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

ANNOTATIONS TO THE PROVISIONAL AGENDA*

Prepared by the Secretary-General

* These annotations are based upon the provisional agenda for the fifty-sixth session of the Sub-Commission, with the addition of indicative sub-headings dividing the text of the annotations for ease of reference.

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Item 1. Organization of work

Election of officers

1. Rule 15 of the rules of procedure of the functional commissions of the Economic and Social Council provides that “at the commencement of its first meeting of a regular session”, the Sub-Commission “shall elect, from among the representatives of its members, a Chairman, one or more Vice-Chairmen and such other officers as may be required”.

Adoption of the agenda

2. Rule 7 of the rules of procedure provides that the agenda shall be adopted at the beginning of each session, after the election of officers, on the basis of the provisional agenda. The provisional agenda for the present session of the Sub-Commission is contained in document E/CN.4/Sub.2/2004/1.

3. Pursuant to Sub-Commission resolution 1995/26 (para. 1) and Commission on Human Rights resolution 1995/86, the human rights of women and girl children are to be considered under all items of the agenda.

4. In connection with the present item, the Sub-Commission will have before it a note by the Secretary-General containing a proposal for inclusion of a new item in the provisional agenda (E/CN.4/Sub.2/2004/3).

Organization and methods of work

5. At its forty-sixth session, the Sub-Commission, in its decision 1994/103, decided to observe a minute of silence in honour of victims of all forms of violations of human rights in all regions of the world, at the commencement of its annual sessions.

6. At its thirty-fourth and subsequent sessions, the Sub-Commission established a sessional working group to assist it in relation to its annual review of developments concerning the human rights of persons subjected to any form of detention or imprisonment. By its decision 1994/104, the Sub-Commission decided, inter alia, to establish a sessional working group on the administration of justice and the question of compensation in place of a sessional working group on detention (see also paragraphs 23 and 67 below).

7. By its resolution 2001/3, the Sub-Commission decided to extend, for a three-year period, the mandate of the sessional working group of the Sub-Commission established to examine the working methods and activities of transnational corporations (see also paragraphs 56-58 below).

8. When considering the organization of its work, the Sub-Commission may wish to refer to the annex to its decision 1999/114 containing the guidelines for the application by the Sub-Commission of the rules of procedure of the functional commissions of the Economic and Social Council and other decisions and practices relating thereto. The attention of the Sub-Commission is also drawn to the decisions it adopted at its fifty-fifth session concerning the organization of its work (see E/CN.4/2004/2-E/CN.4/Sub.2/2003/43, paras. 19-26), in particular

those relating to the limitation of the frequency and duration of statements (paras. 19-23), the opening and closure of the list of speakers (paras. 24 and 25) and the submission of draft resolutions (para. 26).

9. In its decision 2003/103, the Sub-Commission decided to postpone until its next session draft decision E/CN.4/Sub.2/2003/L.33, entitled "Working paper on methods of the Sub-Commission".

10. In its decision 2000/109, entitled "Enhancing the effectiveness of the mechanisms of the Commission on Human Rights", the Commission decided to approve and implement comprehensively and in its entirety the report of the intersessional open-ended Working Group on Enhancing the Effectiveness of the Mechanisms of the Commission on Human Rights (E/CN.4/2000/112) which was annexed to that decision. Chapter Four of the report of the Working Group (paras. 42-56) relates to the Sub-Commission.

11. At its sixtieth session, the Commission on Human Rights, in its resolution 2004/60, decided that the Sub-Commission could best assist the Commission by providing it with:

(a) Independent expert studies and working papers solely carried out by its members or alternates during their mandate, notwithstanding the completion of currently existing mandates;

(b) Recommendations based on, and after full consideration of, these studies;

(c) Studies, research and expert advice at the request of the Commission, including proposals confirmed by the Commission which have been suggested by treaty bodies or other United Nations human rights bodies.

12. The Commission reiterated and reaffirmed:

(a) Its decision that the Sub-Commission should seek the Commission's approval prior to embarking on any new activity, with the exception of the preparation of studies and research;

(b) That the role of the Sub-Commission is that of a "think tank", as confirmed by the Commission in decision 2000/109 of 26 April 2000, and therefore should not attribute to itself monitoring functions, while reaffirming the content of paragraph 52 of the annex to its decision 2000/109 of 26 April 2000.

13. The Commission recommended that the Sub-Commission continue at its future sessions the successful innovations of the fifty-third session which were confirmed at the fifty-fourth and fifty-fifth sessions, in particular by:

(a) Having annual closed meetings with the Expanded Bureau of the sixtieth and subsequent sessions of the Commission, so as to exchange views aimed at improving cooperation between the two organs;

(b) Mainstreaming a streamlined agenda;

(c) Holding its discussions of its working rules, procedures and timetable in closed meeting;

(d) Drafting as many of its resolutions as possible in closed session, in view of the limited time available;

(e) Using the “question and answer” format and some expert panel discussions.

14. The Commission also recommended that the Sub-Commission should further improve its methods of work by:

(a) Focusing on its primary role as an advisory body to the Commission, specifically when its advice is requested by the Commission;

(b) Giving particular attention to the selection of studies specifically recommended by the Commission or proposals confirmed by the Commission which have been suggested by treaty bodies or other United Nations human rights bodies, and at the same time focusing on how and when the implementation of existing standards could be improved;

(c) Respecting strictly the highest standards of impartiality and expertise and avoiding acts which would affect confidence in the independence of its members, in particular in situations where they could have a conflict of interest;

(d) Facilitating efficient and effective participation of non-governmental organizations;

(e) Giving full consideration to studies and working papers by special rapporteurs and its members before sending them to the Commission;

(f) Taking steps to accomplish its work within a three-week session, while making efforts to avoid the scheduling of working groups and plenary sessions concurrently with each other;

(g) Making proposals to the Commission on how it might assist the Sub-Commission in improving its work, and vice versa;

(h) Focusing strictly on questions relating to human rights in accordance with its mandate;

(i) Avoiding duplication of its work with that being carried out by other competent bodies and mechanisms;

(j) Taking fully into account legal opinions addressed to the Sub-Commission by the Legal Counsel of the United Nations.

15. The Commission invited the Secretary-General to give support to the Sub-Commission, inter alia by making available documentation in good time before each session in the official languages of the United Nations and assisting the Sub-Commission in requests for information

from Governments and intergovernmental and non-governmental organizations, and reiterated that such requests, like all requests for concrete measures, must first have been approved by the Commission.

16. The Chairperson of the sixtieth session of the Commission was invited to address the Sub-Commission at the opening meeting of its fifty-sixth session and to inform it about that resolution and the debate that had taken place on that subject at the sixtieth session of the Commission under agenda item 16. The Commission also invited the Chairperson of the fifty-sixth session of the Sub-Commission to report to the Commission at its sixty-first session, including an assessment of how recent enhancements of the effectiveness of the Sub-Commission and of its mechanisms had worked in practice.

17. In connection with the present item, the Commission will have before it a note by the secretariat containing statistics relating to the fifty-fifth session of the Sub-Commission on the Promotion and Protection of Human Rights (E/CN.4/Sub.2/2004/4) and a note by the secretariat containing a list of country situations currently being considered by the Commission on Human Rights (E/CN.4/Sub.2/2004/2).

Documentation

18. The attention of the Sub-Commission is drawn to relevant resolutions concerning control and limitation of documentation (inter alia the latest, General Assembly resolutions 52/214, 54/248, 55/222, 56/242 and 58/250).

Item 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)

19. By resolution 8 (XXIII) of 16 March 1967, the Commission on Human Rights decided to give annual consideration to the above item. In paragraph 2 of that resolution, the Commission requested the Sub-Commission to prepare a report containing information on violations of human rights and fundamental freedoms from all available sources for the use of the Commission. In paragraph 6, the Commission invited the Sub-Commission to bring to the attention of the Commission any situation which it had reasonable cause to believe revealed a consistent pattern of violations of human rights and fundamental freedoms in any country, including policies of racial discrimination, segregation and apartheid, with particular reference to colonial and other dependent territories.

20. In its resolution 2004/60, the Commission reiterated and reaffirmed:

(a) Its decision that the Sub-Commission should not adopt country-specific resolutions, decisions or Chairperson's statements and, in negotiating and adopting thematic resolutions or decisions, should refrain from including references to specific countries;

(b) That the Sub-Commission should continue to be able to debate country situations not being dealt with in the Commission, as well as urgent matters involving serious violations of human rights in any country, and that its discussions would be reflected in the summary records of its debates, which should continue to be forwarded to the Commission.

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

21. In its resolution 2003/15, the Sub-Commission decided, 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. In the same resolution, the Sub-Commission also decided to appoint Ms. Kalliopi Koufa as coordinator, with a mandate to gather the necessary documentation for the effective work of the Sub-Commission, and requested 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.

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

Question of human rights and states of emergency

22. At its fifty-fourth session, the Commission on Human Rights, in its decision 1998/108, noting Sub-Commission resolution 1997/27, decided to request the Office of the United Nations High Commissioner for Human Rights to submit to the Sub-Commission at its fifty-first session, and every second year thereafter, a list of States in which a state of emergency had been proclaimed or was continued during the reporting period. At its fifty-fifth session, the Sub-Commission had before it the report of the Office of the High Commissioner for Human Rights (E/CN.4/Sub.2/2003/39).

Sessional working group on the administration of justice

23. At its fifty-fifth session, the Sub-Commission established a sessional working group on the administration of justice under agenda item 3 (decision 2003/101). The report of the working group was issued as document E/CN.4/Sub.2/2003/6. Should the Sub-Commission decide to establish such a sessional working group at the present session, its report will be issued as document E/CN.4/Sub.2/2004/6 (see also paragraph 6 above and paragraph 67 below).

Discrimination in the criminal justice system

24. At its fifty-fourth session, the Sub-Commission, in its resolution 2002/3, decided to appoint Ms. Leïla Zerrougui as Special Rapporteur to conduct a detailed study of discrimination in the criminal justice system with a view to determining the most effective means of ensuring equal treatment in the criminal justice system for all persons without discrimination, particularly vulnerable persons. In its decision 2003/108, the Commission approved this decision. The Commission also approved the request that the Special Rapporteur submit a preliminary report to

the Sub-Commission at its fifty-fifth session, a progress report at its fifty-sixth session and a final report at its fifty-seventh session. At its fifty-fifth session, the Sub-Commission had before it the preliminary report of the Special Rapporteur (E/CN.4/Sub.2/2003/3). At the present session, the Sub-Commission will have before it a note by the secretariat (E/CN.4/Sub.2/2004/5).

Issue of the administration of justice through military tribunals

25. At its fifty-fifth session, the Sub-Commission, in its resolution 2003/8, welcomed 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) and requested Mr. Decaux to continue his work on the development of principles governing the administration of justice through military tribunals and to submit an updated report to the Sub-Commission at its fifty-sixth session. At the present session, the Sub-Commission will have before it the updated report prepared by Mr. Decaux (E/CN.4/Sub.2/2004/7).

International Criminal Court

26. In its resolution 2003/10, the Sub-Commission decided to continue the consideration of this question at its fifty-sixth session.

Transfer of persons with particular reference to the death penalty

27. At its fifty-fifth session, the Sub-Commission, in its resolution 2003/11, decided to continue consideration of this matter at its fifty-sixth session.

The universal implementation of international human rights treaties

28. At its fifty-fifth session, the Sub-Commission, in its resolution 2003/25, welcomed 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. It decided 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. The Sub-Commission requested 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, and decided that those reports will be considered under the agenda item entitled "Administration of justice, rule of law and democracy". At its sixtieth session, the Commission on Human Rights, in its decision 2004/123, approved the decision of the Sub-Commission to appoint Mr. Decaux as Special Rapporteur. At the present session, the Sub-Commission will have before it the preliminary report prepared by Mr. Decaux (E/CN.4/Sub.2/2004/8).

Women in prison

29. At its fifty-fifth session, the Sub-Commission, in its decision 2003/104, decided to entrust Ms. Florizelle O'Connor with the preparation of a working paper on women in prison, including issues relating to the children of women in prison. At the present session, the Sub-Commission will have before it the working paper prepared by Ms. O'Connor (E/CN.4/Sub.2/2004/9).

Promotion and consolidation of democracy

30. In its decision 2000/116, the Sub-Commission, having taken note of Commission on Human Rights resolution 2000/47, especially the request that the Sub-Commission pay due attention to the content of paragraph 1 of resolution 2000/47 in which the Commission listed a group of measures to promote and consolidate democracy, decided to entrust Mr. Manuel Rodríguez-Cuadros with the task of preparing a working paper on the measures provided in the various international human rights instruments for the promotion and consolidation of democracy.

31. At its fifty-third and fifty-fourth sessions, the Sub-Commission had before it, respectively, the working paper (E/CN.4/Sub.2/2001/32) and the expanded working paper prepared by Mr. Rodríguez-Cuadros (E/CN.4/Sub.2/2002/36).

32. In its decision 2003/106, the Sub-Commission decided to request Mr. Rodríguez-Cuadros to prepare 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. At the present session, the Sub-Commission will have before it the final working paper prepared by Mr. Rodríguez-Cuadros (E/CN.4/Sub.2/2004/10).

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

33. In its decision 2003/107, the Sub-Commission decided to request Ms. Lalaina Rakotoarisoa to prepare 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, 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. At the present session, the Sub-Commission will have before it the working paper prepared by Ms. Rakotoarisoa (E/CN.4/Sub.2/2004/11).

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

34. In its decision 2003/108, the Sub-Commission decided to request Ms. Françoise Hampson to prepare 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. At the present session, the Sub-Commission will have before it the working paper prepared by Ms. Hampson (E/CN.4/Sub.2/2004/12).

Item 4. Economic, social and cultural rights

The realization of the right to development

35. At its forty-eighth session, the Sub-Commission adopted resolution 1996/22, in which it, inter alia, requested the Secretary-General to invite all relevant United Nations bodies and agencies to step up their action aimed at promoting international cooperation for the realization of the right to development in the context of the United Nations Decade for the Eradication of Poverty (1997-2006) and to provide him with the information thereon, and requested him to transmit annually to the Sub-Commission the information received. The Sub-Commission also decided to review annually the progress in international cooperation towards the implementation of the right to development in the context of human rights and the Decade. At the present session, the Sub-Commission will have before it a report of the Secretary-General (E/CN.4/Sub.2/2004/13) submitted in accordance with the Sub-Commission resolution 1999/9.

36. In its resolution 2003/83, the Commission on Human Rights requested the Sub-Commission on the Promotion and Protection of Human Rights 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, based on the Declaration on the Right to Development, including issues which any such instrument might address, for submission to the Commission at its sixty-first session for its consideration and determination of the feasibility of those options; also requested the Sub-Commission in this respect to take into account the outcomes of all major United Nations and other global summits and ministerial meetings in the economic and social fields as well as the agreed conclusions and the report of the Working Group on the Right to Development on its third session (E/CN.4/2002/28/Rev.1); and requested the Office of the United Nations High Commissioner for Human Rights to assist the Sub-Commission in its work on the preparation of the concept document by providing studies on existing bilateral and multilateral programmes and policies, with a view to identifying lessons learnt, best practices and the role that could be played by relevant actors, including national human rights institutions, in the creation and implementation of the development partnership.

37. In its decision 2003/116, the Sub-Commission requested Ms. Florizelle O'Connor to prepare 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.

38. At the present session, the Sub-Commission will have before it the working paper prepared by Ms. O'Connor (E/CN.4/Sub.2/2004/14). The Sub-Commission will also have before it several notes prepared by the secretariat pursuant to the requests contained in Commission resolution 2003/83 (documents E/CN.4/Sub.2/2004/15, E/CN.4/Sub.2/2004/16, E/CN.4/Sub.2/2004/17, E/CN.4/Sub.2/2004/18 and E/CN.4/Sub.2/2004/19).

39. The Commission, in its resolution 2004/7, took note of decision 2003/116 of the Sub-Commission and looked forward to the consideration at the sixty-first session of the Commission of the concept document to be prepared by the Sub-Commission establishing

options and their feasibility for the implementation of the right to development, inter alia, an international legal standard of a binding nature, guidelines on the implementation of the right to development and principles for development partnership, based on the Declaration on the Right to Development, including issues which any such instrument might address for consideration and determination of the feasibility of these options.

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

40. At its fifty-third session, the Sub-Commission, in its resolution 2001/2, requested the Commission on Human Rights to approve the decision to appoint 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, at the national and international levels, taking into account questions related to the realization of the right to development, in order to determine the most effective means of reinforcing activities in this field and defining as accurately and fully as possible the content of the right to drinking water in relation to other human rights, and to endorse the decision to request the Special Rapporteur to submit to the Sub-Commission a preliminary report at its fifty-fourth session, a progress report at its fifty-fifth session and a final report at its fifty-sixth session. At its fifty-eighth session, the Commission on Human Rights, in its decision 2002/105, decided to approve the above requests of the Sub-Commission. At the present session, the Sub-Commission will have before it the final report of the Special Rapporteur (E/CN.4/Sub.2/2004/20).

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

41. At its fifty-fifth session, the Sub-Commission, in its resolution 2003/2, taking into account the working paper submitted by Ms. Christy Mbonu (E/CN.4/Sub.2/2003/18), decided 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 requested 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. In its decision 2004/106, the Commission endorsed the decision of the Sub-Commission. At the present session, the Sub-Commission will have before it the preliminary report prepared by Ms. Mbonu (E/CN.4/Sub.2/2004/23).

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

42. At its fifty-fifth session, the Sub-Commission, in its resolution 2003/12, requested Mr. Emmanuel Decaux to prepare 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 in order to enable it to take a decision at its fifty-sixth session on the feasibility of a study on that subject. At the present session, the Sub-Commission will have before it the working paper prepared by Mr. Decaux (E/CN.4/Sub.2/2004/24).

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

43. At its fifty-fifth session, the Sub-Commission, in its resolution 2003/13, requested Ms. Iulia-Antoanella Motoc, Mr. Emmanuel Decaux, Mr. Yozo Yokota, Mr. El-Hadji Guissé and Mr. José Bengoa, with Mr. Bengoa as coordinator, to prepare 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. At the present session, the Sub-Commission will have before it the progress report submitted by Mr. Bengoa as coordinator (E/CN.4/Sub.2/2004/25).

The Social Forum

44. At its fiftieth session, the Sub-Commission had before it the final report on the relationship between the enjoyment of human rights, in particular economic, social and cultural rights, and income distribution, submitted by the Special Rapporteur, Mr. José Bengoa (E/CN.4/Sub.2/1997/9 and E/CN.4/Sub.2/1998/8). In its resolution 1998/14, the Sub-Commission endorsed the conclusions of the final report and especially the recommendation to establish a social forum within the Sub-Commission.

45. At its fifty-fourth session, the Sub-Commission had before it the report of the first session of the Social Forum, held on 2 August 2002 (E/CN.4/Sub.2/2002/18).

46. In its resolution 2002/12, the Sub-Commission requested the Commission on Human Rights to recommend to the Economic and Social Council that it authorize the Sub-Commission to convene in Geneva an annual intersessional forum on economic, social and cultural rights, to be known as the Social Forum, for two days on dates that would permit the possible participation of 10 members of the Sub-Commission, to be appointed by the regional groups of the Sub-Commission. The Commission, in its decision 2003/107, and the Economic and Social Council, in its decision 2003/264, endorsed the above request of the Sub-Commission.

47. At its fifty-fifth session, the Sub-Commission, in its resolution 2003/14, reiterated 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.

48. In the same resolution, the Sub-Commission recommended 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.

49. The Sub-Commission decided that the next intersessional meeting of the Social Forum would 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".

50. The Sub-Commission requested 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.

51. The Sub-Commission decided 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.

52. The Sub-Commission also invited the 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.

53. The Sub-Commission invited the Social Forum to submit recommendations, including draft resolutions, to the Sub-Commission at its fifty-sixth session.

54. In its decision 2004/217, the Economic and Social Council endorsed the change of dates of the Social Forum to 22 to 23 July 2004.

55. The report of the Social Forum will be issued in document E/CN.4/Sub.2/2004/26.

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

56. At its fiftieth session, the Sub-Commission had before it the background document on the question of the relationship between the enjoyment of human rights and the working methods and activities of transnational corporations prepared by Mr. El-Hadji Guissé (E/CN.4/Sub.2/1998/6). In its resolution 1998/8, the Sub-Commission decided to establish, 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. At its fifty-third session, the Sub-Commission, in its resolution 2001/3, decided to extend, for a three-year period, the mandate of the sessional working group of the Sub-Commission. This year, the report of the sessional working group will be issued as document E/CN.4/Sub.2/2004/21 (see also paragraph 7 above).

57. In its resolution 2003/16, the Sub-Commission approved 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). The Sub-Commission decided to transmit to the Commission on Human Rights the Norms for consideration and adoption by the Commission. The Sub-Commission requested 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. The Sub-Commission recommended that the working group continue its discussions in accordance with its mandate under resolutions 1998/8 and 2001/3 and, in particular, that it pursue its efforts to explore possible mechanisms for implementing the Norms.

58. In its decision 2004/116, the Commission on Human Rights took note of resolution 2003/16 of the Sub-Commission and expressed its appreciation to the Sub-Commission for the work it has undertaken in preparing the draft norms on the responsibilities of transnational corporations and other business enterprises with regard to human rights, which contained useful elements and ideas for consideration by the Commission. The Commission decided to recommend that the Economic and Social Council:

(a) Confirm the importance and priority it accords to the question of the responsibilities of transnational corporations and related business enterprises with regard to human rights;

(b) Request the Office of the High Commissioner for Human Rights to compile a report setting out the scope and legal status of existing initiatives and standards relating to the responsibility of transnational corporations and related business enterprises with regard to human rights, inter alia, the draft norms contained in document E/CN.4/Sub.2/2003/12/Rev.2 and identifying outstanding issues, to consult with all relevant stakeholders in compiling the report, including States, transnational corporations, employers' and employees' associations, relevant international organizations and agencies, treaty monitoring bodies and non-governmental organizations, and to submit the report to the Commission at its sixty-first session in order for it to identify options for strengthening standards on the responsibilities of transnational corporations and related business enterprises with regard to human rights and possible means of implementation;

(c) Affirm that document E/CN.4/Sub.2/2003/12/Rev.2 had not been requested by the Commission and, as a draft proposal, had no legal standing, and that the Sub-Commission should not perform any monitoring function in this regard.

Prohibition of forced evictions

59. In its resolution 2003/17, the Sub-Commission decided to consider the issue of forced evictions at its fifty-sixth session and recommended a draft resolution for adoption by the Commission. At its sixtieth session, the Commission adopted the text proposed by the Sub-Commission as amended (resolution 2004/28).

Housing and property restitution

60. In its resolution 1999/47, the Commission encouraged the Sub-Commission to continue its work on the matter of housing and property restitution in the context of the return of refugees and internally displaced persons. At its fifty-fourth session, the Sub-Commission, in its resolution 2002/7, requested the Commission to approve the decision to appoint Mr. Paulo Sérgio Pinheiro as Special Rapporteur with the task of preparing a comprehensive study on housing and property restitution in the context of the return of refugees and internally displaced persons based on his working paper (E/CN.4/Sub.2/2002/17) as well as on the

comments made and the discussions that took place at the fifty-fourth session of the Sub-Commission and the fifty-eighth session of the Commission. The Commission, in its decision 2003/109, endorsed the above decision of the Sub-Commission as well as its request to the Special Rapporteur to submit a preliminary report to the Sub-Commission at its fifty-fifth session, a progress report at its fifty-sixth session and a final report at its fifty-seventh session. In its resolution 2003/18, the Sub-Commission welcomed the preliminary report of the Special Rapporteur, Mr. Paulo Sérgio Pinheiro (E/CN.4/Sub.2/2003/11) and endorsed the conclusions and recommendation contained therein. At the present session, the Sub-Commission will have before it the progress report of the Special Rapporteur (E/CN.4/Sub.2/2004/22 and Add.1).

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

61. At its fifty-eighth session, the Commission on Human Rights, in its resolution 2002/24, decided to establish, at its fifty-ninth session, an open-ended working group of the Commission with a view to considering options regarding the elaboration of an optional protocol to the International Covenant on Economic, Social and Cultural Rights.

62. In its resolution 2003/19, the Sub-Commission urged the Commission on Human Rights at its sixtieth session to mandate its open-ended working group to proceed with drafting the substantive text of an optional protocol, and decided to continue to follow progress in the further elaboration and adoption of a draft optional protocol at its fifty-sixth session.

Working paper on debt

63. In its decision 2003/109, the Sub-Commission requested Mr. El-Hadji Guissé to prepare a working paper on the effects of debt on human rights for submission to the Sub-Commission at its fifty-sixth session. At the present session, the Sub-Commission will have before it the working paper prepared by Mr. Guissé (E/CN.4/Sub.2/2004/27)

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

64. At its fifty-fifth session, the Commission on Human Rights, in its resolution 1999/59, requested the Sub-Commission to undertake a study, based on the reports of the treaty bodies, special rapporteurs, independent experts and working groups of the Commission, on the issue of globalization and its impact on the full enjoyment of all human rights.

65. The Sub-Commission, in its resolution 1999/8, decided to appoint Mr. Joseph Oloka-Onyango and Ms. Deepika Udagama as Special Rapporteurs with the task of preparing a study on the issue of globalization and its impact on the full enjoyment of all human rights.

66. In its decision 2003/117, the Sub-Commission, 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, and welcoming with satisfaction their final report (E/CN.4/Sub.2/2003/14), decided 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. In its decision 2004/107, the Commission approved the request of the Sub-Commission.

Item 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**

Sub-item (a) Racism, racial discrimination and xenophobia

Discrimination against convicted persons who have served their sentence

67. At its fifty-fifth session, the Sub-Commission, in its resolution 2003/7, requested 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. In the same resolution, the Sub-Commission decided to continue consideration of this matter under the item of its agenda entitled "Prevention of discrimination".

Sub-item (b) Prevention of discrimination and protection of indigenous peoples

Indigenous peoples' permanent sovereignty over natural resources

68. At its fifty-fourth session, the Sub-Commission, in its resolution 2002/15, decided to appoint Ms. Erica-Irene Daes as Special Rapporteur to undertake a study on indigenous peoples' permanent sovereignty over natural resources based on her working paper (E/CN.4/Sub.2/2002/23), and requested the Special Rapporteur to submit a preliminary report to the Sub-Commission at its fifty-fifth session and her final report at its fifty-sixth session. The Commission, in its decision 2003/110, endorsed the above recommendation of the Sub-Commission. At the present session, the Sub-Commission will have before it the final report of Ms. Daes (E/CN.4/Sub.2/2004/30).

Working Group on Indigenous Populations

69. In its resolution 1982/34, the Economic and Social Council authorized the Sub-Commission to establish annually a working group:

- (a)** To review developments pertaining to the promotion and protection of human rights and fundamental freedoms of indigenous peoples, including information requested by the Secretary-General to analyse such materials, and to submit its conclusions to the

Sub-Commission, bearing in mind the report of the Special Rapporteur of the Sub-Commission, Mr. José R. Martínez Cobo (E/CN.4/Sub.2/1986/7 and Add.1-4, the two final chapters being issued as a United Nations publication, Sales No. E.86.XIV.3);

(b) To give special attention to the evolution of standards concerning the rights of indigenous peoples, taking account of both the similarities and the differences in the situations and aspirations of indigenous peoples throughout the world.

70. In its resolution 2003/29, the Sub-Commission requested the Commission on Human Rights to request the Economic and Social Council to authorize the Working Group to meet for five working days prior to the fifty-sixth session of the Sub-Commission. The Commission on Human Rights, in its resolution 2004/58, endorsed the request of the Sub-Commission.

71. At the present session, the Sub-Commission will have before it the report of the Working Group on its twenty-second session (E/CN.4/Sub.2/2004/28), scheduled to be held from 19 to 23 July 2004.

International Decade of the World's Indigenous People

72. The General Assembly, in its resolution 48/163 of 21 December 1993, proclaimed the International Decade of the World's Indigenous People, commencing on 10 December 1994. In its resolution 49/214, the Assembly decided that the International Day of Indigenous People should be observed on 9 August every year during the Decade. In its resolution 50/157, the Assembly adopted the programme of activities for the Decade contained in the annex to that resolution. In its resolution 52/108, the Assembly decided to appoint the High Commissioner for Human Rights as coordinator for the Decade.

73. At its fifty-fifth session, the Sub-Commission, in its resolution 2003/30, recommended 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.

United Nations Voluntary Fund for Indigenous Populations

74. As recommended by the Sub-Commission in its resolution 1984/35 C, the Commission in its resolution 1985/29 and the Economic and Social Council in its resolution 1985/38, the General Assembly, in resolution 40/131 of 13 December 1985, established the United Nations Voluntary Fund for Indigenous Populations. The purpose of the Fund is to assist representatives of indigenous communities and organizations to participate in the deliberations of the Working Group on Indigenous Populations by providing it with financial assistance, funded by means of voluntary contributions from Governments, non-governmental organizations and other public or private entities. The Board of Trustees held its sixteenth session from 11 to 19 March 2004 in Geneva.

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

75. In its resolution 2003/24, the Sub-Commission recommended to the Commission a decision for adoption and decided to continue consideration of this matter at its fifty-sixth session. At its sixtieth session, the Commission adopted decision 2004/122 in which it decided to urgently call upon the Sub-Commission to prepare a report 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.

Sub-item (c) Prevention of discrimination and protection of minorities

The rights of non-citizens

76. At its fiftieth session, the Sub-Commission, in its decision 1998/103, taking into account the suggestion of the Committee on the Elimination of Racial Discrimination concerning the preparation of a study on the rights of non-citizens (see E/CN.4/Sub.2/1997/31, annex), decided to entrust 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. At its fifty-first session, the Sub-Commission had before it the working paper prepared by Mr. Weissbrodt (E/CN.4/Sub.2/1999/7 and Add.1).

77. At its fifty-second session, the Sub-Commission, in its decision 2000/103, decided to appoint Mr. Weissbrodt as Special Rapporteur with the task of preparing a comprehensive study of the rights of non-citizens and requested 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.

78. At its fifty-fifth session, the Sub-Commission, in its resolution 2003/21, 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), welcomed also the Special Rapporteur's final report (E/CN.4/Sub.2/2003/23 and Add.1-4) and expressed its appreciation to the Special Rapporteur. The Sub-Commission recommended to the Commission the adoption of a decision recommending to the Economic and Social Council to authorize Mr. Weissbrodt as Special Rapporteur for a period of three years with the task of furthering the study of the rights of non-citizens. In its decision 2004/112, the Commission decided not to recommend to the Economic and Social Council that it authorize Mr. Weissbrodt, as Special Rapporteur, to undertake that task.

79. In its decision 2003/110, the Sub-Commission recommended to the Commission on Human Rights to request the Special Rapporteur to compile and update all his reports, addenda and questionnaire replies into a single report. It was further recommended 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. The Commission on Human Rights, in its decision 2004/113, approved the recommendation of the Sub-Commission.

Discrimination based on work and descent

80. At its fifty-third session, the Sub-Commission had before it the working paper submitted by Mr. Rajendra Kalidas Wimala Goonesekere on the topic of discrimination based on work and descent (E/CN.4/Sub.2/2001/16).

81. In its decision 2002/108, the Sub-Commission decided to entrust Mr. Asbjørn Eide and Mr. Yozo Yokota with the preparation of an expanded working paper on the topic of discrimination based on work and descent in regions other than those already covered. At the fifty-fifth session, the Sub-Commission had before it the expanded working paper by Mr. Eide and Mr. Yokota (E/CN.4/Sub.2/2003/24). In its resolution 2003/22, the Sub-Commission decided to entrust Mr. Eide and Mr. Yokota with the task of preparing a further working paper on the topic of discrimination based on work and descent with a view to fulfilling the mandate contained in Sub-Commission resolution 2000/4, 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.

82. At the present session, the Sub-Commission will have before it the working paper prepared by Mr. Eide and Mr. Yokota (E/CN.4/Sub.2/2004/31).

The rights of minorities

83. The General Assembly adopted the Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities in its resolution 47/135. In the same resolution, the Assembly invited the relevant organs and bodies of the United Nations, including treaty bodies and representatives of the Commission and the Sub-Commission, to give due regard to the Declaration within their mandates.

84. As recommended by the Sub-Commission in its resolution 1994/4, the Commission, in its resolution 1995/24, decided to authorize the Sub-Commission to establish, initially for a three-year period, an intersessional working group consisting of five of its members, to meet each year for five working days in order to promote the rights of persons belonging to national or ethnic, religious and linguistic minorities, as set out in the Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities.

85. As recommended by the Sub-Commission in its resolution 1997/23, the Commission on Human Rights, in its resolution 1998/19, decided to extend the mandate of the Working Group on Minorities with a view to its holding one session of five working days annually.

86. At the present session, the Sub-Commission will have before it the report of the Working Group on its tenth session (E/CN.4/Sub.2/2004/29), which was held from 1 to 5 March 2004.

87. In its resolution 2003/23, the Sub-Commission expressed satisfaction with the progress report of Mr. Asbjørn Eide (E/CN.4/Sub.2/2003/21) and reiterated 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. At the present session, the Sub-Commission will have before it the final report by Mr. Eide (E/CN.4/Sub.2/2004/32).

Item 6. Specific human rights issues:

(a) Women and human rights

(b) Contemporary forms of slavery

(c) New priorities, in particular terrorism and counter-terrorism

88. Pursuant to its resolution 5 (XIV), the Sub-Commission, at the present session, will have before it a note by the Secretary-General containing a review of developments between 1 June 2003 and 1 June 2004 in fields with which the Sub-Commission has been concerned (E/CN.4/Sub.2/2004/33).

Sub-item (a) Women and human rights

89. At its forty-ninth session, in resolution 1997/9, the Sub-Commission requested that, where appropriate, future studies submitted to it include gender-disaggregated statistics and discuss ways in which gender affects the various forms of abuse to which women are subjected, the consequences of those abuses, the availability and accessibility of remedies, the relationship between the abuses suffered by women and the subordinate status of women in public and private life, any gaps in existing international standards of protection, and gender-specific recommendations to remedy these violations.

90. In its resolution 2003/44, the Commission on Human Rights requested all special procedures and other human rights mechanisms of the Commission on Human Rights and the Sub-Commission on the Promotion and Protection of Human Rights regularly and systematically to integrate a gender perspective into the implementation of their mandates and to include in their reports information on and qualitative analysis of the human rights of women and girls, and encouraged the strengthening of cooperation and coordination between these procedures and mechanisms. The Commission urged the use of gender-inclusive language in the formulation, interpretation and application of human rights instruments, as well as in reports, resolutions and/or decisions of the Commission, the Sub-Commission and the various human rights mechanisms.

Systematic rape, sexual slavery and slavery-like practices

91. The Sub-Commission, in its resolution 2003/26, called 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. At the present session, the Sub-Commission will have before it the report of the High Commissioner (E/CN.4/Sub.2/2004/35).

Traditional practices affecting the health of women and the girl child

92. At its fortieth session, the Sub-Commission, in resolution 1988/34, requested Ms. Halima Embarek Warzazi to study recent developments with regard to traditional practices affecting the health of women and children.

93. In its resolution 2003/28, the Sub-Commission decided to renew the mandate of the Special Rapporteur for a further three-year period and requested her to submit an updated report to the Sub-Commission at its fifty-sixth session. The Commission on Human Rights endorsed this decision in its decision 2004/111. At the present session, the Sub-Commission will have before it the updated report of the Special Rapporteur (E/CN.4/Sub.2/2004/41).

Sub-item (b) Contemporary forms of slavery

Report of the Working Group on Contemporary Forms of Slavery

94. Basing itself on a recommendation submitted by the Sub-Commission (resolution 7 (XXVI)) and approved by the Commission (decision 5 (XXX) of 6 March 1974), the Economic and Social Council, by its decision 16 (LVI) of 17 May 1974, authorized the Sub-Commission to establish a working group composed of five of its members to meet prior to each session of the Sub-Commission to review developments in the field of slavery and the slave trade in all their practices and manifestations, including the slavery-like practices of apartheid and colonialism, the traffic in persons and the exploitation of the prostitution of others as defined in the Slavery Convention of 1926, 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. The Sub-Commission established the Working Group on Slavery in its resolution 11 (XXVII) of 21 August 1974. In its resolution 1988/42, the Commission on Human Rights endorsed the recommendation of the Sub-Commission that the name of the Working Group on Slavery be changed to "Working Group on Contemporary Forms of Slavery".

95. In its resolution 2003/3, the Sub-Commission took note of the report of the Working Group on Contemporary Forms of Slavery on its twenty-eighth session (E/CN.4/Sub.2/2003/31) and requested the Secretary-General to report to the Sub-Commission at its next session on the implementation of the Programme of Action for the Elimination of the Exploitation of Child Labour. At the present session, the Sub-Commission will have before it the report of the Secretary-General (E/CN.4/Sub.2/2004/34). The Sub-Commission will also have before it the report of the Working Group on Contemporary Forms of Slavery on its twenty-ninth session (E/CN.4/Sub.2/2004/36) to be held from 28 June to 2 July 2004.

United Nations Voluntary Trust Fund on Contemporary Forms of Slavery

96. In its resolution 46/122, the General Assembly decided to establish a voluntary trust fund on contemporary forms of slavery, the purposes of which should be, first, to assist representatives of non-governmental organizations from different regions, dealing with issues of contemporary forms of slavery, to participate in the deliberations of the Working Group on Contemporary Forms of Slavery by providing them with financial assistance and, second, 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. It also decided that the Fund should be administered in accordance with the Financial Regulations and Rules of the United Nations and other relevant provisions, with the advice of a board of trustees composed of five persons with relevant experience in the field of human rights and contemporary forms of slavery in particular, who would serve in their personal capacity; and that the members of the Board of Trustees should be appointed by the Secretary-General for a renewable three-year term in consultation with the current Chairperson of the Sub-Commission and with due regard to equitable geographical distribution.

97. At its fifty-fifth session, the Sub-Commission, in its resolution 2003/27, recalled the appeal made by the General Assembly in its resolution 46/122 to all Governments to respond favourably to requests for contributions to the Fund and urged them and non-governmental organizations, other private or public entities and individuals to contribute to the Fund and encouraged them to do so in order to enable the Fund to fulfil its mandate effectively in the year 2004, and decided to continue to examine the situation and the activities of the Trust Fund at its fifty-sixth session.

Other matters

98. In its resolution 1987/26, the Sub-Commission requested the Secretary-General to make available to it, at each of its future sessions, the reports of the Committee on the Elimination of Discrimination against Women and of the Commission on the Status of Women. At the present session, the Sub-Commission will have before it the most recent reports of the Committee on the Elimination of Discrimination against Women and of the Commission on the Status of Women.

Sub-item (c) New priorities, in particular terrorism and counter-terrorism

Human rights and bioethics

99. At its fifty-third session, the Sub-Commission, in its decision 2001/113, taking into account resolution 2001/71 of the Commission on Human Rights, decided to entrust Ms. Antoanella-Iulia Motoc with the preparation of a working paper on the Universal Declaration on the Human Genome and Human Rights as its contribution to the reflections of the International Bioethics Committee on the follow-up to the Universal Declaration.

100. At its fifty-fourth session, the Sub-Commission had before it the working paper submitted by Ms. Motoc (E/CN.4/Sub.2/2002/37). In its decision 2002/114, the Sub-Commission decided to request Ms. Motoc to submit an expanded working paper to the Sub-Commission at its fifty-fifth session. At its fifty-fifth session, the Sub-Commission had before it the expanded working paper prepared by Ms. Motoc (E/CN.4/Sub.2/2003/36).

101. In its resolution 2003/4, the Sub-Commission decided to appoint Ms. Motoc as Special Rapporteur to undertake a study on human rights and the human genome based on her working paper, and requested 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. In its decision 2004/120, the Commission approved the decision of the Sub-Commission. At the present session, the Sub-Commission will have before it the preliminary report of the Special Rapporteur (E/CN.4/Sub.2/2004/38).

Follow-up to the United Nations Decade for Human Rights Education, 1995-2004

102. In its resolution 2003/5, the Sub-Commission recommended a draft decision to the Commission for adoption. The Commission adopted decision 2004/121 in which it decided to recommend to the Economic and Social Council that it recommend to the General Assembly the proclamation of a World Programme for Human Rights Education.

Terrorism and human rights

103. At its forty-eighth session, the Sub-Commission, in its resolution 1996/20, decided to entrust Mrs. Kalliopi K. Koufa with the task of preparing a working paper on the question of terrorism and human rights.

104. At its forty-ninth session, the Sub-Commission had before it the working paper prepared by Mrs. Koufa (E/CN.4/Sub.2/1997/28). In its resolution 1997/39, the Sub-Commission recommended that the Commission on Human Rights authorize the appointment of Mrs. Koufa as Special Rapporteur to conduct a comprehensive study on terrorism and human rights on the basis of her working paper. The Commission on Human Rights, in its decision 1998/107, approved the appointment of Mrs. Koufa as Special Rapporteur.

105. In its resolution 1998/29, the Sub-Commission requested the Special Rapporteur to elaborate a preliminary report based on her working paper and to submit it to the Sub-Commission at its fifty-first session, a progress report at its fifty-second session and a final report at its fifty-third session.

106. In its resolution 2003/6, the Sub-Commission requested 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.

107. At the present session, the Sub-Commission will have before it a note by the secretariat (E/CN.4/Sub.2/2004/39 and Add.1-2) and the final report of the Special Rapporteur (E/CN.4/Sub.2/2004/40).

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

108. In its decision 2001/120, the Sub-Commission, guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto, noting issues raised at the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All its Aspects in July 2001 and deeply concerned at the negative effects upon human rights of the availability and misuse of small arms and light weapons, decided to entrust Ms. Barbara Frey with the task of preparing a working paper on the question of (a) the trade and carrying of small arms and light weapons and (b) the use of such weapons in the context of human rights and humanitarian norms. At its fifty-fourth session, the Sub-Commission had before it the working paper prepared by Ms. Frey (E/CN.4/Sub.2/2002/39).

109. The Sub-Commission, in its resolution 2002/25, decided to appoint Ms. Barbara Frey as Special Rapporteur with the task of preparing a comprehensive study on the prevention of human rights violations committed with small arms and light weapons based on her working paper as well as the comments received and the discussion that took place at the fifty-fourth session of the Sub-Commission and the fifty-eighth session of the Commission, and requested the Special Rapporteur to submit a preliminary report to the Sub-Commission at its fifty-fifth session, a progress report at its fifty-sixth session and a final report at its fifty-seventh session. In its decision 2003/112, the Commission on Human Rights endorsed resolution 2002/25 of the Sub-Commission. At the present session, the Sub-Commission will have before it the progress report prepared by Ms. Frey (E/CN.4/Sub.2/2004/37).

Reservations to human rights treaties

110. At its fiftieth session, the Sub-Commission, in its decision 1998/113, decided to request Ms. Françoise Jane Hampson to prepare a working paper on the question of reservations to human rights treaties, including an examination of the number and scope of such reservations, their impact on the scope of the obligation accepted by States, reservations to the procedural provisions of human rights treaties, including opting-out clauses, and the role and responsibility of monitoring bodies in relation to reservations to human rights treaties.

111. At its fifty-first session, the Sub-Commission had before it the working paper prepared by Ms. Hampson (E/CN.4/Sub.2/1999/28 and Corr.1). In its resolution 1999/27, the Sub-Commission decided to appoint Ms. Françoise Hampson as Special Rapporteur with the task of preparing a comprehensive study on reservations to human rights treaties based on her working paper.

112. The Commission on Human Rights, in its decision 2000/108, decided to request the Sub-Commission to request Ms. Hampson to submit to the Sub-Commission at its fifty-second session revised terms of reference for her proposed study on reservations to human rights treaties further clarifying how this study would complement work already under way on reservations to human rights treaties, in particular by the International Law Commission.

113. At its fifty-second session, the Sub-Commission, in its resolution 2000/26, decided to appoint Ms. Hampson as Special Rapporteur with the task of preparing a comprehensive study on reservations to human rights treaties based on her working paper, as well as the comments made and discussions that took place at the fifty-first and fifty-second sessions of the Sub-Commission, which study will not duplicate the work of the International Law Commission, which concerns the legal regime applicable to reservations and interpretative declarations in general, whereas the proposed study involves the examination of the actual reservations and interpretative declarations made to human rights treaties in the light of the legal regime applicable to reservations and interpretative declarations, as set out in the working paper. In its decision 2001/113, the Commission on Human Rights requested the Sub-Commission to reconsider its request in the light of the work under way by the International Law Commission.

114. At its fifty-third session, the Sub-Commission, in its resolution 2001/17, decided to entrust Ms. Hampson with the task of preparing an expanded working paper on reservations to human rights treaties. In its decision 2002/111, the Commission on Human Rights, taking note of resolution 2001/17 of the Sub-Commission, decided to reaffirm its decision 2001/113, and in this regard requested the Sub-Commission to continue to keep in mind the work on reservations under way in the International Law Commission. At its fifty-fourth session, the Sub-Commission had before it the expanded working paper prepared by Ms. Hampson (E/CN.4/Sub.2/2002/34).

115. At its fifty-fourth session, the Sub-Commission, in its decision 2002/110, requested Ms. Hampson to submit an extended working paper on reservations to human rights treaties to the Sub-Commission at its fifty-fifth session. At its fifty-fifth session, the Sub-Commission had before it the extended working paper prepared by Ms. Hampson (E/CN.4/Sub.2/2003/WP.2). In its decision 2003/114, the Sub-Commission decided to request Ms. Hampson to update her expanded working paper 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. At the present session, the Sub-Commission will have before it the final working paper prepared by Ms. Hampson (E/CN.4/Sub.2/2004/42).

Human rights and international solidarity

116. In its resolution 2002/73, entitled “Human rights and international solidarity”, the Commission requested the Sub-Commission to undertake a study on the implementation of that resolution and to submit an interim study to the Commission at its sixtieth session and a complete study to the Commission at its sixty-second session. In its decision 2003/115, the Sub-Commission requested Mr. Rui Baltazar Dos Santos Alves to prepare a working paper on human rights and international solidarity and to submit it to the Sub-Commission at its fifty-sixth session. At the present session, the Sub-Commission will have before it the working paper prepared by Mr. Dos Santos Alves (E/CN.4/Sub.2/2004/43).

Item 7. Draft provisional agenda and adoption of the report

**Sub-item (a) Draft provisional agenda for the
fifty-seventh session of the Sub-Commission**

117. The Economic and Social Council, in its resolution 1984 (LVII) of 1 August 1974, requested the Secretary-General to submit at each session of a functional commission or subsidiary body of the Council a draft provisional agenda for its following session, together with an indication, in respect of each agenda item, of the documents to be submitted under that item and the legislative authority for their preparation, with a view to enabling the functional commission or subsidiary body concerned to consider the documents from the point of view of their contribution to the work of the respective bodies.

118. Pursuant to that request, the Secretary-General will submit to the Sub-Commission, towards the end of the fifty-sixth session, a note containing a draft provisional agenda for the fifty-seventh session, together with information concerning the documentation relating thereto (E/CN.4/Sub.2/2004/L.1).

Sub-item (b) Adoption of the report on the fifty-sixth session

119. Under rule 37 of the rules of procedure, the Sub-Commission is to report to the Commission on Human Rights on the work of its session.

Annex

**LIST OF MEMBERS AND ALTERNATES OF THE SUB-COMMISSION ON THE
PROMOTION AND PROTECTION OF HUMAN RIGHTS (2004)**

Note: The year given against the names of the Sub-Commission members and alternates represents the year when the term of office expires; the terms of office expire upon election of members of the Sub-Commission at the sixty-second (2006) session or at the sixty-fourth (2008) session of the Commission on Human Rights.

Mr. Miguel ALFONSO MARTÍNEZ * Mr. Juan Antonio FERNÁNDEZ PALACIOS	(Cuba)	2008
Mr. Gudmundur ALFREDSSON * Mr. Jakob MÖLLER	(Iceland)	2008
Mr. José BENGUA	(Chile)	2006
Mr. Gáspár BÍRÓ	(Hungary)	2008
Mr. Marc BOSSUYT	(Belgium)	2008
Mr. CHEN Shiqiu * Mr. LIU Xinsheng	(China)	2006
Mr. Mohamed Habib CHERIF * Mr. Habib ACHOUR	(Tunisia)	2008
Ms. Chin Sung CHUNG * Ms. Ji-ah PAIK	(Republic of Korea)	2008
Mr. Emmanuel DECAUX * Ms. Michèle PICARD	(France)	2006
Mr. Rui Baltazar DOS SANTOS ALVES * Mr. Cristiano DOS SANTOS	(Mozambique)	2006
Mr. El-Hadji GUISSÉ	(Senegal)	2006
Ms. Françoise Jane HAMPSON	(United Kingdom of Great Britain and Northern Ireland)	2006
Mr. Vladimir KARTASHKIN * Mr. Oleg MALGUINOV	(Russian Federation)	2006
Ms. Kalliopi KOUFA * Mr. Nikolaos ZAIKOS	(Greece)	2006

Ms. Antoanella-Iulia MOTOC * Ms. Victoria SANDRU-POPESCU	(Romania)	2008
Ms. Florizelle O'CONNOR	(Jamaica)	2006
Mr. Paulo Sérgio PINHEIRO * Ms. Marília SARDENBERG ZELNER GONÇALVES	(Brazil)	2006
Ms. Lalaina RAKOTOARISOA	(Madagascar)	2006
Mr. David RIVKIN * Mr. Lee A. CASEY	(United States of America)	2008
Mr. Ibrahim SALAMA * Ms. Amani KANDIL	(Egypt)	2008
Mr. Abdul SATTAR * Mr. Khalid Aziz BABAR	(Pakistan)	2006
Mr. Soli Jehangir SORABJEE	(India)	2006
Mr. Janio Iván TUÑÓN VEILLES * Ms. Carmina CASIS CRESPO	(Panama)	2008
Ms. N.U.O. WADIBIA-ANYANWU * Ms. Christy Ezim MBONU	(Nigeria)	2008
Ms. Halima Embarek WARZAZI	(Morocco)	2008
Mr. Yozo YOKOTA * Ms. Yuko HAYASHI	(Japan)	2008

* Alternate.

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