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COMMISSION ON HUMAN RIGHTS  
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Fifty-seventh session  
Agenda item 7 (b)

**ADOPTION OF THE REPORT ON THE FIFTY-SEVENTH SESSION**

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

**Rapporteur: Mr. Yozo YOKOTA**

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\* E/CN.4/Sub.2/2005/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.2/2005/L.11 and Addenda.

## **VI. Economic, social and cultural rights**

1. The Sub-Commission considered agenda item 4 at its 9th to 12th meetings, on 3, 4 and 5 August, at the public part of its 15th meeting, on 8 August 2005, at its 19th meeting, on 10 August, and at its 20th meeting, on 11 August 2005.
2. For the list of documents issued under agenda item 4, see annex VII to the present report.
3. At the 9th meeting, on 3 August 2005:

(a) Mr. Bossuyt, Special Rapporteur on non-discrimination as enshrined in article 2, paragraph 2, of the International Covenant on Economic, Social and Cultural Rights, introduced his preliminary report (E/CN.4/Sub.2/2005/19). In the interactive dialogue that followed, statements were made by Mr. Alfredsson, Mr. Bíró, Mr. Cherif, Mr. Decaux, Ms. Hampson, Ms. Koufa, Ms. Mbonu, Ms. Motoc, Mr. Salama and Mr. Sattar. At the same meeting, Mr. Bossuyt made his concluding remarks;

(b) Ms. Mbonu, Special Rapporteur on corruption and its impact on the full enjoyment of human rights, introduced her progress report (E/CN.4/Sub.2/2005/18). In the interactive dialogue that followed, statements were made by Mr. Alfredsson, Mr. Chen Shiqu, Ms. Chung, Ms. Motoc and Mr. Salama. In the interactive dialogue that continued at the 10th meeting on 4 August, statements were made by Mr. Bíró, Mr. Chen Shiqu, Mr. Cherif, Ms. Koufa, Ms. Rakotoarisoa, Mr. Sattar, Ms. Warzazi and Mr. Yokota, as well as the observer for Nigeria. At that same meeting, Ms. Mbonu made her concluding remarks.

4. At the 10th meeting, on 4 August 2005:

(a) Mr. Pinheiro, Special Rapporteur on housing and property restitution in the context of the return of refugees and internally displaced persons, introduced his final report (E/CN.4/Sub.2/2005/17 and Add.1). In the interactive dialogue that followed, statements were made by Ms. Chung, Ms. Hampson, Ms. Koufa and Mr. Sattar. At the same meeting, Mr. Pinheiro made his concluding remarks;

(b) Ms. O'Connor presented her working paper on the right to development (E/CN.4/Sub.2/2005/23). In the interactive dialogue that followed, statements were made by Mr. Alfredsson, Mr. Bíró, Mr. Bengoa, Mr. Chen Shiqiu, Mr. Cherif, Ms. Chung, Mr. Decaux, Mr. Dos Santos, Ms. Koufa, Ms. Mbonu, Ms. Motoc, Ms. Rakotoarisoa, Mr. Salama and Mr. Sattar, as well as the observer for the non-governmental organization New Humanity. At the same meeting, Ms. O'Connor made her concluding remarks;

(c) Mr. Bengoa, as coordinator, also on behalf of Mr. Decaux, Mr. Guissé, Ms. Motoc and Mr. Yokota, introduced the progress report on the joint working paper on the need to develop guiding principles on the implementation of existing human rights norms and standards in the context of the fight against extreme poverty (E/CN.4/Sub.2/2005/20 and Add.1). In the interactive dialogue that followed, statements were made by Mr. Decaux, Ms. Hampson, Ms. Motoc and Mr. Salama. At the same meeting, Mr. Bengoa made his concluding remarks.

5. At the 11th meeting, on 4 August 2005, Mr. Cherif, on behalf of Mr. Guissé, introduced the report containing the draft guidelines for the realization of the right to drinking water supply and sanitation (E/CN.4/Sub.2/2005/25).

6. At the 12th meeting, on 5 August 2005:

(a) Mr. Bengoa, Chairperson-Rapporteur of the Social Forum, presented the report of the Social Forum on its third session (E/CN.4/Sub.2/2005/21). In the interactive dialogue that followed, statements were made by Mr. Chen Shiqiu, Ms. Mbonu, Ms. O'Connor, Mr. Salama and Mr. Sattar, as well as the observer for Costa Rica and the observer for the non-governmental organization Minnesota Advocates for Human Rights. At the same meeting, Mr. Bengoa made his concluding remarks;

(b) Ms. Warzazi, 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 seventh session (E/CN.4/Sub.2/2005/22). In the interactive dialogue that followed, statements were made by Mr. Bengoa, Mr. Chen Shiqiu, Mr. Decaux and Mr. Salama. At the same meeting, Ms. Warzazi made her concluding remarks.

7. 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.

**The effects of the working methods and activities of transnational corporations on the enjoyment of human rights**

8. At the 15th meeting, on 8 August 2005, Ms. Chung introduced draft resolution E/CN.4/Sub.2/2005/L.22, sponsored by Mr. Bengoa, Mr. Bíró, Mr. Cherif, Ms. Chung, Mr. Dos Santos, Ms. Mbonu, Ms. Motoc, Ms. O'Connor, Ms. Rakotoarisoa, Mr. Sattar, Mr. Tuñón Veilles, Ms. Warzazi and Mr. Yokota. Mr. Alfonso Martínez and Mr. Chen Shiqui subsequently joined the sponsors.

9. The draft resolution was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 2005/6.

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

10. At the same meeting, Mr. Decaux introduced draft resolution E/CN.4/Sub.2/2005/L.26, sponsored by Mr. Alfredsson, Mr. Bíró, Mr. Chen Shiqui, Ms. Chung, Mr. Decaux, Ms. Hampson, Ms. Koufa, Ms. Mbonu, Ms. Motoc, Ms. O'Connor, Mr. Pinheiro, Mr. Salama, Mr. Sattar, Mr. Tuñón Veilles, Ms. Warzazi and Mr. Yokota. Mr. Alfonso Martínez and Mr. Cherif subsequently joined the sponsors.

11. The draft resolution was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 2005/7.

**Social Forum**

12. At the same meeting, Mr. Bengoa introduced draft resolution E/CN.4/Sub.2/2005/L.35, sponsored by Mr. Bengoa, Mr. Bossuyt, Ms. Chung, Ms. Mbonu, Ms. Motoc, Ms. O'Connor and Mr. Sattar. Mr. Alfonso Martínez, Mr. Alfredsson, Mr. Bíró, Mr. Chen Shiqui, Mr. Cherif, Mr. Decaux, Mr. Dos Santos, Ms. Hampson, Ms. Koufa, Mr. Pinheiro, Ms. Rakotoarisoa, Mr. Sorabjee, Ms. Warzazi and Mr. Yokota subsequently joined the sponsors.

13. The draft resolution was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 2005/8.

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

14. At the same meeting, Mr. Bengoa introduced draft resolution E/CN.4/Sub.2/2005/L.41, sponsored by Mr. Bengoa, Mr. Decaux, Ms. Motoc, Ms. Warzazi and Mr. Yokota.

Mr. Alfredsson, Mr. Bíró, Mr. Chen Shiqiu, Ms. Chung, Mr. Dos Santos, Ms. Hampson, Ms. Koufa, Ms. O'Connor, Mr. Pinheiro, Mr. Sattar, Mr. Sorabjee, Mr. Tuñón Veilles and Ms. Wadibia-Anyanwu subsequently joined the sponsors.

15. Ms. O'Connor proposed an amendment to operative paragraph 1 of the draft resolution, which was accepted by the sponsors.

16. The draft resolution, as amended, was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 2005/9.

**Working paper on the role of States in the guarantee of human rights with reference to the activities of transnational corporations and other business enterprises**

17. At the same meeting, draft decision E/CN.4/Sub.2/2005/L.42 was withdrawn by Ms. Chung in view of the adoption of resolution 2005/7. The text of draft decision E/CN.4/Sub.2/2005/L.42, sponsored by Mr. Alfonso Martínez, Mr. Alfredsson, Mr. Bengoa, Mr. Bíró, Mr. Bossuyt, Mr. Casey, Mr. Chen Shiqiu, Mr. Cherif, Ms. Chung, Mr. Dos Santos, Ms. O'Connor, Ms. Rakotoarisoa, Mr. Salama, Mr. Sattar, Mr. Tuñón Veilles, Ms. Warzazi and Mr. Yokota, read as follows:

**“2005/... Working paper on the role of States in the guarantee of human rights with reference to activities of transnational corporations and other business enterprises**

“At its ... meeting, on ... August 2005, the Sub-Commission on the Promotion and Protection of Human Rights decided to ask Gáspár Bíró to prepare, without financial implications, a working paper on the role of States in the guarantee of human rights with

reference to activities of transnational corporations and other business enterprises and to present this document to the sessional working group on the working methods and activities of transnational corporations on the enjoyment of human rights at the fifty-eighth session of the Sub-Commission.”

**Working paper on bilateral and multilateral economic agreements and their impact on human rights of the beneficiaries**

18. At the same meeting, draft decision E/CN.4/Sub.2/2005/L.43 was withdrawn by Ms. Chung in view of the adoption of resolution 2005/7. The original text of draft decision E/CN.4/Sub.2/2005/L.43, sponsored by Mr. Alfonso Martínez, Mr. Alfredsson, Mr. Bengoa, Mr. Bíró, Mr. Bossuyt, Mr. Casey, Mr. Chen Shiqiu, Mr. Cherif, Ms. Chung, Mr. Dos Santos, Ms. O'Connor, Ms. Rakotoarisoa, Mr. Salama, Mr. Sattar, Mr. Tuñón Veilles, Ms. Warzazi and Mr. Yokota, read as follows:

**“2005/... Working paper on bilateral and multilateral economic agreements and their impact on human rights of the beneficiaries**

“At its ... meeting, on ... August 2005, the Sub-Commission on the Promotion and Protection of Human Rights decided to ask Chin-Sung Chung and Florizelle O'Connor to prepare, without financial implications, a working paper on bilateral and multilateral economic agreements and their impact on human rights of the beneficiaries and to submit this document to the sessional working group on the working methods and activities of transnational corporations on the enjoyment of human rights at the fifty-eighth session of the Sub-Commission.”

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

19. At the 19th meeting, on 10 August 2005, Ms. Warzazi introduced draft resolution E/CN.4/Sub.2/2005/L.24/Rev.1, sponsored by Mr. Alfredsson, Mr. Bengoa, Mr. Bíró, Mr. Bossuyt, Mr. Chen Shiqiu, Mr. Cherif, Ms. Chung, Mr. Decaux, 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. Dos Santos and Mr. Sorabjee subsequently joined the sponsors.

20. 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.

21. The draft resolution was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 2005/16.

### **The right to development**

22. At the same meeting, Mr. Bengoa introduced draft resolution E/CN.4/Sub.2/2005/L.21, sponsored by Mr. Bengoa, Mr. Bíró, Ms. Chung, Mr. Dos Santos, Ms. Koufa, Ms. Rakotoarisoa, Mr. Tuñón Veilles, Ms. Wadibia-Anyanwu and Ms. Warzazi. Mr. Alfonso Martínez, Mr. Cherif, Mr. Decaux, Ms. Hampson, Ms. O'Connor, Mr. Pinheiro, Mr. Sorabjee and Mr. Yokota subsequently joined the sponsors.

23. Mr. Bengoa orally revised operative paragraph 2 and deleted operative paragraph 7 of the draft resolution.

24. A statement in connection with the draft resolution was made by Mr. Salama.

25. 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.

26. The draft resolution, as revised, was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 2005/17.

### **Housing and property restitution for refugees and displaced persons**

27. At the 20th meeting, on 11 August 2005, Mr. Decaux introduced draft resolution E/CN.4/Sub.2/2005/L.4, sponsored by Mr. Bengoa, Mr. Decaux, Ms. Hampson and Mr. Pinheiro. Mr. Bíró, Mr. Cherif, Ms. Chung, Mr. Dos Santos, Ms. Koufa, Ms. Motoc, Ms. O'Connor, Ms. Rakotoarisoa, Mr. Sattar, Mr. Sorabjee, Mr. Tuñón Veilles, Ms. Wadibia-Anyanwu and Mr. Yokota subsequently joined the sponsors.

28. Mr. Decaux orally revised the draft resolution, introducing a new operative paragraph 7.

29. Statements in connection with the draft resolution were made by Mr Alfonso Martínez and Mr. Pinheiro.

30. 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.

31. The draft resolution, as revised, was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 2005/21.

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