Commission on Human Rights decision 1998/108
E/CN.4/Sub.2/2003/40	1	Note by the secretariat
E/CN.4/Sub.2/2003/41	4 and 6	Report submitted by the United Nations Population Fund: note by the secretariat
E/CN.4/Sub.2/2003/42	3, 4 and 5	Memorandum submitted by the International Labour Office: note by the secretariat

Documents issued in the general series (continued)

<i>Symbol</i>	<i>Agenda item</i>	
E/CN.4/Sub.2/2003/CRP.1	1	Status of preparation of documentation: note by the secretariat
E/CN.4/Sub.2/2003/INF.1	1	List of attendance
E/CN.4/Sub.2/2003/SR.1-24 ^a		Summary records of meetings held by the Sub-Commission at its fifty-fifth session

^a Summary records of the closed meetings (2nd, 20th (second part) and 21st (first part)) were issued in restricted distribution.

Documents issued in the limited series

<i>Symbol</i>	<i>Agenda item</i>	
E/CN.4/Sub.2/2003/L.1	7 (a)	Draft provisional agenda for the fifty-sixth session of the Sub-Commission: note by the Secretary-General
E/CN.4/Sub.2/2003/L.2	6	The prevention of human rights violations committed with small arms and light weapons: draft decision
E/CN.4/Sub.2/2003/L.3	6	The universal implementation of international human rights treaties: draft resolution
E/CN.4/Sub.2/2003/L.4	6	Human rights and bioethics: draft resolution
E/CN.4/Sub.2/2003/L.5	4	The right to food, and progress in developing international voluntary guidelines for its implementation: draft resolution
E/CN.4/Sub.2/2003/L.6	6 (c)	Terrorism and human rights: draft resolution
E/CN.4/Sub.2/2003/L.7	4	The right to development: draft decision
E/CN.4/Sub.2/2003/L.8	4	Responsibilities of transnational corporations and other business enterprises with regard to human rights: draft resolution
E/CN.4/Sub.2/2003/L.9	6	Reservations to human rights treaties: draft decision
E/CN.4/Sub.2/2003/L.10 and Add.1-5	7	Draft report of the Sub-Commission on the Promotion and Protection of Human Rights Rapporteur: Mr. Stanislav Ogurtsov
E/CN.4/Sub.2/2003/L.11 and Add.1	7	Idem
E/CN.4/Sub.2/2003/L.12	5	Publishing the final report of the Special Rapporteur on the rights of non-citizens: draft decision
E/CN.4/Sub.2/2003/L.13	5	The rights of non-citizens: draft resolution
E/CN.4/Sub.2/2003/L.14	6	United Nations Decade for Human Rights Education: draft resolution
E/CN.4/Sub.2/2003/L.15	6	Systematic rape, sexual slavery and slavery-like practices: draft resolution

Documents issued in the limited series (continued)

<i>Symbol</i>	<i>Agenda item</i>	
E/CN.4/Sub.2/2003/L.16	2	Effects of measures to combat terrorism on the enjoyment of human rights: draft resolution
E/CN.4/Sub.2/2003/L.17	4	Promotion of the realization of the right to drinking water and sanitation: draft resolution
E/CN.4/Sub.2/2003/L.18	4	Corruption and its impact on the full enjoyment of human rights, in particular economic, social and cultural rights: draft resolution
E/CN.4/Sub.2/2003/L.19	6	Report of the Working Group on Contemporary Forms of Slavery: draft resolution
E/CN.4/Sub.2/2003/L.20	6	United Nations Voluntary Trust Fund on Contemporary Forms of Slavery: draft resolution
E/CN.4/Sub.2/2003/L.21	4	Prohibition of forced evictions: draft resolution
E/CN.4/Sub.2/2003/L.22	4	Housing and property restitution: draft resolution
E/CN.4/Sub.2/2003/L.23	3	Discrimination against convicted persons who have served their sentence: draft resolution
E/CN.4/Sub.2/2003/L.24	3	International Criminal Court: draft resolution
E/CN.4/Sub.2/2003/L.25	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.2/2003/L.26	3	Issue of the administration of justice through military tribunals: draft resolution
E/CN.4/Sub.2/2003/L.27	5 (c)	Draft decision on a voluntary fund on minority-related activities: draft decision
E/CN.4/Sub.2/2003/L.28	5	Discrimination based on work and descent: draft resolution

Documents issued in the limited series (continued)

<i>Symbol</i>	<i>Agenda item</i>	
E/CN.4/Sub.2/2003/L.29	5 (c)	The rights of minorities: draft resolution
E/CN.4/Sub.2/2003/L.30	3	Promotion and consolidation of democracy: draft decision
E/CN.4/Sub.2/2003/L.31	3	Working paper on the difficulties of establishing guilt and/or responsibilities with regard to crimes of sexual violence: draft decision
E/CN.4/Sub.2/2003/L.32	3	Women in prison: draft decision
E/CN.4/Sub.2/2003/L.33	1	Working paper on methods of work of the Sub-Commission: draft decision
E/CN.4/Sub.2/2003/L.34	3	Working paper on the criminalization, investigation and prosecution of acts of serious sexual violence: draft decision
E/CN.4/Sub.2/2003/L.35	3	Transfers of persons with particular reference to the death penalty: draft resolution
E/CN.4/Sub.2/2003/L.36	6	Harmful traditional practices affecting the health of women and the girl child: draft resolution
E/CN.4/Sub.2/2003/L.37	4	Optional protocol to the International Covenant on Economic, Social and Cultural Rights: draft resolution
E/CN.4/Sub.2/2003/L.38	4	Implementation of existing human rights norms and standards in the context of the fight against extreme poverty: draft resolution
E/CN.4/Sub.2/2003/L.39	4	The Social Forum: draft resolution
E/CN.4/Sub.2/2003/L.40	5 (c)	Human rights implications, particularly for indigenous people, of the disappearance of States for environmental reasons: draft resolution
E/CN.4/Sub.2/2003/L.41	4	Prevention of corruption: draft resolution

Documents issued in the limited series (continued)

<i>Symbol</i>	<i>Agenda item</i>	
E/CN.4/Sub.2/2003/L.42	5 (b)	Working Group on Indigenous Populations: draft resolution
E/CN.4/Sub.2/2003/L.43	5	International Decade of the World's Indigenous People: draft resolution
E/CN.4/Sub.2/2003/L.44	6	Human rights and international solidarity: draft decision
E/CN.4/Sub.2/2003/L.45	4	Working paper on debt: draft decision
E/CN.4/Sub.2/2003/L.46	4	Amendment to draft decision E/CN.4/Sub.2/2003/L.7

Documents issued in the non-governmental organization series

<i>Symbol</i>	<i>Agenda item</i>	
E/CN.4/Sub.2/2003/NGO/1	6 (a)	Written statement submitted by Jammu and Kashmir Council for Human Rights (JKCHR), a non-governmental organization in special consultative status
E/CN.4/Sub.2/2003/NGO/2	2	Idem
E/CN.4/Sub.2/2003/NGO/3	4	[Spanish only]
E/CN.4/Sub.2/2003/NGO/4	5 (c)	Written statement submitted by All For Reparations and Emancipation (AFRE), a non-governmental organization on the Roster
E/CN.4/Sub.2/2003/NGO/5	2	Written statement submitted by International Fellowship of Reconciliation (IFOR), a non-governmental organization in special consultative status
E/CN.4/Sub.2/2003/NGO/6	6 (a)	Written statement submitted by the International Council of Women, a non-governmental organization in general consultative status
E/CN.4/Sub.2/2003/NGO/7	5 (c)	Written statement submitted by the International Movement Against All Forms of Discrimination and Racism (IMADR), a non-governmental organization on the Roster
E/CN.4/Sub.2/2003/NGO/8	4	[French and Spanish only]
E/CN.4/Sub.2/2003/NGO/9	6 (a)	[French and Spanish only]
E/CN.4/Sub.2/2003/NGO/10	6 (c)	[French and Spanish only]
E/CN.4/Sub.2/2003/NGO/11	2	Written statement submitted by the Society for Threatened Peoples, a non-governmental organization in special consultative status
E/CN.4/Sub.2/2003/NGO/12	3	Written statement submitted by the International Association of Democratic Lawyers, a non-governmental organization in special consultative status

Documents issued in the non-governmental organization series (continued)

<i>Symbol</i>	<i>Agenda item</i>	
E/CN.4/Sub.2/2003/NGO/13	4	Written statement submitted by Human Rights Advocates, a non-governmental organization in special consultative status
E/CN.4/Sub.2/2003/NGO/14	4	Joint written statement submitted by the International Council of Women (ICW-CIF), Franciscans International (FI) and the International Movement ATD Fourth World, non-governmental organizations in general consultative status, and the International Commission of Jurists (ICJ), the International Federation of Human Rights Leagues (FIDH), the International Federation of Social Workers (IFSW), the World Organization Against Torture (OMCT) and the Lutheran World Federation (LWF), non-governmental organizations in special consultative status
E/CN.4/Sub.2/2003/NGO/15	2 and 6	Written statement submitted by Association for World Education, a non-governmental organization on the Roster
E/CN.4/Sub.2/2003/NGO/16	6	Written statement submitted by International Educational Development, Inc., a non-governmental organization on the Roster
E/CN.4/Sub.2/2003/NGO/17	6	Idem
E/CN.4/Sub.2/2003/NGO/18	3	Written statement submitted by Minnesota Advocates for Human Rights, a non-governmental organization in special consultative status
E/CN.4/Sub.2/2003/NGO/19	2	Written statement submitted by International Educational Development, Inc., a non-governmental organization on the Roster
E/CN.4/Sub.2/2003/NGO/20	5	Written statement submitted by the International Movement Against All Forms of Discrimination and Racism (IMADR), a non-governmental organization on the Roster
E/CN.4/Sub.2/2003/NGO/21	4	[French and Spanish only]

Documents issued in the non-governmental organization series (continued)

<i>Symbol</i>	<i>Agenda item</i>	
E/CN.4/Sub.2/2003/NGO/22	4	Written statement submitted by Minority Rights Group International, a non-governmental organization on the Roster
E/CN.4/Sub.2/2003/NGO/23	3	Joint written statement submitted by Friends World Committee for Consultation (Quakers), a non-governmental organization in general consultative status, and World Organization Against Torture (OMCT), a non-governmental organization in special consultative status
E/CN.4/Sub.2/2003/NGO/24	5 (c)	[Spanish only]
E/CN.4/Sub.2/2003/NGO/25	6 (a)	Written statement submitted by the Center for Reproductive Rights, a non-governmental organization in special consultative status
E/CN.4/Sub.2/2003/NGO/26	3	[Spanish only]
E/CN.4/Sub.2/2003/NGO/27	2	Joint written statement submitted by the African Society of International and Comparative Law, Interfaith International and Liberation, non-governmental organizations in special consultative status
E/CN.4/Sub.2/2003/NGO/28	5 (a)	Joint written statement submitted by the African Society of International and Comparative Law and North-South XXI, non-governmental organizations in special consultative status
E/CN.4/Sub.2/2003/NGO/29	4 and 5	[Spanish only]
E/CN.4/Sub.2/2003/NGO/30	3	[Spanish only]
E/CN.4/Sub.2/2003/NGO/31	3	[Spanish only]
E/CN.4/Sub.2/2003/NGO/32	2	[French and Spanish only]
E/CN.4/Sub.2/2003/NGO/33	5 (c)	Written statement submitted by the Minority Rights Group, a non-governmental organization on the Roster

Documents issued in the non-governmental organization series (continued)

<i>Symbol</i>	<i>Agenda item</i>	
E/CN.4/Sub.2/2003/NGO/34	6 (c)	[French and Spanish only]
E/CN.4/Sub.2/2003/NGO/35	4 and 5	Written statement submitted by World Union for Progressive Judaism, a non-governmental organization on the Roster
E/CN.4/Sub.2/2003/NGO/36	4	Written statement submitted by Fraternité Notre Dame, Inc, a non-governmental organization in special consultative status
E/CN.4/Sub.2/2003/NGO/37	4	Joint written statement submitted by Europe-Third World Centre, a non-governmental organization in general consultative status, and American Association of Jurists, a non-governmental organization in special consultative status
E/CN.4/Sub.2/2003/NGO/38	4	Written statement submitted by Europe-Third World Centre (CETIM), a non-governmental organization in general consultative status
E/CN.4/Sub.2/2003/NGO/39	4	[Spanish only]
E/CN.4/Sub.2/2003/NGO/40	3	Written statement submitted by Association for World Education, a non-governmental organization on the Roster
E/CN.4/Sub.2/2003/NGO/41	2 and 6	Written statement submitted by World Union for Progressive Judaism, a non-governmental organization on the Roster
E/CN.4/Sub.2/2003/NGO/42	4 and 5	Written statement submitted by Association for World Education, a non-governmental organization on the Roster
E/CN.4/Sub.2/2003/NGO/43	2	Written statement submitted by Pax Christi International, a non-governmental organization in special consultative status

Documents issued in the non-governmental organization series (continued)

<i>Symbol</i>		<i>Agenda item</i>
E/CN.4/Sub.2/2003/NGO/44	4	Joint written statement submitted by the International Chamber of Commerce and the International Organization of Employers, non-governmental organizations in general consultative status
E/CN.4/Sub.2/2003/NGO/45	3	Written statement submitted by Japan Fellowship of Reconciliation, a non-governmental organization in special consultative status
E/CN.4/Sub.2/2003/NGO/46	6	Idem
E/CN.4/Sub.2/2003/NGO/47	6	Written statement submitted by Asian-Japan Women's Resource Centre, a non-governmental organization in special consultative status
E/CN.4/Sub.2/2003/NGO/48	4	Written statement submitted by Europe-Third World Centre, a non-governmental organization in general consultative status

Annex VIII

Resolutions (30) and decisions (17) adopted by the Sub-Commission on the Promotion and Protection of Human Rights at its fifty-fifth session

Document E/CN.4/Sub.2/2003/	Action taken	No.	Title*	Method of adoption	Paragraphs of report
			AGENDA ITEM 1: ORGANIZATION OF WORK		
	Decision	2003/101	Establishment of a sessional working group on the administration of justice under agenda item 3	Without a vote	18 (a)
	Decision	2003/102	Establishment of a sessional working group to examine the working methods and activities of transnational corporations under agenda item 4	Without a vote	18 (b)
	Decision	2003/103	Decision to postpone draft decision E/CN.4/Sub.2/2003/L.33	Without a vote	34
	Decision	2003/112	Composition of the working groups of the Sub-Commission for 2004	Without a vote	36
			AGENDA ITEM 2: QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, ...		
L.16	Resolution	2003/15	Effects of measures to combat terrorism on the enjoyment of human rights	Without a vote	40-43
			AGENDA ITEM 3: ADMINISTRATION OF JUSTICE, RULE OF LAW AND DEMOCRACY		
L.23	Resolution	2003/7	Discrimination against convicted persons who have served their sentence	Without a vote	53-55
L.26	Resolution	2003/8	Issue of the administration of justice through military tribunals	Without a vote	56-57
L.24	Resolution	2003/10	International Criminal Court	Without a vote	66-69
L.35	Resolution	2003/11	Transfers of persons with particular reference to the death penalty	Without a vote	70-73
L.32	Decision	2003/104	Women in prison	Without a vote	51-52
L.30	Decision	2003/106	Promotion and consolidation of democracy	Without a vote	58-59

Document E/CN.4/Sub.2/2003/	Action taken	No.	Title*	Method of adoption	Paragraphs of report
			AGENDA ITEM 3: ADMINISTRATION OF JUSTICE, RULE OF LAW AND DEMOCRACY (<i>continued</i>)		
L.31	Decision	2003/107	Working paper on the difficulties of establishing guilt and/or responsibilities with regard to crimes of sexual violence	Without a vote	60-63
L.34	Decision	2003/108	Working paper on the criminalization, investigation and prosecution of acts of serious sexual violence	Without a vote	64-65
			AGENDA ITEM 4: ECONOMIC, SOCIAL AND CULTURAL RIGHTS		
L.17	Resolution	2003/1	Promotion of the realization of the right to drinking water and sanitation	Without a vote	80-81
L.18	Resolution	2003/2	Corruption and its impact on the full enjoyment of human rights, in particular economic, social and cultural rights	Without a vote	82-84
L.5	Resolution	2003/9	The right to food, and progress in developing international voluntary guidelines for its implementation	Without a vote	85-88
L.25	Resolution	2003/12	Study on non-discrimination as enshrined in article 2, paragraph 2, of the International Covenant on Economic, Social and Cultural Rights	Without a vote	89-91
L.38	Resolution	2003/13	Implementation of existing human rights norms and standards in the context of the fight against extreme poverty	Without a vote	92-93
L.39	Resolution	2003/14	The Social Forum	Without a vote	94-96
L.8	Resolution	2003/16	Responsibilities of transnational corporations and other business enterprises with regard to human rights	Without a vote	97-100
L.21	Resolution	2003/17	Prohibition of forced evictions	Without a vote	101-102
L.22	Resolution	2003/18	Housing and property restitution	Without a vote	107-110
L.37	Resolution	2003/19	Optional protocol to the International Covenant on Economic, Social and Cultural Rights	Without a vote	111-112

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			AGENDA ITEM 4: ECONOMIC, SOCIAL AND CULTURAL RIGHTS <i>(continued)</i>		
L.41	Resolution	2003/20	Prevention of corruption	Without a vote	113-116
L.45	Decision	2003/109	Working paper on debt	Without a vote	103-106
L.7	Decision	2003/116	The right to development	Without a vote	117-122
	Decision	2003/117	Globalization and its impact on the full enjoyment of human rights	Without a vote	123-124
			AGENDA ITEM 5: PREVENTION OF DISCRIMINATION ...		
L.13	Resolution	2003/21	The rights of non-citizens	Without a vote	132-139
L.28	Resolution	2003/22	Discrimination based on work and descent	Without a vote	146-148
L.29	Resolution	2003/23	The rights of minorities	Without a vote	149-152
L.40	Resolution	2003/24	Human rights implications, particularly for indigenous people, of disappearance of States for environmental reasons	Without a vote	153-155
L.42	Resolution	2003/29	Working Group on Indigenous Populations	Without a vote	159-162
L.43	Resolution	2003/30	International Decade of the World's Indigenous People	Without a vote	163-166
L.12	Decision	2003/110	Publishing the final report of the Special Rapporteur on the rights of non-citizens	Without a vote	140-142
L.27	Decision	2003/111	Voluntary fund on minority-related activities	Without a vote	143-145
	Decision	2003/113	Preliminary report on the study on indigenous peoples' permanent sovereignty over natural resources	Without a vote	156-158

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			AGENDA ITEM 6: SPECIFIC HUMAN RIGHTS ISSUES ...		
L.19	Resolution	2003/3	Report of the Working Group on Contemporary Forms of Slavery	Without a vote	178-179
L.4	Resolution	2003/4	Human rights and bioethics	Without a vote	182-184
L.14	Resolution	2003/5	United Nations Decade for Human Rights Education, 1995-2004	Without a vote	185-188
L.6	Resolution	2003/6	Terrorism and human rights	Without a vote	189-193
L.3	Resolution	2003/25	The universal implementation of international human rights treaties	Without a vote	194-197
L.15	Resolution	2003/26	Systematic rape, sexual slavery and slavery-like practices	Without a vote	201-202
L.20	Resolution	2003/27	United Nations Voluntary Trust Fund on Contemporary Forms of Slavery	Without a vote	203-204
L.36	Resolution	2003/28	Harmful traditional practices affecting the health of women and the girl child	Without a vote	205-208
L.2	Decision	2003/105	The prevention of human rights violations committed with small arms and light weapons	Without a vote	180-181
L.9	Decision	2003/114	Reservations to human rights treaties	Without a vote	198-200
L.44	Decision	2003/115	Human rights and international solidarity	Without a vote	209-212

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