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ADOPTION OF THE REPORT ON THE FIFTY-SIXTH SESSION

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

Rapporteur: Mr. Paulo Sérgio Pinheiro

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* E/CN.4/Sub.2/2004/L.10 and Addenda contain the draft chapters of the report relating to the organization of the session and the various items on the agenda. Resolutions and decisions adopted by the Sub-Commission, as well as draft resolutions and decisions for action by, and other matters of concern to, the Commission on Human Rights, will be contained in documents E/CN.4/Sub.2/2004/L.11 and Addenda.

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**

1. The Sub-Commission considered agenda item 5 at its 5th meeting, on 29 July, at its 6th meeting, on 30 July, at its 7th and 8th meetings, on 2 August, at its 15th and 16th meetings, on 6 August, at its 18th meeting, on 9 August, and at its 23rd meeting, on 12 August 2004.

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

3. At the 5th meeting, Mr. Yokota presented a further working paper on discrimination based on work and descent (E/CN.4/Sub.2/2004/31) prepared jointly with Mr. Eide, former member of the Sub-Commission. In the interactive dialogue that followed, a statement was made by Mr. Rivkin. At the 6th meeting, statements were also made by Ms. Chung, Mr. Guissé, Ms. Hampson and Mr. Tuñón Veilles.

4. At the 6th meeting:

(a) Ms. Erica-Irene Daes, Special Rapporteur on indigenous people's permanent sovereignty over natural resources, presented her final report (E/CN.4/Sub.2/2004/30 and Add.1). In the interactive dialogue that followed, statements were made by Mr. Alfredsson, Mr. Chen, Mr. Decaux, Ms. Hampson, Mr. Kartashkin, Ms. Koufa, Ms. Motoc, Ms. Warzazi and Mr. Yokota as well as the observers for the following non-governmental organizations: World Peace Council and Women's Sports Foundation. At the same meeting, Ms. Daes made her concluding remarks;

(b) Mr. Bengoa, member of the Working Group on Minorities, presented the report of the Working Group on its tenth session (E/CN.4/Sub.2/2004/29 and Add.1). In the interactive

dialogue that followed, statements were made by Mr. Alfredsson, Mr. Bossuyt, Mr. Decaux, Mr. Kartashkin and Ms. Motoc as well as the observers for Nigeria and the Sudan. At the same meeting, Mr. Bengoa made his concluding remarks.

5. At the 7th meeting, Ms. Hampson, member of the Working Group on Indigenous Populations, presented a working paper on the human rights situation of indigenous peoples in States and territories threatened with extinction for environmental reasons, submitted earlier to the twenty-second session of the Working Group (E/CN.4/Sub.2/AC.4/2004/CRP.1). In the interactive dialogue that followed, statements were made by Mr. Guissé, Mr. Kartashkin, Mr. Sattar and Ms. Warzazi. At the same meeting, Ms. Hampson made her concluding remarks.

6. At the 15th meeting, Mr. Alfonso Martínez, Chairperson Rapporteur of the Working Group on Indigenous Populations, presented the report of the Working Group on its twenty-second session (E/CN.4/Sub.2/2004/28). In the interactive dialogue that followed, statements were made by Mr. Alfredsson, Mr. Bengoa, Mr. Guissé and Ms. Motoc as well as the observer for Guatemala and the observer for the non-governmental organization Indian Council of South America. At the 16th meeting, Mr. Alfonso Martínez made his concluding remarks.

7. At the 16th meeting:

(a) Mr. Mario Jorge Yutzis, Chairperson of the Committee on the Elimination of Racial Discrimination, made a statement;

(b) Mr. Morten Kjaerum, member of the Committee on the Elimination of Racial Discrimination, made a statement;

(c) Mr. Jose Lingren Alves, member of the Committee on the Elimination of Racial Discrimination, made a statement.

In the interactive dialogue that followed, statements were made by Mr. Alfonso Martínez, Mr. Bengoa, Mr. Bossuyt, Mr. Guissé, Ms. Hampson, Mr. Kartashkin, Mr. Pinheiro and Ms. Warzazi.

8. In the general debate on agenda item 5, 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.

Final report on the study “Indigenous peoples’ permanent sovereignty over natural resources”

9. At the 18th meeting, Ms. Koufa introduced draft resolution E/CN.4/Sub.2/2004/L.3, sponsored by Mr. Alfredsson, Mr. Bengoa, Mr. Bíró, Mr. Bossuyt, Mr. Chen, Mr. Cherif, Ms. Chung, Mr. Decaux, Mr. Guissé, Ms. Hampson, Mr. Kartashkin, Ms. Koufa, Ms. Motoc, Ms. O’Connor, Mr. Pinheiro, Ms. Rakotoarisoa, Mr. Salama, Mr. Sattar, Ms. Wadibia-Anyanwu, Ms. Warzazi and Mr. Yokota.

10. 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.

11. The draft resolution was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 2004/9.

Impact of intolerance on the enjoyment and respect for human rights

12. At the same meeting, the Sub-Commission considered draft decision E/CN.4/Sub.2/2004/L.4, sponsored by Mr. Alfredsson, Mr. Bíró, Mr. Bossuyt, Mr. Chen, Mr. Cherif, Ms. Chung, Mr. Decaux, Mr. Dos Santos, Mr. Guissé, Ms. Hampson, Mr. Kartashkin, Ms. O’Connor, Mr. Pinheiro, Ms. Rakotoarisoa, Mr. Salama, Ms. Wadibia-Anyanwu, Ms. Warzazi and Mr. Yokota. Mr. Alfonso Martínez, Ms. Koufa, Ms. Motoc and Mr. Sattar subsequently joined the sponsors.

13. The draft decision was adopted without a vote. For the text of the decision, see chapter II, section B, decision 2004/108.

The legal implications of disappearance of States and other territories for environmental reasons, including the implications for the human rights of their residents, with particular reference to the rights of indigenous peoples

14. At the same meeting, the Sub-Commission considered draft decision E/CN.4/Sub.2/2004/L.5, sponsored by Mr. Alfredsson, Mr. Bíró, Mr. Bossuyt, Mr. Cherif, Ms. Chung, Mr. Decaux, Mr. Guissé, Ms. Hampson, Mr. Kartashkin, Ms. Motoc, Mr. Salama, Mr. Sattar, Ms. Warzazi and Mr. Yokota. Mr. Alfonso Martínez, Ms. Koufa, Ms. O'Connor, Mr. Tuñón Veilles and Ms. Wadibia-Anyanwu subsequently joined the sponsors.
15. Ms. Warzazi orally revised paragraph 1.
16. A statement in connection with the draft decision was made by Mr. Alfonso Martínez.
17. The draft decision, as orally revised, was adopted without a vote. For the text of the decision, see chapter II, section B, decision 2004/10.

Protection of indigenous peoples in time of conflict

18. At the same meeting, Ms. Hampson introduced draft resolution E/CN.4/Sub.2/2004/L.6, sponsored by Mr. Alfredsson, Mr. Bíró, Mr. Bossuyt, Mr. Chen, Mr. Cherif, Ms. Chung, Mr. Decaux, Mr. Dos Santos, Ms. Hampson, Mr. Kartashkin, Ms. O'Connor, Mr. Pinheiro, Ms. Rakotoarisoa, Mr. Salama, Ms. Wadibia-Anyanwu, Ms. Warzazi and Mr. Yokota. Mr. Guissé, Ms. Koufa and Ms. Motoc subsequently joined the sponsors.
19. The draft resolution, was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 2004/11.

Discrimination against leprosy victims and their families

20. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/2004/L.9, sponsored by Mr. Alfredsson, Mr. Bengoa, Mr. Bíró, Mr. Bossuyt, Mr. Chen, Mr. Cherif, Ms. Chung, Mr. Decaux, Mr. Dos Santos, Mr. Guissé, Ms. Hampson, Mr. Kartashkin, Ms. Koufa, Ms. Motoc, Ms. O'Connor, Mr. Pinheiro, Ms. Rakotoarisoa, Mr. Salama, Mr. Sattar, Mr. Tuñón Veilles, Ms. Wadibia-Anyanwu, Ms. Warzazi and Mr. Yokota. Mr. Alfonso Martínez subsequently joined the sponsors.

21. The draft resolution was adopted unanimously. For the text of the resolution, see chapter II, section A, resolution 2004/12.

The rights of minorities

22. At the same meeting, Mr. Bengoa introduced draft resolution E/CN.4/Sub.2/2004/L.23, sponsored by Mr. Alfredsson, Mr. Bengoa, Mr. Bíró, Mr. Cherif and Mr. Kartashkin. Ms. Chung, Mr. Guissé, Ms. Hampson, Ms. Koufa, Ms. Motoc, Ms. O'Connor, Ms. Rakotoarisoa and Mr. Tuñón Veilles subsequently joined the sponsors.

23. A statement in connection with the draft resolution was made by Mr. Chen.

24. 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.

25. The draft resolution was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 2004/13.

International Decade of the World's Indigenous People

26. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/2004/L.32, sponsored by Mr. Alfonso Martínez, Mr. Guissé, Ms. Motoc and Mr. Yokota. Ms. Hampson, Mr. Kartashkin, Ms. Koufa, Ms. O'Connor, Mr. Tuñón Veilles and Ms. Warzazi subsequently joined the sponsors.

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

28. 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.

29. The draft resolution was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 2004/14.

Working Group on Indigenous Populations

30. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/2004/L.50, sponsored by Mr. Alfonso Martínez, Mr. Guissé, Ms. Hampson, Ms. Motoc and Mr. Yokota. Mr. Kartashkin, Ms. Koufa, Ms. O'Connor, Mr. Tuñón Veilles and Ms. Warzazi subsequently joined the sponsors.

31. 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.

32. The draft resolution was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 2004/15.

Discrimination based on work and descent

33. At the 23rd meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/2004/L.8, sponsored by Mr. Alfredsson, Mr. Bossuyt, Mr. Chen, Mr. Cherif, Ms. Chung, Mr. Decaux, Mr. Dos Santos, Mr. Guissé, Ms. Hampson, Mr. Kartashkin, Ms. Koufa, Ms. Motoc, Ms. O'Connor, Mr. Pinheiro, Ms. Rakotoarisoa, Mr. Sattar, Mr. Tuñón Veilles, Ms. Warzazi and Mr. Yokota.

34. Statements in connection with the draft resolution were made by Mr. Alfonso Martínez and Mr. Bíró.

35. 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.

36. The draft resolution was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 2004/17.
