



**Economic and Social
Council**

Distr.
GENERAL

E/CN.4/2006/1/Add.1
15 February 2006

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Sixty-second session
16 January and 13 March-21 April 2006
Item 2 of the provisional agenda

ANNOTATIONS TO THE PROVISIONAL AGENDA

Prepared by the Secretary-General*

* The present document has been issued notwithstanding any relevant decisions that may be adopted by the General Assembly and the Economic and Social Council in connection with the establishment of a Human Rights Council.

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* This table of contents is based upon the draft provisional agenda for the sixty-second session as considered by the Commission at its sixty-first session (E/2005/23-E/CN.4/2005/135, chap. XXI (a)), with the addition of the indicative subheadings found in the text of the annotations for ease of reference. The resolutions/decisions of the General Assembly adopted at its sixtieth session which are of relevance to the work of the Commission will be listed in document E/CN.4/2006/1/Add.2.

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* Additional information concerning the existing special procedures mandates may be found in document E/CN.4/2006/CRP.2.

Item 1. 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 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”.
2. In its decision 2005/114, as endorsed by Economic and Social Council decision 2005/291, the Commission decided that the first meeting of the Commission should be held on the third Monday in January, with the sole purpose of electing its officers. The first meeting will hence be convened at 10.30 a.m. on Monday, 16 January 2006.

Item 2. Adoption of the agenda

3. Rule 7 of the rules of procedure provides that “the Commission shall at the beginning of each session, after the election of its officers, adopt the agenda for that session on the basis of the provisional agenda”.
4. In its resolution 1998/84, the Commission decided to adopt the proposal for the restructuring of its agenda submitted by the Chairperson of the Commission at its fifty-fourth session, as contained in the annex to that resolution.
5. The Commission will have before it the provisional agenda (E/CN.4/2006/1 and Add.1 and 2) prepared by the Secretary-General in accordance with rule 5 of the rules of procedure, as well as the present annotations relating to the items included in the provisional agenda.

Item 3. Organization of the work of the session

6. At its sixty-first session, the Commission decided, also in its decision 2005/114, that the sixty-second session of the Commission would be held from 13 March to 21 April 2006.
7. The attention of the Commission is also drawn to Economic and Social Council decision 2005/292, in which the Council, taking note of Commission on Human Rights decision 2005/115 of 21 April 2005, authorized six fully serviced additional meetings, including summary records, in accordance with rules 29 and 31 of the rules of procedure of the functional commissions of the Economic and Social Council, for the Commission’s sixty-second session. The Council, further, requested the Chairperson of the sixty-second session to make every effort to organize the work of the session within the time normally allotted, so that the authorized meetings would be utilized only if they proved to be absolutely necessary.
8. In its decision 2002/118, as endorsed by Economic and Social Council decision 2002/282, the Commission called upon the Secretary-General to continue making available to it the electronic voting system at all future sessions, including special sessions.
9. In connection with the present item, the Commission will have before it a note by the secretariat transmitting the statistics relating to the sixty-first session of the Commission on Human Rights (E/CN.4/2006/8).

Working groups

10. The session is preceded by meetings of the four open-ended working groups referred to in E/CN.4/2006/1, paragraph 3.

Composition of the Commission

11. The composition of the Commission for 2006 is the following. The term of membership of each State expires on 31 December of the year indicated in brackets.

Argentina (2008), Armenia (2007), Australia (2008), Austria (2008), Azerbaijan (2008), Bangladesh (2008), Bhutan (2006), Botswana (2008), Brazil (2008), Cameroon (2008), Canada (2007), China (2008), Congo (2006), Costa Rica (2006), Cuba (2006), Dominican Republic (2006), Ecuador (2007), Egypt (2006), Eritrea (2006), Ethiopia (2006), Finland (2007), France (2007), Germany (2008), Guatemala (2006), Guinea (2007), Honduras (2006), Hungary (2006), India (2006), Indonesia (2006), Italy (2006), Japan (2008), Kenya (2007), Malaysia (2007), Mauritania (2006), Mexico (2007), Morocco (2008), Nepal (2006), Netherlands (2006), Nigeria (2006), Pakistan (2007), Peru (2006), Qatar (2006), Republic of Korea (2007), Romania (2007), Russian Federation (2006), Saudi Arabia (2006), South Africa (2006), Sudan (2007), Togo (2007), United Kingdom of Great Britain and Northern Ireland (2006), United States of America (2008), Venezuela (Bolivarian Republic of) (2008), Zimbabwe (2008).

Enhancement of the working methods of the Commission

12. In its decision 2003/101, the Commission, taking note of the recommendations addressed by the Expanded Bureau of its fifty-eighth session to the Expanded Bureau of its fifty-ninth session pursuant to Commission decision 2002/115 and resolution 2002/91 (E/CN.4/2003/118 and Corr.1), decided to endorse those recommendations and take them into account in the organization of its work and the conduct of business.

Situation of human rights in Colombia

13. In the statement concerning the situation of human rights in Colombia made on behalf of the Commission by the Chairperson of the sixty-first session on 22 April 2005, the United Nations High Commissioner for Human Rights was requested to submit to the Commission at its sixty-second session a detailed report containing an analysis by her Office of the situation of human rights in Colombia, in accordance with the agreement between the Government of Colombia and her Office, on the operation of the permanent office in Bogotá.

14. The Commission will have before it the report of the High Commissioner for Human Rights (E/CN.4/2006/9).

Other matters

15. In its resolution 2001/51, as endorsed by Economic and Social Council decision 2001/268, and in its resolutions 2003/47 and 2005/84, the Commission requested all special representatives, special rapporteurs and working groups of the Commission to integrate the protection of HIV-related human rights within their respective mandates.

16. In its resolution 2002/50, as endorsed by Economic and Social Council decision 2002/263, and in its resolutions 2003/44 and 2005/42, the Commission requested all special procedures and other human rights mechanisms of the Commission and the Sub-Commission on the Promotion and Protection of Human Rights, and invited human rights treaty bodies 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 those procedures and mechanisms. It further decided to integrate a gender perspective into all of its agenda items.

17. In its resolution 2002/92, as endorsed by Economic and Social Council decision 2002/275, and in its resolutions 2004/48 and 2005/44, the Commission requested the Office of the High Commissioner for Human Rights, United Nations mechanisms and all relevant organs of the United Nations system, in particular special representatives, special rapporteurs and working groups, regularly and systematically to incorporate a strong child rights perspective throughout all activities in the fulfilment of their mandates, as well as to ensure that their staff is trained in child protection matters. In addition, all relevant human rights mechanisms, in particular special rapporteurs and working groups, within their mandates, were requested to pay attention to the special situation of violence against children, reflecting their experience in the field.

18. In its resolutions 2004/51 and 2005/79, the Commission invited the human rights treaty monitoring bodies when considering reports submitted by States parties, as well as special procedures of the Commission and relevant United Nations agencies and programmes, to continue to give attention, within their respective mandates, to situations and rights of persons belonging to national or ethnic, religious and linguistic minorities.

19. In its resolutions 2004/52 and 2005/65, the Commission invited all special rapporteurs, in carrying out their mandates, to take into account the full and equal enjoyment of all human rights by persons with disabilities.

20. In resolution 2004/76, all special procedures were requested, *inter alia*, to include gender-disaggregated data regularly in their reports and to address the characteristics and practice of human rights violations under their mandates that are specifically or primarily directed against women, or to which women are particularly vulnerable, in order to ensure the effective protection of their human rights. In addition, the special procedures were requested to address also in their reports the characteristics and practice of human rights violations under their mandates that are specifically or primarily directed against children and members of other vulnerable groups, or to which they are particularly vulnerable, in order to ensure the effective protection of their human rights, and if possible, also to include age-disaggregated data.

21. In its resolution 2005/37, the Commission called upon the special procedures of the Commission, as appropriate, to consider the rights to freedom of peaceful assembly and of association in the exercise of their mandates.

22. In its resolution 2005/66, the Commission invited special rapporteurs and other mechanisms of the Commission, in the framework of their mandates, to take into account, as appropriate, the issue of the right to the truth.

**Item 4. Report of the United Nations High Commissioner for
Human Rights and follow-up to the World Conference
on Human Rights**

23. The General Assembly, in its resolution 48/141 of 20 December 1993, decided to create the post of the United Nations High Commissioner for Human Rights and, inter alia, requested the High Commissioner to report annually on her activities, in accordance with her mandate, to the Commission on Human Rights and, through the Economic and Social Council, to the General Assembly. In its resolution 2004/54, entitled "Tolerance and pluralism as indivisible elements in the promotion and protection of human rights", the Commission called upon the High Commissioner to include details of activities undertaken by the Office to implement that resolution in her annual report to the Commission. Also, in its resolution 2005/4 entitled "The right to development", the Commission requested the High Commissioner, in mainstreaming the right to development, to undertake effectively activities aimed at strengthening the global partnership for development between Member States, development agencies and the international development, financial and trade institutions, and to reflect these activities in detail in her report to the Commission at its sixty-second session.

24. At the present session, the Commission will have before it the annual report of the High Commissioner (E/CN.4/2006/10 and Add.1), as well as the report on her mission to Andijan, Uzbekistan, from 13 to 14 May 2005 (E/CN.4/2006/119).

25. In connection with the present item and with item 18 of the provisional agenda, the attention of the Commission is drawn to a note by the High Commissioner transmitting the report of the twelfth annual meeting of special rapporteurs/representatives, independent experts and chairpersons of working groups of the special procedures of the Commission on Human Rights and of the advisory services programme, held in Geneva from 20 to 24 June 2005 (E/CN.4/2006/4) (see also paragraph 283 below).

**Item 5. The right of peoples to self-determination and its application
to peoples under colonial or alien domination or foreign
occupation**

Situation in occupied Palestine

26. In its resolution 2005/1, the Commission decided to consider the situation in occupied Palestine under the present agenda item.

The use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination

27. The mandate of the Special Rapporteur on the question of the use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination was established by the Commission in its resolution 1987/16. It was extended for another period of three years by Commission resolution 2004/5, as endorsed by Economic and Social Council decision 2004/248. Mr. Enrique Bernales Ballesteros (Peru) was replaced by Ms. Shaista Shameem (Fiji) as Special Rapporteur in July 2004.

28. In its resolution 2005/2, as endorsed by Economic and Social Council decision 2005/255, the Commission decided to end the mandate of the Special Rapporteur and to establish a working group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of people to self-determination. In the same resolution, the Commission requested the Working Group to report annually on the progress made in the fulfilment of its mandate to the Commission and to the General Assembly. It also requested the Working Group to consult States and intergovernmental and non-governmental organizations in the implementation of that resolution and, in its report to the Commission, to report its findings on the use of mercenaries to undermine the enjoyment of human rights and to impede the exercise of the right of peoples to self-determination and to formulate specific recommendations thereon.

29. The Commission will have before it the report of the Working Group on mercenaries (E/CN.4/2006/11).

Question of Western Sahara

30. In the statement concerning the question of Western Sahara made on behalf of the Commission by the Chairperson of the sixty-first session, on 7 April 2005, the Commission decided to defer consideration of the matter to its sixty-second session, under the same agenda item.

Item 6. Racism, racial discrimination, xenophobia and all forms of discrimination:

(a) Comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

Combating defamation of religions

31. In its resolution 2005/3, as endorsed by Economic and Social Council decision 2005/272, the Commission requested the High Commissioner for Human Rights to report to it at its sixty-second session on the implementation of that resolution. It also requested the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance to examine the situation of Muslim and Arab peoples in various parts of the world with special reference to physical assaults and attacks against their places of worship, cultural centres, businesses and properties in the aftermath of the events of 11 September 2001 and to

submit a report to the Commission on his findings and to make recommendations to improve their situation. The Commission will have before it the report of the High Commissioner for Human Rights (E/CN.4/2006/12) and the report of the Special Rapporteur (E/CN.4/2006/17).

Inadmissibility of certain practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance

32. In its resolution 2005/5, the Commission requested the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance to continue to reflect on the issue and to make relevant recommendations in his report to it at its sixty-second session, taking into account the views of Governments as well as non-governmental organizations (see also paragraphs 40 and 41 below).

World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

33. In its resolution 52/111, the General Assembly decided to convene a world conference against racism, racial discrimination, xenophobia and related intolerance, for which the Commission on Human Rights would serve as the preparatory committee. The World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance was held from 31 August to 8 September 2001 in Durban, South Africa.

34. In its resolution 2002/68, the Commission decided, inter alia, to establish an intergovernmental working group to make recommendations with a view to the effective implementation of the Durban Declaration and Programme of Action adopted by the World Conference (A/CONF.189/12), and to prepare complementary international standards to strengthen and update international instruments against racism, racial discrimination, xenophobia and related intolerance in all their aspects; to establish a working group of five independent experts on people of African descent; to emphasize the importance of the appointment of the five independent eminent experts by the Secretary-General to follow the implementation of the provisions of the Durban Declaration and Programme of Action, and to keep the mandate of the independent eminent experts under constant review.

35. In its resolution 2003/30, the Commission, bearing in mind the terms of reference entrusted to the independent eminent experts, decided on the readjustment of their terms of reference.

36. The Commission also decided that the Intergovernmental Working Group established to make recommendations with a view to the effective implementation of the Durban Declaration and Programme of Action should convene its future sessions for an initial period of three years.

37. In the same resolution, the Commission decided on the additional mandates of its Working Group of Experts on People of African Descent. The Commission also decided that the Working Group shall convene its future sessions for an initial period of three years.

38. In its resolution 2005/64, the Commission called upon the Office of the High Commissioner for Human Rights to implement all the relevant recommendations of the third session of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action and to submit a progress report in that regard to the Commission at its sixty-second session. It also requested the Office of the High Commissioner for Human Rights to publish a list of countries that have not yet ratified the International Convention on the Elimination of All Forms of Racial Discrimination and to initiate a reinvigorated campaign for universal ratification of the Convention at the earliest, and to submit a report on its efforts in this regard to the Commission at its sixty-second session. In the same resolution, the Commission, taking note of the report of the High Commissioner on the possibility of the development of a racial equality index (E/CN.4/2005/17), as proposed by the group of independent eminent experts at its first meeting and requested by the Commission in its resolution 2004/88, requested the High Commissioner to expedite the consultative process in 2005 in this regard and to submit to the Commission at its sixty-second session a draft basic document on the proposed index.

39. The Commission will therefore have before it the progress report of the Office of the High Commissioner for Human Rights on the implementation of relevant recommendations of the third session of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action (E/CN.4/2006/15), a report by the Office of the United Nations High Commissioner for Human Rights on its efforts to initiate a reinvigorated campaign for universal ratification of the International Convention on the Elimination of All Forms of Racial Discrimination (E/CN.4/2006/13), a report by the High Commissioner for Human Rights containing a draft basic document on the development of a racial equality index (E/CN.4/2006/14), the report of the Intergovernmental Working Group (E/CN.4/2006/18), the report of the Working Group of Experts on People of African Descent (E/CN.4/2006/19 and Add.1), and a note by the Secretariat on the meeting of the independent eminent experts on the implementation of the Durban Declaration and Programme of Action (E/CN.4/2006/20). The Commission will also have before it notes by the Secretariat transmitting the report of the regional seminar for the Economic Community of the Central African States (ECCAS), held in Libreville, Gabon, from 27 to 29 July 2005 (E/CN.4/2006/21), the report of the regional seminar for South and South-East Asia, held in Bangkok, Thailand, from 19 to 21 September 2005 (E/CN.4/2006/22) and the report of the United Nations workshop on People of African Descent for the Americas region, held in Chíncha, Peru, from 2 to 4 November 2005 (E/CN.4/2006/23).

Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance

40. The mandate of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance was established by the Commission in its resolution 1993/20 and extended every three years, most recently by Commission resolution 2005/64. Mr. Maurice Glèlè-Ahanhanzo (Benin) was replaced by Mr. Doudou Diène (Senegal) as Special Rapporteur in July 2002.

41. In resolution 2005/64, as endorsed by Economic and Social Council decision 2005/272, the Commission requested the Secretary-General to provide the Special Rapporteur with all the necessary human and financial assistance to carry out his mandate efficiently, effectively and

expeditiously and to enable him to submit an interim report to the General Assembly at its sixtieth session and to the Commission at its sixty-second session. The Commission will have before it the report of the Special Rapporteur (E/CN.4/2006/16 and Add.1-4) (see also paragraph 32 above).

Item 7. The right to development

42. The Declaration on the Right to Development was proclaimed by the General Assembly in its resolution 41/128 of 4 December 1986. The Commission decided to include this question under a separate item on its agenda in its resolution 1989/45.

43. Upon the recommendation of the Commission in its resolution 1998/72, the Economic and Social Council, in its decision 1998/269, approved the establishment of a follow-up mechanism, initially for a period of three years, consisting of the establishment of an open-ended Working Group to meet for a period of five working days each year, and the appointment, by the Chairperson of the Commission on Human Rights, of an independent expert with a mandate to present to the Working Group at each of its sessions a study on the current state of progress in the implementation of the right to development as a basis for a focused discussion, taking into account, inter alia, the deliberations and suggestions of the Working Group. In the same resolution, the Commission also invited the High Commissioner for Human Rights to present a report to it each year. From 1998 to 2004, Mr. Arjun Sengupta (India) acted as the independent expert on the right to development.

44. In Commission resolution 2003/83, the Sub-Commission on the Promotion and Protection of Human Rights was requested 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. In its decision 2004/104, the Sub-Commission, recalling its decision 2003/116 in which it requested Ms. Florizelle O'Connor to submit to its fifty-sixth session a working paper, decided to request Ms. O'Connor to submit, without further delay, to the Sub-Commission at its fifty-seventh session the working paper, so as to allow the Commission to consider and take decisions on this matter at its sixty-second session. The Commission will have before it a note by the Secretariat transmitting a concept document on the right to development prepared by the Sub-Commission (E/CN.4/Sub.2/2005/23) and containing a summary of discussion at the fifty-seventh session of the Sub-Commission (E/CN.4/2006/25).

45. In its resolution 2005/4, as endorsed by Economic and Social Council decision 2005/256, the Commission decided to renew the mandate of the Working Group on the Right to Development for one year and to convene its seventh session before its sixty-second session for a period of 10 working days. Of those 10 working days, 5 shall be allocated to the high-level task force established within the framework of the Working Group to hold its meetings and submit its findings and recommendations to the Working Group well in advance of its session; the Working Group in turn would meet for a period of 5 working days to consider the findings and recommendations of the task force and further initiatives in accordance with its mandate.

46. The Commission will have before it the report of the High Commissioner for Human Rights on the right to development (E/CN.4/2006/24) and the report of the Working Group (E/CN.4/2006/26).

Item 8. Question of the violation of human rights in the occupied Arab territories, including Palestine

Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan

47. In its resolution 2005/6, the Commission decided to continue the consideration of this question at its sixty-second session.

Israeli practices affecting the human rights of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem

48. In its resolution 1993/2 A, the Commission decided to appoint a special rapporteur with the mandate to investigate Israel's violations of the principles and bases of international law, international humanitarian law and the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, in the Palestinian territories occupied by Israel since 1967, to receive communications, to hear witnesses and to report to the Commission at its future sessions, until the end of the Israeli occupation of those territories. Following the resignations of Mr. René Felber (Switzerland) in 1995, Mr. Hannu Halinen (Finland) in 1999, and Mr. Giorgio Giacomelli (Italy) in March 2001, Mr. John Dugard (South Africa) was appointed Special Rapporteur in June 2001.

49. In its resolution 2005/7, the Commission requested the United Nations High Commissioner for Human Rights to address the issue of Palestinian pregnant women giving birth at Israeli checkpoints, and to report thereon to the General Assembly at its sixtieth session and the Commission at its sixty-second session. It also requested the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 to report to the Assembly at its sixtieth session and to the Commission at its sixty-second session.

50. The Commission will have before it a note by the Secretariat (E/CN.4/2006/28) and the report of the Special Rapporteur (E/CN.4/2006/29).

Human rights in the occupied Syrian Golan

51. In its resolution 2005/8, the Commission requested the Secretary-General to bring the resolution to the attention of all Governments, the competent United Nations organs, the specialized agencies, regional intergovernmental organizations and international humanitarian organizations and to give it the widest possible publicity, and to report to it at its sixty-second session.

52. The Commission will have before it the report of the Secretary-General (E/CN.4/2006/27).

Item 9. Question of the violation of human rights and fundamental freedoms in any part of the world, including:

(a) Question of human rights in Cyprus;

(b) Procedure established in accordance with Economic and Social Council resolutions 1503 (XLVIII) and 2000/3.

53. In 1967, the Commission adopted resolution 8 (XXIII), in which it decided to give annual consideration to an item on the question of violations of human rights and fundamental freedoms. The title of the item was later modified by the Commission. Economic and Social Council resolutions 1235 (XLII) and 1503 (XLVIII) refer to the question of violations of human rights and fundamental freedoms.

54. In its resolution 32/130, the General Assembly decided that, in approaching human rights questions within the United Nations system, the international community should accord, or continue to accord, priority to the search for solutions to the mass and flagrant violations of human rights of peoples and persons affected by various situations referred to in the resolution. The Assembly reiterated those views in subsequent resolutions. In resolution 34/175, entitled "Effective action against mass and flagrant violations of human rights", the Assembly urged the appropriate United Nations bodies, within their mandates, particularly the Commission, to take timely and effective action in existing and future cases of mass and flagrant violations of human rights. In resolution 37/200, the Assembly urged all States to cooperate with the Commission in its study of violations of human rights and fundamental freedoms in any part of the world and requested the Commission to continue its efforts to improve the capacity of the United Nations system to take urgent action in cases of serious violations of human rights.

Cooperation with representatives of United Nations human rights bodies

55. In its resolution 2005/9, the Commission invited the Secretary-General to submit to it at its sixty-second session a report containing a compilation and analysis of any available information, from all appropriate sources, on alleged reprisals against those who seek to cooperate or have cooperated with representatives of United Nations human rights bodies, or who have provided testimony or information to them; those who avail or have availed themselves of procedures established under United Nations auspices for the protection of human rights and fundamental freedoms and all those who have provided legal assistance to them for this purpose; those who submit or have submitted communications under procedures established by human rights instruments; and those who are relatives of victims of human rights violations.

56. The Commission will have before it the report of the Secretary-General (E/CN.4/2006/30).

Situation of human rights in Myanmar

57. The mandate of the Special Rapporteur on the situation of human rights in Myanmar was established by the Commission in its resolution 1992/58. Following the resignation of Mr. Yozo Yokota (Japan) in May 1996 and of Mr. Rajsoomer Lallah (Mauritius) in November 2000, Mr. Paulo Sérgio Pinheiro (Brazil) was appointed Special Rapporteur in

December 2000. In its resolution 2005/10, as endorsed by Economic and Social Council decision 2005/257, the Commission decided to extend the mandate of the Special Rapporteur for a further year and requested him to submit an interim report to the General Assembly at its sixtieth session, to report to the Commission at its sixty-second session and to integrate a gender perspective throughout his work.

58. The Commission will have before it the report of the Special Rapporteur (E/CN.4/2006/34). The Commission will also have before it a report of the Secretary-General prepared pursuant to General Assembly resolution 59/191 (E/CN.4/2006/117).

Situation of human rights in the Democratic People's Republic of Korea

59. In its resolution 2004/13, the Commission requested its Chairperson, after consultations within the Bureau, to appoint an individual of recognized international standing and expertise in human rights as Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea. The Commission requested the Special Rapporteur to establish direct contact with the Government and with the people of the Democratic People's Republic of Korea, including through visits to the country, and to investigate and report on the situation of human rights in the Democratic People's Republic of Korea and on the Government's compliance with its obligations under international human rights instruments. It also requested the Special Rapporteur to report his/her findings and recommendations to the General Assembly at its fifty-ninth session and to the Commission at its sixty-first session. In July 2004, Mr. Vitit Muntarbhorn (Thailand) was appointed Special Rapporteur.

60. In its resolution 2005/11, as endorsed by Economic and Social Council decision 2005/258, the Commission decided to extend the mandate of the Special Rapporteur for a further year and requested him to report on his findings and recommendations to the General Assembly at its sixtieth session and to the Commission at its sixty-second session.

61. In the same resolution, the Commission requested the High Commissioner for Human Rights to continue her efforts to engage in a comprehensive dialogue with the authorities of the Democratic People's Republic of Korea with a view to establishing technical cooperation programmes in the field of human rights and to submit her findings and recommendations to it at its sixty-second session.

62. The Commission will have before it the report of the High Commissioner for Human Rights (E/CN.4/2006/32) and the report of the Special Rapporteur (E/CN.4/2006/35).

Situation of human rights in Cuba

63. In its resolution 2002/18, the Commission requested the High Commissioner for Human Rights to take the steps necessary to send a personal representative with a view to cooperation between her Office and the Government of Cuba in the implementation of that resolution. Ms. Christine Chanut (France) was appointed as Personal Representative of the High Commissioner in January 2003. In its resolution 2005/12, the Commission decided to consider this matter further at its sixty-second session, under the same agenda item.

64. The Commission will have before it the report of the Personal Representative of the High Commissioner for Human Rights (E/CN.4/2006/33).

Situation of human rights in Belarus

65. In its resolution 2004/14, the Commission decided to appoint a special rapporteur to establish direct contacts with the Government and with the people of Belarus, with a view to examining the situation of human rights in Belarus and following any progress made towards the elaboration of a programme on human rights education for all sectors of society, in particular law enforcement, the judiciary, prison officials and civil society. In July 2004, Mr. Adrian Severin (Romania) was appointed Special Rapporteur.

66. In its resolution 2005/13, as endorsed by Economic and Social Council decision 2005/259, the Commission decided to extend the mandate of the Special Rapporteur for a further year. The Commission will have before it the report of the Special Rapporteur (E/CN.4/2006/36).

Human rights situation of the Lebanese detainees in Israel

67. At its sixty-first session, the Commission adopted decision 2005/102 in which it decided to defer consideration of draft resolution E/CN.4/2005/L.3, entitled "Human rights situation of the Lebanese detainees in Israel", to its sixty-second session, under the same agenda item.

Sub-item (a): Question of human rights in Cyprus

68. This question has been considered by the Commission since its thirty-second session, when it adopted resolution 4 (XXXII) of 27 February 1976. In its decision 2005/103, the Commission decided to retain the sub-item on its agenda and to give it due priority at its sixty-second session, it being understood that action required by previous resolutions of the Commission on the subject would continue to remain operative, including the request to the Secretary-General to submit a report to the Commission regarding their implementation.

69. At its present session, the Commission will have before it the report of the Secretary-General (E/CN.4/2006/31).

Sub-item (b): Procedure established in accordance with Economic and Social Council resolutions 1503 (XLVIII) and 2000/3

70. By resolution 1503 (XLVIII) of 27 May 1970, the Economic and Social Council established a procedure for dealing with communications concerning alleged violations of human rights. Since then, particular situations relating to 84 countries have been placed before the Commission under the procedure.

71. Upon the recommendations of the intersessional Working Group on enhancing the effectiveness of the mechanisms of the Commission on Human Rights, as endorsed by Commission decision 2000/109, the Economic and Social Council adopted resolution 2000/3 entitled "Procedure for dealing with communications concerning human rights".

72. Pursuant to Council resolution 2000/3, the Commission on Human Rights will consider the particular situations placed before it by the Working Group on Situations, as well as the situations kept under review by the Commission the previous year. The Commission's consideration of these situations may take place in two separate closed meetings as set forth in paragraph 7 of Council resolution 2000/3.

73. Concerned States invited to attend the closed meetings of the Commission under Council resolution 1503 (XLVIII) will have the right to attend and to participate in the discussion of the situation concerning them, and to be present during the adoption of the final decision taken in regard to their situation.

74. Following established practice, the Chairperson of the Commission will announce in a public meeting the countries that have been examined under the procedure governed by Council resolutions 1503 (XLVIII) and 2000/3, as well as the countries no longer being dealt with under the procedure; otherwise, all actions taken under the 1503 procedure remain confidential until such time as the Commission may decide to make recommendations to the Council. The documentation pertaining to the procedure is also confidential.

75. At the present session, the Commission will have before it the report of the Working Group on Situations (E/CN.4/2006/R.1 and addenda). Replies and observations which may be received from the Governments concerned (to be issued in the E/CN.4/2006/R.2 series) will also be made available. The above-mentioned confidential documents will be handed to the members of the Commission at least one week in advance of the first closed meeting.

Item 10. Economic, social and cultural rights

Adequate housing as a component of the right to an adequate standard of living

76. In its resolution 2000/9, the Commission decided to appoint, for a period of three years, a special rapporteur whose mandate would focus on adequate housing as a component of the right to an adequate standard of living, as reflected in article 25, paragraph 1, of the Universal Declaration of Human Rights, article 11, paragraph 1, of the International Covenant on Economic, Social and Cultural Rights, and article 27, paragraph 3, of the Convention on the Rights of the Child, and on the right to non-discrimination as reflected in article 14, paragraph 2 (h), of the Convention on the Elimination of All Forms of Discrimination against Women, and article 5 (e) of the International Convention on the Elimination of All Forms of Racial Discrimination. Mr. Miloon Kothari (India) was appointed Special Rapporteur in September 2000.

77. In its resolution 2003/27, as endorsed by Economic and Social Council decision 2003/245, the Commission decided to renew the mandate of the Special Rapporteur for a period of three years. In its resolution 2004/21, the Commission requested the Special Rapporteur, within the limits of his mandate, to submit a report to it at its sixty-first and sixty-second sessions.

78. The Commission will have before it the report of the Special Rapporteur (E/CN.4/2006/41 and Add.1-3).

Human rights and unilateral coercive measures

79. In Commission resolution 2005/14, the Secretary-General was requested to bring that resolution to the attention of all Member States and to seek their views and information on the implications and negative effects of unilateral coercive measures on their populations, and to submit a report thereon to the Commission at its sixty-second session. The Commission also decided to examine this question, on a priority basis, at its sixty-second session under the same agenda item.

80. The Commission will have before it the report of the Secretary-General (E/CN.4/2006/37).

Adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights

81. The mandate of the Special Rapporteur on the adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights was established by the Commission in its resolution 1995/81, and subsequently extended by the Commission every three years. Ms. Fatma Zohra Ouhachi-Vesely (Algeria) was appointed Special Rapporteur in 1995. The latest decision of the Commission to extend the mandate of the Special Rapporteur is contained in resolution 2004/17, which was endorsed by Economic and Social Council decision 2004/251. In July 2004, Ms. Ouhachi-Vesely was replaced by Mr. Okechukwu Ibeanu (Nigeria) as Special Rapporteur.

82. In its resolution 2005/15, the Special Rapporteur was invited, in accordance with his mandate, to include in his report to the Commission at its sixty-second session comprehensive information on:

(a) Persons killed, maimed or otherwise injured in developing countries through the illicit movement and dumping of toxic and dangerous products and wastes;

(b) The question of the impunity of the perpetrators of these heinous crimes, including racially motivated discriminatory practices, and to recommend measures to bring them to an end that take into account the role of both Governments and private actors in ending impunity;

(c) Human rights standards applicable to transnational corporations and other business enterprises that dump toxic and dangerous products and wastes;

(d) The question of rehabilitation of and assistance to victims;

(e) The scope of national legislation in relation to transboundary movement and dumping of toxic and dangerous products and wastes;

(f) The question of fraudulent waste-recycling programmes, the transfer of polluting industries, industrial activities and technologies from the developed to developing countries and their new trends, including e-waste and dismantling of ships, ambiguities in international instruments that allow illegal movement and dumping of toxic and dangerous products and wastes, and any gaps in the effectiveness of the international regulatory mechanisms.

83. The Commission will have before it the report of the Special Rapporteur (E/CN.4/2006/42 and Add.1 and 2).

Human rights and extreme poverty

84. The mandate of the independent expert on the question of human rights and extreme poverty was established by the Commission in its resolution 1998/25, and subsequently extended every two years. Ms. Anne-Marie Lizin (Belgium) was appointed as independent expert in August 1998. In its resolution 2004/23, as endorsed by Economic and Social Council decision 2004/253, the Commission decided to extend the mandate of the independent expert for a period of two years. In July 2004, Ms. Lizin was replaced by Mr. Arjun Sengupta (India).

85. In its resolution 2005/16, the Commission requested the independent expert to report to it at its sixty-second session and invited him to pay special attention to the concrete experiences of involvement by people living in extreme poverty in the political decision-making and social processes. It also invited the independent expert, in the framework of his ongoing work on employment and employability, to continue to focus on the various aspects of the link between human rights and extreme poverty.

86. The Commission will have before it the report of the independent expert (E/CN.4/2006/43 and Add.1).

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

87. In its resolution 2004/24, the Commission requested the High Commissioner for Human Rights, in cooperation with the United Nations Conference on Trade and Development, the World Trade Organization and other relevant international financial and economic institutions, to study and clarify the fundamental principle of participation and its application at the global level, with a view to recommending measures for its integration and effective implementation in the debate on the process of globalization, and to submit a comprehensive analytical study on the subject to the Commission at its sixty-first session. In its resolution 2005/17, the Commission requested the High Commissioner to bring her report containing the analytical study (E/CN.4/2005/41) to the attention of the World Trade Organization and other relevant international organizations with a view to operationalizing its conclusions and recommendations. It also decided to consider this issue again at its sixty-second session.

The right to food

88. The mandate of the Special Rapporteur on the right to food was established by the Commission in its resolution 2000/10. Mr. Jean Ziegler (Switzerland) was appointed

Special Rapporteur in September 2000. In its resolution 2003/25, as endorsed by Economic and Social Council decision 2003/244, the Commission extended the mandate of the Special Rapporteur for a further three years.

89. In resolution 2005/18, the Special Rapporteur was requested to submit an interim report to the General Assembly at its sixtieth session and to report to the Commission at its sixty-second session on the implementation of that resolution. The Commission will have before it the report of the Special Rapporteur (E/CN.4/2006/44 and Add.1 and 2).

Effects of economic reform policies and foreign debt on the full enjoyment of all human rights

90. The mandate of the Special Rapporteur on the effects of foreign debt on the full enjoyment of economic, social and cultural rights was established by the Commission in its resolution 1998/24. Mr. Reinaldo Figueredo (Venezuela) was appointed Special Rapporteur in August 1998.

91. In order that the open-ended Working Group on structural adjustment programmes and economic, social and cultural rights, established pursuant to Commission decision 1996/103, might carry out its mandate, the Commission decided, in its decision 1997/103, to appoint an independent expert to study the effects of structural adjustment policies on economic, social and cultural rights. Mr. Fantu Cheru (United States of America) was appointed independent expert in December 1998.

92. In its resolution 2000/82, the Commission decided to discontinue the mandates of the Special Rapporteur on the effects of foreign debt on the full enjoyment of economic, social and cultural rights and the independent expert on structural adjustment policies. The Commission decided to appoint an independent expert on the effects of structural adjustment policies and foreign debt on the full enjoyment of all human rights, particularly economic, social and cultural rights, for a period of three years, and decided to appoint Mr. Fantu Cheru to that post. The independent expert was requested to present an analytical report to the Commission, on an annual basis, on the implementation of that resolution. Following the resignation of Mr. Cheru in September 2001, Mr. Bernard Andrew Nyamwaya Mudho (Kenya) was appointed as independent expert in November 2001.

93. In its resolution 2003/21, as endorsed by Economic and Social Council decision 2003/243, the Commission decided to renew the mandate of the independent expert for three years and requested him to submit an analytical report to it, on an annual basis, on the implementation of that resolution. The mandate of the Working Group on structural adjustment programmes and economic, social and cultural rights was not extended by the Commission at its fifty-ninth session.

94. In its resolution 2005/19, as endorsed by Economic and Social Council decision 2005/260, the Commission requested the independent expert to explore further, in his analytical annual report to it, the interlinkages with trade and other issues, including HIV/AIDS, when examining the impact of structural adjustment and foreign debt and also

to contribute, as appropriate, to the process entrusted with the follow-up to the International Conference on Financing for Development, with a view to bringing to its attention the issue of the effects of structural adjustment and foreign debt on the enjoyment of human rights, particularly economic, social and cultural rights.

95. In the same resolution, the Commission requested the independent expert, in the discharge of his mandate, to present to the Commission at its sixty-second session a final draft of general guidelines to be followed by States and by private and public, national and international financial institutions in the decision-making on and execution of debt repayments and structural reform programmes, including those arising from foreign debt relief, to ensure that compliance with the commitments derived from foreign debt will not undermine the obligations for the realization of fundamental economic, social and cultural rights, as provided for in the international human rights instruments. It also requested the independent expert to seek the views and suggestions of States, international organizations, United Nations agencies, funds and programmes, regional economic commissions, international and regional financial institutions and non-governmental organizations on the draft general guidelines and his proposal of possible elements for consideration.

96. In the same resolution, the Commission also decided to replace the phrase “effects of structural adjustment policies” by “effects of economic reform policies” in the title of the mandate of the current special procedure. It also requested him to report to the General Assembly and to exchange views with the Sub-Commission expert charged with preparing a working paper on the effects of debt on human rights.

97. The Commission will have before it the report of the independent expert on the effects of economic reform policies and foreign debt on the full enjoyment of human rights (E/CN.4/2006/46 and Add.1).

Promotion of the enjoyment of the cultural rights of everyone and respect for different cultural identities

98. In resolution 2005/20, the Commission requested once again the High Commissioner for Human Rights to consult States and intergovernmental and non-governmental organizations on the possibility of establishing a thematic procedure the basis of whose mandate would be the comprehensive implementation of that resolution, and to report on the results of those consultations to the Commission at its sixty-second session. The Commission will have before it the report of the High Commissioner (E/CN.4/2006/40).

The right to education

99. The mandate of the Special Rapporteur on the right to education was established by the Commission in its resolution 1998/33. Ms. Katarina Tomasevski (Croatia) was appointed Special Rapporteur in August 1998. In its resolution 2004/25, as endorsed by Economic and Social Council decision 2004/254, the Commission decided to extend the mandate of the Special Rapporteur for a period of three years and requested the Special Rapporteur to report

to it at its sixty-first session. In July 2004, Ms. Tomasevski was replaced by Mr. Vernor Muñoz Villalobos (Costa Rica) as Special Rapporteur. In its resolution 2005/21, the Commission requested the Special Rapporteur to report to it at its sixty-second session.

100. The Commission will have before it the report of the Special Rapporteur (E/CN.4/2006/45 and Add.1 and 2).

Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights

101. In its resolution 2004/29, as endorsed by Economic and Social Council decision 2004/256, the Commission decided to renew the mandate of the open-ended Working Group, established pursuant to Commission resolution 2002/24 of 22 April 2002, for a period of two years to consider options regarding the elaboration of an optional protocol to the International Covenant on Economic, Social and Cultural Rights. The Working Group was authorized to meet for 10 working days prior to the sixty-first and the sixty-second sessions of the Commission and was requested to report to the Commission at its sixty-first session.

102. In its resolution 2005/22, the Commission requested the Working Group to report to it at its sixty-second session. In the same resolution, the Secretary-General was requested to submit to the Commission at its sixty-second session a report on the implementation of that resolution.

103. The Commission will therefore have before it the report of the Secretary-General (E/CN.4/2006/38) and the report of the Working Group (E/CN.4/2006/47).

Access to medication in the context of pandemics such as HIV/AIDS, tuberculosis and malaria

104. In Commission resolution 2005/23, the Secretary-General was requested to solicit comments from Governments, United Nations organs, programmes and specialized agencies and international and non-governmental organizations on the steps they have taken to promote and implement, where applicable, that resolution, as well as to report thereon to the Commission at its sixty-second session. The Commission will have before it the report of the Secretary-General (E/CN.4/2006/39).

The right of everyone to the enjoyment of the highest attainable standard of physical and mental health

105. The mandate of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health was established for a period of three years by the Commission in its resolution 2002/31, as endorsed by the Economic and Social Council in its decision 2002/259. The mandate of the Special Rapporteur is to focus on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, as reflected in article 25, paragraph 1, of the Universal Declaration of Human Rights, article 12

of the International Covenant on Economic, Social and Cultural Rights, article 24 of the Convention on the Rights of the Child and article 12 of the Convention on the Elimination of All Forms of Discrimination against Women, as well as on the right to non-discrimination as reflected in article 5 (e) (iv) of the International Convention on the Elimination of All Forms of Racial Discrimination. The Special Rapporteur was requested to submit an annual report to the Commission on the activities performed under his mandate. Mr. Paul Hunt (New Zealand) was appointed Special Rapporteur in August 2002.

106. In its resolution 2005/24, as endorsed by Economic and Social Council decision 2005/261, the Commission decided to extend the mandate of the Special Rapporteur for a period of three years. In the same resolution, the Commission also requested the Special Rapporteur to submit annually a report to the Commission and an interim report to the General Assembly on the activities performed under his mandate. The Commission will have before it the report of the Special Rapporteur (E/CN.4/2006/48 and Add.1 and 2).

Women's equal ownership, access to and control over land and the equal rights to own property and to adequate housing

107. In its resolution 2005/25, the Commission requested the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, within his mandate, to submit a final report to it at its sixty-second session containing the study on women and adequate housing. In the same resolution, the Commission requested him to specifically consider the impact of natural disasters on women's adequate housing. It also requested him to cooperate with the Special Rapporteur on violence against women, in the elaboration of model provisions to protect women's rights in housing and domestic violence legislation. The Commission also decided to consider the issue at its sixty-third session under the same agenda item.

108. The Commission will have before it the report of the Special Rapporteur (E/CN.4/2006/118).

Other matters

109. In connection with the present item and with item 11 of the provisional agenda, the Commission will also have before it a joint report of the Chairperson-Rapporteur of the Working Group on Arbitrary Detention and of the Special Rapporteurs on the right to health, on freedom of religion or belief, on the question of torture and on the independence of judges and lawyers on the situation of detainees in Guantánamo (E/CN.4/2006/120) (see also paragraph 116 below).

110. In connection with the present agenda item, the attention of the Commission is also drawn to draft decision 2 in chapter I of the report of the Sub-Commission on the Promotion and Protection of Human Rights on its fifty-seventh session (E/CN.4/2006/2-E/CN.4/Sub.2/2005/44), recommended to the Commission on Human Rights for adoption.

Item 11. Civil and political rights, including the questions of:

- (a) Torture and detention;**
- (b) Disappearances and summary executions;**
- (c) Freedom of expression;**
- (d) Independence of the judiciary, administration of justice, impunity;**
- (e) Religious intolerance;**
- (f) States of emergency;**
- (g) Conscientious objection to military service.**

Human rights and forensic science

111. In its resolution 2005/26, the Commission requested the Secretary-General to provide appropriate resources, from within existing overall United Nations resources, to fund the activities of the Office of the High Commissioner in implementing that resolution, including a revision of the *Manual on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions*. It also requested the Office of the High Commissioner to provide for the Commission at its sixty-third session an updated version of the report requested in resolution 2003/33. The Commission also decided to consider this question at its sixty-third session under the same agenda item.

Strengthening of popular participation, equity, social justice and non-discrimination as essential foundations of democracy

112. In its resolution 2005/29, the Commission decided to continue consideration of this issue at its sixty-second session, under the same agenda item.

Incompatibility between democracy and racism

113. In its resolution 2005/36, the Commission invited the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance to review and further expand the study on the question of political platforms which promote or incite racial discrimination (E/CN.4/2004/61), as updated for the General Assembly (A/59/330), and to submit it to the Commission at its sixty-second session.

114. The Commission will have before it the updated study by the Special Rapporteur (E/CN.4/2006/54).

Hostage-taking

115. In its resolution 2005/31, the Commission urged all thematic special rapporteurs to address, as appropriate, the consequences of hostage-taking in their forthcoming reports to the Commission and decided to remain seized of this matter.

Other matters

116. In connection with the present item and with item 11 of the provisional agenda, the Commission will also have before it a joint report of the Chairperson-Rapporteur of the Working Group on Arbitrary Detention and of the Special Rapporteurs on the right to health, on freedom of religion or belief, on the question of torture and on the independence of judges and lawyers on the situation of detainees in Guantánamo (E/CN.4/2006/120) (see also paragraph 109 above).

Sub-item (a): Torture and detention

Arbitrary detention

117. At its forty-seventh session, in resolution 1991/42, the Commission decided to create, for a three-year period, a Working Group composed of five independent experts, with the task of investigating cases of detention imposed arbitrarily or otherwise inconsistently with relevant international standards or the relevant international legal instruments accepted by the States concerned. The Working Group's mandate was subsequently extended by the Commission every three years, most recently in resolution 2003/31, as endorsed by Economic and Social Council decision 2003/247.

118. In resolution 2005/28, the Working Group on Arbitrary Detention was requested to submit to the Commission, at its sixty-second session, a report on its activities and on the implementation of that resolution, and to include any suggestions and recommendations which would enable it to carry out its task in the best possible way, and to continue its consultations to that end in the framework of its terms of reference.

119. The Commission will have before it the report of the Working Group (E/CN.4/2006/7 and Add.1-3).

Torture and other cruel, inhuman or degrading treatment or punishment

Special Rapporteur on the question of torture

120. The mandate of the Special Rapporteur to examine questions relevant to torture was established by the Commission in its resolution 1985/33 and subsequently extended every three years, most recently in its resolution 2004/41, as endorsed by Economic and Social Council decision 2004/261. Following the resignation of Sir Nigel S. Rodley (United Kingdom of Great Britain and Northern Ireland) in November 2001, and Mr. Theo C. van Boven (Netherlands) in October 2004, Mr. Manfred Nowak (Austria) was appointed Special Rapporteur in November 2004.

121. In its resolution 2005/39, as endorsed by Economic and Social Council decision 2005/265, the Commission invited the Special Rapporteur to submit an interim report to the General Assembly at its sixtieth session on the overall trends and developments with regard to his mandate and a full report to the Commission at its sixty-second session, including as addenda all replies sent by Governments that are received in any of the official languages of the United Nations.

122. The Commission will have before it the report of the Special Rapporteur (E/CN.4/2006/6 and Add.1-6).

United Nations Voluntary Fund for Victims of Torture

123. In December 1981, the General Assembly, in its resolution 36/151, established the United Nations Voluntary Fund for Victims of Torture and adopted the arrangements for the management of the Fund (A/36/540). Voluntary contributions paid to the Fund are distributed, through established channels of assistance, as medical, psychological, psychiatric, social, economic or legal assistance to the victims of torture and their relatives. The Fund is administered by the High Commissioner for Human Rights on behalf of the Secretary-General with the advice of a Board of Trustees authorized to promote and solicit contributions and pledges.

124. In its resolution 2005/39, the Commission took note of the report of the Secretary-General on the United Nations Voluntary Fund for Victims of Torture (E/CN.4/2005/54 and Corr.1), welcomed the final report on the evaluation of the Fund (E/CN.4/2005/55) and called on the Fund to continue to implement the recommendations contained therein, including on the reform of its working methods. It also called upon the Board of Trustees of the Fund to report to the Commission at its sixty-second session.

125. The Commission will therefore have before it the report of the Secretary-General on the operations of the Fund (E/CN.4/2006/50).

Status of the Convention against Torture

126. In the same resolution, the Commission requested the Secretary-General to continue to submit to the Commission an annual report on the status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The Commission will have before it the annual report of the Secretary-General (E/CN.4/2006/49).

Sub-item (b): Disappearances and summary executions

Extrajudicial, summary or arbitrary executions

127. The mandate of the Special Rapporteur on extrajudicial, summary or arbitrary executions was established by the Economic and Social Council in its resolution 1982/35. Following the resignation of Mr. Amos Wako (Kenya) in March 1982 and Mr. Bacre W. N'diaye (Senegal) in May 1998, Ms. Asma Jahangir (Pakistan) was appointed Special Rapporteur in August 1998. In July 2004, Ms. Jahangir was replaced by Mr. Philip Alston (Australia).

128. In its resolution 2004/37, as endorsed by Economic and Social Council decision 2004/259, the Commission decided to extend the mandate of the Special Rapporteur for three years.

129. In its resolution 2005/34, the Commission urged the Special Rapporteur to continue to draw to the attention of the United Nations High Commissioner for Human Rights and, as appropriate, the Special Adviser to the Secretary-General on the Prevention of Genocide such situations of extrajudicial, summary or arbitrary execution as are of particularly serious concern to him or where early action might prevent further deterioration. It also decided to consider during each of its sessions the reports of the Special Rapporteur and to take action on the question of extrajudicial, summary or arbitrary executions at its sixty-third session.

130. The Commission will have before it the report of the Special Rapporteur (E/CN.4/2006/53 and Add.1-5).

Question of enforced or involuntary disappearances

Working Group on Enforced or Involuntary Disappearances

131. Pursuant to General Assembly resolution 33/173, the Commission by resolution 20 (XXXVI) of 29 February 1980, decided to establish for a period of one year a Working Group consisting of five of its members, to serve as experts in their individual capacities, to examine questions relevant to enforced or involuntary disappearances of persons. The Commission has regularly renewed the Working Group's mandate since that time.

132. In its resolution 2004/40, as endorsed by Economic and Social Council decision 2004/260, the Commission decided to extend the mandate of the Working Group for three years. In its resolution 2005/27, the Commission requested the Working Group to report on its activities to the Commission at its sixty-second session. The Commission will have before it the report of the Working Group (E/CN.4/2006/56 and Add.1).

Working Group on a draft legally binding normative instrument for the protection of all persons from enforced disappearance

133. In its resolution 2001/46, as endorsed by Economic and Social Council decision 2001/221, the Commission decided to establish an intersessional open-ended working group with the mandate to elaborate a draft legally binding normative instrument for the protection of all persons from enforced disappearance, taking into account, inter alia, the draft international convention on the protection of all persons from enforced disappearance transmitted by the Sub-Commission, for consideration and adoption by the General Assembly.

134. In its resolution 2005/27, as endorsed by Economic and Social Council decision 2005/262, the Commission requested the intersessional Working Group to meet for a period of 10 working days in one formal session before the end of 2005 with a view to the completion of its work, and to report to the Commission at its sixty-second session. The Commission will have before it the report of the intersessional Working Group (E/CN.4/2006/57).

Sub-item (c): Freedom of expression

The right to freedom of opinion and expression

135. The mandate of the Special Rapporteur on the right to freedom of opinion and expression was established by the Commission in its resolution 1993/45. Mr. Abid Hussain (India) was appointed Special Rapporteur in 1993 and was replaced by Mr. Ambeyi Ligabo (Kenya) in August 2002. In its resolution 2005/38, as endorsed by Economic and Social Council decision 2005/264, the Commission decided to extend the mandate of the Special Rapporteur for a further three years.

136. In the same resolution, the Commission requested the Special Rapporteur to submit each year to the Commission a report covering activities relating to his mandate. The Commission will have before it the report of the Special Rapporteur (E/CN.4/2006/55 and Add.1).

Promoting the rights to peaceful assembly and association

137. In its resolution 2005/37, the Commission called upon the Office of the United Nations High Commissioner for Human Rights to assist States to promote and protect the rights to freedom of peaceful assembly and of association, including through the technical assistance programmes of her Office, at the request of States, as well as to cooperate with relevant bodies of the United Nations system and other intergovernmental organizations. It also called upon the special procedures of the Commission, as appropriate, to consider the rights to freedom of peaceful assembly and of association in the exercise of their mandates. The Commission decided to consider that resolution at its sixty-third session under the same agenda item.

Sub-item (d): Independence of the judiciary, administration of justice, impunity

Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers

138. The mandate of the Special Rapporteur on the independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers was established by the Commission in its resolution 1994/41. The mandate, now using the short title “Special Rapporteur on the independence of judges and lawyers”, was extended for a further three years by resolution 2003/43, as endorsed by Economic and Social Council decision 2003/250. Mr. Param Cumaraswamy (Malaysia) was appointed Special Rapporteur in 1994 and was replaced by Mr. Leandro Despouy (Argentina) in August 2003.

139. In resolution 2005/33, as endorsed by Economic and Social Council decision 2005/263, the Special Rapporteur was requested to submit a report on the activities relating to his mandate to the General Assembly at its sixtieth session and to the Commission at its sixty-second session (see also paragraph 142 below).

140. In the same resolution, the Commission took note of the report on the administration of justice through military tribunals submitted by Mr. Emmanuel Decaux to the Sub-Commission on the Promotion and Protection of Human Rights (E/CN.4/Sub.2/2004/7), which includes draft

principles governing the administration of justice through military tribunals. It also noted that the report of Mr. Decaux containing an updated version of the draft principles would be submitted to the Commission at its sixty-second session for its consideration.

141. The Commission will have before it the report of the Special Rapporteur (E/CN.4/2006/52 and Add.1-4) and a note by the Secretariat transmitting to the Commission the updated draft principles together with the comments of the Sub-Commission (E/CN.4/2006/58).

Integrity of the judicial system

142. In its resolution 2005/30, the Commission requested the Special Rapporteur on the independence of judges and lawyers to take full account of that resolution in the discharge of his mandate and in his report to its sixty-second session (see also paragraph 139 above).

Human rights in the administration of justice, in particular juvenile justice

143. In its resolution 2004/43, the Commission requested the Secretary-General to submit a report to it at its sixty-third session on system-wide practical measures taken and planned activities to assist countries in strengthening their systems of administration of justice, in particular juvenile justice, including in post-conflict situations, with special focus on the need to strengthen the role of judges. It also requested the Secretary-General to make available to it at its sixty-third session his reports on the administration of juvenile justice as well as on the activities of the coordination panel on technical advice and assistance in juvenile justice submitted to the Commission on Crime Prevention and Criminal Justice. The Commission decided to consider this question at its sixty-third session.

Sub-item (e): Religious intolerance

Elimination of all forms of religious intolerance

144. At its forty-second session, in resolution 1986/20, the Commission decided to appoint a special rapporteur to examine incidents and governmental actions which were inconsistent with the provisions of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (General Assembly resolution 36/55). Mr. Abdelfattah Amor (Tunisia) replaced Mr. Angelo d'Almeida Ribeiro (Portugal) as Special Rapporteur in 1993.

145. In its resolution 2000/33, the Commission decided to change the title of the Special Rapporteur, from Special Rapporteur on religious intolerance to Special Rapporteur on freedom of religion or belief.

146. In its resolution 2004/36, as endorsed by Economic and Social Council decision 2004/258, the Commission decided to extend the mandate of the Special Rapporteur for three years. The Commission requested the Special Rapporteur to submit an interim report to the General Assembly at its fifty-ninth session and to report to the Commission at its sixty-first session. Mr. Amor was replaced by Ms. Asma Jahangir (Pakistan) as Special Rapporteur in July 2004.

147. In its resolution 2005/40, the Commission requested the Special Rapporteur to submit an interim report to the General Assembly at its sixtieth session and to report to the Commission at its sixty-second session.

148. The Commission will have before it the report of the Special Rapporteur (E/CN.4/2006/5 and Add.1-4).

Sub-item (f): States of emergency

149. At its fifty-fourth session, the Commission, in its decision 1998/108, having taken note of the final report and the tenth annual list of States which, since 1 January 1985, had proclaimed, extended or terminated a state of emergency submitted by Mr. Leandro Despouy, the Special Rapporteur of the Sub-Commission (E/CN.4/Sub.2/1997/19 and Add.1), decided to request the Office of the 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 was proclaimed or was continued during the reporting period. At its fifty-seventh session, the Sub-Commission had before it a list of States, which had proclaimed or continued a state of emergency (E/CN.4/Sub.2/2005/6) prepared by the Office pursuant to Commission decision 1998/108.

Sub-item (g): Conscientious objection to military service

150. In its resolution 2004/35, the Commission requested the Office of the High Commissioner for Human Rights to prepare an analytical report which would provide supplementary information on best practices in relation to conscientious objection to military service, drawing on all appropriate sources, and to submit that report to it at its sixty-second session.

151. At the present session, the Commission will have before it the report by the Office of the High Commissioner for Human Rights (E/CN.4/2006/51).

Other matters

152. In connection with the present agenda item, the attention of the Commission is drawn to draft decision 1 in chapter I of the report of the Sub-Commission on the Promotion and Protection of Human Rights on its fifty-seventh session (E/CN.4/2006/2-E/CN.4/Sub.2/2005/44), recommended to the Commission on Human Rights for adoption.

Item 12. Integration of the human rights of women and a gender perspective:

(a) Violence against women

Trafficking in women and girls

153. In its resolution 2004/45, the Commission invited the High Commissioner for Human Rights, in cooperation with participating organizations of the Intergovernmental Organization Contact Group on Human Trafficking and Migrant Smuggling, to brief delegations and other

interested parties on the Office of the High Commissioner's Trafficking Programme and the activities of the Contact Group during the sixty-second session of the Commission. The Commission also decided to continue its consideration of this question at its sixty-second session.

Integrating the human rights of women into the human rights mechanisms of the United Nations

154. In its resolution 1994/45, the Commission called for intensified effort at the international level to integrate the equal status of women and the human rights of women into the mainstream of United Nations system-wide activity and to address these issues regularly and systematically throughout relevant United Nations bodies and mechanisms.

155. In its resolution 2005/42, the Commission requested the Secretary-General to report, at its sixty-third session, on the implementation of that resolution including analysing the degree to which the promotion and protection of human rights of women are being integrated into the United Nations system, the work of the Commission and its subsidiary bodies, identifying obstacles and challenges to implementation of the resolution, to make concrete, comprehensive recommendations for action by States and/or by the United Nations system and to bring the report to the attention of the relevant organs, bodies and agencies of the United Nations system, including all human rights bodies.

156. In the same resolution, the Commission also decided to continue its consideration of the question at its sixty-third session.

157. The Commission will have before it the report of the Secretary-General transmitting the joint work plan of the Division for the Advancement of Women and the Office of the High Commissioner for Human Rights (E/CN.4/2006/59) (see also paragraphs 16 and 20 above).

Special Rapporteur on trafficking in persons, especially women and children

158. In its decision 2004/110, as endorsed by Economic and Social Council decision 2004/228, the Commission decided to appoint, for a period of three years, a Special Rapporteur, whose mandate will focus on the human rights aspects of the victims of trafficking in persons, especially women and children. The Special Rapporteur was requested to submit an annual report, commencing with its sixty-first session, together with recommendations, on measures required to uphold and protect the human rights of the victims.

159. The Commission also decided that the Special Rapporteur may, as appropriate, and in line with current practice, respond effectively to reliable information on possible human rights violations with a view to protecting the human rights of actual or potential victims of trafficking. It requested the Special Rapporteur to cooperate fully with other relevant special rapporteurs, in particular the Special Rapporteur on violence against women, its causes and consequences, and to take full account of their contributions to the issue. In October 2004, Ms. Sigma Huda (Bangladesh) was appointed Special Rapporteur.

160. The Commission will have before it the report of the Special Rapporteur (E/CN.4/2006/62 and Add.1-3).

Sub-item (a): Violence against women

Elimination of violence against women

161. The mandate of the Special Rapporteur on violence against women, its causes and consequences, was established by the Commission in its resolution 1994/45. In its resolution 2003/45, as endorsed by Economic and Social Council decision 2003/251, the Commission decided that the mandate of the Special Rapporteur on violence against women, its causes and consequences should be renewed for a period of three years. The Special Rapporteur was requested to report annually to the Commission, beginning at its sixtieth session, on activities relating to her mandate. Ms. Radhika Coomaraswamy (Sri Lanka) was appointed Special Rapporteur in 1994 and was replaced by Ms. Yakin Ertürk (Turkey) in July 2003.

162. In its resolution 2005/41, as endorsed by Economic and Social Council decision 2005/266, the Commission requested the Secretary-General to ensure that the reports of the Special Rapporteur are brought to the attention of the Commission on the Status of Women at its fiftieth session, the General Assembly, as well as to the attention of the Committee on the Elimination of Discrimination against Women, and requested the Special Rapporteur to present an oral report to the General Assembly at its sixtieth session.

163. The Commission will have before it the report of the Special Rapporteur (E/CN.4/2006/61 and Add.1-5). The Commission will also have before it a note by the Secretariat transmitting the report of the United Nations Development Fund for Women on the activities of the Fund to eliminate violence against women (E/CN.4/2006/60).

Item 13. Rights of the child

Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography

164. At its forty-eighth session, in its resolution 1992/74, the Commission adopted the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography. The Commission requested all States to inform the Sub-Commission periodically of measures adopted to implement the Programme of Action and on the efficacy of such measures and requested the Sub-Commission to submit every two years a report to the Commission on the state of implementation of the Programme of Action by all States.

165. No report on the implementation of the Programme of Action was submitted to the Sub-Commission at its fifty-seventh session in 2005.

Special Representative of the Secretary-General for children and armed conflict

166. At its fifty-first session, the General Assembly, in its resolution 51/77, recommended that the Secretary-General appoint for a period of three years a special representative on the impact of armed conflict on children and requested the special representative to submit to the General Assembly and the Commission on Human Rights an annual report containing relevant information on the situation of children affected by armed conflict. Mr. Olara Otunnu (Côte d'Ivoire) was subsequently nominated as Special Representative of the Secretary-General

for children and armed conflict. With the expiry of Mr. Otunnu's appointment on 31 July 2005 and pending the appointment of his successor, the Secretary-General has requested Ms. Karin Sham Poo (Norway) to act as interim Special Representative. At its present session, the Commission will have before it the report of the interim Special Representative of the Secretary-General (E/CN.4/2006/66).

Abduction of children in Africa

167. In its resolution 2005/43, the Commission requested the Office of the United Nations High Commissioner for Human Rights, working with Member States, the International Labour Organization, the United Nations Children's Fund and other relevant United Nations agencies, international organizations and non-governmental organizations, to undertake a comprehensive assessment of the situation of the abduction of children throughout Africa through the organization of subregional consultations, which will provide a framework for gathering research, expertise and information from each subregion, for sensitizing political actors and for networking among public authorities and civil society, including non-governmental organizations, and to report its findings to the Commission at its sixty-second session.

168. The Commission will have before it the report of the Office of the United Nations High Commissioner for Human Rights (E/CN.4/2006/65).

Rights of the child

169. In its resolution 2005/44, the Commission decided to request the Secretary-General to submit to it at its sixty-second session a report on the rights of the child, with information on the status of the Convention on the Rights of the Child and on the problems addressed in that resolution. The Commission will have before it the report of the Secretary-General (E/CN.4/2006/64) (see also paragraphs 17 and 20 above).

Study on violence against children

170. In its resolution 2004/48, the Commission welcomed the establishment of a secretariat for the Secretary-General's study on the question of violence against children in collaboration with the Office of the High Commissioner for Human Rights, the United Nations Children's Fund and the World Health Organization, and requested the Secretary-General to submit a substantive progress report on the study to the Commission at its sixty-first session and the final in-depth study at its sixty-second session for its consideration, with the aim of evaluating all possible complementary measures and future actions.

171. At the present session, the Commission will have before it a note by the Secretariat (E/CN.4/2006/63).

Special Rapporteur on the sale of children, child prostitution and child pornography

172. The mandate of the Special Rapporteur on the sale of children, child prostitution and child pornography was established by the Commission in its resolution 1990/68. Following the resignation of Mr. Vitit Muntarbhorn (Thailand) in October 1994 and

Ms. Ofelia-Calcetas-Santos (Philippines) in April 2001, Mr. Juan Miguel Petit (Uruguay) was appointed Special Rapporteur in June 2001. In its decision 2004/285, the Economic and Social Council decided to renew the mandate of the Special Rapporteur for a further three years.

173. In its resolution 2005/44, the Commission requested the Special Rapporteur to submit a report to it at its sixty-second session. The Commission will have before it the report of the Special Rapporteur (E/CN.4/2006/67 and Add.1-3).

Item 14. Specific groups and individuals:

- (a) Migrant workers;**
- (b) Minorities;**
- (c) Mass exoduses and displaced persons;**
- (d) Other vulnerable groups and individuals.**

Sub-item (a): Migrant workers

Human rights of migrants

174. The mandate of the Special Rapporteur on the human rights of migrants was established by the Commission in its resolution 1999/44. Ms. Gabriela Rodríguez Pizarro (Costa Rica) was appointed Special Rapporteur in August 1999 and was replaced by Mr. Jorge A. Bustamante (Mexico) in July 2005.

175. In its resolution 2005/47, as endorsed by Economic and Social Council decision 2005/267, the Commission decided to extend for a period of three years the mandate of the Special Rapporteur.

176. In the same resolution, the Commission requested the Special Rapporteur to report to the General Assembly at its sixtieth session and to the Commission at its sixty-second session and to include in his annual reports a chapter on the impact of the legislation and the measures adopted by some States that restrict the human rights and fundamental freedoms of migrants.

177. The Commission will have before it the report of the Special Rapporteur (E/CN.4/2006/73 and Add.1 and 2).

International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

178. In its resolution 2004/56, the Commission requested the Secretary-General to report to it at its sixty-second session on the status of the Convention and on the efforts made by the Secretariat to promote the Convention and the protection of the rights of migrant workers.

179. The Commission will have before it the report of the Secretary-General (E/CN.4/2006/70).

Sub-item (b): Minorities

Rights of persons belonging to national or ethnic, religious and linguistic minorities

180. In its resolution 49/192, the General Assembly called upon the Commission on Human Rights to examine, as a matter of priority, ways and means to promote and protect effectively the rights of persons belonging to minorities as set out in the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities.

181. In its resolution 2005/79, as endorsed by Economic and Social Council decision 2005/278, the Commission requested the High Commissioner for Human Rights to appoint an independent expert on minority issues for a period of two years, with the mandate:

(a) To promote the implementation of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, including through consultations with Governments, taking into account existing international standards and national legislation concerning minorities;

(b) To identify best practices and possibilities for technical cooperation by the Office of the United Nations High Commissioner for Human Rights at the request of Governments;

(c) To apply a gender perspective in his or her work;

(d) To cooperate closely, while avoiding duplication, with existing relevant United Nations bodies, mandates, mechanisms as well as regional organizations;

(e) To take into account the views of non-governmental organizations on matters pertaining to his or her mandate.

182. In the same resolution, the Commission requested the independent expert to submit annual reports on his/her activities to the Commission, including recommendations for effective strategies for better implementation of the rights of persons belonging to minorities. In July 2005, Ms. Gay McDougall (United States of America) was appointed as independent expert.

183. Also in the same resolution, the Commission commended the role of the Working Group on Minorities of the Sub-Commission as an important forum for dialogue with non-governmental organizations and for examining solutions to problems involving minorities, and decided, in the light of that resolution, to amend the mandate of the Working Group with a view to its holding one session of three consecutive working days annually during the time of the annual session of the Sub-Commission, focusing its work on interactive dialogue with relevant non-governmental organizations and on conceptual support of, and dialogue with, the independent expert, who shall participate as an observer.

184. In the same resolution, the Commission also requested the High Commissioner to review the mechanisms' performance and effectiveness after two years and submit a report thereon to the Commission at its sixty-third session.

185. At the present session, the Commission will have before it the annual report of the independent expert (E/CN.4/2006/74).

Sub-item (c): Mass exoduses and displaced persons

Human rights and mass exoduses

186. In its resolution 2005/48, the Commission requested the High Commissioner for Human Rights to prepare and submit to it at its sixty-third session an analytical report on measures taken to implement that resolution and obstacles to its implementation, including information on measures taken by the Office of the High Commissioner and other relevant United Nations bodies, taking into account information and comments provided by Governments, intergovernmental organizations, specialized agencies and non-governmental organizations. It also requested the High Commissioner to include in this report, as an annex, a thematic compilation of relevant reports and resolutions of the Commission and the Sub-Commission and relevant materials from the human rights treaty bodies and regional human rights bodies.

187. In the same resolution, the Commission decided to continue its consideration of this question at its sixty-third session under the same sub-item.

Internally displaced persons

188. The mandate of the Representative of the Secretary-General on internally displaced persons was established by the Commission in its resolution 1992/73. Mr. Francis Deng (Sudan) was appointed Representative of the Secretary-General in 1992. Pursuant to Commission resolution 2001/54, the mandate of the Representative of the Secretary-General was extended for a further three years.

189. In its resolution 2004/55, as endorsed by Economic and Social Council decision 2004/263, the Commission requested the Secretary-General, in effectively building upon the work of his Representative, to establish a mechanism that would address the complex problem of internal displacement, in particular by mainstreaming human rights of the internally displaced into all relevant parts of the United Nations system. It recommended that this mechanism work towards strengthening the international response to the complex problem of situations of internal displacement, and engage in coordinated international advocacy and action for improving protection and respect of the human rights of the internally displaced, while continuing and enhancing dialogues with Governments, as well as non-governmental organizations and other relevant actors.

190. In the same resolution, the Commission requested the Secretary-General to review the new mechanism's performance and effectiveness two years after its inception and submit a report thereon, as well as on the details of the mechanism, to the Commission at

its sixty-second session. The Secretary-General was also requested to ensure that the mechanism submits annual reports on its activities to the Commission and to the General Assembly, making suggestions and recommendations regarding the human rights of internally displaced persons and engaging in an interactive dialogue thereon.

191. In September 2004, Mr. Walter Kälin (Switzerland) was appointed Representative of the Secretary-General on the human rights of internally displaced persons.

192. The Commission will have before it the annual report of the Representative of the Secretary-General (E/CN.4/2006/71 and Add.1-7) and the report of the Secretary-General on the performance and effectiveness of the new mechanism on internal displacement (E/CN.4/2006/69).

Sub-item (d): Other vulnerable groups and individuals

Contemporary forms of slavery

193. In its resolution 1999/46, the Commission requested the Secretary-General to transmit to Governments an appeal for contributions to the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery. The Commission will have before it the report of the Secretary-General on the financial situation of the Fund (E/CN.4/2006/75) as well as a note by the Secretariat (E/CN.4/2006/76).

Missing persons

194. In its resolution 2004/50, the Commission requested the Secretary-General to report to it at its sixty-second session on the progress made in the implementation of that resolution. The Commission also decided to remain seized of the matter at its sixty-second session.

195. At the present session, the Commission will have before it the report of the Secretary-General (E/CN.4/2006/68).

Tolerance and pluralism as indivisible elements in the promotion and protection of human rights

196. In its resolution 2004/54, the Commission called upon the High Commissioner to include details of activities undertaken by the Office to implement that resolution in the High Commissioner's report to it at its sixty-second session (see also paragraphs 23 and 24 above).

Human rights and arbitrary deprivation of nationality

197. In its resolution 2005/45, the Commission requested the Secretary-General to collect information on this question from all relevant sources and to make it available to the Commission for its consideration at its sixty-second session. It also decided to continue its consideration of this matter at its sixty-second session under the same agenda item.

198. The Commission will have before it the report of the Secretary-General (E/CN.4/2006/88).

Human rights of persons with disabilities

199. In its resolution 2005/65, the Commission called upon the Office of the High Commissioner for Human Rights to report to it at its sixty-second session on progress in the implementation of the recommendations contained in the study on human rights and disability, submitted to the Commission at its fifty-eighth session, and on the achievement of the objectives set forth in the programme of work of the Office in relation to the human rights of persons with disabilities. In the same resolution, the Commission requested the Secretary-General and the Office of the High Commissioner to include in relevant reports to the General Assembly and the Commission information on the progress of efforts to ensure the full recognition of and the full and equal enjoyment of all human rights by persons with disabilities and to make such reports available to the Ad Hoc Committee on a Comprehensive and Integral International Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities for its forthcoming sessions.

200. The Commission will have before it the report of the Office of the High Commissioner (E/CN.4/2006/72) (see also paragraph 19 above).

201. Pursuant to General Assembly resolution 60/232 and in connection with the present item, the attention of the Commission is drawn to a note by the Secretariat transmitting to the Commission the report of the Ad Hoc Committee on a Comprehensive and Integral International Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities (A/60/266) (E/CN.4/2006/121).

The protection of human rights in the context of human immunodeficiency virus (HIV) and acquired immunodeficiency syndrome (AIDS)

202. In its resolution 2005/84, the Commission requested the Secretary-General to solicit comments from Governments, United Nations organs, programmes and specialized agencies and international and non-governmental organizations on the steps they have taken to promote and implement, where applicable, programmes to address the urgent HIV-related human rights of women, children and vulnerable groups in the context of prevention, care and access to treatment as described in the guidelines on HIV/AIDS and human rights, as summarized (E/CN.4/1997/37, para. 12), and that resolution, and to submit, in consultation with interested parties, a progress report to the Commission for consideration at its sixty-third session.

Other matters

203. In connection with the present agenda item, the attention of the Commission is also drawn to draft decisions 4 and 6 in chapter I of the report of the Sub-Commission on the Promotion and Protection of Human Rights on its fifty-seventh session (E/CN.4/2006/2-E/CN.4/Sub.2/2005/44), recommended to the Commission on Human Rights for adoption.

Item 15. Indigenous issues

Working Group on Indigenous Populations of the Sub-Commission on the Promotion and Protection of Human Rights and the International Decade of the World's Indigenous People

204. 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 50/157, the Assembly adopted the Programme of Activities for the International Decade of the World's Indigenous People as contained in the annex to the resolution and requested the Secretary-General to report to it on progress made at the national, regional and international levels.

205. In its resolution 2005/49, as endorsed by Economic and Social Council decision 2005/268, the Commission requested the High Commissioner for Human Rights to submit to the Commission at its sixty-second session, under the agenda item entitled "Indigenous issues", a report on the activities undertaken by her Office during the calendar year 2005 relating to indigenous people, as well as proposals both within and outside the framework of the Second Decade of the World's Indigenous People for enhancing the promotion and protection of the individual and collective rights of indigenous people, including their human rights and freedoms. The Commission will have before it the report of the High Commissioner (E/CN.4/2006/77).

Working Group of the Commission on Human Rights to elaborate a draft declaration in accordance with paragraph 5 of General Assembly resolution 49/214 of 23 December 1994

206. In its resolution 1995/32, the Commission decided to establish an open-ended intersessional Working Group of the Commission with the sole purpose of elaborating a draft declaration, considering the draft contained in the annex to Sub-Commission resolution 1994/45, entitled "draft United Nations declaration on the rights of indigenous peoples".

207. In its resolution 2005/50, as endorsed by Economic and Social Council decision 2005/269, the Commission recommended that the Working Group meet for 10 working days prior to its sixty-second session, the cost of the meeting to be met from within existing resources, and requested it to submit a report for consideration by the Commission at its sixty-second session. The Commission will have before it the report of the Working Group (E/CN.4/2006/79).

Human rights and indigenous issues

208. The mandate of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people was established by the Commission in its resolution 2001/57, for a three-year period. Mr. Rodolfo Stavenhagen (Mexico) was appointed Special Rapporteur in June 2001.

209. In its resolution 2005/51, the Commission requested the Special Rapporteur to submit a report on his activities to the General Assembly at its sixtieth session and to the Commission at its sixty-second session. In the same resolution, the Commission also requested the Special Rapporteur to begin preparing a study regarding best practices carried out to implement the recommendations contained in his general and country reports and to submit a progress report to it at its sixty-second session and the final study at its sixty-third session.

210. Also in its resolution 2005/52 entitled “Protection of indigenous peoples in time of conflict”, the Commission requested the Special Rapporteur to liaise with the Special Adviser with regard to the protection of indigenous peoples from genocide and to develop an emergency response mechanism as part of his mandate.

211. The Commission will have before it the report of the Special Rapporteur (E/CN.4/2006/78 and Add.1-5).

Other matters

212. In connection with the present agenda item, the attention of the Commission is drawn to the draft decision 5 in chapter I of the report of the Sub-Commission on its fifty-seventh session (E/CN.4/2006/2-E/CN.4/Sub.2/2005/44), recommended to the Commission on Human Rights for adoption.

Item 16. Report of the Sub-Commission on the Promotion and Protection of Human Rights:

(a) Report and draft decisions;

(b) Election of members.

Sub-item (a): Report and draft decisions

213. The report of the Sub-Commission on its fifty-seventh session is contained in document E/CN.4/2006/2-E/CN.4/Sub.2/2005/44. Chapter I of the report of the Sub-Commission contains seven draft decisions proposed to the Commission for action. Annex V to the report of the Sub-Commission contains a list of the resolutions and decisions of the Sub-Commission referring to matters which are brought to the attention of the Commission or on which the Commission is expected to take action.

214. It will be recalled that at its fifty-sixth session, the Commission accepted the recommendation of its Bureau and agreed that action on all draft proposals recommended by the Sub-Commission should be taken under the relevant agenda items of the Commission (E/2000/23-E/CN.4/2000/167, para. 19).

215. At its fifty-seventh session, the Sub-Commission adopted 32 resolutions and 15 decisions.

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

216. In its resolution 2005/53, the Commission invited the Chairperson of the fifty-seventh session of the Sub-Commission to report to it at its sixty-second session, including an assessment of how recent enhancements of the effectiveness of the Sub-Commission and of its mechanisms have worked in practice.

217. In the same resolution, the Commission requested the Office of the High Commissioner for Human Rights to submit to the Commission at its sixty-second session a comprehensive report on the administrative and programme budget of the Sub-Commission, as well as possible recommendations for strengthening and enhancing the Sub-Commission's budgetary planning and management.

218. The Commission will have before it a note by the Secretariat (E/CN.4/2006/81) and the report of the Chairperson of the fifty-seventh session of the Sub-Commission (E/CN.4/2006/82).

Sub-item (b): Election of members

219. In accordance with Economic and Social Council resolutions 1334 (XLIV) of 31 May 1968 and 1986/35 of 23 May 1986, and decisions 1978/21 of 5 May 1978 and 1987/102 of 6 February 1987, the Commission, at its forty-fourth session in 1988, elected 26 members of the Sub-Commission, as well as their alternates, if any, from nominations of experts made by States Members of the United Nations on the following basis: 7 members from African States; 5 members from Asian States; 3 members from Eastern European States; 5 members from Latin American States; and 6 members from Western European and other States.

220. Pursuant to the procedure established in Council resolution 1986/35, members of the Sub-Commission are elected for a term of four years and half of its membership and the corresponding alternates, if any, are elected every two years.

221. In 2006, when the term of office of half of the membership of the Sub-Commission will expire, the Commission, at its sixty-second session, will elect 13 Sub-Commission members and their alternates, if any, in accordance with the following pattern: 3 members from African States; 3 members from Asian States; 1 member from Eastern European States; 3 members from Latin American and Caribbean States; and 3 members from Western European and other States.

222. In its resolution 2005/53, the Commission requested States when nominating and electing members and alternates to the Sub-Commission:

(a) To be conscious of the strong concern to ensure that the body is independent and is seen to be so and, inter alia, to ensure that their nominees to the Sub-Commission are impartial and independent, free from conflict of interest, and, if elected, that the nominating States do not seek to unduly influence their work;

(b) To keep in mind the need to ensure universality, a balanced representation, as well as the benefits of continuity and the importance of renewal;

(c) To select members with acknowledged expertise in human rights;

(d) To submit nominations, if possible, at least two months prior to the beginning of the session at which they will be elected, so as to enable the members of the Commission thoroughly to assess the qualifications and the independence of the nominees;

(e) To refrain from seeking to unduly influence those who are already Sub-Commission members or alternates.

223. The attention of the Commission is also drawn to Economic and Social Council resolution 1983/32, in which the Council decided that, notwithstanding paragraph 2 of article 13 of the rules of procedure of the functional commissions of the Council, certain rules should henceforth apply to the Sub-Commission. Under these rules, the nomination of a candidate for membership of the Sub-Commission may be accompanied by a nomination of an expert of the same nationality, to be elected simultaneously with the candidate for membership, who may serve temporarily as an alternate if the member is unable to attend; the qualifications for alternates are to be the same as for members; and no person may serve as an alternate for a member except the expert so elected.

224. At the present session, the Commission will have before it a note by the Secretary-General (E/CN.4/2006/80 and Add.1) containing the names and biographical data of the candidates nominated for election by Member States.

Item 17. Promotion and protection of human rights:

- (a) Status of the International Covenants on Human Rights;**
- (b) Human rights defenders;**
- (c) Information and education;**
- (d) Science and the environment.**

Enhancement of international cooperation in the field of human rights

225. In its resolution 2005/54, the Commission decided to continue its consideration of this question, as a matter of priority, at its sixty-second session.

Human rights and international solidarity

226. In its resolution 2002/73, 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. At its fifty-sixth session,

the Sub-Commission had before it the working paper prepared by Mr. Dos Santos Alves (E/CN.4/Sub.2/2004/43). In its decision 2004/111, the Sub-Commission requested Mr. Dos Santos Alves to prepare an expanded version of his working paper for submission to the Sub-Commission at its fifty-seventh session. No working paper was submitted by Mr. Dos Santos Alves to the Sub-Commission at its fifty-seventh session.

227. In its resolution 2005/55, as endorsed by Economic and Social Council decision 2005/271, the Commission decided, taking into account the urgent need to further develop guidelines, standards, norms and principles with a view to promoting and protecting rights closely interrelated to the fundamental value of solidarity, to appoint an independent expert on human rights and international solidarity for a period of three years. The Commission requested the independent expert to study the issue and prepare a draft declaration on the right of peoples to international solidarity. The independent expert was also requested to take into account the outcomes of all major United Nations and other global summits and ministerial meetings in the economic and social fields and to seek views and contributions from Governments, United Nations agencies, other relevant international organizations and non-governmental organizations in the discharge of his/her mandate. The Commission further requested the independent expert to report annually to the Commission on the progress made in the fulfilment of his/her mandate. In July 2005, Mr. Rudi Muhammad Rizki (Indonesia) was appointed as independent expert.

228. At the present session, the Commission will have before it the report of the independent expert (E/CN.4/2006/96).

Promotion of peace as a vital requirement for the full enjoyment of all human rights by all

229. In its resolution 2005/56, the Commission decided to continue consideration of the issue at its sixty-second session.

Promotion of a democratic and equitable international order

230. In its resolution 2005/57, the Commission decided to continue consideration of the matter at its sixty-second session.

The question of the death penalty

231. At its sixty-first session, the Commission had before it the seventh quinquennial report of the Secretary-General on capital punishment and implementation of the safeguards guaranteeing protection of the rights of those facing the death penalty, submitted in accordance with Economic and Social Council resolution 1995/57 and decision 2004/242 (E/2005/3). In its resolution 2005/59, the Commission requested the Secretary-General to submit to the Commission at its sixty-second session, in consultation with Governments, specialized agencies and intergovernmental and non-governmental organizations, a yearly supplement to his quinquennial report, paying special attention to the imposition of the death penalty on persons younger than 18 years of age at the time of the offence and on persons suffering from any mental or intellectual disabilities.

232. The Commission will have before it the yearly supplement to the quinquennial report of the Secretary-General on capital punishment (E/CN.4/2006/83).

Convention on the Prevention and Punishment of the Crime of Genocide

233. In its resolution 2005/62, as endorsed by Economic and Social Council decision 2005/295, the Commission requested the Secretary-General to make available to it at its sixty-second session a report on the implementation of the Action Plan and on the activities of the Special Adviser and invited the Special Adviser to address the Commission at the same session and at the sixty-third session on the progress made in discharging his duties.

234. At the present session, the Commission will have before it the report of the Secretary-General on the implementation of the Action Plan (E/CN.4/2006/84).

Protection of the human rights of civilians in armed conflicts

235. In its resolution 2005/63, the Commission decided to continue consideration of the issue at its sixty-second session under the same agenda item.

Right to the truth

236. In its resolution 2005/66, the Commission requested the Office of the United Nations High Commissioner for Human Rights to prepare a study on the right to the truth, including information on the basis, scope and content of the right under international law, as well as best practices and recommendations for effective implementation of this right, in particular, legislative, administrative or any other measures that may be adopted in this respect, taking into account the views of States and relevant intergovernmental and non-governmental organizations, for consideration at its sixty-second session.

237. The Commission will have before it the study by the Office of the United Nations High Commissioner for Human Rights (E/CN.4/2006/91).

The role of good governance in the promotion and protection of human rights

238. In its resolution 2005/68, the Commission requested the Office of the United Nations High Commissioner for Human Rights to convene a seminar in 2006, from extrabudgetary resources, on the role of anti-corruption measures at the national and international levels in good governance practices for the promotion and protection of human rights.

239. In the same resolution, the Commission also decided to continue its consideration of this question at its sixty-second session under the same agenda item.

Human rights and transnational corporations and other business enterprises

240. In its resolution 2005/69, as endorsed by Economic and Social Council decision 2005/273, the Commission requested the Secretary-General to appoint a special representative on the issue of human rights and transnational corporations and other business

enterprises, for an initial period of two years, who shall submit an interim report to the Commission at its sixty-second session and a final report at its sixty-third session, with views and recommendations for the consideration of the Commission, with the following mandate:

- (a) To identify and clarify standards of corporate responsibility and accountability for transnational corporations and other business enterprises with regard to human rights;
- (b) To elaborate on the role of States in effectively regulating and adjudicating the role of transnational corporations and other business enterprises with regard to human rights, including through international cooperation;
- (c) To research and clarify the implications for transnational corporations and other business enterprises of concepts such as “complicity” and “sphere of influence”;
- (d) To develop materials and methodologies for undertaking human rights impact assessments of the activities of transnational corporations and other business enterprises;
- (e) To compile a compendium of best practices of States and transnational corporations and other business enterprises.

241. In the same resolution, the Commission also requested the Special Representative, in carrying out his mandate, to liaise closely with the Special Adviser to the Secretary-General for the Global Compact and to consult on an ongoing basis with all stakeholders, including States, the Global Compact, international and regional organizations such as the International Labour Organization, the United Nations Conference on Trade and Development, the United Nations Environment Programme and the Organization for Economic Cooperation and Development, transnational corporations and other business enterprises, and civil society, including employers’ organizations, workers’ organizations, indigenous and other affected communities and non-governmental organizations. In July 2005, Mr. John Ruggie (United States of America) was appointed as Special Representative of the Secretary-General.

242. Also in the same resolution, the Commission requested the High Commissioner for Human Rights to convene annually, in cooperation with the Special Representative, a meeting with senior executives from companies and experts from a particular sector, such as the pharmaceutical, extractive or chemical industries, to consider, within the mandate of the Special Representative, the specific human rights issues faced by those sectors, to raise awareness and share best practice, and to report on the outcome of the first meeting to the Commission at its sixty-second session, under the same agenda item.

243. The Commission will have before it the report of the Special Representative of the Secretary-General (E/CN.4/2006/97) and the report of the High Commissioner (E/CN.4/2006/92).

Human rights and transitional justice

244. In its resolution 2005/70, the Commission requested the Office of the High Commissioner for Human Rights to submit, at its sixty-second session, in consultation

with other parts of the United Nations system, civil society and other stakeholders, a study on human rights and transitional justice activities undertaken by the human rights components of the United Nations that would include an analysis of the work accomplished, a compilation of lessons learned and best practices as well as conclusions and recommendations, with a view to assisting countries in the context of transitional justice.

245. The Commission will have before it the study by the Office of the High Commissioner for Human Rights (E/CN.4/2006/93).

Protection of human rights and fundamental freedoms while countering terrorism

246. In its resolution 2004/87, as endorsed by Economic and Social Council decision 2004/227, the Commission decided to designate, for a period of one year, an independent expert to assist the High Commissioner in the fulfilment of the mandate described in paragraphs 8 and 9 of that resolution and, taking fully into account the study requested in General Assembly resolution 58/187, as well as the discussions in the Assembly and the views of States thereon, to submit a report, through the High Commissioner, to the Commission at its sixty-first session on ways and means of strengthening the promotion and protection of human rights and fundamental freedoms while countering terrorism. Mr. Robert K. Goldman (United States of America) was appointed as independent expert in July 2004. At its sixty-first session, the Commission had before it the report of the independent expert (E/CN.4/2005/103).

247. In its resolution 2005/80, as endorsed by Economic and Social Council decision 2005/279, the Commission decided to appoint, for a period of three years, a special rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, with the mandate:

(a) To make concrete recommendations on the promotion and protection of human rights and fundamental freedoms while countering terrorism, including, at the request of States, for the provision of advisory services or technical assistance on such matters;

(b) To gather, request, receive and exchange information and communications from and with all relevant sources, including Governments, the individuals concerned, their families, their representatives and their organizations, including through country visits, with the consent of the State concerned, on alleged violations of human rights and fundamental freedoms while countering terrorism, with special attention to areas not covered by existing mandate holders;

(c) To identify, exchange and promote best practices on measures to counter terrorism that respect human rights and fundamental freedoms;

(d) To work in close coordination with other special rapporteurs, special representatives, working groups and independent experts of the Commission, the Sub-Commission and other relevant United Nations bodies;

(e) To develop a regular dialogue and discuss possible areas of cooperation with all relevant actors, including Governments, relevant United Nations bodies, specialized agencies

and programmes, in particular with the Counter-Terrorism Committee of the Security Council, the Office of the United Nations High Commissioner for Human Rights, the Terrorism Prevention Branch of the United Nations Office on Drugs and Crime, human rights mandate holders and treaty bodies, the Sub-Commission on the Promotion and Protection of Human Rights, as well as non-governmental organizations and other regional or subregional international institutions, fully respecting the respective mandates of the above-mentioned bodies and with a view to avoiding duplication of effort;

(f) To report regularly to the Commission and to the General Assembly.

248. In July 2005, Mr. Martin Scheinin (Finland) was appointed as special rapporteur.

249. In the same resolution, the Commission also requested the High Commissioner for Human Rights to report regularly on the implementation of that resolution to the Commission and to the General Assembly.

250. The Commission will have before it the report of the Special Rapporteur (E/CN.4/2006/98 and Add.1 and 2) and the report of the High Commissioner (E/CN.4/2006/94).

Impunity

251. In its resolution 2005/81, the Commission took note with appreciation of the report of the independent expert and the updated Set of Principles for the protection and promotion of human rights through action to combat impunity (E/CN.4/2005/102 and Add.1). The Commission requested the Secretary-General to report to the Commission at its sixty-second session on the latest developments in international law and practice relevant to combating impunity, including international jurisprudence and State practice, and the work of the Office of the High Commissioner for Human Rights and other parts of the United Nations system, taking into account the updated Set of Principles and the independent study, as well as comments received pursuant to that resolution.

252. The Commission will have before it the report of the Secretary-General (E/CN.4/2006/89).

Fundamental standards of humanity

253. In its decision 2004/118, the Commission decided to consider the question at its sixty-second session and to request the Secretary-General, in consultation with the International Committee of the Red Cross, to submit to the Commission at its sixty-second session an analytical report which would consolidate and update previous reports and studies, cover relevant developments, including regional and international case law and the forthcoming study by the International Committee of the Red Cross on customary rules of international humanitarian law, and address the issue of securing implementation.

254. At the present session, the Commission will have before it the analytical report of the Secretary-General (E/CN.4/2006/87).

Human rights and human responsibilities

255. In its decision 2005/111, the Commission decided to request Mr. Miguel Alfonso Martínez, author of the study on human rights and human responsibilities requested by the Commission in its resolution 2000/63 of 26 April 2000, to prepare, without financial implications, for submission to and discussion at its sixty-second session a new initial version of the pre-draft declaration on human social responsibilities (E/CN.4/2003/105, annex I), taking into account the debate held on this matter during its sixty-first session and, in particular, the comments and suggestions advanced by States and international governmental and non-governmental organizations on the pre-draft declaration, as reflected in the compilation that appears in the report of the Office of the High Commissioner.

256. At its substantive session in July 2005, the Economic and Social Council rejected draft decision 37 recommended to it for adoption by the Commission.

Sub-item (a): Status of the International Covenants on Human Rights

257. In its resolution 2004/69, the Commission requested the Secretary-General to submit to it, at its sixty-first and sixty-second sessions, a report on the status of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocols to the International Covenant on Civil and Political Rights, including all reservations and declarations.

258. At the present session, the Commission will have before it the report of the Secretary-General (E/CN.4/2006/85).

259. For the text of reservations, declarations, notifications and objections relating to the International Covenant on Economic, Social and Cultural Rights and to the International Covenant on Civil and Political Rights and the Optional Protocols thereto, consult the websites of the United Nations Office of Legal Affairs, Treaty Section (<http://untreaty.un.org>) and of the Office of the United Nations High Commissioner for Human Rights (www.ohchr.org).

Sub-item (b): Human rights defenders

260. The mandate of the Special Representative of the Secretary-General on the situation of human rights defenders was established by the Commission in its resolution 2000/61 and extended for a period of three years by its resolution 2003/64, as endorsed by Economic and Social Council decision 2003/255. In its resolution 2005/67, the Commission requested the Special Representative to continue to report on her activities to the General Assembly and to the Commission in accordance with her mandate. Ms. Hina Jilani (Pakistan) was appointed as Special Representative in August 2000.

261. The Commission will have before it the report of the Special Representative (E/CN.4/2006/95 and Add.1-5).

Sub-item (c): Information and education

Development of public information activities in the field of human rights, including the World Public Information Campaign on Human Rights

262. In its resolution 2005/58, the Commission requested the Secretary-General to submit, from within existing overall United Nations resources, to the Commission at its sixty-third session a report on public information activities in the field of human rights, including those undertaken by relevant United Nations field presences, particularly those of the Office of the High Commissioner. The Commission also decided to continue consideration of this question at its sixty-third session under the same agenda item, in connection with the World Programme for Human Rights Education.

World Programme for Human Rights Education

263. Pursuant to the request contained in resolution 2005/61, the Commission will have before it the report of the High Commissioner for Human Rights on progress made towards the implementation of that resolution (E/CN.4/2006/90).

Sub-item (d): Science and the environment

Human rights and the environment as part of sustainable development

264. In its resolution 2005/60, the Commission requested the Secretary-General to submit to the Commission at its sixty-third session a report, consistent with the outcomes of the High-level Plenary Meeting of the General Assembly on the Millennium Declaration in September 2005, on how respect for human rights can contribute to sustainable development, including its environmental component, and can also contribute positively to poverty eradication and strengthen capacity-building activities for developing countries, taking into account the contributions of relevant international organizations and bodies and the views of concerned States, and to include any developments that would update the report of the Secretary-General on human rights and the environment as part of sustainable development (E/CN.4/2005/96). In the same resolution, the Commission decided to continue consideration of this question at its sixty-third session.

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

265. In its decision 2004/122, the Commission decided urgently to call upon the Sub-Commission on the Promotion and Protection of Human Rights 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.

266. In its resolution 2004/10, the Sub-Commission invited Ms. Françoise Hampson to update her working paper on the human rights situation of indigenous peoples in States and other territories threatened with extinction for environmental reasons (E/CN.4/Sub.2/AC.4/2004/CRP.1), and to submit a further working paper to its fifty-seventh session.

267. In its decision 2005/112, the Commission endorsed the request of the Sub-Commission to Ms. Françoise Hampson to update and expand her work and submit an expanded working paper to the fifty-seventh session of the Sub-Commission. At its fifty-seventh session, the Sub-Commission had before it the expanded working paper submitted by Ms. Hampson (E/CN.4/Sub.2/2005/28).

268. In connection with this issue, the attention of the Commission is drawn to draft decision 3 in chapter I of the report of the Sub-Commission on its fifty-seventh session (E/CN.4/2006/2-E/CN.4/Sub.2/2005/44), recommended to the Commission on Human Rights for adoption.

Item 18. Effective functioning of human rights mechanisms:

(a) Treaty bodies;

(b) National institutions and regional arrangements;

(c) Adaptation and strengthening of the United Nations machinery for human rights.

Sub-item (a): Treaty bodies

Effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights

269. In Commission resolution 2004/78, the Secretary-General was requested to report to the Commission at its sixty-second session on measures taken to implement that resolution and on obstacles to its implementation, including the efforts of the treaty bodies to integrate a gender perspective throughout their work.

270. At the present session, the Commission will have before it the report of the Secretary-General (E/CN.4/2006/86).

Sub-item (b): National institutions and regional arrangements

Regional cooperation for the promotion and protection of human rights in the Asian and Pacific region

271. In its resolution 2005/71, the Commission requested the Secretary-General to submit to it at its sixty-second session a report containing the conclusions of the thirteenth Workshop on Regional Cooperation for the Promotion and Protection of Human Rights in the Asian and Pacific Region and information on the progress achieved in the implementation of that resolution.

272. The Commission will have before it the report of the Secretary-General (E/CN.4/2006/100 and Add.1).

Regional arrangements for the promotion and protection of human rights

273. In its resolution 2005/73, the Commission requested the Secretary-General to submit to the Commission at its sixty-third session a report on the state of regional arrangements for the promotion and protection of human rights, to formulate concrete proposals and recommendations on ways and means to strengthen cooperation between United Nations and regional arrangements in the field of human rights and to include therein the results of action taken in pursuance of that resolution.

National institutions for the promotion and protection of human rights

274. In its resolution 2005/74, the Commission requested the Secretary-General to report to it at its sixty-second session on the implementation of that resolution and on ways and means of enhancing participation of national human rights institutions in the work of the Commission. In the same resolution, the Commission also requested the Secretary-General to report to it on the process currently utilized by the International Coordinating Committee to accredit national institutions in compliance with the Paris Principles and to ensure that the process is strengthened with appropriate periodic review.

275. The Commission will have before it the reports of the Secretary-General on national institutions for the promotion and protection of human rights (E/CN.4/2006/101) and on the process currently utilized by the International Coordinating Committee to accredit national institutions (E/CN.4/2006/102).

Sub-item (c): Adaptation and strengthening of the United Nations machinery for human rights

Human rights and special procedures

276. In its resolution 2004/76, the Commission requested the Secretary-General, inter alia, to: (a) issue annually, and sufficiently early, in close collaboration with the special procedures, their conclusions and recommendations, so as to enable further discussion of their implementation at subsequent sessions of the Commission; and (b) present annually a list of all persons currently mandated to carry out the special procedures mandates, including their country of origin and summaries of their professional background and activities, in an annex to the annotations to the provisional agenda of each session of the Commission.

277. In the same resolution, the Commission requested the High Commissioner for Human Rights, inter alia, to include in her report information on the implementation of the recommendations contained in that resolution.

278. The Commission decided to continue its consideration of that question at its sixty-second session.

279. The Commission will have before it the report of the Secretary-General (E/CN.4/2006/99). A list of all persons currently mandated to carry out the special procedures mandates, including their country of origin, is provided in the annex to the present document.

Composition of the staff of the Office of the United Nations High Commissioner for Human Rights

280. In its resolution 2005/72, the Commission requested the High Commissioner for Human Rights, *inter alia*, to submit a comprehensive report on the implementation of that resolution to the Commission at its sixty-second session, which should include:

(a) The composition of the staff of the Office, organized by the five United Nations regional groups established by the General Assembly (African States, Asian States, Latin American and Caribbean States, Western European and Other States and Eastern European States) and reflecting, *inter alia*, grade, nationality and gender, including with regard to non-regular staff;

(b) The action plan, as well as the measures adopted to implement it, concrete achievements and their results;

(c) The measures taken to implement other actions requested by that resolution and their achievements;

(d) Any further recommendations to improve the current situation.

281. In its decision 2005/274, the Economic and Social Council drew the attention of the General Assembly to that resolution of the Commission.

282. The Commission will have before it the report of the High Commissioner (E/CN.4/2006/103).

Other matters

283. In connection with the present item and with item 4 of the provisional agenda, the attention of the Commission is drawn to a note by the High Commissioner transmitting the report of the twelfth annual meeting of special rapporteurs/representatives, independent experts and chairpersons of working groups of the special procedures of the Commission on Human Rights and of the advisory services programme, held in Geneva from 20 to 24 June 2005 (E/CN.4/2006/4) (see also paragraph 25 above).

Item 19. Advisory services and technical cooperation in the field of human rights

284. In its resolution 2004/81, the Commission requested the Secretary-General, *inter alia*, to continue to provide the necessary administrative assistance for the Board of Trustees of the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights, to arrange meetings of the Board and to ensure that its conclusions are reflected in the annual report to the Commission on technical cooperation in the field of human rights. It also requested the Secretary-General to submit a further analytical report to the Commission at its sixty-second session on the progress and concrete achievements made, as well as obstacles

encountered in the implementation of the programme of advisory services and technical cooperation in the field of human rights and on the operation and administration of the Voluntary Fund.

285. The Commission will have before it the report of the Secretary-General (E/CN.4/2006/104).

Advisory services and technical assistance for Burundi

286. In its resolution 2004/82, as endorsed by Economic and Social Council decision 2004/224, the Commission decided to appoint an independent expert to provide backing for the Government of Burundi in its efforts to improve the human rights situation. It also requested the independent expert to consider the situation of human rights in Burundi and ensure that the authorities are honouring the commitments they have made. In July 2004, Mr. Akich Okola (Kenya) was appointed as independent expert.

287. In its resolution 2005/75, as endorsed by Economic and Social Council decision 2005/275, the Commission requested the independent expert to continue to study the situation of human rights in Burundi and, to submit an interim report to the General Assembly at its sixtieth session and to report thereon to the Commission at its sixty-second session.

288. The Commission will have before it the report of the independent expert (E/CN.4/2006/109).

Assistance to Sierra Leone in the field of human rights

289. In its resolution 2005/76, as endorsed by Economic and Social Council decision 2005/276, the Commission requested the High Commissioner for Human Rights to report to the General Assembly at its sixtieth session and to the Commission at its sixty-second session on assistance to Sierra Leone in the field of human rights, including with reference to the Human Rights Section of the United Nations Mission in Sierra Leone.

290. The Commission will have before it the report of the High Commissioner for Human Rights (E/CN.4/2006/106).

Technical cooperation and advisory services in Cambodia

291. In its resolution 2005/77, the Commission requested the Secretary-General to report to it at its sixty-second session on the role and achievements of the Office of the High Commissioner for Human Rights in assisting the Government and the people of Cambodia in the promotion and protection of human rights, and on the recommendations made by the Special Representative of the Secretary-General for human rights in Cambodia on matters within his mandate.

292. Following the resignations of Mr. Thomas Hammarberg (Sweden) and Mr. Peter Leuprecht (Austria), Mr. Yash Ghai (Kenya) was appointed Special Representative of the Secretary-General in August 2000. The Commission will have before it the report of the Secretary-General (E/CN.4/2006/105) and the report of the Special Representative on the situation of human rights in Cambodia (E/CN.4/2006/110).

Technical cooperation and advisory services in Nepal

293. In its resolution 2005/78, as endorsed by Economic and Social Council decision 2005/277, the Commission requested the High Commissioner for Human Rights to submit a report to the General Assembly at its sixtieth session and to the Commission at its sixty-second session on the human rights situation and the activities of her Office, including technical cooperation, in Nepal.

294. The Commission will have before it the report of the High Commissioner for Human Rights (E/CN.4/2006/107).

Situation of human rights in the Sudan

295. In its resolution 2005/82, as endorsed by Economic and Social Council decision 2005/280, the Commission decided to establish the mandate of a special rapporteur on the situation of human rights in the Sudan for one year and requested the Special Rapporteur to monitor the situation of human rights in the Sudan and to submit an interim report to the General Assembly at its sixtieth session and to report to the Commission at its sixty-second session. In July 2005, Ms. Sima Samar (Afghanistan) was appointed as the Special Rapporteur.

296. The Commission will have before it the report of the Special Rapporteur (E/CN.4/2006/111).

Assistance to Somalia in the field of human rights

297. The mandate of the independent expert appointed by the Secretary-General on the situation of human rights in Somalia was established by the Commission in its resolution 1993/86. Following the resignation of Mr. Mohammed Charfi (Tunisia) in 1996 and Ms. Mona Rishmawi (Jordan) in 2000, Mr. Ghanim Alnajjar (Kuwait) was appointed as independent expert in May 2001.

298. In its resolution 2005/83, as endorsed by Economic and Social Council decision 2005/281, the Commission decided to extend the mandate of the independent expert for a further year and requested him to report to it at its sixty-second session.

299. The Commission will have before it the report of the independent expert (E/CN.4/2006/112).

Technical cooperation and advisory services in the Democratic Republic of the Congo

300. In its resolution 2004/84, as endorsed by Economic and Social Council decision 2004/225, the Commission decided to appoint an independent expert to provide assistance to the Government of the Democratic Republic of the Congo in the field of human rights, to study the evolving situation of human rights in the Democratic Republic of the Congo and to verify that its obligations in this field are being fulfilled. In July 2004, Mr. Titinga Frédéric Pacéré (Burkina Faso) was appointed as independent expert.

301. In its resolution 2005/85, as endorsed by Economic and Social Council decision 2005/282, the Commission decided to extend the mandate of the independent expert for a further year and requested him to submit a progress report to the General Assembly at its sixtieth session, and to report to it at its sixty-second session.

302. The Commission will have before it the report of the independent expert (E/CN.4/2006/113).

Technical cooperation in the field of human rights in Afghanistan

303. In the statement concerning technical cooperation in the field of human rights in Afghanistan made on behalf of the Commission by the Chairperson of the sixty-first session, on 21 April 2005, as endorsed by Economic and Social Council decision 2005/293, the Commission requested the United Nations High Commissioner for Human Rights to report to the General Assembly at its sixtieth session and to the Commission at its sixty-second session on the situation of human rights in Afghanistan and on the achievements of the technical assistance in the field of human rights, particularly with respect to building national capacity in the field.

304. The Commission will have before it the report of the High Commissioner for Human Rights (E/CN.4/2006/108).

Situation of human rights in Haiti

305. The mandate of the independent expert appointed by the Secretary-General on the situation of human rights in Haiti was established by the Commission in its resolution 1995/70. Following the resignation of Mr. Adama Dieng (Senegal) in March 2001, Mr. Louis Joinet (France) was appointed as independent expert in March 2002. In the statement made on behalf of the Commission by the Chairperson of the sixty-first session on 21 April 2005, as endorsed by Economic and Social Council decision 2005/294, the Commission invited the independent expert to continue his mission and to report to it at its sixty-second session.

306. The Commission will have before it the report of the independent expert (E/CN.4/2006/115).

Situation of human rights in Liberia

307. In its resolution 2003/82, as endorsed by Economic and Social Council decision 2003/260, the Commission decided to appoint an independent expert for an initial period of three years to facilitate cooperation between the Government of Liberia and the Office of the High Commissioner in the area of the promotion and protection of human rights by providing technical assistance and advisory services. The Commission invited the independent expert to visit Liberia to assess the situation of human rights in the country. In July 2003, Ms. Charlotte Abaka (Ghana) was appointed as independent expert.

308. In its decision 2005/117, the Commission decided to consider the question at its sixty-second session under the same agenda item. The Commission will have before it the report of the independent expert (E/CN.4/2006/114).

Other matters

309. In connection with the present agenda item, the attention of the Commission is drawn to draft decision 7 in chapter I of the report of the Sub-Commission on the Promotion and Protection of Human Rights on its fifty-seventh session (E/CN.4/2006/2-E/CN.4/Sub.2/2005/44), recommended to the Commission on Human Rights for adoption.

Item 20. Rationalization of the work of the Commission

310. In its decision 1998/112, the Commission, with a view to enhancing the effectiveness of the mechanisms of the Commission, decided to appoint the Bureau to undertake a review of those mechanisms with a view to making recommendations to the Commission at its fifty-fifth session. At its fifty-fifth session, the Commission had before it the report of the Bureau at its fifty-fourth session (E/CN.4/1999/104 and Corr.1).

311. In a statement made by the Chairperson of the fifty-fifth session on 29 April 1999 and agreed on by consensus (E/1999/23-E/CN.4/1999/167, para. 552), the Commission decided to establish an intersessional open-ended Working Group on enhancing the effectiveness of the mechanisms of the Commission to continue the comprehensive examination of the Bureau report as well as other contributions in this connection. At its fifty-sixth session, the Commission, in its decision 2000/109, 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 (E/CN.4/2000/112).

312. At its fifty-eighth session, the Commission adopted decision 2002/114 concerning the expiration of office-holders' terms of appointment under special procedures.

313. In connection with the present agenda item, see also paragraph 12 above.

Enhancing and strengthening the effectiveness of the special procedures of the Commission on Human Rights

314. In its decision 2005/113, as endorsed by Economic and Social Council decision 2005/290, the Commission requested the United Nations High Commissioner for Human Rights to organize an open-ended seminar during 2005, from within existing resources, in consultation with the expanded Bureau of the Commission, as part of the effort to enhance and strengthen the effectiveness of the special procedures and to submit a report on the implementation of decision 2005/113 to the Commission at its sixty-second session.

315. The Commission will have before it the report of the High Commissioner for Human Rights (E/CN.4/2006/116).

Item 21. (a) Draft provisional agenda for the sixty-third session of the Commission;

(b) Report to the Economic and Social Council on the sixty-second session of the Commission.

Sub-item (a): Draft provisional agenda for the sixty-third session of the Commission

316. Rule 9 of the rules of procedure of the functional commissions of the Economic and Social Council provides that, at each session of the Commission, the Secretary-General shall submit a draft provisional agenda for the Commission's subsequent session, indicating in respect of each agenda item the documents to be submitted under that item and the legislative authority for their preparation, in order to enable the Commission to consider the documents from the point of view of their contribution to its work and of their urgency and relevance in the light of the current situation.

317. The Commission will have before it, before the conclusion of the sixty-second session, a note for its consideration containing a draft provisional agenda for its sixty-third session, together with information concerning the corresponding documentation (E/CN.4/2006/L.1).

Sub-item (b): Report to the Economic and Social Council on the sixty-second session of the Commission

318. Rule 37 of the rules of procedure provides that the Commission shall submit to the Council a report, which shall normally not exceed 32 pages, on the work of each session containing a concise summary of recommendations and a statement of issues requiring action by the Council. It shall as far as practicable frame its recommendations and resolutions in the form of drafts for approval by the Council.

Annex

**LIST OF ALL PERSONS CURRENTLY MANDATED TO CARRY OUT
THE SPECIAL PROCEDURES MANDATES OF THE COMMISSION ON
HUMAN RIGHTS (PREPARED IN ACCORDANCE WITH COMMISSION
RESOLUTION 2004/76)**

Country-specific procedures

Belarus	Mr. Adrian Severin (Romania)	Special Rapporteur
Cuba	Ms. Christine Chanet (France)	Personal Representative of the High Commissioner for Human Rights
Democratic People's Republic of Korea	Mr. Vitit Muntarbhorn (Thailand)	Special Rapporteur
Myanmar	Mr. Paulo Sérgio Pinheiro (Brazil)	Special Rapporteur
Palestinian territories occupied since 1967	Mr. John Dugard (South Africa)	Special Rapporteur

Thematic procedures

Adequate housing	Mr. Miloon Kothari (India)	Special Rapporteur
Contemporary forms of racism, racial discrimination, xenophobia and related intolerance	Mr. Doudou Diène (Senegal)	Special Rapporteur
Education	Mr. Vernor Muñoz Villalobos (Costa Rica)	Special Rapporteur
Extrajudicial, summary or arbitrary executions	Mr. Philip Alston (Australia)	Special Rapporteur
Extreme poverty	Mr. Arjun Sengupta (India)	Independent expert

Freedom of opinion and expression	Mr. Ambeyi Ligabo (Kenya)	Special Rapporteur
Freedom of religion or belief	Ms. Asma Jahangir (Pakistan)	Special Rapporteur
Highest attainable standard of physical and mental health	Mr. Paul Hunt (New Zealand)	Special Rapporteur
Human rights and fundamental freedoms of indigenous people	Mr. Rodolfo Stavenhagen (Mexico)	Special Rapporteur
Human rights defenders	Ms. Hina Jilani (Pakistan)	Special Representative of the Secretary-General
Human rights of internally displaced persons	Mr. Walter Kälin (Switzerland)	Representative of the Secretary-General
Human rights and international solidarity	Mr. Rudi Muhammad Rizki (Indonesia)	Independent expert
Human rights of migrants	Mr. Jorge A. Bustamante (Mexico)	Special Rapporteur
Human rights and transnational corporations and other business enterprises	Mr. John Ruggie (United States of America)	Special Representative of the Secretary-General
Illicit movement and dumping of toxic waste	Mr. Okechukwu Ibeanu (Nigeria)	Special Rapporteur
Independence of judges and lawyers	Mr. Leandro Despouy (Argentina)	Special Rapporteur
Minority issues	Ms. Gay McDougall (United States of America)	Independent expert appointed by the High Commissioner
Promotion and protection of human rights while countering terrorism	Mr. Martin Scheinin (Finland)	Special Rapporteur

Right to food	Mr. Jean Ziegler (Switzerland)	Special Rapporteur
Sale of children, child prostitution and child pornography	Mr. Juan Miguel Petit (Uruguay)	Special Rapporteur
Effects of economic reform policies and foreign debt	Mr. Bernard Andrew Nyamwaya Mudho (Kenya)	Independent expert
Torture and other cruel, inhuman or degrading treatment or punishment	Mr. Manfred Nowak (Austria)	Special Rapporteur
Trafficking in persons, especially in women and children	Ms. Sigma Huda (Bangladesh)	Special Rapporteur
Violence against women, its causes and consequences	Ms. Yakin Ertürk (Turkey)	Special Rapporteur
Working Group on Arbitrary Detention	Ms. Leila Zerrougui (Algeria)	Current Chairperson
Working Group on Enforced or Involuntary Disappearances	Mr. Stephen J. Toope (Canada)	Current Chairperson
Working Group on People of African Descent	Mr. Peter Lesa Kasanda (Zambia)	Current Chairperson
Working Group on the Use of Mercenaries	Ms. Amanda Benavides de Pérez (Colombia)	Current Chairperson
Technical cooperation programmes		
Burundi	Mr. Akich Okola (Kenya)	Independent expert
Cambodia	Mr. Yash Ghai (Kenya)	Special Representative of the Secretary-General

Democratic Republic of the Congo	Mr. Titinga Frédéric Pacéré (Burkina Faso)	Independent expert
Haiti	Mr. Louis Joinet (France)	Independent expert appointed by the Secretary-General
Liberia	Ms. Charlotte Abaka (Ghana)	Independent expert
Somalia	Mr. Ghanim Alnajjar (Kuwait)	Independent expert appointed by the Secretary-General
Sudan	Ms. Sima Samar (Afghanistan)	Special Rapporteur
1503 procedure		
Uzbekistan	Ms. Michèle Picard (France)	Independent expert
