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

**REPORT OF THE SUB-COMMISSION ON THE PROMOTION AND
PROTECTION OF HUMAN RIGHTS ON ITS FIFTY-SIXTH SESSION**

Geneva, 26 July-13 August 2004

Rapporteur: Mr. Paulo Sérgio Pinheiro

CONTENTS

<i>Chapter</i>	<i>Page</i>
I. DRAFT RESOLUTION AND DRAFT DECISIONS RECOMMENDED TO THE COMMISSION ON HUMAN RIGHTS FOR ADOPTION	10
A. <i>Draft resolution</i>	
Protection of indigenous peoples in time of conflict	10
B. <i>Draft decisions</i>	
1. Corruption and its impact on the full enjoyment of human rights, in particular economic, social and cultural rights	10
2. Study on non-discrimination as enshrined in article 2, paragraph 2, of the International Covenant on Economic, Social and Cultural Rights	11
3. Promotion of the realization of the right to drinking water and sanitation	11
4. Final report on the study “Indigenous peoples’ permanent sovereignty over natural resources”	11
5. The legal implications of disappearance of States and other territories for environmental reasons, including the implications for the human rights of their residents, with particular reference to the rights of indigenous peoples	12
6. The rights of minorities	12
7. Working Group on Indigenous Populations	13
8. Discrimination based on work and descent	13
9. Terrorism and human rights	13
10. The difficulty of establishing guilt/or responsibility with regard to crimes of sexual violence	14
11. The right to development	14

CONTENTS (*continued*)

<i>Chapter</i>		<i>Page</i>
II.	RESOLUTIONS AND DECISIONS ADOPTED BY THE SUB-COMMISSION AT ITS FIFTY-SIXTH SESSION	15
A.	<i>Resolutions</i>	
2004/1.	Absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment	15
2004/2.	Housing and property restitution	16
2004/3.	Duration of the Social Forum	17
2004/4.	Corruption and its impact on the full enjoyment of human rights, in particular economic, social and cultural rights	18
2004/5.	Study on non-discrimination as enshrined in article 2, paragraph 2, of the International Covenant on Economic, Social and Cultural Rights	20
2004/6.	Promotion of the realization of the right to drinking water and sanitation	21
2004/7.	Implementation of existing human rights norms and standards in the context of the fight against extreme poverty	24
2004/8.	The Social Forum	28
2004/9.	Final report on the study “Indigenous peoples’ permanent sovereignty over natural resources”	31
2004/10.	The legal implications of disappearance of States and other territories for environmental reasons, including the implications for the human rights of their residents, with particular reference to the rights of indigenous peoples	33
2004/11.	Protection of indigenous peoples in time of conflict	34
2004/12.	Discrimination against leprosy victims and their families	35

CONTENTS (*continued*)

<i>Chapter</i>		<i>Page</i>
II.	A. <i>Resolutions (continued)</i>	
	2004/13. The rights of minorities	36
	2004/14. International Decade of the World's Indigenous People	38
	2004/15. Working Group on Indigenous Populations	41
	2004/16. The effects of the working methods and activities of transnational corporations on the enjoyment of human rights	46
	2004/17. Discrimination based on work and descent	48
	2004/18. World programme for human rights education	49
	2004/19. Report of the Working Group on Contemporary Forms of Slavery	51
	2004/20. United Nations Voluntary Trust Fund on Contemporary Forms of Slavery	54
	2004/21. Terrorism and human rights	55
	2004/22. Systematic rape, sexual slavery and slavery-like practices	57
	2004/23. Harmful traditional practices affecting the health of women and the girl child	59
	2004/24. Discrimination in the criminal justice system	61
	2004/25. Imposition of the death penalty on civilians by military tribunals or by tribunals whose composition includes one or more members of the armed forces	62
	2004/26. The universal implementation of human rights treaties	63
	2004/27. Issue of the administration of justice through military tribunals	64

CONTENTS (*continued*)

<i>Chapter</i>		<i>Page</i>
II.	A. <i>Resolutions (continued)</i>	
	2004/28. Discrimination against convicted persons who have served their sentence	66
	2004/29. The difficulty of establishing guilt and/or responsibility with regard to crimes of sexual violence	68
	2004/30. Sessional working group on the administration of justice	69
	B. <i>Decisions</i>	
	2004/101. Establishment of a sessional working group on the administration of justice under agenda item 3	71
	2004/102. Establishment of a sessional working group to examine the working methods and activities of transnational corporations under agenda item 4	71
	2004/103. Extrajudicial, summary or arbitrary executions	71
	2004/104. The right to development	71
	2004/105. The right to food and progress in developing international voluntary guidelines for its implementation	72
	2004/106. Effects of debt on human rights	72
	2004/107. The right to drinking water supply and sanitation	72
	2004/108. Impact of intolerance on the enjoyment and the exercise of human rights	73
	2004/109. Guidelines and principles for the promotion and protection of human rights when combating terrorism	73

CONTENTS (*continued*)

<i>Chapter</i>		<i>Page</i>
II.	B. <i>Decisions (continued)</i>	
	2004/110. Reservations to human rights treaties	74
	2004/111. Human rights and international solidarity	74
	2004/112. Preliminary report on the study on human rights and the human genome	74
	2004/113. Postponement of draft decision E/CN.4/Sub.2/2004/L.47	75
	2004/114. Human rights and non-State actors	75
	2004/115. Technical cooperation	75
	2004/116. Women in prison	75
	2004/117. Right to an effective remedy in criminal proceedings	76
	2004/118. Working paper on the relationship between human rights law and international humanitarian law	76
	2004/119. Working paper on an effective remedy in civil matters against violations of human rights by State agents	76
	2004/120. Decision under item 1 with regard to item 2 of the agenda	76
	2004/121. Working paper on methods of work of the of the Sub-Commission with regard to reports	77
	2004/122. Composition of the working groups of the Sub-Commission for 2005	78
	2004/123. Prevention of human rights violations committed with small arms and light weapons	78

CONTENTS (*continued*)

<i>Chapter</i>	<i>Paragraphs</i>	<i>Page</i>
III. ORGANIZATION OF WORK	1 - 45	79
A. Opening and duration of the session and number of meetings	1 - 3	79
B. Attendance	4	79
C. Resolutions and documentation	5 - 9	79
D. Election of officers	10 - 11	80
E. Adoption of the agenda	12 - 14	80
F. Organization of work and conduct of business	15 - 32	80
G. Other matters	33 - 43	83
H. Concluding remarks	44 - 45	87
IV. QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII)	46 - 53	88
V. ADMINISTRATION OF JUSTICE, RULE OF LAW AND DEMOCRACY	54 - 88	90
VI. ECONOMIC, SOCIAL AND CULTURAL RIGHTS	89 - 130	95
VII. PREVENTION OF DISCRIMINATION:		
(a) Racism, racial discrimination and xenophobia;		
(b) Prevention of discrimination and protection of indigenous peoples;		
(c) Prevention of discrimination and protection of minorities	131 - 166	101

CONTENTS (*continued*)

<i>Chapter</i>		<i>Paragraphs</i>	<i>Page</i>
VIII.	SPECIFIC HUMAN RIGHTS ISSUES:		
	(a) Women and human rights;		
	(b) Contemporary forms of slavery;		
	(c) New priorities, in particular terrorism and counter-terrorism	167 - 210	106
IX.	DRAFT PROVISIONAL AGENDA AND ADOPTION OF THE REPORT:		
	(a) Draft provisional agenda for the fifty-seventh session of the Sub-Commission;		
	(b) Adoption of the report on the fifty-sixth session	211 - 216	112
Annexes			
I.	Agenda		118
II.	List of speakers: general debate		119
III.	Attendance		127
IV.	Administrative and programme budget implications of resolutions and decisions adopted by the Sub-Commission at its fifty-sixth session		133
V.	Sub-Commission resolutions and decision referring to matters which are drawn to the attention of the Commission on Human Rights or on which the Commission is expected to take action		134
VI.	List of studies and reports:		
	A. Studies and reports completed at the fifty-sixth session of the Sub-Commission		135
	B. Ongoing studies and reports submitted by special rapporteurs to the Sub-Commission in 2004 in accordance with existing legislative authority		136
	C. Working papers and other documents without financial implications submitted to the Sub-Commission in 2004		137

CONTENTS (*continued*)

<i>Annexes (continued)</i>	<i>Page</i>
D. Working papers prepared for the working groups of the Sub-Commission in 2004	139
E. Working papers and other documents without financial implication initiated at the fifty-sixth session of the Sub-Commission	140
F. Studies and reports recommended to the Commission on Human Rights for approval	142
VII. List of documents issued for the fifty-sixth session of the Sub-Commission	143
VIII. Resolutions (30) and decisions (23) adopted by the Sub-Commission on the Promotion and Protection of Human Rights at its fifty-sixth session	157

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

A. Draft resolution

Protection of indigenous peoples in time of conflict

The Commission on Human Rights,

1. *Requests* the Secretary-General:

(a) To ensure that the Special Adviser for the Prevention of Genocide appointed under the Action Plan to Prevent Genocide takes into consideration the need to protect indigenous peoples and their territories;

(b) To ensure that, in situations where there are forces present under a United Nations mandate, they protect vulnerable indigenous peoples, their territories and objects indispensable to their survival;

(c) To ensure that the mandates of United Nations authorized operations include a requirement to protect indigenous populations and their territories;

2. *Requests* the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people:

(a) To liaise with the Special Adviser with regard to the protection of indigenous peoples from genocide;

(b) To develop an emergency response mechanism as part of his mandate.

[See chap. II, sect. A, resolution 2004/11,
and chap. VII.]

B. Draft decisions

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

The Commission on Human Rights, taking note of Sub-Commission on the Promotion and Protection of Human Rights resolution 2004/4 of 9 August 2004, endorses the request to the Secretary-General to facilitate the work of the Special Rapporteur on corruption and its impact on the full enjoyment of human rights, in particular economic, social and cultural rights, by enabling her to attend the meetings of the "Friends of the Convention", which take place in Vienna.

[See chap. II, sect. A, resolution 2004/4,
and chap. VI.]

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

The Commission on Human Rights, taking note of Sub-Commission on the Promotion and Protection of Human Rights resolution 2004/5 of 9 August 2004, approves the decision of the Sub-Commission to appoint Mr. Marc Bossuyt as Special Rapporteur to undertake a study on non-discrimination as enshrined in article 2, paragraph 2, of the International Covenant on Economic, Social and Cultural Rights, based on the working paper prepared by Mr. Emmanuel Decaux (E/CN.4/Sub.2/2004/24), on the comments received and the discussions held at the fifty-sixth session of the Sub Commission, and the decision to request the Special Rapporteur to submit a preliminary report to the Sub-Commission at its fifty-seventh session, an interim report at its fifty-eighth session and a final report at its fifty-ninth session. The Commission also approves the request that the Secretary-General provide the Special Rapporteur with all the necessary assistance to enable him to carry out his mandate.

[See chap. II, sect. A, resolution 2004/5,
and chap. VI.]

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

The Commission on Human Rights, taking note of resolution 2004/6 of 9 August 2004 of the Sub Commission on the Promotion and Protection of Human Rights, decides to approve the request of the Sub-Commission to have the reports of the Special Rapporteur on the promotion of the realization of the right to drinking water supply and sanitation (E/CN.4/Sub.2/2002/10, E/CN.4/Sub.2/2003/WP.3 and E/CN.4/Sub.2/2004/20) issued in the official languages of the United Nations.

[See chap. II, sect. A, resolution 2004/6,
and chap. VI.]

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

The Commission on Human Rights, taking note of resolution 2004/9 of 9 August 2004, of the Sub-Commission on the Promotion and Protection of Human Rights, decides:

(a) To express its deep appreciation to the Special Rapporteur, Mrs. Erica-Irene A. Daes, for her excellent and very comprehensive final report on the study entitled “Indigenous peoples’ permanent sovereignty over natural resources” (E/CN.4/Sub.2/2004/30 and Add.1);

(b) To recommend to the Economic and Social Council that it authorize the Office of the United Nations High Commissioner for Human Rights to convene an expert seminar during the year 2005, to which representatives of indigenous peoples and Governments as well as the

Special Rapporteur will be invited, in order to give further attention to and to discuss in detail the many political, legal, economic, social and cultural aspects and matters relating to in the above mentioned study, as well as to the other relevant study of the Special Rapporteur entitled “Indigenous peoples and their relationship to land” (E/CN.4/Sub.2/2001/21);

(c) Also to recommend to the Economic and Social Council, mindful of the importance of the studies, which may, inter alia, be used as a basis for reconciliation between Governments and indigenous peoples, that they be issued as United Nations publications as part of the Human Rights Study Series.

[See chap. II, sect. A, resolution 2004/9,
and chap. VII.]

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

The Commission on Human Rights, taking note of Sub-Commission on Promotion and Protection of Human Rights resolution 2004/10 of 9 August 2004, welcomes the working paper (E/CN.4/Sub.2/AC.4/2004/CRP.1) on the human rights situation of indigenous peoples in States and other territories threatened with extinction for environmental reasons and endorses 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. The Commission also endorses the request to the Secretary-General to provide Ms. Hampson with all necessary assistance to enable her to update and expand her working paper, inter alia, by facilitating her contacts with States, including transmitting a questionnaire elaborated by Ms. Hampson to solicit information required in connection with her study.

[See chap. II, sect. A, resolution 2004/10,
and chap. VII.]

6. The rights of minorities

The Commission on Human Rights, taking note of Sub-Commission on the Promotion and Protection of Human Rights resolution 2004/13 of 9 August 2004, decides to endorse its recommendation that a special representative of the Secretary-General on minority issues be nominated, with a particular focus on country fact-finding missions and preventive diplomacy. The special representative should cooperate closely with the Working Group on Minorities. The Commission also decides to recommend that the Economic and Social Council endorse the decision.

[See chap. II, sect. A, resolution 2004/13,
and chap. VII.]

7. Working group on Indigenous Populations

The Commission on Human Rights, taking note of resolution 2004/15 of 9 August 2004 of the Sub-Commission on the Promotion and Protection of Human Rights, endorses the Sub-Commission's request that the Economic and Social Council authorize the Working Group on Indigenous Populations to meet for five working days prior to the fifty-seventh session of the Sub-Commission in 2005.

[See chap. II, sect. A, resolution 2004/15,
and chap. VII.]

8. Discrimination based on work and descent

The Commission on Human Rights, taking note of resolution 2004/17 of 12 August 2004 of the Sub-Commission on the Promotion and Protection of Human Rights, approves the decision of the Sub-Commission to appoint Mr. Yozo Yokota and Ms. Chin-Sung Chung as Special Rapporteurs with the task of preparing a comprehensive study on discrimination based on work and descent, on the basis of the three working papers submitted to the Sub-Commission on this topic (E/CN.4/Sub.2/2001/16, E/CN.4/Sub.2/2003/24 and E/CN.4/Sub.2/2004/31), the comments made during the sessions of the Sub-Commission at which those working papers were submitted and the provisions of the above-mentioned resolution, and of responses from Governments, national human rights institutions, relevant organs and agencies of the United Nations system and non-governmental organizations to a questionnaire to be elaborated and circulated by the Special Rapporteurs. The Commission also approves the request to the Special Rapporteur to submit a preliminary report to the Sub-Commission at its fifty-seventh session, a progress report at its fifty-eighth session and a final report at its fifty-ninth session, and the request to the Secretary-General and the United Nations High Commissioner for Human Rights to provide the Special Rapporteurs with all the assistance necessary to enable them to accomplish this task.

[See chap. II, sect. A, resolution 2004/17,
and chap. VII.]

9. Terrorism and human rights

The Commission on Human Rights, taking note of resolution 2004/21 of 12 August 2004 of the Sub-Commission on the Promotion and Protection of Human Rights, decides:

(a) To express its deep appreciation to the Special Rapporteur, Ms. Kalliopi Koufa, for her excellent final report on the study entitled "Terrorism and human rights" (E/CN.4/Sub.2/2004/40); and

(b) To recommend to the Economic and Social Council, mindful of the importance of the study of human rights and terrorism conducted over a number of years, that a compilation

into a comprehensive document of all the reports and documents submitted to date by the Special Rapporteur be published as a United Nations publication as part of the Human Rights Study Series.

[See chap. II, sect. A, resolution 2004/21,
and chap. VIII.]

10. The difficulty of establishing guilt and/or responsibility with regard to crimes of sexual violence

The Commission on Human Rights, taking note of resolution 2004/29 of 12 August 2004 of the Sub-Commission on the Promotion and Protection of Human Rights, decides to approve the decision of the Sub-Commission to appoint Ms. Lalaina Rakotoarisoa as Special Rapporteur entrusted with preparing a detailed study on the difficulties of establishing guilt and/or responsibilities with regard to crimes of sexual violence, and to request the Special Rapporteur to submit to the Sub-Commission a preliminary report at its fifty-seventh session, an interim report at its fifty-eighth session and a final report at its fifty-ninth session. The Commission also approves the request to the Secretary-General to provide the Special Rapporteur with any assistance she may require to carry out her mandate.

[See chap. II, sect. A, resolution 2004/29,
and chap. V.]

11. The right to development

The Commission on Human Rights, taking note of Sub-Commission on the Promotion and Protection of Human Rights decision 2004/104 of 9 August 2004, decided to request Ms. Florizelle O'Connor to submit, without further delay, to the Sub Commission at its fifty-seventh session the working paper requested by the Sub Commission in its decision 2003/116 of 14 August 2004, so as to allow the Commission to consider and take decisions on this matter at its sixty-second session.

[See chap. II, sect. B, resolution 2004/104,
and chap. VI.]

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

A. Resolutions

2004/1. Absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment

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

Bearing in mind article 5 of the Universal Declaration of Human Rights, which states that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment,

Recalling the provisions of article 7 of the International Covenant on Civil and Political Rights as well as other relevant international instruments, in particular the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol adopted by the General Assembly in its resolution 57/199 of 18 December 2002,

Recalling also its resolution 2002/2 of 12 August 2002 on the current situation and future of human rights adopted under agenda item 2,

Stressing that the prohibition of torture and cruel, inhuman or degrading treatment is absolute and is applicable in all circumstances, in time of war and in time of peace,

Alarmed at the many acts of torture that have recently been disclosed and the attempts to make such practices commonplace or to justify such practices, including in situations of armed conflict, against persons protected by the principles of international humanitarian law,

1. *Recalls* that all forms of torture and other cruel, inhuman or degrading treatment or punishment constitute violations of the peremptory norms of international law;
2. *Welcomes* the entry into force in the near future of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which was opened for signature on 4 February 2003;
3. *Applauds* the activities of the Special Rapporteur of the Commission on Human Rights on the question of torture and requests all States to cooperate in good faith with him and to issue an open invitation to him to visit their country;
4. *Urges* all States to ratify, as soon as possible, the Convention and its Optional Protocol;
5. *Recommends* that all States develop independent and effective domestic mechanisms as concrete means of combating torture and other cruel, inhuman or degrading treatment or punishment;

6. *Hopes* that independent and effective investigations and proceedings will make it possible to establish the facts, ensure reparation for damages suffered by the victims and punish all persons responsible, at whatever level, and that measures will be taken to put an end to such scandals;

7. *Decides* to continue consideration of this question at its fifty-seventh session.

*18th meeting
9 August 2004*

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

2004/2. Housing and property restitution

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

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights, the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, and other relevant international instruments on human rights and humanitarian law,

Recalling its resolution 1998/26 of 26 August 1998 on housing and property restitution in the context of the return of refugees and internally displaced persons, its decision 2001/122 of 16 August 2001 on the return of refugees' or displaced persons' property, its resolution 2002/30 of 15 August 2002 on the right to return of refugees and internally displaced persons, its resolution 2002/7 of 14 August 2002 on housing and property restitution in the context of refugees and other displaced persons, its resolution 2003/17 of 13 August 2003 on prohibition of forced evictions and its resolution 2003/18 of 13 August 2003 on housing and property restitution,

Recalling also Commission on Human Rights decision 2003/109 of 24 April 2003 on housing and property restitution in the context of the return of refugees and internally displaced persons, and taking note of Commission resolution 2004/28 of 16 April 2004 on prohibition of forced evictions,

Reaffirming the right of all refugees and displaced persons to return freely to their countries and to have restored to them housing and property of which they were deprived during the course of displacement, or to be compensated for any property that cannot be restored to them,

1. *Urges* all States to ensure the free and fair exercise of the right to return to one's home and place of habitual residence by all refugees and displaced persons and to develop effective and expeditious legal, administrative and other procedures to ensure the free and fair exercise of this right, including fair and effective mechanisms designed to resolve outstanding housing and property problems;

2. *Reiterates* that the adoption or application of laws by States that are designed to or result in the loss or removal of tenancy, use, ownership or other rights connected with housing or property, the retraction of the right to reside in a particular place, or laws of abandonment employed against refugees or internally displaced persons pose serious impediments to the return and reintegration of refugees and internally displaced persons and to reconstruction and reconciliation;

3. *Affirms* that the remedy of compensation should only be used when the remedy of restitution is not possible or when the injured party knowingly and voluntarily accepts compensation in lieu of restitution;

4. *Welcomes* the progress report of the Special Rapporteur, Mr. Paulo Sérgio Pinheiro, on housing and property restitution in the context of the return of refugees and internally displaced persons, which contains the draft principles on housing and property restitution for refugees and displaced persons (E/CN.4/Sub.2/2004/22), as well as the draft commentary to the draft principles (E/CN.4/Sub.2/2004/22/Add.1);

5. *Requests* the Office of the United Nations High Commissioner for Human Rights to circulate the draft principles on housing and property restitution for refugees and displaced persons widely among non-governmental organizations, Governments, specialized agencies and other interested parties for comment;

6. *Requests* the Special Rapporteur to take those comments into account in the preparation of his final report to be considered by the Sub-Commission at its fifty-seventh session;

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

*18th meeting
9 August 2004*

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

2004/3. Duration of the Social Forum

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

Expressing its appreciation to the Commission on Human Rights for its decision 2003/107 of 22 April 2003 recommending to the Economic and Social Council that it authorize the Sub-Commission to convene an annual intersessional Social Forum, and to the Council for its decision 2003/264 of 23 July 2003 authorizing the convening of the Social Forum for two days,

Noting that 8 expert members of the Sub-Commission, 11 invited experts, observers from 53 States and 30 non-governmental organizations, and 8 organizations and academic institutions participated in the Social Forum,

Appreciating that the Social Forum focused on poverty and extreme poverty and their impact on economic, social and cultural rights,

Noting that the selection of issues relating to economic, social and cultural rights had to be restricted because of the two-day limitation,

Concerned that the discussions at the Social Forum had to be curtailed and even the few issues selected could not be adequately examined,

Considering that none of the existing working groups of the Sub-Commission is charged with the responsibility for the exclusive examination of economic, social and cultural rights,

Considering also that three of the working groups meet for 5 working days and the fourth for 10 working days,

Reaffirming the indivisibility of all human rights,

Recalling that the International Conference on Human Rights held at Tehran in 1968 proclaimed that the full realization of civil and political rights without the enjoyment of economic, social and cultural rights is impossible,

Recommends that the Commission on Human Rights study the possibility of extending the annual intersessional meeting of the Social Forum.

18th meeting
9 August 2004

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

2004/4. Corruption and its impact on the full enjoyment of human rights, in particular economic, social and cultural rights

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

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

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

Taking account of standards adopted against corruption at the national, regional and international levels, in particular the United Nations Convention against Corruption adopted by the General Assembly in its resolution 58/4 of 31 October 2003,

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

Deeply concerned that serious corruption in the private sector has led to the collapse of many healthy companies, thereby violating the rights of many, and at the high-level corruption engendered by some transnational corporations in countries in which they operate,

Recalling its decision 2002/106 of 14 August 2002 in which it entrusted Ms. Christy Mbonu with the task of preparing, without financial implications, a working paper on corruption and its impact on the enjoyment of human rights,

Taking note of Commission on Human Rights decision 2004/106 of 16 April 2004, in which the Commission endorsed the decision of the Sub-Commission to appoint Ms. Christy Mbonu as Special Rapporteur with the task of preparing a comprehensive study on corruption and its impact on the full enjoyment of human rights, in particular economic, social and cultural rights, and its request to the Special Rapporteur to submit a preliminary report to the Sub-Commission at its fifty-sixth session, a progress report at the fifty-seventh session and the final report at its fifty-eighth session,

Taking into account the very lively and interactive debate the report elicited among participants by the preliminary report of the Special Rapporteur (E/CN.4/Sub.2/2004/23),

1. *Expresses its appreciation* to Ms. Christy Mbonu for her preliminary report and endorses the conclusions and recommendations contained therein;
2. *Urges* States that have not done so to introduce national mechanisms to prevent and combat corruption through the adoption and implementation of specific anti-corruption legislation;
3. *Encourages* political leaders in their respective countries to be national examples of probity, integrity and self-esteem;
4. *Encourages* States to sign and ratify the United Nations Convention against Corruption and to incorporate its provisions into their domestic law;
5. *Also encourages* States to aggressively combat and eliminate corruption, particularly among law enforcement agencies and the judiciary;
6. *Calls upon* civil society, particularly the media and non-governmental organizations, to become more involved in the prevention and punishment of corruption;

7. *Calls upon* the Office of the United Nations High Commissioner for Human Rights, in cooperation with specialized agencies such as the International Labour Organization, the World Bank and the International Monetary Fund, representatives of large corporations, the United Nations Office at Vienna and other stakeholders, to organize periodic high-level meetings under the auspices of the Sub-Commission to create greater awareness on the part of the international community, in particular States, of the importance of eliminating corruption;

8. *Requests* the Secretary-General to facilitate the work of the Special Rapporteur by enabling her to attend the meetings of the “Friends of the Convention”, which take place in Vienna;

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

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

*18th meeting
9 August 2004*

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

2004/5. Study on non-discrimination as enshrined in article 2, paragraph 2, of the International Covenant on Economic, Social and Cultural Rights

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

Recalling its resolution 2003/12 of 13 August 2003 in which the Sub-Commission, at the request of the Committee on Economic, Social and Cultural Rights, requested Mr. Emmanuel Decaux to prepare a working paper on non-discrimination as enshrined in article 2, paragraph 2, of the International Covenant on Economic, Social and Cultural Rights,

Taking note of the working paper submitted by Mr. Emmanuel Decaux (E/CN.4/Sub.2/2004/24),

1. *Extends its thanks* to Mr. Decaux for preparing the working paper;
2. *Decides* to appoint Mr. Marc Bossuyt as Special Rapporteur to undertake a study on non-discrimination as enshrined in article 2, paragraph 2, of the International Covenant on Economic, Social and Cultural Rights, based on the working paper prepared by Mr. Emmanuel Decaux (E/CN.4/Sub.2/2004/24), on the comments received and on the discussion held at the fifty-sixth session of the Sub-Commission;
3. *Requests* the Special Rapporteur to submit a preliminary report to the Sub-Commission at its fifty-seventh session, an interim report at its fifty-eighth session and a final report at its fifty-ninth session;

4. *Requests* the Secretary-General to provide the Special Rapporteur with all the necessary assistance to enable him to carry out his mandate;

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

[For the text, see chap. I, sect. B, draft decision 2.]

*18th meeting
9 August 2004*

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

**2004/6. Promotion of the realization of the right
to drinking water and sanitation**

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

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

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

Recalling the Declaration on the Right to Development,

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

Taking account of the results of the World Summit for Social Development, held in Copenhagen from 6 to 12 March 1995, especially the recommendations in its Programme of Action concerning the United Nations system to strengthen United Nations operational activities for development in order to ensure the implementation of the World Summit outcome, as well as the capacity of the United Nations system for gathering and analysing information and establishing indicators of social development, taking into account the work carried out by different countries, in particular by developing countries,

Recalling resolutions I (Assessment of water resources), II (Community water supply), III (Agricultural water use), IV (Research and development of industrial technologies),

VIII (Institutional arrangements for international cooperation in the water sector) and IX (Financing arrangements for international cooperation in the water sector) adopted at the United Nations Water Conference, held in Mar del Plata, Argentina, from 14 to 25 March 1997,

Taking particular account of the International Drinking Water Supply and Sanitation Decade (1981-1990) and the observance, on 22 March of each year, of the World Day for Water, proclaimed by the General Assembly in its resolutions 35/18 of 10 November 1980 and 47/193 of 22 December 1992, respectively,

Bearing in mind the objectives of a “20:20”-type compact concerning in particular the access of all to drinking water supply and sanitation services, as stated in the *Human Development Report 1994*,

Recalling its resolution 1997/18 of 27 August 1997, in which it decided to entrust to Mr. El-Hadji Guissé the task of drafting, without financial implications, a working paper on the question of the promotion of the realization of the right of access of everyone to drinking water supply and sanitation services,

Reaffirming the fundamental principles of equality, human dignity and social justice, and the right to drinking water supply and sanitation for every woman, man and child,

Convinced of the urgent and persistent need for increased attention and commitment by all decision makers to the right of everyone to drinking water supply and sanitation,

Bearing in mind the Protocol on Water and Health to the 1992 Convention on the Protection and Use of Transboundary Watercourses and International Lakes, adopted in London in 1999 under the auspices of the Economic Commission for Europe, and which refers to the principle of equitable access to water, which should be provided for all members of the population,

Bearing in mind also the principles of the Madeira Declaration on the sustainable management of water resources, adopted by the European Council on Environment Law on 17 April 1999, and the resolution on drinking water adopted by the Council on 28 April 2000,

Taking into consideration the working paper on the promotion of the realization of the right of everyone to access to drinking water supply and sanitation services prepared by Mr. Guissé (E/CN.4/Sub.2/1998/7),

Recalling Commission on Human Rights decision 2002/105 of 22 April 2002, approving the appointment of Mr. Guissé as Special Rapporteur to conduct a detailed study on the relationship between the enjoyment of economic, social and cultural rights and the promotion of the realization of the right to drinking water supply and sanitation,

Taking into consideration the preliminary and interim reports on the promotion of the realization of the right to drinking water supply and sanitation prepared by Mr. Guissé and submitted to the Sub-Commission at its fifty-fourth and fifty-fifth sessions (E/CN.4/Sub.2/2002/10 and E/CN.4/Sub.2/2003/WP.3),

Deeply concerned that more than 1 billion people in the world are still deprived of access to drinking water supply and that almost 4 billion are not living in decent conditions of sanitation,

1. *Welcomes with satisfaction* the final report of Mr. El-Hadji Guissé (E/CN.4/Sub.2/2004/20) on, in particular, the right of everyone to drinking water, in sufficient quantity and of sufficient quality to meet all essential needs, and to sanitation, and the realization thereof;
2. *Affirms* that the access of everyone to drinking water supply must not be subject to any restriction but must be subject to regulation and control by the public authorities;
3. *Affirms also* that the right to water is an individual and collective human right and is closely linked to other rights, such as the rights contemplated in several international human rights instruments and in General Comment No. 15 of the Committee on Economic, Social and Cultural Rights (E/C.12/2002/11);
4. *Subscribes* to the remarks of the Special Rapporteur to the effect that various obstacles linked to the right of everyone to drinking water supply and sanitation seriously impede the realization of all human rights, particularly economic, social and cultural rights, and that equality is an essential element for effective participation in the realization of the right to development and the right to a healthy environment;
5. *Calls upon* all States to cooperate in the area of drinking water supply and sanitation for the realization of the right of everyone to water;
6. *Requests* the Secretary-General to bring to the attention of States, non-governmental organizations and international organizations the recommendations contained in the final report of the Special Rapporteur and in General Comment No. 15 of the Committee on Economic, Social and Cultural Rights;
7. *Recommends* the following draft decision to the Commission on Human Rights for adoption:

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

18th meeting
9 August 2004
[Adopted without a vote. See chap. VI.]

**2004/7. Implementation of existing human rights norms and standards
in the context of the fight against extreme poverty**

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

Recalling that, in accordance with the Universal Declaration of Human Rights, the International Covenants on Human Rights recognize that the ideal of free human beings enjoying freedom from fear and want can be achieved only if conditions are created whereby everyone may enjoy his or her economic, social and cultural rights, as well as his or her civil and political rights,

Recalling in particular that article 25 of the Universal Declaration of Human Rights stipulates that everyone has the right to a standard of living adequate for the health and well-being of him/herself and of his/her family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his/her control,

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

Recalling the World Conference on Human Rights and the Vienna Programme of Action adopted in 1993, which emphasizes the indivisibility of civil, political, economic, social and cultural rights,

Also recalling the Copenhagen Declaration on Social Development and the Programme of Action of the World Summit for Social Development, reaffirmed during the twenty-fourth special session of the General Assembly on the follow-up to the World Summit, held in Geneva in June 2000, which provide the substantive framework for eradicating poverty by setting specific targets, drawing up plans and implementing programmes,

Mindful that in its resolution 2001/31 of 23 April 2001 the Commission on Human Rights requested the Sub-Commission to consider the need to develop, on the basis of the various relevant international instruments, the ongoing work in other forums, the conclusions and recommendations of the Expert Seminar on Human Rights and Extreme Poverty organized in accordance with Commission resolution 2000/12 of 17 April 2000 and any other relevant inputs, in particular those received from Governments, guiding principles on the implementation of existing human rights norms and standards in the context of the fight against extreme poverty,

Taking into account Commission resolution 2004/23 of 16 April 2004, in which the Commission expressed deep concern that extreme poverty persists in all countries of the world, regardless of their economic, social and cultural situation, and reaffirmed that extreme poverty and exclusion from society constitute a violation of human dignity, and that it is essential for States to foster participation by the poorest people in the decision-making process in the societies in which they live and in the realization of human rights,

Recalling the World Conference on Human Rights and the Vienna Programme of Action adopted in 1993, urging the need for participation by the poorest people in the preparation, formulation and evaluation of the policies that affect them, and recalling that respect for dignity is inherent in efforts to combat poverty,

Also recalling that, in its resolution 2004/23, the Commission emphasized that a better understanding is needed of what is endured by people living in poverty, including women and children, and that thought must be given to the subject, drawing on the experience and ideas communicated by the poorest themselves and by those committed to working alongside them,

Aware that, in its resolution 2003/24 of 22 April 2003, the Commission encouraged the ad hoc working group established to prepare a study to contribute to the drafting of an international declaration on extreme poverty and human rights to adopt an approach to human rights and extreme poverty based on the universality, indivisibility, interdependence and interrelation of all human rights, and recalled that freedom from fear and want can be achieved only if conditions are created whereby everyone may enjoy his or her economic, social and cultural rights, as well as his or her civil and political rights,

Mindful of the definition of extreme poverty given by the Special Rapporteur, Mr. Leandro Despouy, in his final report on human rights and extreme poverty (E/CN.4/Sub.2/1996/13, annex III),

Considering the need for further study of the question, on the basis of the definition provided by Mr. Despouy,

Taking note of the reports of the independent expert, Ms. Anne-Marie Lizin, on extreme poverty (E/CN.4/1999/48, E/CN.4/2000/52, E/CN.4/2001/54 and Corr.1, E/CN.4/2002/55, E/CN.4/2003/52, E/CN.4/2004/43), in particular her suggestions for bringing together people in extreme poverty and those working with them on policy implementation, and her recommendation that yearly round tables be held bringing together all parties concerned,

Recalling the report of the Secretary-General (E/CN.4/Sub.2/2000/14 and Add.1) on promoting the right to development in the context of the United Nations Decade for the Elimination of Poverty (1997-2006), submitted in accordance with Sub-Commission resolution 1999/9,

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

Bearing in mind the importance of international programmes against poverty,

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

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

1. *Reaffirms* that extreme poverty places men, women, children and entire population groups in a situation involving the violation of fundamental rights and freedoms, in the industrialized countries as much as in the developing countries, that it may, in some situations, constitute a threat to the right to life, and that its immediate alleviation and eventual eradication must remain a high priority for the international community;

2. *Re-emphasizes* that extreme poverty remains a major issue to be addressed by Governments, civil-society organizations, the private sector and the organs and agencies of the United Nations system, including international trade and financial institutions, and in this context reaffirms that political commitment is a prerequisite for the eradication of extreme poverty;

3. *Requests* Ms. Antoanella-Iulia Motoc, Mr. Emmanuel Decaux, Mr. Yozo Yokota, Mr. El-Hadji Guissé and Mr. José Bengoa, with Mr. Bengoa as coordinator, to prepare, without financial implications, a progress report at the fifty-seventh session and a final report at the fifty-eighth session, on the need to develop, on the basis of the various relevant international instruments, the ongoing work in other forums, the conclusions and recommendations of the Expert Seminar on Human Rights and Extreme Poverty and any other relevant inputs, in particular those received from Governments, guiding principles on the implementation of existing human rights norms and standards in the context of the fight against extreme poverty;

4. *Also requests* the experts to address extreme poverty specifically, in accordance with the terms of reference given to them by the Commission in its resolutions 2001/31 and 2003/24 as a violation of human dignity and all human rights, civil and political as well as economic, social and cultural;

5. *Further requests* the experts to study the application of the human rights covenants and conventions in a context of extreme poverty in order to identify gaps and obstacles to their implementation, taking into account the indivisibility and interdependence of civil, political, economic, social and cultural rights;

6. *Reiterates its approval* of the underlying principles of a conceptual framework set out in document E/CN.4/Sub.2/2003/17, in particular the argument that a rights-based approach compels policy makers to focus on the most vulnerable and disadvantaged, those who are often excluded by “average progress”;

7. *Requests* the experts to consider specifically the situations of poverty in various parts of the world in the light of international jurisprudence, treaties, covenants and other relevant instruments with a view to putting an end to extreme poverty and social exclusion, and to consider the policies of the World Bank, the World Trade Organization, the International Monetary Fund and other international bodies for fighting poverty and extreme poverty;

8. *Encourages* the experts to adopt an operational approach to extreme poverty based on the principle of the justiciability of rights and the need to give States clear obligations and objectives;

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

10. *Also requests* the experts to continue extensive consultations with regional and international intergovernmental organizations, non-governmental organizations, local associations, academics and other competent partners in order to consider elements for insertion in a text on human rights and extreme poverty and, for that purpose, to ensure in particular the involvement of persons living in extreme poverty;

11. *Further requests* the experts, in this context, to take part in regional seminars together with people living in situations of extreme poverty and those working with them, in order to identify the fundamental elements which should appear in an international text on extreme poverty and human rights;

12. *Requests* Governments to cooperate with the experts by providing them with information, resources and invitations to visit their countries to examine programmes and experiences concerning the eradication of poverty;

13. *Also requests* Governments to provide data, including statistics and information on the legal, economic or other measures they have taken to reduce extreme poverty;

14. *Requests* the experts, with the possible assistance of the various parties and population groups concerned, to identify a range of indicators for keeping track of situations of extreme poverty and changes in them, and pinpointing the related needs, with a view to the organization of the most appropriate measures;

15. *Invites* non-governmental organizations to contribute to the study by the group of experts by making their experience and practical knowledge available;

16. *Invites* the experts to participate in the Social Forum, of which the main theme is poverty, and to contribute to moving the proceedings and discussions in the Forum forward;

17. *Also invites* the experts to cooperate with the independent expert on extreme poverty, Mr. Arjun Sengupta;

18. *Invites* the treaty bodies and other United Nations human rights mechanisms, including the special procedures, to examine situations of poverty and extreme poverty and their impact, in the framework of their mandates;

19. *Invites* the Office of the United Nations High Commissioner for Human Rights to give its support to the conduct of the study, the preparations for the regional and international seminars and other activities suggested in the programme of work;

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

*18th meeting
9 August 2004*

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

2004/8. The Social Forum

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

Recalling the Universal Declaration of Human Rights and the indivisibility, interdependence and interrelated nature of economic, social and cultural rights and civil and political rights,

Recalling also the reports and studies on the realization of economic, social and cultural rights submitted by several special rapporteurs to the Sub-Commission and the Commission on Human Rights, in particular those submitted by Mr. Danilo Türk, Mr. Asbjørn Eide, Mr. Mustapha Mehedi, Mr. Leandro Despouy, Mr. El-Hadji Guissé, Mr. Joseph Oloka-Onyango, Ms. Deepika Udagama, Mr. David Weissbrodt and Mr. José Bengoa,

Recalling further Commission on Human Rights resolution 1999/53 of 27 April 1999 and decision 2000/107 of 26 April 2000, and Sub-Commission resolutions 1999/10 of 25 August 1999, 2000/6 of 17 August 2000, 2001/24 of 16 August 2001, 2002/12 of 14 August 2002 and 2003/14 of 13 August 2003 on the establishment of a forum for economic, social and cultural rights, to be called the Social Forum,

Welcoming Commission on Human Rights decision 2001/103 of 25 April 2001 authorizing the Sub-Commission to hold the Social Forum during its fifty-third session and decision 2003/107 of 22 April 2003 to recommend to the Economic and Social Council that it authorize the Sub-Commission to convene an annual intersessional forum on economic, social and cultural rights, to be known as the “Social Forum”, for two days on dates that would permit the possible participation of 10 members of the Sub-Commission, to be appointed by the regional groups of the Sub-Commission, and that the Council also authorize the provision of all the necessary facilities for the preparation and servicing of the event, and of Council resolution 2003/264 of 23 July 2003,

Recalling the holding of the preparatory panel meeting on the Social Forum during the fifty-third and the first meeting before the fifty-fourth session of the Sub-Commission, in which the participants unanimously recognized the need for a new process/mechanism within the United Nations system with broad participation, reflecting the current structure of international society,

Considering that a deeper discussion of issues relating to poverty eradication and the realization of economic, social and cultural rights would require a longer period of time than is available in the two days allocated to the Social Forum,

Considering also the new challenges of globalization, of the changes in the international order and of the emergence of new actors in the international, regional and national economic and financial areas,

Considering further the need to listen to the most vulnerable and their advocates and to ensure a meaningful and effective participation of those who are not heard, and to have a constructive dialogue with officials of international institutions and governmental representatives,

Bearing in mind that the reduction of poverty, especially rural poverty, remains an ethical and moral imperative of humankind, based on respect for human dignity, and noting the report of the Chairman-Rapporteur of the second Social Forum, held on 22 and 23 July 2004, which focused on “Poverty, rural poverty and human rights”,

Taking into account that a human rights perspective is necessary for the fight against poverty and extreme poverty, which affects overwhelmingly the rural population, because of its emphasis on non-discrimination and participation,

Considering that poverty entails powerlessness and that, in implementing a human rights approach to poverty eradication, emphasis should be placed on the political and economic empowerment of the poor,

1. *Expresses its satisfaction* at the holding of the second Social Forum on 22 and 23 July 2004 and welcomes the report of its Chairman-Rapporteur (E/CN.4/Sub.2/2004/26);

2. *Notes* the comprehensive nature of the conclusions and recommendations of the Social Forum and calls upon States, international organizations, in particular those with a mandate for poverty eradication, non-governmental organizations, civil society organizations, trade unions and other relevant actors, to take them into account when designing and implementing poverty-eradication programmes and strategies;

3. *Reiterates* its decision that the Social Forum shall meet every year, with the mandate laid down in previous Sub-Commission resolutions, and decides that the next meeting of the Social Forum will be held during 2005 in Geneva on dates suitable for the participation of Sub-Commission members and of the broadest possible range of other stakeholders, and decides that the theme for the Social Forum in 2005 will be "Poverty and economic growth: challenges to human rights" and that it will be addressed within the context of the five-year assessment of the goals set in the United Nations Millennium Declaration;

4. *Reiterates* its invitation to participate in the Social Forum to non-governmental organizations in consultative status with the Economic and Social Council and other non-governmental organizations outside Geneva, and in particular newly emerging actors, such as smaller groups and rural associations of the South, grass-roots organizations, peasants' and farmers' organizations and their national and international associations, pastoralist associations, fishermen's/women's organizations, voluntary organizations, youth associations, community organizations, trade unions and associations of workers, representatives of the private sector, United Nations agencies, the relevant functional commissions of the Economic and Social Council, the regional economic commissions, international financial institutions and development agencies;

5. *Invites* United Nations bodies and specialized agencies, the relevant functional commissions of the Economic and Social Council, the regional economic commissions, the international financial institutions, the Committee on Economic, Social and Cultural Rights, special rapporteurs and independent experts, non-governmental organizations, scholars, trade unions and associations of workers to participate in and to submit studies to the Social Forum;

6. *Invites* all Governments to participate in the Social Forum and invites States that have not ratified the International Covenant on Economic, Social and Cultural Rights to consider submitting reports to the Social Forum on the obstacles encountered in their efforts to eradicate poverty;

7. *Requests* the Office of the United Nations High Commissioner for Human Rights to seek effective means of ensuring consultation and the broadest possible participation in the Social Forum, including by entering into partnership with coalitions of non-governmental organizations, the private sector and international organizations;

8. *Requests* the Commission on Human Rights to recommend to the Economic and Social Council the establishment of a voluntary fund to facilitate the participation of grass-roots groups and similarly disadvantaged organizations in the Social Forum;

9. *Requests* Mr. Alfredsson, Mr. Bengoa and Ms. Motoc each to prepare a working paper for consideration at the Social Forum in 2005;

10. *Invites* Governments, non-governmental organizations, international organizations, United Nations bodies, funds and programmes and specialized agencies, to submit information and their views on the theme of the 2005 Social Forum to the High Commissioner for Human Rights for inclusion in a compilation for distribution and consideration during the Forum;

11. *Also invites* Governments, non-governmental organizations, international organizations and United Nations bodies, funds and programmes and specialized agencies, to submit to the Office of the High Commissioner for Human Rights information about best practices in poverty-eradication policies and programmes incorporating a human rights perspective, and requests the High Commissioner to maintain a database in the web page of the Social Forum of those practices;

12. *Invites* the Social Forum to submit to the Sub-Commission at its fifty-seventh session a separate report containing a comprehensive and detailed summary of the discussions, including recommendations and draft resolutions;

13. *Requests* the Secretary-General to adopt the appropriate measures to disseminate information about the Social Forum, invite the relevant individuals and organizations to the Social Forum and take all practical measures required for the success of this initiative.

*18th meeting
9 August 2004*

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

2004/9. Final report on the study “Indigenous peoples’ permanent sovereignty over natural resources”

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

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant international and regional instruments on human rights and humanitarian law,

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

Recalling that States are required to respect and secure the human rights and fundamental freedoms of all human beings,

Concerned that discrimination in various forms against the indigenous peoples continues to exist in many countries in which they live, despite international, regional and national efforts to eliminate it,

Recalling its resolution 2001/10, of 15 August 2001, in which it requested Mrs. Erica-Irene A. Daes to prepare a working paper on indigenous peoples' permanent sovereignty over natural resources, resolution 2002/15 of 14 August 2002, in which it proposed to the Commission on Human Rights the appointment of Mrs. Daes as Special Rapporteur to undertake a study on the subject based in her working paper (E/CN.4/Sub.2/2002/23) and requesting her to submit a preliminary report to the Sub-Commission at its fifty-fifth session and a final report at its fifty-sixth session, and decision 2003/113, in which it expressed its deep appreciation to the Special Rapporteur for her very comprehensive preliminary report (E/CN.4/Sub.2/2003/20) and welcomed the rich discussion that took place thereon,

Recalling also decision 2003/110 of 24 April 2003 of the Commission on Human Rights and decision 2003/267 of 23 July 2003 of the Economic and Social Council,

Mindful of the complex and acute political, legal, social, economic and cultural matters related to the subject of the above-mentioned study,

Welcoming the final report of the Special Rapporteur on the above-mentioned study (E/CN.4/Sub.2/2004/30 and Add.1),

Having heard the very interesting and important introductory statement of the Special Rapporteur and noting the rich and constructive discussion that took place thereon, during which approval and support was expressed in particular for the principal conclusions, guiding principles and basic recommendations proposed by the Special Rapporteur,

1. *Expresses its deep appreciation* to the Special Rapporteur, Mrs. Erica-Irene A. Daes, for her excellent and very comprehensive final report on the study "Indigenous peoples' permanent sovereignty over natural resources" (E/CN.4/Sub.2/2004/30 and Add.1);

2. *Decides* to submit the final report to the Commission of Human Rights at its sixty-first session and requests the Special Rapporteur, owing to the complexity of the issues relating to it, to present the report to the Commission in person;

3. *Recommends* that the Commission on Human Rights and the Economic and Social Council authorize the Office of the United Nations High Commissioner for Human Rights to convene an expert seminar to which representatives of indigenous communities and Governments as well as the Special Rapporteur will be invited, in order to give further attention

to and to discuss in detail the many political, legal, economic, social and cultural aspects and matters relating to the above-mentioned study, as well as in the other relevant study of the Special Rapporteur on “Indigenous peoples and their relationship to land” (E/CN.4/Sub.2/2001/21);

4. *Also recommends* that, mindful of the importance and usefulness of these studies, which may, inter alia, be used as a basis for reconciliation between Governments and indigenous peoples, the studies entitled “Indigenous peoples and their relationship to land” and “Indigenous peoples’ permanent sovereignty over natural resources” be issued as United Nations publications as part of the Human Rights Study Series;

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

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

*18th meeting
9 August 2004*

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

2004/10. The legal implications of disappearance of States and other territories for environmental reasons, including the implications for the human rights of their residents, with particular reference to the rights of indigenous peoples

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

Recalling its previous work on the question, in particular resolution 2003/24 of 14 August 2003,

Taking account of Commission on Human Rights decision 2004/122 of 21 April 2004,

Welcoming the working paper submitted by Ms. Françoise Hampson (E/CN.4/Sub.2/AC.4/2004/CRP.1) on the human rights situation of indigenous peoples in States and territories threatened with extinction for environmental reasons,

1. *Invites* Ms. Hampson to update her working paper and to submit a further working paper to the fifty-seventh session of the Sub-Commission and the twenty-third session of the Working Group on Indigenous Populations;

2. *Requests* the Secretary-General to provide Ms. Hampson with all necessary assistance to update and expand her paper, inter alia, by facilitating her contacts with States, including transmitting a questionnaire elaborated by Ms. Hampson to solicit information required in connection with her paper;

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

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

*18th meeting
9 August 2004*

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

2004/11. Protection of indigenous peoples in time of conflict

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

Considering the risks to which indigenous peoples are exposed during situations of conflict,

Bearing in mind the responsibility of the United Nations and the international community for the protection of the human rights of indigenous peoples and the protection of their territories, as affirmed by the General Assembly in its resolution 48/163 of 21 December 1993 proclaiming the International Decade of the World's Indigenous People, launched on 9 December 1994,

Welcoming the Action Plan to Prevent Genocide announced by the Secretary-General to the Commission on Human Rights on 7 April 2004, and the appointment of the Special Adviser on the Prevention of Genocide,

Reaffirming the right of indigenous peoples to live in safety and security,

Calls upon the Commission on Human Rights to adopt the following resolution:

“The Commission on Human Rights,

“1. Requests the Secretary-General:

“(a) To ensure that the Special Adviser for the Prevention of Genocide appointed under the Action Plan to Prevent Genocide takes into consideration the need to protect indigenous peoples and their territories;

“(b) To ensure that, in situations where there are forces present under a United Nations mandate, they protect vulnerable indigenous peoples, their territories and objects indispensable to their survival;

“(c) To ensure that the mandates of United Nations authorized operations include a requirement to protect indigenous populations and their territories;

“2. Requests the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people:

“(a) To liaise with the Special Adviser with regard to the protection of indigenous peoples from genocide;

“(b) To develop an emergency response mechanism as part of his mandate.”

*18th meeting
9 August 2004*

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

2004/12. Discrimination against leprosy victims and their families

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

Recalling article 1 of the Universal Declaration of Human Rights, which stipulates that all human beings are born free and equal in dignity and rights,

Recalling also article 2 of the Universal Declaration, which provides that everyone is entitled to all the rights and freedoms set forth therein without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Recalling further article 5 of the Universal Declaration, which provides that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment,

Concerned that millions of people suffer from discrimination resulting from physical and mental illness or handicap,

Concerned in particular that tens of millions of people suffer not only from leprosy as a disease, which is scientifically and medically proven to be curable and manageable, but also from political, legal, economic or social discrimination and isolation as a result of misunderstanding and indifference, and lack of legislative or administrative measures to prohibit such discrimination and to protect and remedy the victims,

Requests Mr. Yozo Yokota to prepare, without financial implications, a preliminary working paper on discrimination against leprosy victims and their families, to be submitted to the fifty-seventh session of the Sub-Commission under the agenda item entitled “Prevention of discrimination and protection of minorities”.

*18th meeting
9 August 2004*

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

2004/13. The rights of minorities

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

Noting Commission on Human Rights resolution 2004/51 of 20 April 2004 on the rights of persons belonging to national or ethnic, religious and linguistic minorities,

Having considered the report of the Working Group on Minorities on its tenth session (E/CN.4/Sub.2/2004/29 and Add.1) and in particular the conclusions and recommendations contained therein,

Reiterating the need for States, minorities and majorities to search for peaceful and constructive solutions to problems affecting minorities,

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

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

1. *Endorses* the conclusions and recommendations of the Working Group on Minorities at its tenth session as contained in its report (E/CN.4/Sub.2/2004/29);
2. *Reaffirms* the importance of the Working Group and its uniqueness as the only forum in the United Nations with a mandate to deal exclusively with minority issues, including by reviewing the promotion and practical realization of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities;
3. *Welcomes* the decision of the Working Group to promote constructive dialogue between minorities and Governments, not least with conflict prevention in mind;
4. *Notes* the request by the Working Group that written submissions to it should include a brief assessment of the comparative situation of the minority in question in relation to the rest of the population, the main areas of concern and suggestions on how to address them, and takes note of the invitation by the Working Group to concerned Governments to respond to the information presented during the sessions of the Working Group, especially on best practices in dealing with minority situations;
5. *Welcomes* the decision of the Working Group to endorse the Commentary prepared by its outgoing Chairperson, Mr. Asbjørn Eide, as the Commentary of the Working Group and to elaborate future general comments, including on the protection of minorities from forced assimilation, autonomy vis-à-vis self-determination, effective participation of minorities, and protection of places of worship and sacred places;

6. *Recalls with satisfaction* the progress report of Mr. Asbjørn Eide (E/CN.4/Sub.2/2003/21) and takes notes of the note by the Secretariat (E/CN.4/Sub.2/2004/32) stating that the final report updating Mr. Eide's 1993 study on peaceful and constructive approaches to situations involving minorities is to be submitted to the Sub-Commission at its fifty-seventh session;
7. *Welcomes* the intention of the Working Group to hold regional or subregional seminars, in cooperation with regional mechanisms wherever possible, and welcomes the suggestion to hold such seminars in the African and Asian regions as well as a seminar in the Americas on Afro-descendant issues, including with a view to considering regional guidelines, principles or codes of conduct, based on universal norms and international minority rights standards;
8. *Welcomes also* the intention of the Working Group to hold a seminar on the Roma/Sinti, and the possibility of calling upon the cooperation of the Council of Europe and the Focal Point for Roma and Sinti of the Organization for Security and Cooperation in Europe in regarding the organization of that seminar, to which Roma/Sinti representatives from European and, especially, non-European countries should also be invited;
9. *Notes* the visit of the Working Group to Finland and its report on that visit (E/CN.4/Sub.2/2004/29/Add.1) and welcomes the invitation from other Governments to visit their country, provided that resources are made available;
10. *Invites* the Office of the United Nations High Commissioner for Human Rights to consider organizing training workshops at the national level on the implementation of the rights of minorities;
11. *Invites* the Office of the High Commissioner for Human Rights, in cooperation with development agencies, to organize a meeting between the Working Group, representatives of international and bilateral development agencies, and Minority Rights Group International and minority representatives to examine further the integration of minority issues in development programming;
12. *Invites* the Office of the High Commissioner for Human Rights to prepare additional pamphlets for inclusion in the *United Nations Guide for Minorities*, in particular on the work of conflict-prevention mechanisms for the promotion and protection of the rights of persons belonging to minorities;
13. *Recommends* that the High Commissioner for Human Rights, when inviting, among others, Governments to submit their views on how best to protect the rights of persons belonging to minorities, also request them to consider providing the names of experts with a view to facilitating their participation in regional and international meetings and in advisory services and to consider providing information about recent cases relating to minority rights considered in the highest courts of the country;

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

15. *Welcomes* Commission on Human Rights decision 2004/114 of 20 April 2004 and Economic and Social Council decision 2004/278 of 22 July 2004 recommending to the General Assembly that it give favourable consideration to the establishment of a voluntary fund on minority-related activities;

16. *Recommends* the preparation of a working paper by a member of the Sub-Commission on the advisability of drafting an additional protocol to the International Covenant on Civil and Political Rights containing remedies for violations of minority rights to be presented to the Sub-Commission at its fifty-eighth session;

17. *Also recommends* the nomination of a special representative of the Secretary-General on minority issues, with a particular focus on country fact-finding missions and preventive diplomacy;

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

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

*18th meeting
9 August 2004*

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

2004/14. International Decade of the World's Indigenous People

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

Bearing in mind that one of the purposes of the United Nations, as set forth in the Charter, is the achievement of international cooperation in solving international problems of an economic, social, cultural or humanitarian character and in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Recalling General Assembly resolution 48/163 of 21 December 1993, in which the Assembly proclaimed the International Decade of the World's Indigenous People,

Recalling also that the General Assembly established as the goal of the Decade the strengthening of international cooperation for the solution of problems faced by indigenous peoples in such areas as human rights, the environment, development, education and health, as well as with regard to their lands and their resources,

Recalling further General Assembly resolution 50/157 of 21 December 1995, in which the Assembly adopted the comprehensive programme of activities for the International Decade, which is about to end in December 2004,

Recalling the requests by the General Assembly, in its resolutions 50/157 and 52/108 of 12 December 1997, to assess the objectives of the Decade by quantifiable outcomes that will improve the lives of indigenous peoples and to evaluate the objectives halfway through the Decade and at its end,

Bearing in mind the most recent report of the Secretary-General on the programme of activities of the International Decade (A/58/289 and E/2004/82),

Bearing in mind also Economic and Social Council decision 2004/290 of 22 July 2004 on a second international decade of the world's indigenous people,

Recalling its resolution 2003/30 of 14 August 2003,

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

Having considered the report of the Working Group on Indigenous Populations on its twenty-second session (E/CN.4/Sub.2/2004/28),

1. *Welcomes* the observance of the International Day of the World's Indigenous People on 22 July 2004;
2. *Recommends* that the celebration of the International Day of the World's Indigenous People be held on the fourth day of the twenty-third session of the Working Group on Indigenous Populations in order to ensure as large a participation of indigenous peoples, governmental representatives and intergovernmental and non-governmental organizations as possible;
3. *Recalls* the decision by the General Assembly in its resolution 52/108 of 12 December 1997 to appoint the United Nations High Commissioner for Human Rights as Coordinator for the International Decade of the World's Indigenous People;
4. *Recommends* that the Coordinator for the Decade appeal to Governments and other donors to contribute generously to the Voluntary Fund for the International Decade of the World's Indigenous People or to its eventual continuator;
5. *Stresses* the need to continue giving particular attention to achieving the effective participation of indigenous peoples in planning and implementing the activities of the Decade in order to realize fully the Decade's theme, "Indigenous people: partnership in action";
6. *Reiterates* its previous strong recommendation that, in accordance with General Assembly resolution 50/157 of 21 December 1995, the draft United Nations declaration on the rights of indigenous peoples be adopted as early as possible and, to this end, appeals to all participants in the intersessional working group of the Commission on Human Rights and to all others concerned to put into practice new, more dynamic ways and means of consultation,

consensus-building, and decision-making, in order to conclude the preparation of a final text that would take into account the legitimate aspirations of indigenous peoples, to be submitted in due course to the General Assembly;

7. *Recalls* the appeals to Governments and indigenous peoples by the United Nations High Commissioner for Human Rights, the Chairperson of the Permanent Forum on Indigenous Issues, the Chairperson-Rapporteur of the Working Group on Indigenous Populations and the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people to make every effort to complete the work on the draft declaration;

8. *Welcomes* the steps being taken to establish and promote cooperation between the Permanent Forum, the Working Group and the Special Rapporteur, in particular in regard to advocating a common approach stressing the need for a second international decade;

9. *Notes* the view expressed once again by the indigenous caucus and indigenous and non-indigenous observers during the twenty-second session of the Working Group that the establishment of the Permanent Forum should not be construed as grounds for the abolition of the Working Group, which should continue to carry out the ample, flexible mandate conferred upon it by the Economic and Social Council in resolution 1982/34 of 7 May 1982;

10. *Welcomes with appreciation* the reports of the Expert Seminar on Indigenous Peoples and the Administration of Justice held in Madrid from 12 to 14 November 2003 (E/CN.4/Sub.2/AC.4/2004/6) and the Seminar on Treaties, Agreements and Other Constructive Arrangements between States and Indigenous Peoples held in Geneva from 15 to 17 December 2003 (E/CN.4/Sub.2/AC.4/2004/7) organized by the Office of the High Commissioner for Human Rights within the framework of the International Decade;

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

12. *Expresses its appreciation* to the High Commissioner, the members of the Advisory Group for the Voluntary Fund for the International Decade and all other participants in the technical seminar held in Geneva on 15 and 16 July 2004 to evaluate the impact of the activities financed through the Voluntary Fund for the International Decade and the United Nations Voluntary Fund for Indigenous Populations on the goals of the International Decade, for the successful results of the Seminar;

13. *Welcomes* Economic and Social Council decision 2004/290 of 22 July 2004 transmitting to the General Assembly the recommendation to proclaim a second international decade of the world's indigenous people to begin in January 2005;

14. *Invites* the High Commissioner for Human Rights, in her capacity as Coordinator of the International Decade, drawing upon her analysis of the achievements of the Decade about to end and the obstacles encountered to the full accomplishment of its goals, and taking into account the requests contained in Council decision 2004/290, to organize, early in 2005, a consultation with the purpose of elaborating a preliminary draft programme of activities for a possible second international decade of the world's indigenous people to be submitted, in due course, to the General Assembly for its consideration;

15. *Expresses* the view that, inter alia, representatives of the Inter-Agency Support Group on Indigenous Issues, States, non-governmental organizations and indigenous peoples/organizations; the Chairpersons of the Board of Trustees of the United Nations Voluntary Fund for Indigenous Populations and of the Advisory Group for the Voluntary Fund for the International Decade, as well as the Chairman of the third session of the Permanent Forum, the Chairman-Rapporteur of the twenty-second session of the Working Group on Indigenous Populations and the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people may provide useful inputs to the consultation mentioned in paragraph 14 above.

18th meeting
9 August 2004
[Adopted without a vote. See chap. VII.]

2004/15. Working Group on Indigenous Populations

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

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

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

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

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

Taking note with deep appreciation of the report of the Working Group on Indigenous Populations on its twenty-second session (E/CN.4/Sub.2/2004/28) and, in particular, of its conclusions and recommendations,

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

Deeply concerned at the still-visible sequels of the colonial era that continue to adversely affect the living conditions of indigenous peoples in various parts of the world,

Recalling Commission on Human Rights resolution 1993/30 of 5 March 1993, in which the Commission recommended to all thematic rapporteurs, special representatives, independent experts and working groups to pay special attention, within the framework of their mandates, to the situation of indigenous people,

Taking note of Commission on Human Rights resolutions 2004/57 and 2004/58 of 20 April 2004 and Economic and Social Council decision 2004/264 of 22 July 2004,

Recalling its resolution 2003/29 of 14 August 2003,

1. *Expresses its deep appreciation* to all members of the Working Group on Indigenous Populations for the important and constructive work accomplished during its twenty-second session and for the new working methods introduced with the purpose of facilitating a more interactive dialogue during its annual sessions;
2. *Requests* the Secretary-General to transmit the report of the Working Group on its twenty-second session (E/CN.4/Sub.2/2004/28) to the United Nations High Commissioner for Human Rights, indigenous organizations, Governments and intergovernmental and non-governmental organizations concerned, as well as to treaty bodies and all thematic rapporteurs, special representatives, independent experts and working groups existing as special procedures under the authority of the Commission;
3. *Reiterates its invitation* to the treaty bodies and all thematic special procedures to advise the Working Group on how they take into account, in their work and in accordance with their respective mandates, the promotion and protection of indigenous peoples’ rights and in this context, further invites them to take duly into account paragraphs 3 and 4 of Commission on Human Rights resolution 2004/58 of 20 April 2004;
4. *Requests* that the report of the Working Group on its twenty-second session be made available to the Commission on Human Rights at its sixty-first session;
5. *Reiterates its recommendation* that the Working Group, upon request, cooperate as a body of experts in any conceptual clarification or analysis that might assist the open-ended

intersessional working group established by the Commission in its resolution 1995/32 of 3 March 1995 to complete as soon as possible the final version of the draft United Nations declaration on the rights of indigenous peoples;

6. *Decides* that the Working Group at its twenty-third session shall adopt as the principal theme “Indigenous peoples and the international and domestic protection of traditional knowledge”, as agreed upon by the Working Group (E/CN.4/Sub.2/2004/28, para. 137), and that the Office of the United Nations High Commissioner for Human Rights shall invite all relevant organizations and departments of the United Nations system, in particular the United Nations Educational, Scientific and Cultural Organization and the World Intellectual Property Organization, to provide information on this subject and, if possible, to participate actively in the debates on this matter at the Working Group;

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

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

(a) Mr. Yozo Yokota: in cooperation with the Saami Council, an expanded working paper containing substantive proposals on the draft principles and guidelines related to indigenous peoples’ heritage;

(b) Ms. Antoanella-Iulia Motoc: in cooperation with the Tebtebba Foundation and any other indigenous source interested in the issue of the principle of free, prior and informed consent and ready to make a contribution to its analysis in the Working Group, a paper offering guidelines to govern the practice of implementation of said principles;

(c) Ms. Françoise Hampson: an additional working paper developing further the information and the ideas contained in her first paper on the human rights implications especially for indigenous populations, of the disappearance of States for environmental reasons (E/CN.4/Sub.2/AC.4/2004/CRP.1), taking into account the discussion on this matter during the Working Group’s twenty-second session; this paper should also be submitted to the Sub-Commission’s fifty-seventh session, as requested by the Commission in its decision 2004/122 of 21 April 2004;

(d) Mr. Miguel Alfonso Martínez: an additional working paper on the issue of indigenous peoples and conflict prevention and resolution, with particular emphasis on conflicts between indigenous traditional sources of authority and State-designated institutions and representatives and on the positive role that may be played by domestic and international third parties in brokering a dialogue for the peaceful resolution of conflicts affecting indigenous peoples;

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

10. *Endorses* the recommendations of the Working Group to request the Office of the High Commissioner to organize, if possible in 2005, a workshop on indigenous peoples and conflict resolution and prevention, as well as a seminar on specific possible ways and means to implement treaties, agreements and other constructive arrangements between States and indigenous peoples, preferably to be held in 2006, on lands of the peoples parties to Treaty 6 in Canada, in accordance with the invitation extended by them during the twenty-second session and already formally accepted by the Working Group (E/CN.4/Sub.2/2004/28, para. 118);

11. *Decides* that the Working Group's agenda for its twenty-third session would be as follows: 1. Election of officers; 2. Adoption of the agenda; 3. Organization of work; 4. Review of developments: (a) General debate; (b) Principal theme: "Indigenous peoples and the protection of traditional knowledge"; (c) Indigenous peoples and conflict prevention and resolution; 5. Standard-setting: (a) Legal commentary on the concept of free, prior and informed consent; (b) Review of draft principles and guidelines on the protection of the heritage of indigenous peoples; 6. Other matters: (a) International Decade of the World's Indigenous People; (b) Cooperation with United Nations bodies; (c) Follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance; (d) The human rights situation of States and territories threatened with extinction for environmental reasons; (e) State of the Voluntary Funds; (f) The draft United Nations declaration on the rights of indigenous peoples (update); 7. Presentation of elements for the conclusions and recommendations; 8. Adoption of the report;

12. *Invites* the Office of the High Commissioner for Human Rights, after consultation with the Chairperson-Rapporteur, to inform participants at the twenty-third session of the Working Group about the organization of issues under the item "Review of developments" in advance of the session in order to facilitate a more active dialogue among the various participants;

13. *Reiterates* its recommendation that the Commission on Human Rights, in view of the adoption of Economic and Social Council resolution 2002/28 of 25 July 2002 which permits indigenous organizations to participate in the work of the Permanent Forum on Indigenous Issues on the same basis as the Working Group on Indigenous Populations, adopt a similar procedure for participation in the working group established in accordance with Commission resolution 1995/32, in order to ensure consistency in matters relating to the participation of indigenous peoples in the work of the United Nations affecting them;

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

15. *Appeals* to all Governments, organizations, including non-governmental organizations and indigenous groups, and other potential donors in a position to do so to contribute generously to the United Nations Voluntary Fund for Indigenous Populations in order to assist representatives of indigenous communities and organizations to participate in the deliberations of the Working Group and the open-ended intersessional working group on the draft United Nations declaration on the rights of indigenous peoples;

16. *Requests* the Secretary-General to prepare an annotated agenda for the twenty-third session of the Working Group on the basis of paragraph 11 of the present resolution;

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

18. *Requests* the Commission on Human Rights to endorse the participation for one week of the Chairperson-Rapporteur of the Working Group at the fourth session of the Permanent Forum on Indigenous Issues, as recommended by the Working Group (E/CN.4/2004/28, para. 125), to enable him to present the report of the Working Group on its twenty-second session, and to recommend to the Economic and Social Council that it approve such participation;

19. *Also requests* the Commission on Human Rights to request the Economic and Social Council to authorize the Working Group on Indigenous Populations to meet for five working days prior to the fifty-seventh session of the Sub-Commission in 2005;

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

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

18th meeting
9 August 2004
[Adopted without a vote. See chap. VII.]

2004/16. The effects of the working methods and activities of transnational corporations on the enjoyment of human rights

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

Recalling that, under the Charter of the United Nations, one of the purposes of the United Nations is to achieve international cooperation in solving international problems of an economic, social, cultural or humanitarian character, and in promoting and encouraging respect for human rights for all,

Reaffirming the Declaration on Social Progress and Development adopted by the General Assembly in its resolution 2542 (XXIV) of 11 December 1969, the Declaration and Programme of Action on the Establishment of a New International Economic Order adopted by the General Assembly in its resolutions 3201 (S-VI) and 3202 (S-VI) of 1 May 1974, the Charter of Economic Rights and Duties of States proclaimed by the General Assembly in its resolution 3281 (XXIX) of 12 December 1974, the Declaration of the Principles of International Cultural Cooperation adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization in 1966, General Assembly resolution 1803 (XVII) of 14 December 1962, entitled "Permanent sovereignty over natural resources", and General Assembly resolution 2625 (XXV) of 24 October 1970, entitled "Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations",

Mindful that, in the Vienna Declaration and Programme of Action, the World Conference on Human Rights reaffirmed the right to development as a universal and inalienable right and an integral part of all fundamental human rights, reaffirmed that the human person was the central subject of development and underlined the need for a concerted effort to ensure recognition of economic, social and cultural rights at the national, regional and international levels,

Noting that lasting progress towards the implementation of the right to development requires effective development policies at the national level, as well as equitable economic relations and a favourable economic environment at the international level,

Deeply concerned at the preponderance of transnational corporations in all spheres of life and at the impact of their activities and working methods on human rights,

Bearing in mind the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy adopted by the Governing Body of the International Labour Organization in November 1977,

Recognizing that the activities of the various United Nations organizations should be closely interrelated and that it is necessary to draw on all the efforts made in the various disciplines relating to the human person in order to promote all human rights effectively,

Recalling in particular its resolutions 1998/8 of 20 August 1998, 2001/3 of 15 August 2001 and 2003/16 of 13 August 2003,

Recalling Commission on Human Rights resolutions 1989/15 of 2 March 1989, 1990/17 and 1990/18 of 23 February 1990, 1991/13 of 22 February 1991, 1992/9 of 21 February 1992, 1993/12 of 26 February 1993, 1994/11 of 25 February 1994, 1995/13 of 25 February 1995, 1996/15 of 11 April 1996, 1997/9 of 3 April 1997, 1998/24 of 17 April 1998, 1998/72 of 22 April 1998, 1999/22 of 23 April 1999, 1999/79 of 28 April 1999, 2000/5 of 13 April 2000, 2000/82 of 26 April 2000, 2001/25 and 2001/27 of 20 April 2001, and 2001/32, 2001/33 and 2001/35 of 23 April 2001 concerning the right to development and economic, social and cultural rights,

Taking into account background document E/CN.4/Sub.2/1995/11, the report submitted by the Secretary-General in accordance with its resolution 1995/31 of 24 August 1995 (E/CN.4/Sub.2/1996/12 and Corr.1), the background document prepared by Mr. El-Hadji Guissé in accordance with its resolution 1997/11 concerning transnational corporations (E/CN.4/Sub.2/1998/6) and the Norms on the responsibilities of transnational corporations and other business enterprises with regard to human rights (E/CN.4/Sub.2/2003/12/Rev.2),

1. *Thanks* the Chairman of the sessional working group on the working methods and activities of transnational corporations, Mr. El-Hadji Guissé, for his report on the sixth session of the working group (E/CN.4/Sub.2/2004/21);

2. *Supports* the Declaration on the Right to Development adopted by the General Assembly in its resolution 41/128 of 4 December 1986 and underlines the multidimensional, integrated and dynamic character of this right which favours a partnership for development and constitutes a relevant framework for international cooperation and national action aiming at universal and effective respect for all human rights in their universality, indivisibility and interdependence;

3. *Decides* to extend, for a three-year period, the mandate of the sessional working group of the Sub-Commission on the working methods and activities of transnational corporations, so that it can fulfil its mandate;

4. *Requests* the working group to submit a report on its seventh session to the Sub-Commission at its fifty-seventh session.

*23rd meeting
12 August 2004*
[Adopted without a vote. See chap. VI.]

2004/17. Discrimination based on work and descent

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

Reaffirming its resolution 2000/4 of 11 August 2000, in which it declared that discrimination based on work and descent is a form of discrimination prohibited by international human rights law,

Acknowledging the constitutional, legislative and administrative measures taken by some States to abolish practices of discrimination based on work and descent, as outlined in the expanded working paper on this topic submitted by Mr. Asbjørn Eide and Mr. Yozo Yokota (E/CN.4/Sub.2/2004/31),

Concerned that discrimination based on work and descent affects communities in many regions of the world,

Noting the need for further study on this topic, and for the formulation of principles and guidelines for the elimination of discrimination based on work and descent,

1. *Urges* concerned States to ensure that all necessary constitutional, legislative and administrative measures, including appropriate forms of affirmative action and public education programmes, are in place to prevent and redress discrimination based on work and descent, and that such measures are respected and implemented by all State authorities at all levels;
2. *Welcomes* the expanded working paper on discrimination based on work and descent submitted by Mr. Asbjørn Eide and Mr. Yozo Yokota (E/CN.4/Sub.2/2004/31) and endorses the conclusions and recommendations contained therein, including with regard to the importance of undertaking a study on the issue of discrimination based on work and descent and the preparation of a draft set of principles and guidelines for the elimination of discrimination based on work and descent;
3. *Decides* to appoint Mr. Yokota and Ms. Chin-Sung Chung as Special Rapporteurs with the task of preparing a comprehensive study on discrimination based on work and descent on the basis of the three working papers submitted on this issue (E/CN.4/Sub.2/2001/16, E/CN.4/Sub.2/2003/24 and E/CN.4/Sub.2/2004/31) as well as the comments made and the discussions that took place during the sessions of the Sub-Commission to which those working papers were submitted, and requests the Special Rapporteur to submit a preliminary report to the Sub-Commission at its fifty-seventh session, a progress report at its fifty-eighth session and a final report at its fifty-ninth session;
4. *Requests* the Special Rapporteurs to focus on the finalization of a draft set of principles and guidelines for the effective elimination of discrimination based on work and descent, addressing all relevant actors, including Governments, local authorities, private sector entities, schools, religious institutions and the media, based on existing applicable standards and best practices and taking into account the framework proposed in the third working paper and the contents of general recommendation XXIX (2002) of the Committee on the Elimination of Racial Discrimination;

5. *Also requests* the Special Rapporteurs, for the purpose of identifying best practices, to obtain more comprehensive information on constitutional, legislative, judicial, administrative and educational measures taken to address discrimination based on work and descent, including through the elaboration and submission of a questionnaire to Governments, national human rights institutions, relevant organs and agencies of the United Nations system and non-governmental organizations;

6. *Encourages* the Special Rapporteurs to undertake this study in cooperation and collaboration with relevant treaty bodies and United Nations organs, agencies and mandates, including the Committee on the Elimination of Racial Discrimination, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, the International Labour Organization and the United Nations Educational, Scientific and Cultural Organization, and in consultation with representatives of affected communities;

7. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide the Special Rapporteurs with all the assistance necessary to enable them to accomplish this task;

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

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

9. *Decides* to continue consideration of this question at its fifty-seventh session under the same agenda item.

*23rd meeting
12 August 2004*

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

2004/18. World programme for human rights education

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

Recalling its resolution 2003/5 of 13 August 2003,

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

Convinced that human rights education is a key to changing attitudes and behaviour based on racism, racial discrimination, xenophobia and related intolerance and to promoting tolerance and respect for diversity in societies,

Convinced that human rights education is a long-term and life-long process by which all people at all levels of development and in all strata of society learn respect for the dignity of others, and that human rights education significantly contributes to promoting equality and sustainable development, preventing conflict and human rights violations and enhancing participation and democratic processes, with a view to developing societies in which all human rights of all are valued and respected,

Reaffirming the need for continued actions at the international level to support national efforts to achieve the Millennium Development Goals by the year 2015, in particular universal access to basic education for all, including human rights education, and for human rights education as a means of empowering groups suffering discrimination, particularly women and the poor,

Recognizing the invaluable and creative role that non-governmental and community-based organizations play in the promotion and protection of human rights by disseminating public information and engaging in human rights education, especially at the grass-roots level and in remote and rural communities, and taking into account their concern regarding the continuation of activities undertaken during the United Nations Decade for Human Rights Education, 1995-2004,

Recalling the views expressed in the report of the United Nations High Commissioner for Human Rights to the Commission on Human Rights on the achievements and shortcomings of the Decade and on future activities in this area (E/CN.4/2004/93), and the views expressed in the report of the High Commissioner to the Commission on the follow-up to the Decade (E/CN.4/2003/101) as to the need to continue a global framework for human rights education beyond the Decade in order to ensure a priority focus on human rights education within the international agenda, provide a common collective framework for action for all relevant actors, support existing programmes and provide an incentive for the development of new ones, as well as enhance partnership and cooperation at all levels,

Taking note of General Assembly resolution 58/181 of 22 December 2003, in which the Assembly decided to dedicate a plenary meeting during its fifty-ninth session on the occasion of Human Rights Day, 10 December 2004, to review the achievements of the Decade and to discuss possible future activities for the enhancement of human rights education,

1. *Welcomes* Commission on Human Rights resolution 2004/71 of 15 April 2004 and Economic and Social Council decision 2004/268 of 22 July 2004 recommending that the General Assembly proclaim at its fifty-ninth session a world programme for human rights education to begin on 1 January 2005, structured in consecutive phases, the first phase of which will focus on primary and secondary school systems on the basis of a plan of action to be prepared by the Office of the High Commissioner for Human Rights, in cooperation with the United Nations Educational, Scientific and Cultural Organization and other relevant governmental and non-governmental actors;

2. *Recommends* to the General Assembly, should it decide to follow up on the recommendations of the Commission on Human Rights and the Economic and Social Council, to launch the world programme officially on the occasion of Human Rights Day,

10 December 2004, and consider proposing that Human Rights Day be commemorated every year worldwide in all educational and training institutions, including primary and secondary schools, as well as in tertiary institutions and universities, as of 2005;

3. *Notes with appreciation* that the overall objective of the world programme, as stated in paragraph 3 of Commission resolution 2004/71, is to maintain and develop the implementation of human rights education programmes in all sectors, and draws attention to the fact that the development of innovative human rights education strategies in the formal education sector, with, as requested by the Commission, an indication of at least minimum action, should not preclude lasting support for activities carried out in other sectors, in particular programmes developed at grass-roots level and aimed at promoting human rights education for vulnerable groups such as populations involved in post-conflict reconstruction, women and other groups suffering discrimination, and the poor as actors of development and social change;

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

5. *Decides* to consider the issue of human rights education at its fifty-seventh session under the same agenda item.

*23rd meeting
12 August 2004
[Adopted without a vote. See chap. VIII.]*

2004/19. Report of the Working Group on Contemporary Forms of Slavery

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

Taking note of the report of the Working Group on Contemporary Forms of Slavery on its twenty-ninth session (E/CN.4/Sub.2/2004/36 and Corr.1) and in particular the recommendations contained in chapter VII,

Deeply concerned at the information it contains relating to forced labour, the exploitation of children, the traffic in persons, the exploitation of domestic and migrant workers, child labour, the sexual exploitation of children, the abusive use of the Internet for the purpose of sexual exploitation, and the role of corruption in the perpetuation of slavery and related practices,

Noting with concern that the treaties forbidding slavery and slavery-like practices, as well as other instruments relevant to the work of the Working Group, have not been universally ratified,

Noting that poverty, social exclusion, illiteracy, ignorance, rapid population growth, HIV/AIDS, poor governance, corruption, impunity, gender and all other forms of discrimination and armed conflicts are the main causes of contemporary forms of slavery,

1. *Recommends* that States ratify treaties on slavery-related issues, such as the Slavery Conventions of 1926, the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of 1956, the Convention on the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949, the Forced Labour Convention, 1930 (No. 29), the Abolition of Forced Labour Convention, 1957 (No. 105), and the Worst Forms of Child Labour Convention, 1999 (No. 182) of the International Labour Organization, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children supplementing the United Nations Convention against Transnational Organized Crime, and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;

2. *Calls upon* the United Nations Children's Fund, the World Health Organization, the International Labour Organization, the United Nations Development Programme and other competent United Nations organs, specialized agencies, development banks and intergovernmental agencies to develop programmes, including joint ones, in order to break the cycle of poverty, social exclusion and discrimination which makes people vulnerable to exploitation through forced labour and to contribute to the elimination of debt bondage, in particular by the provision of access to education, land reform, alternative sources of credit, access to justice, and provision of stable employment;

3. *Recalls* that at its thirtieth session in 2005 the Working Group decided to assess its activities since its creation and will focus on a review of the status of ratification of the relevant treaties and the identification of crucial gaps and challenges remaining in areas covered by its mandate;

4. *Notes* the decision of the Working Group to devote priority attention at its thirty-first session in 2006 to the issue of the impact of the media and the Internet on contemporary forms of slavery;

5. *Recommends* closer international cooperation for the prevention, punishment and suppression of corruption, as well as money laundering resulting from trafficking and from sexual exploitation, particularly of women and children;

6. *Urges* Governments, as a matter of priority, to act more forcefully to prevent the misuse of the Internet for trafficking for the purposes of sexual exploitation of women and children, including reviewing, amending and enforcing existing laws, or enacting new laws, especially criminal laws, and urges Governments to set up monitoring systems aimed at preventing use of the Internet for criminal purposes;

7. *Expresses grave concern* at the increasing evidence of trafficking in human beings for the purpose of exploitation presented to the Working Group, notes that trafficking in human beings is a global phenomenon affecting every continent and stresses that countries of origin, transit and destination all have a responsibility to address this problem;

8. *Calls upon* all States to ensure that protection and support of the victims are at the centre of any anti-trafficking policy and to provide protection and assistance to victims based on humanitarian considerations and not contingent on their cooperation with the prosecution of their exploiters, including the provision of free legal services to pursue compensation, reparation and other relief;

9. *Calls upon* United Nations human rights bodies to address, as a matter of urgent priority, situations of human rights violations relating to sexual exploitation and trafficking in persons, calls upon United Nations bodies and agencies to develop and implement codes of conduct that prohibit all forms of sexual exploitation by United Nations employees and contract workers and humanitarian aid workers, and invites non-governmental organizations to do the same in their sphere of competence;

10. *Recalls* that poverty, illiteracy, gender inequality, misuse of some ritual practices and, above all, the low status of women and girls in society contribute to their being trafficked and exploited;

11. *Calls upon* States to ensure that the best interests of the child are at all times paramount in any programme or policy relating to children subject to exploitation and encourages States to cooperate on a bilateral, regional and international basis, with the assistance of non-governmental organizations, in order to address the problems associated with trafficking in children and the worst forms of child labour and to profit from good practices in other countries;

12. *Urges* States to take urgent action to implement the provisions of international law and their own constitutions that prohibit the practice of forced labour by enacting or amending legislation, accompanied by implementation mechanisms that facilitate the identification of forced labour in its various manifestations;

13. *Urges* concerned States to ensure that forced labour is criminalized and punished in accordance with the gravity of the offence and to establish special machinery to facilitate the prosecution of those who subject others to forced labour and the confiscation of the property and assets of those convicted of such offences;

14. *Recalls* that compulsory and free primary education of boys and girls is an essential tool to combat child labour and the phenomenon of street children and calls upon States to ensure that all boys and girls can take advantage of free compulsory education;

15. *Urges* all States, while attempting ultimately to eliminate child labour, to adopt measures and regulations to protect child labourers, to ensure that they are not exploited and to prohibit their labour in hazardous occupations;

16. *Invites* States to incorporate into their plans of action measures such as the systematic issuance of birth certificates, the establishment of mechanisms to identify victims of trafficking, comprehensive rehabilitation measures, including access to education and vocational

training, measures to fight corruption and provision of support to non-governmental organizations in their efforts to include employers as active partners in ending the worst forms of child labour;

17. *Urges* States, in particular receiving States, to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, in order to ensure its effective implementation;

18. *Calls upon* organizations such as the International Labour Organization, the International Organization for Migration and other relevant United Nation bodies to assist States in their efforts to protect migrants from abuses;

19. *Welcomes* the active participation of the International Labour Organization in the twenty-ninth session of the Working Group and decides to continue to invite Governments, international organizations, national institutions and non-governmental organizations that have information relating to the agenda of the Working Group to assist the Working Group by providing it with relevant information, preferably in advance of the session.

*23rd meeting
12 August 2004*

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

2004/20. United Nations Voluntary Trust Fund on Contemporary Forms of Slavery

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

Recalling General Assembly resolution 46/122 of 17 December 1991, by which the Assembly established the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery,

Recalling also its resolution 2003/27 of 14 August 2003,

Recalling further the close relationship between the mandate and the activities of the Working Group and those of the Board of Trustees of the Fund and the necessary cooperation between them, and stressing the need for continued and strengthened cooperation,

Expressing its gratitude to Governments, organizations, trade unions and individuals, including young students, who have contributed to the Fund and strongly encouraging them to continue doing so, especially in light of the thirtieth anniversary of the Working Group on Contemporary Forms of Slavery,

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

2. *Invites* the Board of Trustees of the Fund to continue to promote the participation at the annual sessions of the Working Group of individuals and organizations from as large a number of countries as possible, in accordance with the priorities established in the agenda of the Working Group;

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

4. *Invites* the Board of Trustees to continue to contribute to projects implemented at the grass-roots level and that directly assist victims of contemporary forms of slavery;

5. *Recalls* the appeal made by the General Assembly in its resolution 46/122 of 17 December 1991 to all Governments to respond favourably to requests for contributions to the Fund, urges them and non-governmental organizations, other private or public entities and individuals to contribute to the Fund and encourages them to do so if possible by September 2004, in order to enable the Fund to fulfil its mandate effectively in the year 2005.

*23rd meeting
12 August 2004*

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

2004/21. Terrorism and human rights

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

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, the International Covenants on Human Rights and other international and regional instruments relating to human rights and international humanitarian law,

Recalling the Vienna Declaration and Programme of Action adopted on 25 June 1993 by the World Conference on Human Rights, in which the Conference reaffirmed that acts, methods and practices of terrorism in all its forms and manifestations are activities aimed at the destruction of human rights, fundamental freedoms and democracy, threatening territorial integrity, security of States and destabilizing legitimately constituted Governments, and that the international community should take the necessary steps to enhance cooperation to prevent and combat terrorism,

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

Recalling further all previous relevant and other General Assembly resolutions on the issue of terrorism, Security Council resolutions 1373 (2001) of 28 September 2001, 1377 (2001) of 12 November 2001, and 1535 (2004) of 26 March 2004, Commission on Human Rights resolutions 2004/44 of 19 April 2004 and 2004/87 of 21 April 2004, as well as its own resolutions 2003/6 and 2003/15 of 13 August 2003,

Regretting that the negative impact of terrorism, in all its dimensions, on human rights continues to remain alarming despite national and international efforts to combat it,

Convinced that terrorism, in all its forms and manifestations, wherever and by whomever committed, can never be justified in any instance, including as a means of promoting and protecting human rights,

Bearing in mind that the most essential and basic human right is the right to life,

Bearing in mind also that terrorism creates an environment that destroys the freedom from fear of the people,

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

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

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

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

Mindful of the complexity of the phenomenon of terrorism and the extraordinary range and quantity of developments at the international, regional and national levels since 11 September 2001,

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

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

Having considered the analytical and well-documented final report (E/CN.4/Sub.2/2004/40) prepared by the Special Rapporteur, Ms. Kalliopi Koufa, and having heard her comprehensive introductory and concluding statements,

1. *Expresses its deep appreciation and thanks* to the Special Rapporteur, Ms. Kalliopi Koufa, for her excellent final report and her introductory and concluding statements;
2. *Requests* the Office of the United Nations High Commissioner for Human Rights to transmit and ensure the distribution of the final report to the Commission on Human Rights at its sixty-first session;
3. *Requests* the Secretary-General to ensure that the final report and all previous reports and documents submitted by the Special Rapporteur can be accessed by those seeking information on the activities of the Economic and Social Council on the web site “UN action against terrorism”;
4. *Requests* the Special Rapporteur to compile all her reports and other documents submitted to the Sub-Commission in one study, reflecting all the important points, aspects and recommendations contained in these documents;
5. *Recommends* the following draft decision to the Commission on Human Rights for adoption:

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

23rd meeting
12 August 2004
[Adopted without a vote. See chap. VIII.]

2004/22. Systematic rape, sexual slavery and slavery-like practices

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

Recalling its resolution 2003/26 of 14 August 2003,

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

Recalling the reports of the United Nations High Commissioner for Human Rights on systematic rape, sexual slavery and slavery-like practices during armed conflicts (E/CN.4/Sub.2/2000/20, E/CN.4/Sub.2/2001/29, E/CN.4/Sub.2/2002/28 and E/CN.4/Sub.2/2003/27),

Noting the working paper by Ms. Françoise Hampson on current and future issues on the criminalization, investigation and prosecution of acts of serious sexual violence (E/CN.4/Sub.2/2004/12) and the expanded working paper of Ms. Lalaina Rakotoarisoa on the difficulties of establishing guilt and/or responsibilities with regard to crimes of sexual violence (E/CN.4/Sub.2/2004/11),

Taking into consideration resolutions of the Commission on Human Rights on the elimination of violence against women, including its resolution 2004/46 of 20 April 2004, and the report of the Special Rapporteur on violence against women, its causes and consequences, to the Commission at its sixtieth session (E/CN.4/2004/66 and Add.1-2),

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

1. *Welcomes* the work of the Secretary-General and recalls with appreciation his report on women, peace and security (S/2002/1154);
2. *Also welcomes* the work of the United Nations High Commissioner for Human Rights on systematic rape, sexual slavery and slavery-like practices and takes note with great appreciation of the report of the High Commissioner (E/CN.4/Sub.2/2004/35);
3. *Deeply concerned* that systematic rape, sexual slavery and slavery-like practices are still being used to humiliate civilians and military personnel, to destroy society and to diminish prospects for a peaceful resolution of conflicts and that the resulting severe physical and psychological trauma endangers not only personal recovery but post-conflict reconstruction of the whole society, as pointed out in the above-mentioned reports;
4. *Considers* that verdicts of the International Criminal Tribunal for the Former Yugoslavia, the International Tribunal for Rwanda and the Special Court for Sierra Leone acknowledging that rape and, more recently, sexual enslavement are crimes against humanity, and the special recognition in the Rome Statute of the International Criminal Court that sexual violence and sexual slavery committed in the context of either an internal or an international armed conflict may constitute crimes against humanity, war crimes and genocide falling within the jurisdiction of the Court, represent a significant step in the protection of women's human rights as they challenge widespread acceptance that torture, rape and violence against women are an integral part of war and conflict and hold the perpetrators of such crimes accountable;
5. *Reiterates* that States should provide effective criminal penalties and compensation for unremedied violations in order to end the cycle of impunity with regard to sexual violence committed during armed conflicts;
6. *Encourages* States to promote human rights education on the issues of systematic rape, sexual slavery and slavery-like practices during armed conflicts, ensuring the accuracy of accounts of historical events in the educational curricula, in an effort to prevent the recurrence of such violations and to encourage better understanding among all peoples;

7. *Calls upon* the High Commissioner for Human Rights to submit an updated report to the Sub-Commission at its fifty-seventh session on the issues of systematic rape, sexual slavery and slavery-like practices during armed conflicts;

8. *Decides* to consider the issue at its fifty-seventh session under the same agenda item.

*23rd meeting
12 August 2004*
[Adopted without a vote. See chap. VIII.]

**2004/23. Harmful traditional practices affecting the health
of women and the girl child**

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

Recalling its resolution 2003/28 of 14 August 2003,

Also recalling Commission on Human Rights decision 2004/111 of
20 April 2004,

Emphasizing the importance of the Plan of Action for the Elimination of Harmful Traditional Practices affecting the Health of Women and Children (E/CN.4/Sub.2/1994/10/Add.1 and Corr.1) adopted by the Sub-Commission,

Noting the consideration given by the General Assembly to the issue of harmful traditional and customary practices,

Emphasizing that all harmful traditional practices affect women and girls first and foremost,

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

1. *Takes note with satisfaction* of the eighth report of the Special Rapporteur, Ms. Halima Embarek Warzazi, and shares her concern at the damaging effects of harmful traditional practices and the need to put an end to them;

2. *Appeals* to all States concerned to intensify efforts to develop awareness of, and mobilize national public opinion concerning, the harmful effects of all forms of harmful traditional practices, in particular through education, information and training, in order to achieve the total eradication of these practices;

3. *Requests* all non-governmental organizations dealing with women's issues to continue to devote part of their activities to the study of the various harmful practices and ways and means of eradicating them, and to inform the Special Rapporteur of any situation which merits the attention of the international community;
4. *Requests* States, international and regional organizations, non-governmental organizations, United Nations bodies and all interested actors in the fight against harmful traditional practices to assist the Special Rapporteur in her compilation and identification of existing harmful practices affecting the health of women and girls;
5. *Welcomes* the progress made in combating harmful traditional practices, including female genital mutilation, through the impetus of non-governmental organizations, in particular the Inter-African Committee on Traditional Practices Affecting the Health of Women and Children, which should be given maximum encouragement;
6. *Appeals* to the international community to provide material, technical and financial support to the non-governmental organizations and groups working with dedication to achieve the total elimination of practices that are harmful to girl children and women;
7. *Calls upon* all Governments to give their full attention to the implementation of the Plan of Action for the Elimination of Harmful Traditional Practices affecting the Health of Women and Children, and requests the Secretary-General to invite them to submit information regularly to the Sub-Commission on the situation regarding harmful traditional practices in their countries;
8. *Reiterates* its proposal that three seminars be held in Africa, Asia and Europe in order to review progress achieved since 1985 and to explore ways and means of overcoming the obstacles encountered in the implementation of the Plan of Action, and appeals for funding for these activities;
9. *Requests* the United Nations High Commissioner for Human Rights to assist the mandate by raising funds for the organization of the seminars, especially the organization of a first seminar to be held in Europe, and also to facilitate the work of the Special Rapporteur;
10. *Also requests* the High Commissioner to assist the Special Rapporteur in every way to enable her to fully discharge the mandate that has been entrusted to her;
11. *Welcomes* the adoption by the African Union of the protocol to the African Charter on Human and Peoples' Rights relating to the rights of women, and urges Governments to ratify this instrument and incorporate it into their domestic legislation;
12. *Welcomes* the many activities carried out in Africa by Governments and non-governmental organizations, particularly in the context of the International Day of Zero Tolerance of Female Genital Mutilation;

13. *Also welcomes* the commitment of many States to efforts to combat all harmful traditional practices;

14. *Requests* the Special Rapporteur to submit a report to the Sub-Commission at its fifty-seventh session.

*23rd meeting
12 August 2004*
[Adopted without a vote. See chap. VIII.]

2004/24. Discrimination in the criminal justice system

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

Recalling its resolution 2002/3 of 12 August 2002,

Also recalling Commission on Human Rights decision 2003/108 of 23 April 2003 by which the Commission approved the decision of the Sub-Commission to appoint Ms. Leïla Zerrougui as Special Rapporteur to conduct a detailed study of discrimination in the criminal justice system with a view to determining the most effective means of ensuring equal treatment in the criminal justice system for all persons without discrimination, particularly vulnerable persons,

1. *Recalls* that the Special Rapporteur on discrimination in the criminal justice system, Ms. Leïla Zerrougui, submitted to it a preliminary report at its fifty-fifth session (E/CN.4/Sub.2/2003/3);

2. *Regrets* that the Special Rapporteur has been unable to submit her interim report at the current session;

3. *Requests* the Special Rapporteur to submit her interim report at the fifty-seventh session of the Sub-Commission;

4. *Requests* the Secretary-General to provide the Special Rapporteur with the assistance necessary to enable her to submit her interim report at the fifty-seventh session of the Sub-Commission.

*24th meeting
12 August 2004*
[Adopted without a vote. See chap. V.]

2004/25. Imposition of the death penalty on civilians by military tribunals or by tribunals whose composition includes one or more members of the armed forces

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

Reaffirming that under customary international law the death penalty cannot be imposed except after proceedings that provide all the guarantees required for a fair trial, including a competent, independent and impartial tribunal,

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

Recalling the views of the human rights bodies that proceedings against civilians should not be conducted by a military tribunal or a tribunal whose composition includes one or more members of the armed forces because such a tribunal is not competent, independent and impartial in relation to civilians,

Recalling the concluding observations, comments and decisions of the Human Rights Committee, the recommendations of the Working Group on Arbitrary Detention, and the reports by thematic and country Special Rapporteurs that conclude that military tribunals and a tribunal whose composition includes one or more members of the armed forces are not competent, independent and impartial in relation to civilians,

Recalling also, at the regional level, the judgements and opinions of the African Commission on Human and Peoples' Rights, the Inter-American Court of Human Rights and the European Court of Human Rights that military tribunals and a tribunal whose composition includes one or more members of the armed forces are not competent, independent and impartial in relation to civilians,

Recognizing the general trend towards restricting the role of military tribunals and tribunals whose composition includes one or more members of the armed forces and that, where they do have a role, they must ensure that in their composition, functioning and rules of procedure and evidence they respect all the fair trial requirements of international law,

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

Referring to the specific safeguards for independent and impartial tribunals guaranteeing protection of the rights of those facing the death penalty, set out in the annex to Economic and Social Council resolution 1984/50 of 25 May 1984,

1. *Confirms* that the imposition of the death penalty on a civilian tried by a military tribunal or a tribunal whose composition includes one or more members of the armed forces is contrary to customary international law;

2. *Calls upon* all States in which the death penalty has been imposed on a civilian tried by a military tribunal or a tribunal whose composition included one or more members of the armed forces to re-try the suspect before a competent, independent and impartial tribunal;

3. *Urges* all States that still maintain the death penalty to ensure that it cannot be imposed on civilians tried by military courts or by courts in which one or more of the judges is a member of the armed forces;

4. *Calls upon* States that no longer apply the death penalty but maintain it in their legislation as applicable to civilians tried by military courts, or by courts in which one or more of the judges is a member of the armed forces, to abolish in law such application;

5. *Calls upon* States that no longer apply the death penalty in peacetime, but which maintain it in their legislation in time of war or other public emergency as applicable to civilians tried by military courts or by courts in which one or more of the judges is a member of the armed forces, to abolish in law such application;

6. *Calls upon* States to refuse requests for extradition or other form of transfer to any State in which there is a risk that civilians can be tried by a military court or by a court in which one or more of the judges is a member of the armed forces in the absence of effective assurances from relevant authorities of the requesting State that civilians will not be tried by military courts or by courts in which one or more of the judges is a member of the armed forces;

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

*24th meeting
12 August 2004*

[Adopted by a roll-call vote of 20 votes to 1,
with 3 abstentions. See chap. V.]

2004/26. The universal implementation of international human rights treaties

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

Recalling its resolution 2003/25 of 14 August 2003,

Taking note of Commission on Human Rights decision 2004/123 of 21 April 2004, by which the Commission approved the decision of the Sub-Commission to appoint Mr. Emmanuel Decaux Special Rapporteur to conduct a detailed study of the universal implementation of international human rights treaties based on his working paper (E/CN.4/Sub.2/2003/37),

Taking note also of the preliminary report submitted by Mr. Decaux (E/CN.2/Sub.2/2004/8),

1. *Thanks* the Special Rapporteur, Mr. Emmanuel Decaux, for his preliminary report;
2. *Requests* the Secretary-General to continue to provide the Special Rapporteur with the necessary assistance to enable him to carry out his mandate, particularly in his contacts with States, national institutions for the promotion and protection of human rights and international governmental and non-governmental organizations, by enabling him to send them a questionnaire at the appropriate time to help in the preparation of his interim report;
3. *Requests* the Special Rapporteur to submit an interim report to the Sub-Commission at its fifty-seventh session.

*24th meeting
12 August 2004*

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

2004/27. Issue of the administration of justice through military tribunals

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

Recalling its resolution 2003/8 of 13 August 2003 and its decisions 2001/103 of 10 August 2001 and 2002/103 of 12 August 2002,

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

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

Recalling Commission on Human Rights resolutions 2002/37 of 22 April 2002 and 2003/39 of 23 April 2003, and noting with appreciation Commission resolution 2004/32 of 19 April 2004,

Recalling also General Comment No. 29 on derogations during a state of emergency (article 4 of the Covenant) adopted by the Human Rights Committee, and stressing that only a court of law may try and convict a person for a criminal offence,

Welcoming the holding in Geneva, from 26 to 28 January 2004, of a seminar of military and other experts, organized by the International Commission of Jurists in response to the request made by the Sub-Commission in resolution 2003/8, on the issue of the administration of justice through military tribunals,

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

Reaffirming also that everyone has the right to be tried by ordinary courts or tribunals using established legal procedures and that tribunals that do not use procedures duly established under the law shall not be created to displace the jurisdiction belonging to the ordinary courts,

Convinced that the independence and impartiality of judges should be respected in all circumstances and that an independent and impartial judiciary is an essential prerequisite for protecting human rights and ensuring that there is no discrimination in the administration of justice,

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

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

1. *Welcomes* the report on the administration of justice through military tribunals submitted by Mr. Emmanuel Decaux, including the draft principles governing the administration of justice through military tribunals contained therein (E/CN.4/Sub.2/2004/7);
2. *Requests* Mr. Decaux to continue his work and submit an updated version of his draft principles governing the administration of justice through military tribunals, taking account of the Sub-Commission's discussions on the topic, at the fifty-seventh session of the Sub-Commission, with a view to their consideration and adoption;
3. *Requests* the Secretary-General to provide Mr. Decaux with all necessary assistance to enable him to carry out his mandate;
4. *Invites* Governments, the relevant United Nations bodies, specialized agencies, regional intergovernmental organizations and non-governmental organizations to provide or continue to provide information on the issue to Mr. Decaux;
5. *Welcomes* the initiative taken by the International Commission of Jurists to organize a second seminar of military and other experts on the issue of the administration of justice through military tribunals and encourages other such initiatives;
6. *Decides* to continue consideration of the issue at its fifty-seventh session, under the same agenda item.

24th meeting
12 August 2004
[Adopted without a vote. See chap. V.]

**2004/28. Discrimination against convicted persons
who have served their sentence**

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

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

Recalling its resolution 2003/7 of 13 August 2003 in which it decided to continue to consider this matter under the item of its agenda entitled "Prevention of discrimination",

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

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

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

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

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

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

Concerned that some States permit official and unofficial forms of discrimination to be practised against persons who have served their terms of criminal punishment, such as

disenfranchisement and denial of basic economic and social benefits accorded to other persons such as public housing, opportunities to obtain private housing, public educational benefits, public welfare benefits, employment opportunities and other types of benefits which could help such persons reintegrate successfully into civil society,

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

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

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

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

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

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

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

24th meeting
12 August 2004
[Adopted without a vote. See chap. V.]

**2004/29. The difficulty of establishing guilt and/or responsibility
with regard to crimes of sexual violence**

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

Mindful of articles 1, 2, 8 and 10 of the Universal Declaration of Human Rights and articles 2 and 4 of the International Covenant on Civil and Political Rights,

Mindful also of the need to provide children with appropriate protection, as stipulated in the Convention on the Rights of the Child,

Reaffirming that everyone has the right to life, liberty and security of person and to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law,

Reaffirming also that everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his or her rights and obligations and of any criminal charge against him,

Noting with great concern the constantly increasing number of victims of sexual violence,

Concerned by the laws and practices that make it even more difficult to adduce evidence in cases of sexual abuse and violence directed against women and children, and threaten to constitute flagrant violations of the norms guaranteeing the right to a fair trial,

Convinced that the difficulty encountered in establishing evidence of sexual violence constitutes an impediment to the administration of justice and threatens to lead directly to impunity,

Convinced also that the impunity enjoyed by perpetrators of sexual violence is a fundamental obstacle to respect for the rights of the victims,

Convinced further of the need to formulate principles and guidelines for rules of evidence in cases of sexual violence,

Recalling the working paper on the difficulties of establishing guilt and/or responsibilities with regard to crimes of sexual violence prepared by Ms. Lalaina Rakotoarisoa (E/CN.4/Sub.2/2003/WG.1/CRP.1),

1. *Welcomes with satisfaction* the expanded working paper on the difficulties of establishing guilt and/or responsibilities with regard to crimes of sexual violence submitted by Ms. Lalaina Rakotoarisoa (E/CN.4/Sub.2/2004/11);

2. *Decides* to appoint Ms. Rakotoarisoa as Special Rapporteur entrusted with preparing a detailed study on the difficulties of establishing guilt and/or responsibilities with regard to crimes of sexual violence, with a view to identifying best practices and developing principles for rules of evidence in this area;

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

4. *Requests* the Secretary-General to invite Governments, United Nations bodies, the specialized agencies and non-governmental organizations to provide the Special Rapporteur with the information necessary for the preparation of her reports;

5. *Also requests* the Secretary-General to provide the Special Rapporteur with any assistance she may require to carry out her mandate, including the assistance of a consultant with specialized knowledge in this field;

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

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

*24th meeting
12 August 2004*

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

2004/30. Sessional working group on the administration of justice

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

Firmly convinced that the rule of law is an essential factor in the protection of human rights, as stressed in the Universal Declaration of Human Rights, and should continue to attract the attention of the international community,

Convinced that, through their own national legal and judicial systems, States must provide appropriate civil, criminal and administrative remedies for violations of human rights,

Convinced also that international tribunals and national judicial systems can work in a complementary manner to provide appropriate remedies for violations of human rights,

Recalling the numerous international standards in the field of the administration of justice,

Emphasizing that the right to access to justice as contained in applicable international human rights instruments forms an important basis for strengthening the rule of law through the administration of justice,

Mindful of the importance of ensuring respect for the rule of law and human rights in the administration of justice as a crucial contribution to ensuring peace and justice and ending impunity,

Recalling the recommendation of the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, that a comprehensive programme should be established within the United Nations with a view to helping States in the task of building and strengthening adequate national structures that have a direct impact on the overall observance of human rights and the maintenance of the rule of law,

Recalling the United Nations Millennium Declaration of 8 September 2000 which, inter alia, called upon States to strengthen respect for the rule of law in international as well as in national affairs, to consider signing and ratifying the Rome Statute of the International Criminal Court and to ensure implementation by States parties of treaties in areas such as international humanitarian law and human rights law,

1. *Welcomes* with satisfaction the report of the sessional working group on the administration of justice (E/CN.4/Sub.2/2004/6) and takes note of its discussions on the subjects of international criminal justice; witnesses and the rules of evidence; rape, sexual assault and other forms of sexual violence; women and children in prison; and immunity;
2. *Notes with interest* the increasing number of States, non-governmental organizations and other observers actively participating in the sessional working group;
3. *Reaffirms* the importance of the full and effective implementation of all United Nations standards on human rights in the administration of justice;
4. *Reiterates its call* to Member States to spare no effort in providing for effective legislative and other mechanisms and procedures, as well as adequate resources, to ensure the full implementation of those standards;
5. *Reaffirms* the importance of combating impunity as a fundamental obstacle to the observance of human rights and welcomes the efforts of States and the United Nations international criminal tribunals to work in a complementary manner to ensure that violations of human rights do not go unpunished;
6. *Invites* States, competent bodies of the United Nations, specialized agencies, intergovernmental and non-governmental organizations to provide or continue to provide information to the working group at its future sessions;
7. *Decides* to continue consideration of the question of administration of justice at its fifty-seventh session.

24th meeting
12 August 2004
[Adopted without a vote. See chap. V.]

B. Decisions

2004/101. Establishment of a sessional working group on the administration of justice under agenda item 3

At its 1st meeting, on 26 July 2004, the Sub-Commission on the Promotion and Protection of Human Rights decided, without a vote, to establish a sessional working group on the administration of justice under agenda item 3, composed of the following members: Ms. Hampson, Ms. Motoc, Ms. Rakotoarisoa, Mr. Tuñon Veilles and Mr. Yokota.

[See chap. III.]

2004/102. Establishment of a sessional working group to examine the working methods and activities of transnational corporations under agenda item 4

At its 1st meeting, on 26 July 2004, the Sub-Commission on the Promotion and Protection of Human Rights decided, without a vote, to establish a sessional working group to examine the working methods and activities of transnational corporations under agenda item 4, composed of the following members: Mr. Alfonso Martínez, Mr. Alfredsson, Mr. Bíró, Ms. Chung and Mr. Guissé.

[See chap. III.]

2004/103. Extrajudicial, summary or arbitrary executions

At its 18th meeting, on 9 August 2004 the Sub-Commission on the Promotion and Protection of Human Rights decided, without a vote, to adopt the following statement:

“The Sub-Commission on the Promotion and Protection of Human Rights recalls that the extrajudicial, summary or arbitrary execution of a human being is unlawful in all circumstances.”

[See chap. IV.]

2004/104. The right to development

At its 18th meeting, on 9 August 2004, the Sub-Commission on the Promotion and Protection of Human Rights, recalling Commission on Human Rights resolution 2003/83 of 25 April 2003 in which it requested the Sub-Commission to prepare a concept document establishing possible options for the implementation of the right to development, for submission to the Commission at its sixty-first session in 2005 for consideration and determination of the feasibility of those options, as well as its own decision 2003/116 of 14 August 2003 in it

requested Ms. Florizelle O'Connor to submit to the Sub-Commission at its fifty-sixth session a working paper identifying and analysing possible alternatives that would enable the Sub-Commission to respond fully and as effectively as possible to the Commission request, and after having been advised by Ms. O'Connor that for unexpected technical reasons it was not possible for her to submit her paper during the present session, decided, without a vote, to recommend to the Commission on Human Rights the following draft decision for adoption:

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

[See chap. VI.]

2004/105. The right to food and progress in developing international voluntary guidelines for its implementation

At its 18th meeting, on 9 August 2004, the Sub-Commission on the Promotion and Protection of Human Rights, reiterating the recommendations contained in its resolution 2003/9 of 13 August 2003 and welcoming the progress made by the Intergovernmental Working Group for the Elaboration of a Set of Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security, of the Food and Agriculture Organization of the United Nations, in elaborating a set of voluntary guidelines (see document IGWG-RTFG 4/REP1), decided, without a vote, to call upon all Governments and interested and affected parties to continue the drafting process and renew their efforts to reach consensus on the remaining issues so as to make possible the completion and adoption of that set of guidelines.

[See chap. VI.]

2004/106. Effects of debt on human rights

At its 18th meeting on 9 August 2004, the Sub-Commission on the Promotion and Protection of Human Rights, welcoming with satisfaction the working paper prepared by Mr. El-Hadji Guissé on the effects of debt on human rights (E/CN.4/Sub.2/2004/27), decided, without a vote, to request Mr. Guissé to prepare, without financial implications, an expanded working paper on the effects of debt on human rights and to submit it to it at its fifty-seventh session.

[See chap. VI.]

2004/107. The right to drinking water supply and sanitation

At its 18th meeting, on 9 August 2004, the Sub-Commission on the Promotion and Protection of Human Rights, welcoming the reports prepared by Mr. El-Hadji Guissé on the relationship between the enjoyment of economic, social and cultural rights and the promotion of the realization of the right to drinking water supply and sanitation (E/CN.4/Sub.2/2002/10, E/CN.4/Sub.2/2003/WP.3 and E/CN.4/Sub.2/2004/20), decided, without a vote, to request the

Special Rapporteur to prepare, without financial implications, a set of draft guidelines for the realization of the right to drinking water supply and sanitation and to submit them to it at its fifty-seventh session.

[See chap. VI.]

2004/108. Impact of intolerance on the enjoyment and the exercise of human rights

At its 18th meeting, on 9 August 2004, the Sub-Commission on the Promotion and Protection of Human Rights decided, without a vote, to request Mr. Soli Sorabjee to submit, without financial implications, a working paper on the impact of intolerance on the enjoyment and the exercise of human rights and measures to counter intolerance to the fifty-seventh session of the Sub-Commission, under the same agenda item.

[See chap. VII.]

2004/109. Guidelines and principles for the promotion and protection of human rights when combating terrorism

At its 23rd meeting on 12 August 2004, the Sub-Commission on the Promotion and Protection of Human Rights, recalling its resolution 2003/15 of 13 August 2003 entitled “Effects of measures to combat terrorism on the enjoyment of human rights”, having considered the final report of the Special Rapporteur, Ms. Kalliopi K. Koufa, on terrorism and human rights (E/CN.4/Sub.2/2004/40), having also considered the working paper prepared by Ms. Koufa entitled “A preliminary framework draft of principles and guidelines concerning human rights and terrorism” (E/CN.4/Sub.2/2004/47), recalling the seriousness of the subject matter and mindful of the traditional standard-setting competence of the Sub-Commission, which contributes to the development and better understanding of human rights, their promotion and protection and which provides the Commission with the necessary assistance, intellectual support and expertise required from the Sub-Commission, decided, without a vote:

(a) To establish at its fifty-seventh session a sessional working group of the Sub-Commission with the mandate to elaborate detailed principles and guidelines, with relevant commentary, concerning the promotion and protection of human rights when combating terrorism, based, *inter alia*, on the preliminary framework draft of principles and guidelines contained in the working paper prepared by Ms. Koufa;

(b) To consider this question at its fifty-seventh session under the same agenda sub-item.

[See chap. VIII.]

2004/110. Reservations to human rights treaties

At its 23rd meeting, on 12 August 2004, the Sub-Commission on the Promotion and Protection of Human Rights decided, without a vote, to transmit Ms. Françoise Hampson's final working paper on reservations to human rights treaties (E/CN.4/Sub.2/2004/42) to the Commission on Human Rights, the Committee on the Elimination of Racial Discrimination, which originally requested the study, and other human rights treaty monitoring bodies and the International Law Commission.

[See chap. VIII.]

2004/111. Human rights and international solidarity

At its 23rd meeting, on 12 August 2004, the Sub-Commission on the Promotion and Protection of Human Rights, recalling its decision 2003/115 of 14 August 2003 and expressing its appreciation to Mr. Rui Baltazar Dos Santos Alves for his working paper on human rights and international solidarity (E/CN.4/Sub.2/2004/43), decided, without a vote, to request Mr. Dos Santos Alves to prepare, without financial implications, an expanded version of his working paper, taking into account the comments and suggestions made at the fifty-sixth session of the Sub-Commission, and to submit it to the Sub-Commission at its fifty-seventh session.

[See chap. VIII.]

2004/112. Preliminary report on the study on human rights and the human genome

At its 23rd meeting, on 12 August 2004, the Sub-Commission on the Promotion and Protection of Human Rights decided, without a vote:

(a) To express its deep appreciation to the Special Rapporteur, Ms. Antoanella-Iulia Motoc, for her preliminary report on the study on human rights and the human genome (E/CN.4/Sub.2/2004/38), and welcomed the rich discussion that took place thereon;

(b) To request the Special Rapporteur to submit an interim report to the fifty-seventh session and a final report to its fifty-eighth session;

(c) To request the Secretary-General to provide the Special Rapporteur with all necessary assistance to enable her to carry out her mandate, inter alia by facilitating her contacts with States and international governmental and non-governmental organizations and by enabling her to send them a questionnaire at the appropriate time to help in the preparation of her progress report.

[See chap. VIII.]

2004/113. Postponement of draft decision E/CN.4/Sub.2/2004/L.47

At the 23rd meeting, on 12 August 2004, the Sub-Commission on the Promotion and Protection of Human Rights decided, without a vote, to postpone until its fifty-seventh session the draft decision contained in document E/CN.4/Sub.2/2004/L.47.

[See chap. VIII.]

2004/114. Human rights and non-State actors

At its 23rd meeting, on 12 August 2004, the Sub-Commission on the Promotion and Protection of Human Rights decided, without a vote, to request Mr. Gáspár Bíró and Ms. Antoanella-Iulia Motoc to prepare, without financial implications, a working paper on human rights and non-State actors, in order to approach in a systematic way the question of accountability under international human rights law, and submit it to the Sub-Commission at its fifty-seventh session.

[See chap. VIII.]

2004/115. Technical cooperation

At its 23rd meeting, on 12 August 2004, the Sub-Commission on the Promotion and Protection of Human Rights decided to request Mr. G. Alfredsson and Mr. I. Salama to prepare, without financial implications, a working paper on the evaluation of the content and delivery of technical cooperation in the field of human rights, for the purpose of seeking possible improvements, and to submit it to the Sub-Commission at its fifty-seventh session.

[See chap. VIII.]

2004/116. Women in prison

At its 24th meeting, on 12 August 2004, the Sub-Commission on the Promotion and Protection of Human Rights, recalling its decision 2003/104 of 13 August 2003, expressed its appreciation to Ms. Florizelle O'Connor for her working paper on women in prison (E/CN.4/Sub.2/2004/9) and decided, without a vote, to request Ms. O'Connor to prepare, without financial implications, an expanded version of her working paper, including issues relating to the children of women in prison, taking into account the comments and suggestions made at the fifty-sixth session of the Sub-Commission, and to submit the expanded working paper to the Sub-Commission at its fifty-seventh session.

[See chap. V.]

2004/117. Right to an effective remedy in criminal proceedings

At its 24th meeting, on 12 August 2004, the Sub-Commission on the Promotion and Protection of Human Rights decided, without a vote, to entrust Mr. Mohamed Habib Cherif with the preparation, without financial implications, of a working paper on the right to an effective remedy in criminal proceedings and to ask him to submit the paper to the working group on the administration of justice at the fifty-seventh session of the Sub-Commission.

[See chap. V.]

2004/118. Working paper on the relationship between human rights law and international humanitarian law

At the 24th meeting, on 12 August 2004, the Sub-Commission on the Promotion and Protection of Human Rights decided to ask Ms. Françoise Hampson and Mr. Ibrahim Salama to prepare, without financial implications, a working paper on human rights law and international humanitarian law which should address, inter alia, the relationship between human rights law and international humanitarian law, their enforcement systems and the scope of the obligation of States to implement international humanitarian law domestically, all issues being considered from both a State's and a victim's perspective, and to submit this document to the working group on the administration of justice at the fifty-seventh session of the Sub-Commission.

[See chap. V.]

2004/119. Working paper on an effective remedy in civil matters against violations of human rights by State agents

At its 24th meeting, on 12 August 2004, the Sub-Commission on the Promotion and Protection of Human Rights decided, without a vote, to request Ms. Françoise Hampson to prepare, without financial implications, a working paper on the implementation in domestic law of the right to an effective remedy in civil matters against violations of human rights by State agents and for submission to the working group on the administration of justice at the fifty-seventh session of the Sub-Commission.

[See chap. V.]

2004/120. Decision under item 1 with regard to item 2 of the agenda

At its 24th meeting, on 12 August 2004, the Sub-Commission on the Promotion and Protection of Human Rights decided, without a vote, to entrust Ms. Françoise Hampson with the preparation, without financial implications, of a working paper on the organization, the content and

the outcome of the Sub-Commission's work under agenda item 2, taking into account Commission on Human Rights resolution 2004/60 of 20 April 2004 and the discussions that took place at the fifty-sixth session of the Sub-Commission and on the basis of the fullest possible consultation with members of the Sub-Commission. States, national human rights institutions, non-governmental organizations and all interested parties are invited to submit ideas and suggestions to Ms. Hampson. The working paper should be submitted by the end of April 2005 and should be translated into the official languages of the United Nations and posted on the web site of the Office of the High Commissioner for Human Rights at the earliest opportunity, and in any event no later than the end of May 2005. It should be sent to each member of the Sub-Commission. Non-governmental organizations, national human rights institutions, the special procedures of the Commission, the Office of the High Commissioner for Human Rights, States and all other interested parties should be invited to submit comments no later than the end of June 2005. Ms. Hampson should take those comments into account in presenting the working paper to the Sub-Commission under agenda item 1 during the 1st meeting of the fifty-seventh session of the Sub-Commission. At least one meeting devoted to the general discussion of the report as a whole should be public and should provide for an interactive dialogue with non-governmental organizations, national human rights institutions, States and other interested parties. The Sub-Commission also decided to request the Secretariat to bring the present decision to the attention of non-governmental organizations, national human rights institutions, the special procedures of the Commission, States and all other interested parties, inviting them to submit comments and suggestions to Ms. Hampson.

[See chap. III.]

**2004/121. Working paper on methods of work of the Sub-Commission
with regard to reports**

At its 24th meeting, on 12 August 2004, the Sub-Commission on the Promotion and Protection of Human Rights decided to entrust Mr. Emmanuel Decaux with the preparation, without financial implications, of a working paper on the methods of work of the Sub-Commission relating to the choice of subject and the preparation of reports and on how the Sub-Commission should organize its work so as to ensure full consideration of reports by members of the Sub-Commission, non-governmental organizations, national delegations and other interested parties, and requests Mr. Decaux to submit his working paper to the Sub-Commission at its fifty-seventh session.

[See chap. III.]

2004/122. Composition of the working groups of the Sub-Commission for 2005

At its 24th meeting, on 12 August 2004, the Sub-Commission on the Promotion and Protection of Human Rights decided, without a vote, to approve the following composition of its working groups for 2005:

Regional group	Minorities	Slavery	Indigenous Populations	Communications	Social Forum
Africa	Mr. Cherif	Mr. Salama	Mr. Guissé	Ms. Warzazi	Ms. Mbonu Mr. Guissé
	Mr. Dos Santos (alternate)	Ms. Rakotoarisoa (alternate)	Ms. Mbonu (alternate)	Mr. Salama (alternate)	
Asia	Mr. Sorabjee	Mr. Sattar	Mr. Yokota	Mr. Chen	Ms. Chung Mr. Sattar
	Mr. Sattar (alternate)	Ms. Chung (alternate)	Ms. Hayashi (alternate)	Mr. Liu (alternate)	
Eastern Europe	Mr. Kartashkin	Ms. Motoc	Mr. Bíró	Mr. Kartashkin	Mr. Bíró Ms. Motoc
	Ms. Popescu (alternate)	Mr. Bíró (alternate)	Ms. Motoc (alternate)	Mr. Malguinov (alternate)	
Latin America	Mr. Bengoa	Mr. Pinheiro	Mr. Alfonso Martínez	Mr. Alfonso Martínez	Mr. Bengoa Ms. O'Connor
	Mr. Tuñón Veilles (alternate)	Mr. Alfonso Martínez (alternate)	Mr. Tuñón Veilles (alternate)	Ms. O'Connor (alternate)	Mr. Pinheiro Mr. Tuñón Veilles (alternates)
Western Europe and Other States	Mr. Alfredsson	Mr. Bossuyt	Ms. Hampson	Mr. Decaux	Mr. Alfredsson Mr. Bossuyt
	Ms. Koufa (alternate)	Ms. Picard (alternate)	Ms. Koufa/ Mr. Zaikos (alternates)	Ms. Hampson (alternate)	

[See chap. III.]

2004/123. Prevention of human rights violations committed with small arms and light weapons

At the 25th meeting, on 13 August 2004, the Sub-Commission on the Promotion and Protection of Human Rights, recalling its resolution 2002/25 of 14 August 2002, decided, without a vote, to express its satisfaction with the progress report of the Special Rapporteur on the prevention of human rights violations committed with small arms and light weapons (E/CN.4/Sub.2/2004/37), Ms. Barbara Frey, and to ask her to submit her next report to the Sub-Commission at its fifty-seventh session, taking into account the discussions at the present session.

[See chap. VIII.]

III. ORGANIZATION OF WORK

A. Opening and duration of the session and number of meetings

1. The Sub-Commission on the Promotion and Protection of Human Rights held its fifty-sixth session at the United Nations Office at Geneva from 26 July to 13 August 2004. It held 25 meetings (see E/CN.4/Sub.2/2004/SR.1-25), 5 of which were held in closed session (see E/CN.4/Sub.2/2003/SR.2, SR.17, SR.18, SR.22 and SR.23).
2. The session was opened by Ms. Halima E. Warzazi, Chairperson of the Sub-Commission on the Promotion and Protection of Human Rights at its fifty-fifth session, who made a statement.
3. The United Nations High Commissioner for Human Rights, Ms. Louise Arbour, addressed the Sub-Commission at its 1st meeting, on 26 July 2004.

B. Attendance

4. The session was attended by members of the Sub-Commission, by observers for States Members of the United Nations, by observers for non-member States and by observers for intergovernmental organizations, United Nations bodies, specialized agencies, other organizations and non-governmental organizations. The attendance list is given in annex III to the present report.

C. Resolutions and documentation

5. The Sub-Commission adopted 30 resolutions and took 23 decisions. The texts of these resolutions and decisions appear in chapter II, sections A and B, respectively. Draft decisions for action or consideration by the Commission on Human Rights are set out in chapter I. For a list of the resolutions and decisions adopted by the Sub-Commission, see annex VIII to the present report.
6. Information concerning the administrative and programme budget implications of resolutions and decisions adopted by the Sub-Commission at its fifty-sixth session is provided in annex IV.
7. A list of the resolutions and decisions referring to matters drawn to the attention of the Commission on Human Rights is contained in annex V.
8. A list of studies completed at the fifty-sixth session, of ongoing studies, of working papers entrusted to members and of studies recommended for approval, drawn up in accordance with Commission on Human Rights resolution 1982/23, appears in annex VI.
9. A list of documents for the fifty-sixth session of the Sub-Commission appears in annex VII. Written communications submitted by Governments and non-governmental organizations for circulation at the session are also mentioned in annex VII.

D. Election of officers

10. At its 1st meeting, on 26 July 2004, the Sub-Commission elected the following officers by acclamation:

Chairperson: Mr. Soli Jehangir Sorabjee

Vice-Chairpersons: Ms. Françoise Jane Hampson

Ms. Antoanella-Iulia Motoc

Ms. Lalaina Rakotoarisoa

11. At its 5th meeting, on 29 July 2004, the Sub-Commission elected Mr. Pinheiro as Rapporteur by acclamation.

E. Adoption of the agenda

12. At its 1st meeting, on 26 July, the Sub-Commission had before it a note by the Secretary-General containing the provisional agenda for the fifty-sixth session (E/CN.4/Sub.2/2004/1), drawn up in accordance with rule 5 of the rules of procedure of the functional commissions of the Economic and Social Council, on the basis of the draft provisional agenda considered by the Sub-Commission at its fifty-fifth session in accordance with paragraph 3 of Economic and Social Council resolution 1894 (LVII).

13. The Sub-Commission had also before it a note by the Secretary-General containing a proposal for inclusion of a new item in the provisional agenda (E/CN.4/Sub.2/2004/3). Statements in that connection were made by Mr. Alfonso Martínez, Ms. Chung, Mr. Guissé, Ms. Hampson, Ms. Mbonu, Mr. Sattar, Ms. Warzazi and Mr. Yokota.

14. At the same meeting, the agenda, as contained in document E/CN.4/Sub.2/2004/1, (see annex I), was adopted without a vote.

F. Organization of work and conduct of business

15. At the 1st meeting, on the same day, the Chairperson of the sixtieth session of the Commission on Human Rights, Mr. Mike Smith, addressed the Sub-Commission in accordance with Commission resolution 2004/60.

16. The Sub-Commission considered item 1 of the agenda at its 1st, 2nd (closed) meetings on 26 and 27 July, at the closed part of its 17th and 18th meetings, on 9 August, as well as at the closed part of its 22nd meeting, on 11 August, at the closed part of its 23rd meeting and at the public part of its 23rd and 24th meetings, on 12 August 2004.

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

18. At its 1st meeting, on 26 July 2004, and 2nd meeting, on 27 July 2004, the Sub-Commission considered the organization of its work and conduct of business.
19. Upon the recommendation of its officers, the Sub-Commission decided, without a vote, the following with respect to sessional working groups:
- (a) To establish a sessional working group on the administration of justice under agenda item 3 and to nominate the following members of the Sub-Commission as members of the working group: Ms. Hampson, Ms. Motoc, Ms. Rakotoarisoa, Mr. Tuñón Veilles and Mr. Yokota. For the text of the decision, see chapter II, section B, decision 2004/101;
- (b) To establish a sessional working group to examine the working methods and activities of transnational corporations under agenda item 4 and to nominate the following members of the Sub-Commission as members of the working group: Mr. Alfonso Martínez, Mr. Alfredsson, Mr. Bíró, Ms. Chung, Mr. Guissé. For the text of the decision, see chapter II, section B, decision 2004/102.
20. The Sub-Commission accepted the recommendations of its officers regarding limitation of the frequency and duration of statements. Members of the Sub-Commission would be entitled to make one or more statements of 10 minutes per item. Observers for non-governmental organizations would be limited to one statement of seven minutes per item. With regard to joint statements by non-governmental organizations, the following timing was agreed upon: 1 or 2 non-governmental organizations: 7 minutes; 3 to 5 non-governmental organizations: 10 minutes; 6 to 10 non-governmental organizations: 12 minutes; more than 10 non-governmental organizations: 15 minutes. National human rights institutions would be allowed to make statements on the same basis as non-governmental organizations. Government observers would be limited to one statement of five minutes per item. That speaking time would also apply to observers for intergovernmental organizations, United Nations bodies, specialized agencies and other organizations.
21. According to the special procedure for the allocation of speaking time and the closure of the list of speakers on the agenda item dealing with violations of human rights which was established by the Sub-Commission in its decision 1994/117, the maximum speaking time under agenda item 2 would be determined, for all observers, by dividing equally the time allocated to observers by the number of speakers who had signed up before the closure of the list. The closure of the list would be set at 6 p.m. on the day before the opening of the debate on that agenda item.
22. The Sub-Commission also accepted the recommendation that special rapporteurs should limit their statements to 15 minutes, to be divided between the introduction of the report and the concluding remarks.
23. It was also accepted that Sub-Commission members taking the floor on procedural matters should be as brief as possible and not exceed two minutes.

24. It was agreed that, with regard to statements by government observers equivalent to a right of reply, a limitation to two replies, of three minutes for the first and of two minutes for the second, at the end of the general debate on any particular item(s), would be observed. Under any agenda item, government observers should not address the human rights situations in countries other than their own, except when exercising the right of reply.

25. It was also agreed that the list of speakers would be opened at the beginning of the session for all participants to register to speak on any agenda item. If the list of speakers had not been exhausted during a particular meeting, the remaining speakers would be given the floor, in the same order, as the first speakers at the next meeting. The closure of the list of speakers on any item(s) would be announced by the Chairperson in advance, normally at the beginning of the consideration of that agenda item (except for item 2).

26. It was also agreed that if there were no more speakers on an agenda item at a particular meeting, the Sub-Commission would take up the next item on its calendar, if deemed necessary.

27. It was also agreed that, in order to respect editorial and other requirements, draft resolutions and decisions should be submitted at least three working days before the date on which they were scheduled to be considered. The deadlines for the submission of draft resolutions would be set by the Chairperson in consultation with the Bureau and announced sufficiently in advance.

28. Also at its 2nd (closed) meeting, the Sub-Commission approved the timetable for the consideration of agenda items proposed by the Bureau in the following order: 1, 2, 5, 4, 6, 3 and 7.

29. At the same meeting, the Sub-Commission met with the members of the Expanded Bureau of the sixtieth session of the Commission of Human Rights pursuant to Commission resolution 2004/60, paragraph 10 (a).

30. At the 20th meeting, on 10 August, Ms. Ruth Hahn-Weinert, Chief, user services section of the Library of the United Nations Office at Geneva, gave a briefing on facilities and services that the UNOG library can offer to the experts. A statement in this connection was made by Mr. Decaux.

31. At the 24th meeting, on 12 August 2004, the members of the Sub-Commission held an exchange of views with representatives of the non-governmental organizations.

32. At the 18th meeting, on 9 August, and at its 23rd and 24th meetings, on 12 August 2004, representatives of the Administration Section of the Office of the United Nations High Commissioner for Human Rights made statements in connection with the programme budget implications of several draft resolutions and decisions considered by the Sub-Commission.

G. Other matters

33. At the 1st meeting, on 26 July 2004, in accordance with decision 1994/103 of the Sub-Commission and at the proposal of the Chairperson, the Sub-Commission observed a minute of silence in honour of the victims of all forms of violations of human rights in all regions of the world.

Technical cooperation

34. At the 24th meeting, on 12 August 2004, the Sub-Commission decided unanimously to consider draft decision E/CN.4/Sub.2/2004/L.34 under agenda item 6 (c).

Resolution under item 1 with regard to item 2 of the agenda

35. At the same meeting, Ms. Hampson introduced draft resolution E/CN.4/Sub.2/2004/L.52, sponsored by Mr. Alfredsson, Mr. Bíró, Mr. Bossuyt, Ms. Chung, Mr. Decaux, Ms. Hampson, Ms. Motoc, Mr. Pinheiro, Mr. Salama, Mr. Sattar, Mr. Tuñón Veilles, Ms. Wadibia-Anyanwu, Ms. Warzazi and Mr. Yokota, which read as follows:

“2004/... Resolution under item 1 with regard to item 2 of the agenda

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

“Stressing the importance of item 2 of its agenda entitled, ‘Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation, in all countries, including colonial and other dependent countries and territories: report of the Sub-Commission under Commission on Human Rights resolution 8 (XXIII),

“Taking note of Commission resolution 2004/60 of 20 April 2004, in which the Commission reiterated and reaffirmed that the Sub-Commission should continue to be able to debate country situations not being dealt with in the Commission, as well as urgent matters involving serious violations of human rights in any country,

“Considering that the Sub-Commission can best assist the Commission in this regard by establishing methods to evaluate the situation of human rights and the priorities in responding to crises in terms of protection, prevention and promotion,

“Recalling that item 2 of its agenda allows for debate and discussion of serious human rights violations such as unlawful killings, torture and disappearances, in particular those not discussed under other thematic agenda items and in relation in particular to victims not belonging to groups discussed under other agenda items,

“Recalling also that the Commission has requested the Sub-Commission to improve its working methods and to facilitate the participation of non-governmental organizations in its work,

“*Welcoming* the substantial debate that took place at its fifty-sixth session on the situation of human rights worldwide and the suggestions made for examining this item more methodically,

“*Welcoming also* the contributions of non-governmental organizations to all aspects of the Sub-Commission’s activities, as well as their suggestions on ways and means of improving the Sub-Commission’s working methods and making their participation more effective,

“*Welcoming further* the establishment of national institutions for the promotion and protection of human rights in accordance with the Paris Principles annexed to General Assembly resolution 48/134 of 20 December 1993,

“1. Decides:

“(a) To establish, without financial implications, a working group whose members will communicate by e-mail, composed of ..., to produce a report by 30 April 2005 on the organization, the content and the outcome of the Sub-Commission’s work under agenda item 2, taking into account the discussions that took place at the fifty-sixth session of the Sub-Commission. Throughout its work the working group will take account of the need to avoid unnecessary duplication with the work of other United Nations bodies and the need for any Sub-Commission activity to make an identifiable contribution to the issue under discussion;

“(b) That the working group will consider, among other issues:

“(i) Whether to rename agenda item 2 to better reflect its content;

“(ii) Whether to divide the item into two parts, i.e. the general debate and the evaluation or identification, on a thematic basis, of possible gaps in standards, implementation and monitoring, to enable the Sub-Commission to suggest themes for study and proposals to the Commission on Human Rights, with a view to preventing human rights violations and promoting respect for human rights;

“(iii) How best to enter into a dialogue with national human rights institutions;

“(iv) How best to gather and use evidence of good practice;

“(v) Whether it would be desirable to revive the mandate of the Special Rapporteur on the implications for human rights of states of siege or emergency;

- “(vi) Whether the Sub-Commission should establish the mandate of a Special Rapporteur on good practice, follow-up and implementation, to identify recommendations made by the special procedures of the Commission on Human Rights with regard to a particular State, to follow up the measures, if any, the State has taken as a result and to assess the effect of those measures, with a view to making issue-oriented recommendations to the Sub-Commission with regard to the prevention of serious human rights violations and the promotion of respect for human rights;
- “(vii) How to operationalize any proposals it might make;
- “(viii) Whether to recommend whether the time devoted to agenda item 2 should be increased; and
- “(ix) Making recommendations with regard to the form of the Sub-Commission’s report to the Commission under agenda item 2 in the light of the revised structure of the debate on this item;

“(c) That the report of the working group should be translated into the official languages of the United Nations and posted on the web site of the Office of the High Commissioner at the earliest opportunity and in any event no later than the end of May 2005, and that the report be sent to each member of the Sub-Commission;

“(d) That non-governmental organizations, national human rights institutions, the special procedures of the Commission, the Office of the High Commissioner, States and all other interested parties be invited to submit comments on the report by the end of June 2005, and that the working group take these comments into account in preparing a final version of the report for submission to the Sub-Commission;

“(e) That the report of the working group will be discussed under item 1 of the agenda at the first meeting of the fifty-seventh session of the Sub-Commission, and that at least one hour be devoted to a general discussion of the report as a whole in public session by means of an interactive dialogue with non-governmental organizations, national human rights institutions and other interested parties;

“(f) To give effect at its fifty-seventh session to the agreed proposals of the working group regarding the structure of the discussion under agenda item 2 and to continue discussion of longer-term proposals, with a view to adopting any necessary resolutions, decisions or Chairperson’s statements during that session;

“(g) To request the Secretariat to bring the present resolution to the attention of non-governmental organizations, national human rights institutions, the special

procedures of the Commission on Human Rights, States and all other interested parties, inviting them to submit comments and suggestions to the working group and, for that purpose, to identify a focal point within the Office of the High Commissioner to whom the comments and suggestions should be sent.”

36. At the same meeting, Ms. Hampson replaced the draft resolution with an oral draft decision.

37. Statements in connection with the draft decision were made by Mr. Bengoa, Mr. Bossuyt, Mr. Chen, Mr. Decaux, Mr. Guissé, Ms. Hampson, Mr. Kartashkin, Mr. Pinheiro, Mr. Salama, Ms. Warzazi and Mr. Yokota.

38. The draft decision, as orally revised, was adopted without a vote. For the text of the decision, see chapter II, section B, decision 2004/120.

Working paper on methods of work of the Sub-Commission with regard to reports

39. At the same meeting, Mr. Bossuyt introduced draft decision E/CN.4/Sub.2/2004/L.53, sponsored by Mr. Bíró, Mr. Bossuyt, Mr. Chen, Mr. Cherif, Ms. Chung, Mr. Decaux, Mr. Dos Santos, Mr. Guissé, Ms. Hampson, Mr. Kartashkin, Ms. Koufa, Ms. Motoc, Ms. O'Connor, Ms. Rakotoarisoa, Mr. Salama, Mr. Sattar, Ms. Warzazi and Mr. Yokota.

40. The draft decision was adopted without a vote. For the text of the decision, see chapter II, section B, decision 2004/121.

Composition of the working groups of the Sub-Commission for 2005

41. At the same meeting, the Sub-Commission considered a draft decision on the composition of the intersessional and pre-sessional working groups of the Sub-Commission introduced by the Chairperson on behalf of the Bureau of the Sub-Commission.

42. The draft decision was adopted without a vote. For the text of the decision, see chapter II, section B, decision 2004/122.

Chairperson's statement

43. At the 25th meeting, on 13 August 2004, during the consideration of agenda item 7, the Chairperson made a statement, the text of which read as follows:

“This year, as well as in previous years, some observer representatives and NGOs made personal accusations or insinuations, orally or in writing, about the integrity and impartiality of certain expert members of the Sub-Commission. This is totally unacceptable.

“I, as Chairperson of the fifty-sixth session of the Sub-Commission, express my deep regret that this has happened again during this year's session and appeal strongly to all observer representatives and NGOs to refrain from making personal accusations or insinuations, orally or in writing about expert members of the Sub-Commission.”

H. Concluding remarks

44. At the 25th meeting, on 13 August 2004, concluding remarks were made by the following speakers:

- (a) Ms. Halima Embarek Warzazi (on behalf of the Group of African States)
- (b) Ms. Antonella-Iulia Motoc (on behalf of the Group of Eastern European States)
- (c) Mr. José Bengoa (on behalf of the Group of Latin American and Caribbean States)
- (d) Ms. Fançoise Jane Hampson (on behalf of the Group of Western European and Other States)
- (e) Mr. Chen Shiqiu (on behalf of the Group of Asian States).

45. At the same meeting, Mr. Soli Jehangir Sorabjee made concluding remarks.

IV. QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII)

46. The Sub-Commission considered agenda item 2 at its 3rd and 4th meetings, on 27 July and 28 July, at its 5th meeting, on 29 July and at its 18th meeting, on 9 August 2004.

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

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

Absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment

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

50. The draft resolution was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 2004/1.

Extrajudicial, summary or arbitrary executions

51. At the same meeting, Ms. Hampson introduced draft decision E/CN.4/Sub.2/2004/L.12, sponsored by Mr. Alfredsson, Mr. Decaux, Mr. Dos Santos, Ms. Hampson, Mr. Kartashkin, Ms. Koufa, Ms. Motoc, Mr. Pinheiro, Mr. Salama, Mr. Sattar, Ms. Wadibia-Anyanwu, Ms. Warzazi and Mr. Yokota. Mr. Alfonso Martínez, Mr. Casey, Ms. Chung, Ms. O'Connor, Ms. Rakotoarisoa and Mr. Tuñón Veilles subsequently joined the sponsors.

52. Ms. Hampson circulated among the members a document that constituted a revision of the entire draft decision, the original text of which read as follows:

“2004/... Beheadings of civilians

“At its ... meeting, on ... August 2004 the Sub-Commission on the Promotion and Protection of Human Rights decided to adopt the following statement:

“The Sub-Commission on the Promotion and Protection of Human Rights recalls that the arbitrary, summary or extrajudicial execution of a human being is unlawful in all circumstances.’ ”

53. The draft decision, as revised, was adopted without a vote. For the text of the decision, see chapter II, section B, decision 2004/103.

V. ADMINISTRATION OF JUSTICE, RULE OF LAW AND DEMOCRACY

54. The Sub-Commission considered agenda item 3 at its 19th and 20th meetings, on 10 August, at its 21st and 22nd meetings, on 11 August, and at its 23rd meeting, on 12 August 2004.

55. For the list of documents issued under agenda item 3, see annex VII to the present report.

56. At the 20th meeting, on 10 August 2004:

(a) Ms. Rakotoarisoa presented her working paper on the difficulties of establishing guilt and/or responsibilities with regard to crimes of sexual violence (E/CN.4/Sub.2/2004/11). In the interactive dialogue that followed, statements were made by Mr. Cherif, Mr. Guissé, Ms. Hampson and Ms. Hayashi as well as the observer for the non-governmental organization Friends World Committee for Consultation (Quakers). At the 22nd meeting, Ms. Rakotoarisoa made her concluding remarks;

(b) Mr. Decaux, Special Rapporteur on the universal implementation of international human rights treaties, introduced his preliminary report (E/CN.4/Sub.2/2004/8). In the interactive dialogue that followed, statements were made by Mr. Alfonso Martínez, Mr. Casey, Ms. Hampson, Mr. Kartashkin, Ms. Motoc and Mr. Salama. At the same meeting, Mr. Decaux made his concluding remarks;

(c) Ms. O'Connor presented her working paper on the issue of women in prison (E/CN.4/Sub.2/2004/9). In the interactive dialogue that followed, a statement was made by Ms. Hampson as well as the observer for the non-governmental organization Friends World Committee for Consultation (Quakers). At the 22nd meeting, Ms. O'Connor made her concluding remarks.

57. At the 21st meeting, on 11 August 2004:

(a) Mr. Decaux introduced his updated report on the issue of the administration of justice through military tribunals (E/CN.4/Sub.2/2004/7). In the interactive dialogue that followed, statements were made by Mr. Casey, Mr. Cherif, Mr. Guissé, Ms. Hampson, Ms. Koufa, Ms. Motoc and Ms. Warzazi as well as the observers for the following non-governmental organizations: Friends World Committee for Consultation (Quakers), International Commission of Jurists, South Asia Human Rights Documentation Centre and War Resisters International. At the same meeting, Mr. Decaux made his concluding remarks;

(b) Ms. Motoc, Chairperson-Rapporteur of the sessional working group on the administration of justice, presented the report of the working group (E/CN.4/Sub.2/2004/6). In the interactive dialogue that followed, a statement was made by Ms. Chung.

58. In the general debate on agenda item 3, statements were made by members of the Sub-Commission and observers for Governments and non-governmental organizations. For the detailed list of speakers, see annex II.

Women in prison

59. At the 24th meeting, on 12 August 2004, Ms. Warzazi introduced draft decision E/CN.4/Sub.2/2004/L.16, sponsored by Mr. Alfredsson, Mr. Bengoa, Mr. Bíró, Mr. Bossuyt, Mr. Chen, Mr. Cherif, Ms. Chung, Mr. Decaux, Mr. Dos Santos, Mr. Guissé, Ms. Hampson, Ms. Koufa, Ms. Motoc, Mr. Pinheiro, Ms. Rakotoarisoa, Mr. Salama, Mr. Sattar, Mr. Tuñón Veilles, Ms. Wadibia-Anyanwu, Ms. Warzazi and Mr. Yokota. Mr. Alfonso Martínez and Mr. Kartashkin subsequently joined the sponsors.

60. The draft decision was adopted without a vote. For the text of the decision, see chapter II, section B, decision 2004/116.

Right to an effective remedy in criminal proceedings

61. At the same meeting, the Sub-Commission considered draft decision E/CN.4/Sub.2/2004/L.27, sponsored by Mr. Alfredsson, Mr. Bengoa, Mr. Bíró, Mr. Cherif, Ms. Chung, Mr. Decaux, Mr. Guissé, Ms. Hampson, Ms. Motoc, Ms. O'Connor, Mr. Salama, Mr. Sattar, Ms. Wadibia-Anyanwu and Ms. Warzazi. Mr. Alfonso Martínez, Mr. Kartashkin, Ms. Koufa, Ms. Rakotoarisoa, Mr. Tuñón Veilles and Mr. Yokota subsequently joined the sponsors.

62. The draft decision was adopted without a vote. For the text of the decision, see chapter II, section B, decision 2004/117.

Discrimination in the criminal justice system

63. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/2004/L.28, sponsored by Mr. Alfredsson, Mr. Bengoa, Mr. Bíró, Mr. Bossuyt, Mr. Chen, Mr. Cherif, Ms. Chung, Mr. Decaux, Mr. Dos Santos, Mr. Guissé, Ms. Hampson, Ms. Koufa, Ms. Mbonu, Ms. Motoc, Ms. O'Connor, Mr. Salama, Mr. Sattar, Mr. Tuñón Veilles, Ms. Warzazi and Mr. Yokota. Mr. Alfonso Martínez, Mr. Kartashkin, Mr. Pinheiro and Ms. Rakotoarisoa subsequently joined the sponsors.

64. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Sub-Commission was drawn to the estimated administrative and programme budget implications of the draft decision.

65. The draft resolution was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 2004/24.

Working paper on the relationship between human rights law and international humanitarian law

66. At the same meeting, Ms. Motoc introduced draft decision E/CN.4/Sub.2/2004/L.35, sponsored by Mr. Alfredsson, Mr. Bíró, Mr. Bossuyt, Mr. Chen, Mr. Cherif, Ms. Chung,

Mr. Decaux, Mr. Dos Santos, Ms. Hampson, Mr. Kartashkin, Ms. Koufa, Ms. Mbonu, Ms. Motoc, Mr. Pinheiro, Ms. Rakotoarisoa, Mr. Salama, Mr. Sattar, Mr. Tuñón Veilles, Ms. Warzazi and Mr. Yokota. Mr. Alfonso Martínez and Ms. O'Connor subsequently joined the sponsors.

67. Ms. Hampson orally revised the second line of the draft decision.

68. The draft decision, as orally revised, was adopted without a vote. For the text of the decision, see chapter II, section B, decision 2004/118.

Working paper on an effective remedy in civil matters against violations of human rights by State agents

69. At the same meeting, Ms. Motoc introduced draft decision E/CN.4/Sub.2/2004/L.37, sponsored by Mr. Alfredsson, Mr. Bíró, Mr. Bossuyt, Mr. Chen, Mr. Cherif, Ms. Chung, Mr. Decaux, Mr. Dos Santos, Ms. Hampson, Mr. Kartashkin, Ms. Koufa, Ms. Mbonu, Ms. Motoc, Ms. O'Connor, Mr. Pinheiro, Ms. Rakotoarisoa, Mr. Salama, Mr. Sattar, Mr. Tuñón Veilles, Ms. Warzazi and Mr. Yokota. Mr. Alfonso Martínez subsequently joined the sponsors.

70. The draft decision was adopted without a vote. For the text of the decision, see chapter II, section B, decision 2004/119.

Imposition of the death penalty on civilians by military tribunals or by tribunals whose composition includes one or more members of the armed forces

71. At the same meetings, Ms. Hampson introduced draft resolution E/CN.4/Sub.2/2004/L.38, sponsored by Mr. Alfredsson, Mr. Bíró, Ms. Chung, Mr. Dos Santos, Ms. Hampson, Mr. Kartashkin, Ms. Koufa, Ms. Motoc, Ms. O'Connor, Mr. Pinheiro, Ms. Rakotoarisoa, Mr. Sattar, Ms. Warzazi and Mr. Yokota.

72. Ms. Hampson orally revised the first, second, third and fourth preambular paragraphs and operative paragraph 2 of the draft resolution. Mr. Alfonso Martínez proposed amendment to the second preambular paragraph, which was accepted by the sponsors.

73. Statements in connection with the draft resolution were made by Mr. Alfonso Martínez, Mr. Casey, Mr. Bossuyt, Ms. Hampson and Ms. Wadibia-Anyanwu.

74. At the request of Mr. Casey, a vote was requested on the draft resolution.

75. At the request of Ms. Hampson a roll-call vote was taken on the draft resolution, which was adopted, as orally revised and amended, by 20 votes to 1, with 3 abstentions. The voting was as follows:

In favour: Mr. Alfonso Martínez, Mr. Alfredsson, Mr. Bengoa, M. Bíró, Mr. Bossuyt, Mr. Chen, Mr. Chung, Mr. Decaux, Mr. Guissé, Ms. Hampson, Mr. Kartashkin, Ms. Koufa, Ms. Motoc, Ms. O'Connor, Mr. Pinheiro, Ms. Rakotoarisoa, Mr. Sattar, Mr. Tuñón Veilles, Ms. Warzazi and Mr. Yokota.

Against: Mr. Casey.

Abstaining: Mr. Cherif, Mr. Salama and Ms. Wadibia-Anyanwu.

76. For the text of the resolution, see chapter II, section A, resolution 2004/25.

The universal implementation of international human rights treaties

77. At the same meetings, the Sub-Commission considered draft resolution E/CN.4/Sub.2/2004/L.39, sponsored by Mr. Alfredsson, Mr. Bengoa, Mr. Bíró, Mr. Bossuyt, Mr. Chen, Mr. Cherif, Ms. Chung, Mr. Decaux, Mr. Dos Santos, Ms. Hampson, Mr. Kartashkin, Ms. Koufa, Ms. Mbonu, Ms. Motoc, Ms. O'Connor, Mr. Pinheiro, Ms. Rakotoarisoa, Mr. Salama, Mr. Sattar, Mr. Tuñón Veilles, Ms. Warzazi and M. Yokota. Mr. Alfonso Martínez and Mr. Guissé subsequently joined the sponsors.

78. Mr. Bossuyt orally revised the operative paragraph 2 of the draft resolution.

79. The draft resolution, as orally revised, was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 2004/26.

Issue of the administration of justice through military tribunals

80. At the same meeting, Mr. Bossuyt introduced draft resolution E/CN.4/Sub.2/2004/L.40, sponsored by Mr. Alfredsson, Mr. Bengoa, Mr. Bíró, Mr. Bossuyt, Mr. Chen, Mr. Cherif, Ms. Chung, Mr. Decaux, Mr. Dos Santos, Mr. Guissé, Ms. Hampson, Ms. Koufa, Ms. Mbonu, Ms. Motoc, Ms. O'Connor, Mr. Pinheiro, Ms. Rakotoarisoa, Mr. Salama, Mr. Tuñón Veilles, Ms. Warzazi and Mr. Yokota. Mr. Alfonso Martínez, Mr. Kartashkin and Mr. Sattar subsequently joined the sponsors.

81. The draft resolution was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 2004/27.

Discrimination against convicted persons who have served their sentence

82. At the same meeting, Ms. O'Connor introduced draft resolution E/CN.4/Sub.2/2004/L.41, sponsored by Mr. Alfredsson, Mr. Bíró, Mr. Chen, Ms. Chung, Mr. Decaux, Mr. Dos Santos, Ms. Motoc, Ms. O'Connor, Ms. Rakotoarisoa, Mr. Salama, Ms. Warzazi and Mr. Yokota. Mr. Alfonso Martínez, Mr. Cherif, Ms. Hampson, Mr. Kartashkin, Ms. Koufa, Mr. Pinheiro, Mr. Sattar and Ms. Wadibia-Anyanwu subsequently joined the sponsors.

83. The draft resolution was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 2004/28.

The difficulty of establishing guilt and/or responsibility with regard to crimes of sexual violence

84. At the same meeting, Mr. Guissé introduced draft resolution E/CN.4/Sub.2/2004/L.42, sponsored by Mr. Alfredsson, Mr. Bíró, Mr. Bossuyt, Mr. Chen, Ms. Chung, Mr. Decaux, Mr. Dos Santos, Mr. Guissé, Ms. Koufa, Ms. Mbonu, Ms. Motoc, Ms. O'Connor, Ms. Rakotoarisoa, Mr. Salama, Mr. Sattar, Mr. Tuñón Veilles, Ms. Warzazi and Mr. Yokota. Mr. Alfonso Martínez, Mr. Bengoa, Mr. Cherif and Mr. Pinheiro subsequently joined the sponsors.

85. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Sub-Commission was drawn to the estimated administrative and programme budget implications of the draft resolution.

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

Sessional working group on the administration of justice

87. At the same meeting, Ms. Motoc introduced draft resolution E/CN.4/Sub.2/2004/L.45, sponsored by Ms. Hampson, Ms. Motoc, Ms. O'Connor and Ms. Rakotoarisoa. Mr. Alfredsson, Mr. Bíró, Mr. Bossuyt, Mr. Cherif, Ms. Chung, Mr. Kartashkin, Ms. Koufa, Mr. Pinheiro, Mr. Sattar, Mr. Tuñón Veilles and Mr. Yokota subsequently joined the sponsors.

88. The draft resolution was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 2004/30.

VI. ECONOMIC, SOCIAL AND CULTURAL RIGHTS

89. The Sub-Commission considered agenda item 4 at its 9th and 10th meetings, on 3 August, at its 11th and 12th meetings, on 4 August, at its 13th meeting, on 5 August, at its 18th meeting, on 9 August and at its 23rd meeting, on 12 August 2004.

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

91. At the 9th meeting, on 3 August 2004:

(a) Mr. Guissé, Special Rapporteur on the promotion of the realization of the right to drinking water supply and sanitation, introduced his final report (E/CN.4/Sub.2/2004/20). In the interactive dialogue that followed, statements were made by Mr. Alfonso Martínez, Mr. Alfredsson, Mr. Bengoa, Ms. Chung, Mr. Kartashkin, Mr. Salama, Ms. Wadibia-Anyanwu and Mr. Yokota. At the 13th meeting, Mr. Guissé made his concluding remarks;

(b) Mr. Guissé presented his working paper on the effects of debt on human rights (E/CN.4/Sub.2/2004/27). In the interactive dialogue that followed, statements were made by Mr. Cherif, Mr. Kartashkin, Ms. Motoc, Ms. O'Connor, Mr. Salama, Ms. Warzazi and Mr. Yokota. At the 13th meeting, Mr. Guissé made his concluding remarks;

(c) Mr. Bengoa, as coordinator of the ad hoc group of experts (on behalf also of Mr. Decaux, Mr. Guissé, Ms. Motoc and Mr. Yokota), introduced the progress report on the joint working paper on the need to develop guiding principles on the implementation of existing human rights norms and standards in the context of the fight against extreme poverty (E/CN.4/Sub.2/2004/25 and Add.1). In the interactive dialogue that followed, statements were made by Mr. Chen, Ms. Chung, Mr. Decaux, Mr. Guissé, Ms. Hampson and Ms. Motoc;

(d) Mr. Decaux presented his working paper on non-discrimination as enshrined in article 2, paragraph 2, of the International Covenant on Economic, Social and Cultural Rights (E/CN.4/Sub.2/2004/24). In the interactive dialogue that followed, statements were made by Mr. Guissé, Ms. Hampson, Ms. Koufa, Ms. Wadibia-Anyanwu and Ms. Warzazi. Also at the 10th meeting, statements were made by Mr. Bossuyt, Mr. Cherif, Mr. Guissé, Ms. Motoc, Mr. Pinheiro, Mr. Salama and Ms. Warzazi. At the 12th meeting, Mr. Decaux made his concluding remarks.

92. At the 10th meeting, on 3 August 2004, Ms. Mbonu, Special Rapporteur on corruption and its impact on the full enjoyment of human rights, in particular, economic, social and cultural rights, introduced her preliminary report (E/CN.4/Sub.2/2004/23). In the interactive dialogue that followed, statements were made by Mr. Alfredsson, Mr. Chen, Mr. Cherif, Ms. Chung, Mr. Guissé, Ms. Hampson, Mr. Kartashkin, Ms. Motoc, Ms. O'Connor, Ms. Rakotoarisoa, Mr. Salama, Mr. Sattar, Mr. Tuñón Veilles and Ms. Warzazi as well as the observer for Kenya and the observer for the non-governmental organization Voluntary Action Network India. At the 13th meeting, Ms. Mbonu made her concluding remarks.

93. At the 11th meeting, on 4 August 2004:

(a) Mr. Pinheiro, Special Rapporteur on housing and property restitution in the context of the return of refugees and internally displaced persons, introduced his progress report (E/CN.4/Sub.2/2004/22 and Add.1). In the interactive dialogue that followed, statements were made by Mr. Bossuyt, Mr. Decaux, Mr. Guissé, Mr. Kartashkin, Ms. Koufa, Mr. Möller and Mr. Salama. At the same meeting, Mr. Pinheiro made his concluding remarks;

(b) Mr. Bengoa, Chairperson-Rapporteur of the Social Forum, presented the report of the Social Forum on poverty, rural poverty and human rights (E/CN.4/Sub.2/2004/26). In the interactive dialogue that followed, statements were made by Mr. Bíró, Mr. Chen, Mr. Kartashkin, Ms. O'Connor, Mr. Pinheiro and Ms. Mbonu as well as the observers of the following non-governmental organization: International Movement ATD Fourth World and Pax Romana. At the same meeting, Mr. Bengoa made his concluding remarks.

94. At the 12th meeting, on 4 August 2004, Mr. Guissé, Chairperson-Rapporteur of the sessional working group on the working methods and activities of transnational corporations, presented the report of the working group on its sixth session (E/CN.4/Sub.2/2004/21). In the interactive dialogue that followed, a statement was made by Mr. Decaux. At the 13th meeting, Mr. Guissé made his concluding remarks.

95. In the general debate on agenda item 4, statements were made by members of the Sub-Commission and observers for Governments, intergovernmental organizations, United Nations bodies, specialized agencies, other organizations and non-governmental organizations. For the detailed list of speakers, see annex II.

Housing and property restitution

96. At the 18th meeting, on 9 August 2004, Mr. Decaux introduced draft resolution E/CN.4/Sub.2/2004/L.14, sponsored by Mr. Alfonso Martínez, Mr. Decaux, Mr. Dos Santos, Ms. Hampson, Mr. Kartashkin, Mr. Sattar and Ms. Warzazi. Mr. Bengoa, Mr. Bíró, Mr. Chen, Ms. Koufa, Ms. Motoc, Mr. Salama and Mr. Tuñón Veilles subsequently joined the sponsors.

97. The draft resolution was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 2004/2.

Duration of the Social Forum

98. At the same meeting, Mr. Sattar introduced draft resolution E/CN.4/Sub.2/2004/L.15, sponsored by Mr. Alfredsson, Mr. Bíró, Mr. Chen, Mr. Cherif, Ms. Chung, Mr. Decaux, Mr. Guissé, Ms. Motoc, Ms. O'Connor, Mr. Pinheiro, Ms. Rakotoarisoa, Mr. Salama, Mr. Sattar, Mr. Tuñón Veilles, Ms. Warzazi and Mr. Yokota. Mr. Alfonso Martínez, Mr. Dos Santos, Ms. Koufa and Ms. Wadibia-Anyanwu subsequently joined the sponsors.

99. Ms. Warzazi and Mr. Bengoa orally revised the last paragraph of the draft resolution.

100. The draft resolution, as revised, was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 2004/3.

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

101. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/2004/L.17, sponsored by Mr. Bengoa, Mr. Chen, Mr. Cherif, Ms. Chung, Mr. Dos Santos, Mr. Guissé, Ms. Koufa, Ms. Motoc, Ms. O'Connor, Ms. Rakotoarisoa, Mr. Salama, Mr. Sattar, Mr. Tuñón Veilles, Ms. Warzazi and Mr. Yokota. Mr. Alfonso Martínez, Mr. Alfredsson, Mr. Bíró, Mr. Decaux and Mr. Kartashkin subsequently joined the sponsors.

102. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Sub-Commission was drawn to the estimated administrative and programme budget implications of the draft resolution.

103. The draft resolution was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 2004/4.

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

104. At the same meeting, on the same day, Mr. Bíró introduced draft resolution E/CN.4/Sub.2/2004/L.18, sponsored by Mr. Alfredsson, Mr. Bengoa, Mr. Bíró, Mr. Chen, Ms. Chung, Mr. Decaux, Ms. Hampson, Mr. Kartashkin, Ms. Koufa, Ms. Motoc, Mr. Pinheiro, Mr. Tuñón Veilles and Mr. Yokota.

105. Ms. Warzazi proposed an amendment to paragraph 2 of the draft resolution, which was accepted by the sponsors.

106. Statements in connection with the draft resolution were made by Mr. Alfonso Martínez, Mr. Bengoa, Mr. Decaux, Ms. Hampson, Ms. O'Connor, Ms. Rakotoarisoa, Mr. Salama, Mr. Sattar, Ms. Wadibia-Anyanwu and Ms. Warzazi.

107. The draft resolution, as orally amended, was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 2004/5.

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

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

109. The draft resolution was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 2004/6.

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

110. At the same meeting, Mr. Bengoa introduced draft resolution E/CN.4/Sub.2/2004/L.21, sponsored by Mr. Bengoa, Mr. Decaux, Mr. Guissé, Ms. Motoc and Mr. Yokota. Mr. Alfonso Martínez, Mr. Alfredsson, Mr. Bíró, Mr. Bossuyt, Mr. Casey, Mr. Chen, Mr. Cherif, Ms. Chung, Mr. Dos Santos, Ms. Hampson, Mr. Kartashkin, Ms. Koufa, Ms. O'Connor, Mr. Pinheiro, Ms. Rakotoariosa, Mr. Salama, Mr. Sattar, Mr. Tuñón Veilles, Ms. Wadibia-Anyanwu and Ms. Warzazi subsequently joined the sponsors.

111. Statements in connection with the draft resolution were made by Mr. Alfonso Martínez, Mr. Bengoa, Ms. Motoc, Mr. Sattar and Ms. Warzazi.

112. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Sub-Commission was drawn to the estimated administrative and programme budget implications of the draft resolution.

113. The draft resolution was adopted unanimously. For the text of the resolution, see chapter II, section A, resolution 2004/7.

The Social Forum

114. At the same meeting, Mr. Bengoa introduced draft resolution E/CN.4/Sub.2/2004/L.22, sponsored by Mr. Alfredsson, Mr. Bengoa, Mr. Bíró, Mr. Chen, Ms. Chung, Mr. Guissé, Ms. Motoc, Ms. O'Connor, Mr. Salama, Mr. Sattar, Ms. Wadibia-Anyanwu, Ms. Warzazi and Mr. Yokota. Mr. Alfonso Martínez, Mr. Decaux, Mr. Dos Santos, Ms. Hampson, Mr. Kartashkin, Ms. Koufa, Ms. Rakotoarisoa and Mr. Tuñón Veilles subsequently joined the sponsors.

115. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Sub-Commission was drawn to the estimated administrative and programme budget implications of the draft resolution.

116. The draft resolution was adopted unanimously. For the text of the resolution, see chapter II, section A, resolution 2004/8.

The right to development

117. At the same meeting, Mr. Alfonso Martínez introduced draft decision E/CN.4/Sub.2/2004/L.24, sponsored by Mr. Alfonso Martínez, Mr. Bengoa, Ms. O'Connor and Mr. Tuñón Veilles. Mr. Bíró, Mr. Chen, Ms. Chung, Mr. Decaux, Mr. Dos Santos, Mr. Guissé, Ms. Hampson, Mr. Kartashkin, Ms. Koufa, Ms. Motoc, Ms. Rakotoarisoa, Mr. Sattar, Ms. Wadibia-Anyanwu, Ms. Warzazi and Mr. Yokota subsequently joined the sponsors.

118. The draft decision was adopted without a vote. For the text of the decision, see chapter II, section B, decision 2004/104.

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

119. At the same meeting, Mr. Bengoa introduced draft decision E/CN.4/Sub.2/2004/L.25, sponsored by Mr. Alfredsson and Mr. Bengoa. Mr. Alfonso Martínez, Mr. Bíró, Mr. Chen, Mr. Cherif, Ms. Chung, Mr. Decaux, Mr. Dos Santos, Mr. Guissé, Ms. Hampson, Mr. Kartashkin, Ms. Koufa, Ms. Motoc, Ms. O'Connor, Ms. Rakotoarisoa, Mr. Salama, Mr. Sattar, Mr. Tuñón Veilles, Ms. Wadibia-Anyanwu, Ms. Warzazi and Mr. Yokota subsequently joined the sponsors.

120. The draft decision was adopted without a vote. For the text of the decision, see chapter II, section B, decision 2004/105.

Effects of debt on human rights

121. At the same meeting, the Sub-Commission considered draft decision E/CN.4/Sub.2/2004/L.31, sponsored by Mr. Bíró, Mr. Chen, Mr. Cherif, Ms. Chung, Mr. Decaux, Mr. Dos Santos, Mr. Guissé, Ms. Motoc, Ms. O'Connor, Ms. Rakotoarisoa, Mr. Salama, Ms. Warzazi and Mr. Yokota. Mr. Alfonso Martínez, Mr. Salama, Mr. Sattar and Mr. Tuñón Veilles subsequently joined the sponsors.

122. The draft decision was adopted without a vote. For the text of the decision, see chapter II, section B, decision 2004/106.

The right to drinking water supply and sanitation

123. At the same meeting, Mr. Guissé introduced draft decision E/CN.4/Sub.2/2004/L.51, sponsored by Mr. Alfonso Martínez, Mr. Bíró, Mr. Chen, Mr. Cherif, Ms. Chung, Mr. Guissé, Mr. Kartashkin, Ms. Mbonu, Ms. Motoc, Ms. O'Connor, Ms. Rakotoarisoa, Mr. Salama, Ms. Warzazi and Mr. Yokota. Mr. Alfredsson, Mr. Dos Santos, Ms. Hampson, Ms. Koufa and Mr. Sattar subsequently joined the sponsors.

124. A statement in connection with the draft decision was made by Mr. Bengoa.

125. The draft decision was adopted without a vote. For the text of the decision, see chapter II, section B, decision 2004/107.

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

126. At the 23rd meeting, on 12 August 2004, Mr. Guissé introduced draft resolution E/CN.4/Sub.2/2004/L.19, sponsored by Mr. Alfonso Martínez, Mr. Bengoa, Mr. Cherif, Mr. Dos Santos, Mr. Guissé, Ms. Mbonu, Ms. Motoc, Ms. O'Connor, Ms. Rakotoarisoa, Mr. Sattar, Mr. Tuñón Veilles and Ms. Warzazi. Mr. Chen, Ms. Chung, Mr. Kartashkin, Mr. Pinheiro and Mr. Yokota subsequently joined the sponsors.

127. Mr. Guissé orally revised operative paragraphs 3 and 4.

128. Statements in connection with the draft resolution were made by Mr. Alfredsson, Mr. Casey and Ms. Hampson.

129. The draft resolution, as orally revised, was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 2004/16.

New agenda sub-item on transnational corporations and other business enterprises

130. At the same meeting, following the adoption of the draft resolution entitled “The effects of the working methods and activities of transnational corporations on the enjoyment of human rights” (resolution 2004/16), draft decision E/CN.4/Sub.2/2004/L.7, sponsored by Mr. Alfredsson, Mr. Bíró, Mr. Bossuyt, Mr. Chen, Mr. Cherif, Ms. Chung, Mr. Decaux, Ms. Hampson, Ms. Koufa, Mr. Pinheiro, Mr. Salama, Mr. Sattar and Mr. Yokota, was withdrawn.

VII. PREVENTION OF DISCRIMINATION:

- (a) Racism, racial discrimination and xenophobia;**
- (b) Prevention of discrimination and protection of indigenous peoples;**
- (c) Prevention of discrimination and protection of minorities**

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

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

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

134. At the 6th meeting:

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

(b) Mr. Bengoa, member of the Working Group on Minorities, presented the report of the Working Group on its tenth session (E/CN.4/Sub.2/2004/29 and Add.1). In the interactive dialogue that followed, statements were made by Mr. Alfredsson, Mr. Bossuyt, Mr. Decaux, Mr. Kartashkin and Ms. Motoc as well as the observers for Nigeria and the Sudan. At the same meeting, Mr. Bengoa made his concluding remarks.

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

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

137. At the 16th meeting:

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

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

(c) Mr. Jose Lingren Alves, member of the Committee on the Elimination of Racial Discrimination, made a statement. In the interactive dialogue that followed, statements were made by Mr. Alfonso Martínez, Mr. Bengoa, Mr. Bossuyt, Mr. Guissé, Ms. Hampson, Mr. Kartashkin, Mr. Pinheiro and Ms. Warzazi.

138. In the general debate on agenda item 5, statements were made by members of the Sub-Commission and observers for Governments, intergovernmental organizations, United Nations bodies, specialized agencies, other organizations and non-governmental organizations. For the detailed list of speakers, see annex II.

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

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

140. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Sub-Commission was drawn to the estimated administrative and programme budget implications of the draft resolution.

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

Impact of intolerance on the enjoyment and respect for human rights

142. At the same meeting, the Sub-Commission considered draft decision E/CN.4/Sub.2/2004/L.4, sponsored by Mr. Alfredsson, Mr. Bíró, Mr. Bossuyt, Mr. Chen, Mr. Cherif, Ms. Chung, Mr. Decaux, Mr. Dos Santos, Mr. Guissé, Ms. Hampson,

Mr. Kartashkin, Ms. O'Connor, Mr. Pinheiro, Ms. Rakotoarisoa, Mr. Salama, Ms. Wadibia-Anyanwu, Ms. Warzazi and Mr. Yokota. Mr. Alfonso Martínez, Ms. Koufa, Ms. Motoc and Mr. Sattar subsequently joined the sponsors.

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

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

144. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/2004/L.5, sponsored by Mr. Alfredsson, Mr. Bíró, Mr. Bossuyt, Mr. Cherif, Ms. Chung, Mr. Decaux, Mr. Guissé, Ms. Hampson, Mr. Kartashkin, Ms. Motoc, Mr. Salama, Mr. Sattar, Ms. Warzazi and Mr. Yokota. Mr. Alfonso Martínez, Ms. Koufa, Ms. O'Connor, Mr. Tuñón Veilles and Ms. Wadibia-Anyanwu subsequently joined the sponsors.

145. Ms. Warzazi orally revised paragraph 1.

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

147. The draft resolution, as orally revised, was adopted without a vote. For the text of the resolution, see chapter II, section A, decision 2004/10.

Protection of indigenous peoples in time of conflict

148. At the same meeting, Ms. Hampson introduced draft resolution E/CN.4/Sub.2/2004/L.6, sponsored by Mr. Alfredsson, Mr. Bíró, Mr. Bossuyt, Mr. Chen, Mr. Cherif, Ms. Chung, Mr. Decaux, Mr. Dos Santos, Ms. Hampson, Mr. Kartashkin, Ms. O'Connor, Mr. Pinheiro, Ms. Rakotoarisoa, Mr. Salama, Ms. Wadibia-Anyanwu, Ms. Warzazi and Mr. Yokota. Mr. Guissé, Ms. Koufa and Ms. Motoc subsequently joined the sponsors.

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

Discrimination against leprosy victims and their families

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

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

The rights of minorities

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

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

154. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Sub-Commission was drawn to the estimated administrative and programme budget implications of the draft resolution.

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

International Decade of the World's Indigenous People

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

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

158. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Sub-Commission was drawn to the estimated administrative and programme budget implications of the draft resolution.

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

Working Group on Indigenous Populations

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

161. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Sub-Commission was drawn to the estimated administrative and programme budget implications of the draft resolution.

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

Discrimination based on work and descent

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

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

165. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Sub-Commission was drawn to the estimated administrative and programme budget implications of the draft resolution.

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

VIII. SPECIFIC HUMAN RIGHTS ISSUES:

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

167. The Sub-Commission considered agenda item 6 at its 13th and 14th meetings, on 5 August, at its 15th and 16th meetings on 6 August, at its 17th meeting, on 9 August, at its 18th meeting on 10 August and at its 23rd and 24th meetings, on 12 August and at its 25th meeting, on 13 August 2004.

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

169. At the 13th meeting, on 5 August 2004:

(a) Ms. Koufa, Special Rapporteur on terrorism and human rights, presented her final report (E/CN.4/Sub.2/2004/40). In the interactive dialogue that followed, statements were made by Mr. Alfredsson, Mr. Bíró, Mr. Bossuyt, Mr. Kartashkin, Mr. Guissé, Ms. Mbonu, Ms. O'Connor and Mr. Sattar. At the 19th meeting, on 10 August, Ms. Koufa made her concluding remarks;

(b) Mr. Cristiano Dos Santos presented on behalf of Mr. Dos Santos Alves a working paper on human rights and international solidarity (E/CN.4/Sub.2/2004/43). In the interactive dialogue that followed, statements were made by Mr. Cherif, Mr. Decaux and Mr. Kartashkin as well as the observer of the non-governmental organization Minnesota Advocates for Human Rights. At the 19th meeting, on 10 August, Mr. Dos Santos made his concluding remarks.

170. At the 14th meeting, on 5 August 2004:

(a) Ms. Hampson presented her final working paper on reservations to human rights treaties (E/CN.4/Sub.2/2004/42). In the interactive dialogue that followed, statements were made by Mr. Bossuyt, Mr. Decaux, Mr. Guissé, Mr. Kartashkin, Mr. Alfonso Martínez, Ms. Motoc, Mr. Salama and Mr. Yokota, as well as Mr. Teodor Melescanu, Chairperson of the 56th session of the International Law Commission, Mr. Alain Pellet, Special Rapporteur on law and practices relating to reservations to treaties, Mr. Giorgio Gaja and Mr. P.S. Rao, members of the International Law Commission. At the same meeting Ms. Hampson made her concluding remarks;

(b) Mr. Pinheiro, Chairperson-Rapporteur of the Working Group on Contemporary Forms of Slavery, presented the report of the Working Group on its twenty-ninth session (E/CN.4/Sub.2/2004/36). In the interactive dialogue that followed, a statement was made by Mr. Decaux. At the same meeting, Mr. Pinheiro made his concluding remarks;

(c) Ms. Warzazi, Special Rapporteur on traditional practices affecting the health of women and the girl child, presented her updated report (E/CN.4/Sub.2/2004/41). In the interactive dialogue that followed, statements were made by Mr. Alfredsson, Mr. Chen, Ms. Chung, Mr. Bossuyt, Ms. Hayashi and Ms. Mbonu as well as the observers for the following non-governmental organizations: Inter-African Committee on Traditional Practices Affecting Women and Children and Minnesota Advocates for Human Rights.

171. At the 15th meeting, on 6 August 2004, Ms. Motoc, Special Rapporteur on human rights and the human genome, introduced her preliminary report (E/CN.4/Sub.2/2004/38). In the interactive dialogue that followed, statements were made by Mr. Bíró, Mr. Guissé, Ms. Koufa and Ms. Warzazi. At the 19th meeting, on 10 August, Ms. Motoc made her concluding remarks.

172. At the 17th meeting, Ms. Frey, Special Rapporteur on the prevention of human rights violations committed with small arms and light weapons, presented her progress report (E/CN.4/Sub.2/2004/37 and Add.1). In the interactive dialogue that followed, statements were made by Mr. Bengoa, Mr. Guissé, Ms. Hampson and Ms. O'Connor. At the same meeting, Ms. Frey made her concluding remarks.

173. In the general debate on agenda item 6, statements were made by members of the Sub-Commission and observers for Governments, intergovernmental organizations, United Nations bodies, specialized agencies, other organizations and non-governmental organizations. For the detailed list of speakers, see annex II.

Guidelines and principles for the promotion and protection of human rights when combating terrorism

174. At the 23rd meeting, on 12 August 2004, Ms. Koufa introduced draft decision E/CN.4/Sub.2/2004/L.13, sponsored by Mr. Alfonso Martínez, Mr. Alfredsson, Mr. Bíró, Mr. Bossuyt, Mr. Chen, Mr. Cherif, Ms. Chung, Mr. Decaux, Mr. Dos Santos, Ms. Hampson, Mr. Kartashkin, Ms. Koufa, Ms. Motoc, Ms. O'Connor, Mr. Pinheiro, Ms. Rakotoarisoa, Mr. Salama, Mr. Sattar, Mr. Tuñón Veilles, Ms. Wadibia-Anyanwu and Mr. Yokota. Mr. Guissé and Ms. Warzazi subsequently joined the sponsors.

175. The draft decision was adopted without a vote. For the text of the decision, see chapter II, section B, decision 2004/109.

World programme for human rights education

176. At the same meeting, Mr. Yokota introduced draft resolution E/CN.4/Sub.2/2004/L.26, sponsored by Mr. Alfredsson, Mr. Bengoa, Mr. Bíró, Mr. Chen, Mr. Cherif, Ms. Chung, Mr. Decaux, Mr. Dos Santos, Mr. Guissé, Ms. Hampson, Mr. Kartashkin, Ms. Koufa, Ms. Motoc, Ms. O'Connor, Ms. Rakotoarisoa, Mr. Salama, Mr. Sattar, Ms. Wadibia-Anyanwu, Ms. Warzazi and Mr. Yokota. Mr. Bossuyt subsequently joined the sponsors.

177. Mr. Yokota orally revised the last line of paragraph 2 of the draft resolution.

178. Statements in connection with the draft resolution were made by Mr. Alfonso Martínez and Mr. Yokota.

179. The draft resolution, as orally revised, was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 2004/18.

Report of the Working Group on Contemporary Forms of Slavery

180. At the same meeting, Mr. Pinheiro introduced draft resolution E/CN.4/Sub.2/2004/L.29, sponsored by Mr. Bossuyt, Mr. Decaux, Mr. Dos Santos, Mr. Guissé, Ms. Motoc, Ms. O'Connor, Mr. Pinheiro, Mr. Sattar, Ms. Warzazi and Mr. Yokota. Mr. Alfonso Martínez, Mr. Alfredsson, Mr. Bíró, Mr. Casey, Mr. Chen, Mr. Cherif, Ms. Chung, Mr. Kartashkin, Ms. Koufa, Ms. Rakotoarisoa and Mr. Tuñón Veilles subsequently joined the sponsors.

181. The draft resolution was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 2004/19.

United Nations Voluntary Trust Fund on Contemporary Forms of Slavery

182. At the same meeting, Mr. Pinheiro introduced draft resolution E/CN.4/Sub.2/2004/L.30, sponsored by Mr. Bossuyt, Mr. Decaux, Mr. Dos Santos, Mr. Guissé, Ms. Motoc, Ms. O'Connor, Mr. Pinheiro, Mr. Sattar, Ms. Warzazi and Mr. Yokota. Mr. Alfonso Martínez, Mr. Bíró, Mr. Cherif, Ms. Chung, Mr. Kartashkin, Ms. Koufa and Mr. Tuñón Veilles subsequently joined the sponsors.

183. The draft resolution was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 2004/20.

Terrorism and human rights

184. At the same meeting, Ms. Motoc introduced draft resolution E/CN.4/Sub.2/2004/L.33, sponsored by Mr. Alfredsson, Mr. Bengoa, Mr. Bíró, Mr. Bossuyt, Mr. Chen, Mr. Cherif, Ms. Chung, Mr. Decaux, Mr. Dos Santos, Ms. Hampson, Mr. Kartashkin, Ms. Motoc, Ms. O'Connor, Mr. Pinheiro, Ms. Rakotoarisoa, Mr. Salama, Mr. Sattar, Mr. Tuñón Veilles, Ms. Wadibia-Anyanwu, Ms. Warzazi and Mr. Yokota. Mr. Alfonso Martínez subsequently joined the sponsors.

185. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Sub-Commission was drawn to the estimated administrative and programme budget implications of the draft resolution.

186. The draft resolution was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 2004/21.

Reservations to human rights treaties

187. At the same meeting, the Sub-Commission considered draft decision E/CN.4/Sub.2/2004/L.36, sponsored by Mr. Alfredsson, Mr. Bíró, Mr. Chen, Mr. Cherif, Ms. Chung, Mr. Decaux, Mr. Dos Santos, Ms. Hampson, Mr. Kartashkin, Ms. Koufa, Ms. Mbonu, Ms. Motoc, Ms. O'Connor, Mr. Pinheiro, Ms. Rakotoarisoa, Mr. Sattar, Ms. Warzazi and Mr. Yokota. Mr. Alfonso Martínez, Mr. Guissé and Mr. Tuñón Veilles subsequently joined the sponsors.

188. The draft decision was adopted without a vote. For the text of the decision, see chapter II, section B, decision 2004/110.

Human rights and international solidarity

189. At the same meeting, the Sub-Commission considered draft decision E/CN.4/Sub.2/2004/L.43, sponsored by Mr. Bíró, Mr. Chen, Mr. Cherif, Ms. Chung, Mr. Decaux, Mr. Dos Santos, Mr. Guissé, Ms. Hampson, Mr. Kartashkin, Ms. Koufa, Ms. Mbonu, Ms. Motoc, Ms. O'Connor, Ms. Rakotoarisoa, Mr. Salama, Mr. Sattar, Ms. Warzazi and Mr. Yokota. Mr. Alfonso Martínez subsequently joined the sponsors.

190. The draft decision was adopted without a vote. For the text of the decision, see chapter II, section B, decision 2004/111.

Systematic rape, sexual slavery and slavery-like practices

191. At the same meeting, Ms. Chung introduced draft resolution E/CN.4/Sub.2/2004/L.44, sponsored by Mr. Alfredsson, Mr. Bengoa, Mr. Bíró, Mr. Bossuyt, Mr. Chen, Mr. Cherif, Ms. Chung, Mr. Decaux, Mr. Dos Santos, Mr. Guissé, Ms. Hampson, Mr. Kartashkin, Ms. Koufa, Ms. Mbonu, Ms. Motoc, Ms. O'Connor, Mr. Pinheiro, Ms. Rakotoarisoa, Mr. Salama, Mr. Sattar, Mr. Tuñón Veilles, Ms. Warzazi and Mr. Yokota.

192. Ms. Chung orally revised the fourth preambular paragraph of the draft resolution.

193. The draft resolution, as orally revised, was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 2004/22.

Preliminary report on the study on human rights and the human genome

194. At the same meeting, the Sub-Commission considered draft decision E/CN.4/Sub.2/2004/L.46, sponsored by Mr. Alfredsson, Mr. Bíró, Mr. Chen, Ms. Chung, Mr. Decaux, Mr. Dos Santos, Ms. Hampson, Ms. Koufa, Ms. Mbonu, Ms. O'Connor, Ms. Rakotoarisoa, Mr. Salama, Mr. Sattar, Mr. Tuñón Veilles and Mr. Yokota. Mr. Alfonso Martínez, Mr. Bossuyt, Mr. Cherif, Mr. Guissé, Mr. Kartashkin and Ms. Warzazi subsequently joined the sponsors.

195. Ms. Koufa orally revised subparagraph (c) of the draft decision.

196. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Sub-Commission was drawn to the estimated administrative and programme budget implications of the draft decision.

197. The draft decision, as orally revised, was adopted without a vote. For the text of the decision, see chapter II, section B, decision 2004/112.

Recognition of meritorious work done by Dr. Erica-Irene A. Daes as member of the Sub-Commission on the Promotion and Protection of Human Rights

198. At the same meeting, the Sub-Commission decided to postpone the consideration of draft decision E/CN.4/Sub.2/2004/L.47, entitled "Recognition of meritorious work done by Dr. Erica-Irene A. Daes as member of the Sub-Commission on the Promotion and Protection of Human Rights". For the text of the decision, see chapter II, section B, decision 2004/113.

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

199. At the 23rd meeting, on 12 August 2004, Ms. Motoc introduced draft resolution E/CN.4/Sub.2/2004/L.48, sponsored by Mr. Alfredsson, Mr. Bíró, Mr. Bossuyt, Ms. Chung, Mr. Decaux, Ms. Hampson, Ms. Motoc, Ms. O'Connor, Ms. Rakotoarisoa and Mr. Sattar. Mr. Alfonso Martínez, Mr. Casey, Mr. Chen, Mr. Cherif, Mr. Kartashkin, Ms. Koufa, Mr. Pinheiro and Ms. Wadibia-Anyanwu subsequently joined the sponsors.

200. Statements in connection with the draft resolution were made by Mr. Guissé and Ms. Warzazi.

201. The draft resolution was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 2004/23.

Human rights and non-State actors

202. At the same meeting, Mr. Decaux introduced draft decision E/CN.4/Sub.2/2003/L.49, sponsored by Mr. Alfredsson, Mr. Bíró, Mr. Bossuyt, Mr. Chen, Ms. Chung, Mr. Decaux, Mr. Dos Santos, Ms. Hampson, Ms. Koufa, Ms. Motoc, Ms. O'Connor, Ms. Rakotoarisoa, Mr. Salama, Mr. Tuñón Veilles and Mr. Yokota. Mr. Alfonso Martínez, Mr. Cherif, Mr. Kartashkin, Mr. Sattar and Ms. Warzazi subsequently joined the sponsors.

203. Mr. Bíró orally revised the penultimate line of the draft decision.

204. Statements in connection with the draft decision were made by Mr. Alfonso Martínez, Mr. Bíró and Mr. Guissé.

205. The draft decision, as orally revised, was adopted without a vote. For the text of the decision, see chapter II, section B, decision 2004/114.

Technical cooperation

206. At the 24th meeting, on 12 August 2004, the Sub-Commission considered draft decision E/CN.4/Sub.2/2004/L.34, sponsored by Mr. Alfredsson and Mr. Salama.

207. Mr. Alfredsson orally revised the draft decision.

208. The draft decision, as orally revised, was adopted without a vote. For the text of the decision, see chapter II, section B, decision 2004/115.

Prevention of human rights violations committed with small arms and light weapons

209. At the 25th meeting, on 13 August 2004, Ms. Hampson orally introduced a draft decision.

210. The draft decision was adopted without a vote. For the text of the decision, see chapter II section B, decision 2004/123.

IX. DRAFT PROVISIONAL AGENDA AND ADOPTION OF THE REPORT:

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

211. The Sub-Commission considered agenda item 7 at its 25th meeting, on 13 August 2004.

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

212. In accordance with paragraph 3 of the Economic and Social Council resolution 1894 (LVII) of 1 August 1974, the Sub-Commission had before it document E/CN.4/Sub.2/2004/L.1 containing the draft provisional agenda for the fifty-seventh session of the Sub-Commission and indicating the documents to be submitted under each agenda item and the legislative authority for their preparation and consideration.

213. The Sub-Commission took note of the draft agenda for its fifty-seventh session, which reads as follows:

1. *Organization of work*

Legislative authority: Commission on Human Rights decision 2000/109 (annex, chap. 4) and resolution 2004/60; Sub-Commission decisions 1999/114, 2004/120, 2004/121 and 2004/122.

Documentation:

- (a) Working paper by Ms. Hampson on the organization, the content and the outcome of the Sub-Commission's work under agenda item 2 (decision 2004/120);
- (b) Working paper by Mr. Decaux on the methods of work of the Sub-Commission with regard to reports (decision 2004/121).

2. *Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation, in all countries, with particular reference to colonial and other dependent countries and territories: report of the Sub-Commission under Commission on Human Rights resolution 8 (XXIII)*

Legislative authority: Commission on Human Rights resolution 2004/60 (para. 9 (a) and (b)) and decision 2000/109 (annex, paras. 51-53); Sub-Commission resolution 2004/1.

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

Legislative authority: Sub-Commission resolutions 2004/24, 2004/25, 2004/26, 2004/27, 2004/28, 2004/29 and 2004/30, and decisions 2004/116, 2004/117, 2004/118 and 2004/119.

Documentation:

- (a) Interim report of Ms. Zerrougui, Special Rapporteur on discrimination in the criminal justice system (resolution 2004/24, para. 3);
- (b) Interim report by Mr. Decaux, Special Rapporteur on universal implementation of international human rights treaties (resolution 2004/26, para. 3);
- (c) Working paper by Mr. Decaux containing an updated version of the draft principles governing the administration of justice through military tribunals (resolution 2004/27, para. 2);
- (d) Preliminary report by Ms. Rakotoarisoa, Special Rapporteur on the difficulties of establishing guilt and/or responsibilities with regard to crimes of sexual violence (resolution 2004/29, para. 3);
- (e) Report of the sessional working group on the administration of justice (resolutions 2004/28, para. 2, and 2004/30);
- (f) Expanded working paper by Ms. O'Connor on the issue of women in prison (decision 2004/116);
- (g) Working paper by Mr. Cherif on the right to an effective remedy in criminal proceedings (decision 2004/117);
- (h) Working paper by Ms. Hampson and Mr. Salama on the relationship between human rights law and international humanitarian law (decision 2004/118);
- (i) Working paper by Ms. Hampson on an effective remedy in civil matters against violations of human rights by State agents (decision 2004/119).

4. *Economic, social and cultural rights*

Legislative authority: Commission on Human Rights resolutions 2003/83 and 2004/7; Sub-Commission resolutions 1999/9, 2002/7, 2003/2, 2004/2, 2004/4, 2004/5, 2004/7, 2004/8 and 2004/16, and decisions 2004/104, 2004/106 and 2004/107.

Documentation:

- (a) Annual report of the Secretary-General on the realization of the right to development (resolution 1999/9);
- (b) Final report of Mr. Pinheiro, Special Rapporteur on housing and property restitution in the context of the return of refugees and internally displaced persons (resolutions 2002/7, para. 8, and 2004/2, para. 6);
- (c) Progress report of Ms. Mbonu, Special Rapporteur on corruption and its impact on the full enjoyment of human rights (resolution 2003/2, para. 6);
- (d) Preliminary report of Mr. Bossuyt, Special Rapporteur on non-discrimination as enshrined in article 2, paragraph 2, of the International Covenant on Economic, Social and Cultural Rights (resolution 2004/5, para. 2);
- (e) Progress report on the joint working paper by Ms. Motoc, Mr. Decaux, Mr. Yokota and Mr. Guissé, with Mr. Bengoa as coordinator, on the need to develop guiding principles on the implementation of existing human rights norms and standards in the context of the fight against extreme poverty (resolution 2004/7, para. 3);
- (f) Report of the Social Forum (resolution 2004/8, para. 12);
- (g) Report of the sessional working group on the working methods and activities of transnational corporations (resolution 2004/16, para. 4);
- (h) Working paper by Ms. O'Connor on the right to development (decision 2004/104);
- (i) Expanded working paper by Mr. Guissé on the effects of debt on human rights (decision 2004/106);
- (j) Report of Mr. Guissé on the guidelines for the realization of the right to drinking water supply and sanitation (decision 2004/107).

5. *Prevention of discrimination:*

- (a) *Racism, racial discrimination and xenophobia;*
- (b) *Prevention of discrimination and protection of indigenous peoples;*

(c) *Prevention of discrimination and protection of minorities.*

Legislative authority: Economic and Social Council resolution 1982/34; Commission on Human Rights resolutions 1995/24 and 1998/19, and decision 2004/122; Sub-Commission resolutions 2004/10, 2004/12, 2004/13, 2004/14, 2004/15 and 2004/17, and decision 2004/108.

Documentation:

- (a) Report of the Working Group on Indigenous Populations on its twenty-third session (Economic and Social Council resolution 1982/34; Sub-Commission resolution 2004/15);
- (b) Report of the Working Group on Minorities on its eleventh session (Commission resolutions 1995/24 and 1998/19, and decision 2004/114; Sub-Commission resolution 2004/13);
- (c) Expanded working paper by Ms. Hampson on the human rights situation of indigenous peoples in States and other territories threatened with extinction for environmental reasons (Commission decision 2004/122; Sub-Commission resolution 2004/10, para. 1);
- (d) Preliminary working paper by Mr. Yokota on discrimination against leprosy victims and their families (resolution 2004/12);
- (e) Preliminary report of Mr. Yokota and Ms. Chung, Special Rapporteurs on discrimination based on work and descent (2004/17, para. 3);
- (f) Working paper by Mr. Sorabjee on the impact of intolerance on the enjoyment and the exercise of human rights (decision 2004/108).

6. *Specific human rights issues:*

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

Legislative authority: Economic and Social Council decisions 16 and 17 (LVI); Sub-Commission resolutions 5 (XIV), 2002/25, 2003/15, 2004/18, 2004/19, 2004/22 and 2004/23, and decisions 2004/109, 2004/111, 2004/112, 2004/113, 2004/114 and 2004/115.

Documentation:

- (a) Report of the Working Group on Contemporary Forms of Slavery on its twenty-ninth session (Economic and Social Council decisions 16 and 17 (LVI));
- (b) Report of the Secretary-General (resolution 5 (XIV));
- (c) Final report of Ms. Frey, Special Rapporteur on the prevention of human rights violations committed with small arms and light weapons (resolution 2002/25, para. 5);
- (d) Updated report of the High Commissioner for Human Rights on the issues of systematic rape, sexual slavery and slavery-like practices during armed conflicts (resolution 2004/22, para. 7);
- (e) Updated report of Ms. Warzazi, Special Rapporteur on traditional practices affecting the health of women and the girl child (resolution 2004/23, para. 14);
- (f) Report of the sessional working group on guidelines and principles for the promotion and protection of human rights when combating terrorism (decision 2004/109);
- (g) Expanded working paper by Mr. Dos Santos Alves on human rights and international solidarity (decision 2004/111);
- (h) Interim report of Ms. Motoc, Special Rapporteur on human rights and the human genome (decision 2004/112);
- (i) Working paper by Mr. Bíró and Ms. Motoc on human rights and non-State actors (decision 2004/114);
- (j) Working paper by Mr. Alfredsson and Mr. Salama on the evaluation of the content and delivery of technical cooperation in the field of human rights (decision 2004/115).

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

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

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

Documentation:

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

Adoption of the report on the fifty-sixth session

214. At the same meeting, Ms. Motoc, on behalf of Mr. Pinheiro, the Rapporteur of the Sub-Commission, presented the draft report on the work of its fifty-sixth session (E/CN.4/Sub.2/2004/L.10 and Add.1-5 and E/CN.4/Sub.2/2004/L.11 and Add.1-2).

215. Statements in connection with the adoption of the report were made by Mr. Alfonso Martínez and Mr. Sattar.

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

ANNEXES

Annex I

Agenda

1. Organization of work.
2. Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation, in all countries, with particular reference to colonial and other dependent countries and territories: report of the Sub-Commission under Commission on Human Rights resolution 8 (XXIII).
3. Administration of justice, rule of law and democracy.
4. Economic, social and cultural rights.
5. Prevention of discrimination:
 - (a) Racism, racial discrimination and xenophobia;
 - (b) Prevention of discrimination and protection of indigenous peoples;
 - (c) Prevention of discrimination and protection of minorities.
6. Specific human rights issues:
 - (a) Women and human rights;
 - (b) Contemporary forms of slavery;
 - (c) New priorities, in particular terrorism and counter-terrorism.
7. Draft provisional agenda and adoption of the report:
 - (a) Draft provisional agenda for the fifty-seventh session of the Sub-Commission;
 - (b) Adoption of the report on the fifty-sixth session.

Annex II

List of speakers: general debate

Agenda item ^a	Meeting	Speakers
1 Organization of work	2nd <i>(closed meeting)</i>	Members: Mr. Alfonso Martínez, Mr. Bengoa, Mr. Decaux, Mr. Guissé, Ms. Hampson, Mr. Kartashkin, Ms. Mbonu, Ms. Motoc, Mr. Pinheiro, Mr. Sattar, Ms. Warzazi
	part of 17th <i>(closed meeting)</i>	Members: Mr. Alfonso Martínez, Mr. Bengoa, Mr. Bossuyt, Mr. Chen, Mr. Decaux, Ms. Hampson, Mr. Guissé, Mr. Kartashkin, Ms. Koufa, Ms. Motoc, Ms. O'Connor, Mr. Salama, Mr. Sattar, Ms. Warzazi, Mr. Yokota
	part of 18th <i>(closed meeting)</i>	Members: Mr. Alfonso Martínez, Mr. Alfredsson, Mr. Bengoa, Mr. Bossuyt, Mr. Casey, Mr. Chen, Mr. Decaux, Mr. Guissé, Ms. Hampson, Mr. Kartashkin, Ms. Motoc, Mr. Pinheiro, Mr. Salama, Mr. Sattar, Mr. Tuñón Veilles, Ms. Wadibia-Anyanwu, Ms. Warzazi, Mr. Yokota
	part of 22nd <i>(closed meeting)</i>	Members: Mr. Alfonso Martínez, Mr. Alfredsson, Mr. Bengoa, Mr. Bíró, Mr. Bossuyt, Mr. Casey, Ms. Chung, Mr. Decaux, Mr. Guissé, Ms. Hampson, Mr. Kartashkin, Ms. Koufa, Ms. Motoc, Ms. O'Connor, Mr. Pinheiro, Mr. Salama, Ms. Warzazi, Mr. Yokota
	part of 23rd <i>(closed meeting)</i>	Members: Mr. Alfonso Martínez, Mr. Alfredsson, Mr. Bengoa, Mr. Bossuyt, Mr. Chen, Mr. Decaux, Mr. Guissé, Ms. Hampson, Mr. Kartashkin, Ms. Koufa, Ms. Motoc, Ms. O'Connor, Mr. Pinheiro, Mr. Salama, Mr. Sattar, Ms. Wadibia-Anyanwu, Ms. Warzazi, Mr. Yokota

Agenda item ^a	Meeting	Speakers
<p style="text-align: center;">2</p> <p style="text-align: center;">Question of the violation of human rights and fundamental freedoms, ...</p>	3rd	<p>Observers for non-governmental organizations: Afro-Asian Peoples' Solidarity Organization, Asian Legal Resource Center, Association of World Education, Baha'i International Community, Dominicans for Justice and Peace (also on behalf of the Dominican Leadership Conference, the Maryknoll Sisters of St. Dominic and the Maryknoll Fathers and Brothers), Europe-Third World Centre, European Union of Public Relations, Foundation for Aboriginal and Islander Research Action, Franciscans International, Indigenous World Association, Innu Council of Nitassinan (Innu Nation), Interfaith International, International Association of Democratic Lawyers, International Commission of Jurists, International Educational Development, Inc., International Association of American Minorities, International Islamic Federation of Students Organization, International League for the Rights and Liberation of Peoples, International Organization for the Elimination of All Forms of Racial Discrimination, International Union of Socialist Youth, Minnesota Advocates for Human Rights, World Union for Progressive Judaism, World Federation of Trade Unions, Young Doctors without Borders - Tunisia</p> <p>National Institution: Conseil consultatif des droits de l'homme du Maroc</p>
	4th	<p>Members: Mr. Alfredsson, Mr. Bengoa, Mr. Bossuyt, Mr. Cherif, Ms. Chung, Mr. Decaux, Mr. Guissé, Ms. Hampson, Mr. Kartashkin, Mr. Pinheiro, Mr. Rivkin, Mr. Salama, Mr. Sattar</p> <p>Government observers: Pakistan</p> <p>Observers for non-governmental organizations: Association of American Jurists, International Indian Treaty Council, International Institute for Peace, International Youth and Student Movement for the United Nations, World Muslim Congress, World Peace Council</p>
	5th	<p>Members: Mr. Alfonso Martínez, Mr. Bíró, Mr. Chen, Mr. Dos Santos, Mr. Guissé, Mr. Kartashkin, Ms. Koufa, Ms. Motoc, Mr. Pinheiro, Ms. Rakotoarisoa, Mr. Rivkin, Mr. Salama, Ms. Wadibia-Anyanwu, Ms. Warzazi, Mr. Yokota</p> <p>Government observers (right of reply): Colombia, Democratic People's Republic of Korea, Indonesia, Sri Lanka, Uzbekistan</p>

Agenda item ^a	Meeting	Speakers
<p style="text-align: center;">5</p> <p>Prevention of discrimination ...</p>	7th	<p>Members: Mr. Bíró, Ms. Chung, Ms. Wadibia-Anyanwu</p> <p>Observers for non-governmental organizations: All for Reparations and Emancipation (AFRE cure), Association for World Education, Dominicans for Justice and Peace (also on behalf of the Dominican Leadership Conference and Pax Christi International), European Union of Public Relations, Foundation for Aboriginal and Islander Research Action, Franciscans International, General Conference of Seventh-Day Adventists, Interfaith International, International Educational Development, International Human Rights Association of American Minorities, International Institute of Peace, International Organization for the Elimination of All Forms of Racial Discrimination, Liberation, Lutheran World Federation (also on behalf of the International Movement Against All Forms of Discrimination and Racism), North-South XXI, Pax Romana (also on behalf of the UNESCO Centre of Catalonia), Women's Sport Foundation, World Muslim Congress, World Union for Progressive Judaism</p>
	8th	<p>Members: Mr. Alfonso Martínez, Mr. Alfredsson, Mr. Bossuyt, Mr. Chen, Mr. Guissé, Ms. Hampson, Mr. Kartashkin, Ms. Motoc, Mr. Salama, Mr. Yokota</p> <p>Observers for non-governmental organizations: African Society of International and Comparative Law, Asian Indigenous and Tribal Peoples Network, Committee for the Respect and Application of the African Charter on Human and People's Rights, Consultative Council of Jewish Organizations, Europe-Third World Centre, Himalayan Research and Cultural Foundation, International Islamic Federation of Students Organization, Japanese Workers Committee for Human Rights, Movement against Racism and for Friendship among Peoples, National Federation for the Protection of the Rights of Ethnic, Religious and Linguistic Minorities, Voluntary Action Network India</p> <p>Government observers: India, Iraq, Sudan</p> <p>Government observer (right of reply): Mauritius</p>
	15th	<p>Observers for non-governmental organizations: American Association of Jurists, Indigenous World Association, International Indian Treaty Council, World Association for School as an Instrument of Peace</p>

Agenda item ^a	Meeting	Speakers
<p style="text-align: center;">5</p> <p style="text-align: center;">Prevention of discrimination ... (concluded)</p>	<p style="text-align: center;">16th</p>	<p>Observers for non-governmental organizations: Foundation for Aboriginal and Islander Research Action, International Association of Democratic Lawyers, International Human Rights Association of American Minorities, International Organization of Indigenous Resources Development</p> <p>Observer for intergovernmental organizations, United Nations bodies, specialized agencies and other organizations: United Nations Permanent Forum on Indigenous Issues</p>
<p style="text-align: center;">4</p> <p style="text-align: center;">Economic, social and cultural rights</p>	<p style="text-align: center;">10th</p>	<p>Observers for non-governmental organizations: Afro-Asian People's Solidarity Organization, Dominicans for Justice and Peace (also on behalf of the Dominicans for Justice and Peace, the Dominican Leadership Conference with Pax Christi International), Franciscans International (also on behalf of the International Federation of Human Rights, the World Organization against Torture, the International Council of Women and Femmes actives et Foyer-Union nationale), International Commission of Jurists, Lutheran World Federation</p>
	<p style="text-align: center;">11th</p>	<p>Observers for non-governmental organizations: Center on Housing Rights and Evictions, Europe-Third World Centre, European Union of Public Relations, Interfaith International, International Human Rights Association of American Minorities, International Movement for Fraternal Union among Races and Peoples, Voluntary Action Network India, World Muslim Congress, World Peace Council</p>

Agenda item ^a	Meeting	Speakers
<p style="text-align: center;">4</p> <p style="text-align: center;">Economic, social and cultural rights <i>(concluded)</i></p>	12th	<p>Member: Mr. Bíró</p> <p>Observers for non-governmental organizations: American Association of Jurists, Atlas-Association tunisienne pour l'auto-développement et la solidarité, Foundation for Aboriginal and Islander Research Action, Himalayan Research and Cultural Foundation, Indian Council of Education, Indigenous World Association, International Association of Democratic Lawyers, International Educational Development, International Federation for the Protection of the Rights of Ethnic, Religious, Linguistic and Other Minorities, International Federation of Social Workers, International Indian Treaty Council, International Institute for Non-Aligned Studies, International Institute for Peace, International Islamic Federation of Students Organization, International League for the Rights and Liberation of Peoples, International Youth and Student Movement for the United Nations, Japanese Workers Committee for Human Rights, Minority Rights Group International, Pax Romana, Transnational Radical Party, Union of Arab Jurists</p> <p>Government observers: Brazil, Iraq, Sudan</p> <p>Observer for intergovernmental organizations, United Nations bodies, specialized agencies and other organizations: World Bank</p>
	13th	<p>Members: Mr. Alfredsson, Mr. Cherif, Ms. Chung, Ms. Hampson, Ms. Motoc, Ms. O'Connor, Mr. Salama, Mr. Yokota</p> <p>Government observer (right of reply): Nigeria</p>
<p>6</p> <p>Specific human rights issues ...</p>	14th	<p>Observers for non-governmental organizations: Consultative Council of Jewish Organizations (also on behalf of the International Council of Jewish Women), Franciscans International (also on behalf of the Dominicans for Justice and Peace and Pax Christi International), International Council of Women (also on behalf of the Coalition against Trafficking in Women and the International Council of Jewish Women), International Organization for the Development of Freedom of Education (also on behalf of the Sokka Gakkai International and the International Movement Against All Forms of Discrimination and Racism)</p>

Agenda item ^a	Meeting	Speakers
<p style="text-align: center;">6</p> <p style="text-align: center;">Specific human rights issues ... <i>(continued)</i></p>	15th	<p>Members: Mr. Alfonso Martínez, Mr. Bíró, Ms. Koufa, Ms. Rakotoarisoa</p> <p>Observers for non-governmental organizations: Asian Indigenous and Tribal Peoples Network, Association of World Citizens, Fraternité Notre-Dame, Foundation of Japanese Honorary Debts, International Educational Development, International Federation of Human Rights Leagues, Movement against Racism and for Friendship among Peoples, United Nations Watch, World Organization Against Torture</p>
	16th	<p>Member: Ms. Hampson</p> <p>Government observer (right of reply): China</p> <p>Observers for non-governmental organizations: Afro-Asian People's Solidarity Organization, Center on Housing Rights and Evictions, European Union of Public Relations, Himalayan Research and Cultural Foundation, International Federation for the Protection of National, Religious, Linguistic and Other Minorities, International Organization for the Elimination of All Forms of Racial Discrimination, Japan Civil Liberties Union, Union nationale de la femme tunisienne, Voluntary Action Network India, Worldwide Organization for Women</p>
	17th	<p>Members: Mr. Chen, Mr. Bíró, Mr. Sattar</p> <p>Observers for non-governmental organizations: Indian Council of Education, Interfaith International, International Institute of Peace, Transnational Radical Party</p>

Agenda item ^a	Meeting	Speakers
<p style="text-align: center;">6</p> <p style="text-align: center;">Specific human rights issues ... <i>(concluded)</i></p>	<p style="text-align: center;">19th</p>	<p>Member: Ms. Hampson</p> <p>Government observers: Bahrain, Colombia, India, Iraq, Nigeria, Russian Federation, United Kingdom of Great Britain and Northern Ireland</p> <p>Government observer (right of reply): Sudan, Pakistan</p> <p>Observers for intergovernmental organizations, United Nations bodies, specialized agencies and other organizations: United Nations High Commissioner for Refugees</p> <p>Observers for non-governmental organizations: Asia-Japan Women's Resource Center, Association for World Education, Conscience and Peace Tax International, European Law Students Associations, International Association of Democratic Lawyers, International Confederation of Free Trade Unions, International Human Rights Association of American Minorities, International Institute for Non-Aligned Studies, International Islamic Federation of Students' Organizations, International League for the Human Rights and Liberation of Peoples, International Youth and Student Movement, Japan Fellowship of Reconciliation, Japanese Workers' Committee for Human Rights, Minnesota Advocates for Human Rights, World Forum on the Future of Sport Shooting Activities, World Muslim Congress, World Peace Council, World Union for Progressive Judaism</p>
<p style="text-align: center;">3</p> <p style="text-align: center;">Administration of justice ...</p>	<p style="text-align: center;">19th</p>	<p>Observer for a non-governmental organization: Dominicans for Justice and Peace (also on behalf of the Dominican Leadership Conference and Pax Christi International)</p>
	<p style="text-align: center;">20th</p>	<p>Observers for non-governmental organizations: Agir ensemble pour les droits de l'homme (also on behalf of the World Organization against Torture), Franciscans International, Interfaith International, International Commission of Jurists, International Educational Development, International Federation of Human Rights, International Organization for the Elimination of All Forms of Racial Discrimination, Minnesota Advocates for Human Rights, Transnational Radical Party</p>

Agenda item ^a	Meeting	Speakers
<p style="text-align: center;">3</p> <p style="text-align: center;">Administration of justice ... <i>(concluded)</i></p>	21st	<p>Member: Ms. Hampson</p> <p>Observers for non-governmental organizations: All for Reparations and Emancipation (AFRE cure), American Association of Jurists, Association of World Education, Association tunisienne pour l'auto-développement et la solidarité, Friends World Committee for Consultation, Himalayan Research and Cultural Foundation, International Association of Democratic Lawyers, Japan Fellowship of Reconciliation, Japanese Workers Committee for Human Rights, Voluntary Action Network India, World Peace Council</p>
	22nd	<p>Members: Mr. Casey, Mr. Alfonso Martínez,</p> <p>Government observers: Iraq, Tunisia</p> <p>Government observer (right of reply): Côte d'Ivoire</p> <p>Observers for non-governmental organizations: Asia Japan Women's Resource Center, Asian Forum for Human Rights and Development, European Union of Public Relations, Foundation for Aboriginal and Islander Research Action, International Institute for Peace, International Movement ATD Fourth World, International Youth and Student Movement for the United Nations (also on behalf of the International League for the Rights and Liberation of Peoples with the Women's International League for Peace and Freedom), United Nations Watch, World Federation of Trade Unions, World Union for Progressive Judaism</p>

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

Annex III

Attendance

Experts and alternates

<i>Name</i>	<i>Country of nationality</i>
Mr. Miguel ALFONSO MARTÍNEZ	(Cuba)
Mr. Gudmundur ALFREDSSON Mr. Jakob MÖLLER*	(Iceland)
Mr. José BENGOA	(Chile)
Mr. Gáspár BÍRÓ	(Hungary)
Mr. Marc BOSSUYT	(Belgium)
Mr. CHEN Shiqiu	(China)
Mr. Mohamed Habib CHERIF	(Tunisia)
Ms. Chin Sung CHUNG Ms. Ji-ah PAIK*	(Republic of Korea)
Mr. Emmanuel DECAUX	(France)
Mr. Cristiano DOS SANTOS	(Mozambique)
Mr. El-Hadji GUISSÉ	(Senegal)
Ms. Françoise Jane HAMPSON	(United Kingdom of Great Britain and Northern Ireland)
Mr. Vladimir A. KARTASHKIN Mr. Oleg S. MALGUINOV*	(Russian Federation)
Ms. Kalliopi KOUFA	(Greece)
Ms. Antoanella-Iulia MOTOC	(Romania)
Ms. Florizelle O'CONNOR	(Jamaica)
Mr. Paulo Sérgio PINHEIRO	(Brazil)
Ms. Lalaina RAKOTOARISOA	(Madagascar)

* Alternate

<i>Name</i>	<i>Country of nationality</i>
Mr. David RIVKIN Mr. Lee A. CASEY*	(United States of America)
Mr. Ibrahim SALAMA Ms. Amani KANDIL	(Egypt)
Mr. Abdul SATTAR	(Pakistan)
Mr. Soli Jehangir SORABJEE	(India)
Mr. Janio Iván TUÑÓN-VEILLES	(Panama)
Ms. N.U.O. WADIBIA-ANYANWU Ms. Christy Ezim MBONU*	(Nigeria)
Ms. Halima Embarek WARZAZI	(Morocco)
Mr. Yozo YOKOTA Ms. Yoko HAYASHI*	(Japan)

States Members of the United Nations represented by observers

Albania	Ethiopia	Peru
Algeria	Finland	Poland
Andorra	France	Portugal
Angola	Gabon	Qatar
Armenia	Germany	Republic of Korea
Australia	Greece	Romania
Austria	Guatemala	Russian Federation
Azerbaijan	Haiti	San Marino
Bahrain	Honduras	Saudi Arabia
Bangladesh	India	Senegal
Belarus	Indonesia	Serbia and Montenegro
Belgium	Iran (Islamic Republic of)	Slovakia
Bhutan	Iraq	Slovenia
Belize	Ireland	South Africa
Bolivia	Israel	Spain
Cameroon	Italy	Sri Lanka
Canada	Japan	Sudan
Chile	Kuwait	Switzerland
China	Kyrgyzstan	Syrian Arab Republic
Colombia	Latvia	Thailand
Congo	Lithuania	Tunisia
Costa Rica	Madagascar	Turkey
Côte d'Ivoire	Malta	Ukraine
Cuba	Mauritania	United Kingdom of
Cyprus	Mauritius	Great Britain and
Czech Republic	Mexico	Northern Ireland
Democratic People's Republic of Korea	Morocco	United States of America
Democratic Republic of the Congo	Mozambique	Uzbekistan
Denmark	Myanmar	Venezuela
Dominican Republic	Nepal	Viet Nam
Ecuador	Netherlands	Yemen
Egypt	New Zealand	
El Salvador	Nicaragua	
Eritrea	Nigeria	
Estonia	Norway	
	Pakistan	
	Paraguay	

Non-member States represented by observers

Holy See

United Nations bodies

Office of the United Nations High Commissioner for Refugees	United Nations Environment Programme
United Nations Children's Fund	United Nations Relief and Works Agency for Palestine Refugees in the Near East
United Nations Development Programme	World Food Programme
United Nations Economic Commission for Africa	

Specialized agencies

International Labour Office	World Bank
United Nations Educational, Scientific and Cultural Organization	World Health Organization
United Nations Industrial Development Organization	World Intellectual Property Organization

Intergovernmental organizations

African Union	International Organization for Migration
Council of Europe	League of Arab States
European Union	

Other entities

International Committee of the Red Cross	Inter-Parliamentary Union
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Non-governmental organizations

General consultative status

Agence internationale pour le développement	International Council of Women
Asian Legal Resource Centre	International Federation of Business and Professional Women
Commission of the Churches on International Affairs of the World Council of Churches	International Institute for Non-Aligned Studies
Conference of Non-Governmental Organizations, in Consultative Relationship with the United Nations	International Movement ATD Fourth World
Europe-Third World Centre	Transnational Radical Party
Franciscans International	World Confederation of Labour
Friends World Committee for Consultation	World Federation of Trade Unions
International Alliance of Women	World Federation of United Nations Associations
International Confederation of Free Trade Unions	World Muslim Congress

Special consultative status

African Commission of Health and Human Rights Promoters	International Association of Democratic Lawyers
African Society of International and Comparative Law	International Association of Jewish Lawyers and Jurists
Afro-Asian People's Solidarity Organization	International Commission of Jurists
All India Women's Education Fund Association	International Council of Jewish Women
American Association of Jurists	International Federation of Human Rights Leagues
Amnesty International	International Federation of Social Workers
Arab Organization for Human Rights	International Federation of University Women
Asia Japan Women's Resource Center	International Indian Treaty Council
Asian Forum for Human Rights and Development	International Islamic Federation of Student Organizations
Asian Indigenous and Tribal Peoples Network	International League for the Rights and Liberation of Peoples
Association for the Prevention of Torture	International Movement for Fraternal Union Among Races and Peoples
Baha'i International Community	International Organization for the Development of Freedom of Education
Centre on Housing Rights and Evictions	International Organization for the Elimination of all Forms of Racial Discrimination
Centrist Democratic International	International Organization of Indigenous Resources Development
Comité international pour le respect et l'application de la Charte africaine des droits de l'homme et des peuples	International Service for Human Rights
Conscience and Peace Tax International	International Union of Socialist Youth
Consultative Council of Jewish Organizations	International Young Catholic Students
Dominicans for Justice and Peace	International Work Group for Indigenous Affairs
Earthjustice	Japan Federation of Bar Associations
European Law Students' Association	Japan Fellowship of Reconciliation
Federation européenne des femmes actives au foyer	Japanese Workers Committee for Human Rights
Femmes Africa solidarité	Mandat International
Foundation for Aboriginal and Islander Research Action	Minnesota Advocates for Human Rights
General Conference of the Seventh-Day Adventist	New Humanity
Himalayan Research and Cultural Foundation	North South XXI
Human Rights Advocates	Pax Christi International
Human Rights Council of Australia	Pax Romana (International Catholic Movement for Intellectual and Cultural Affairs and International Movement of Catholic Students)
Human Rights Watch	Penal Reform International
Indian Council of Education	Society for Threatened Peoples
Indigenous World Association	
Innu Council of Nitassinan (Innu Nation)	
Interfaith International	
International Association against Torture	

South Asia Human Rights Documentation
Centre
Voluntary Action Network India
Women's International League for Peace and
Freedom
Women's Sports Foundation
World Alliance of Young Men's Christian
Associations

World Federation for Mental Health
World Information Clearing Centre
World Movement of Mothers
World Organization Against Torture
World Union of Catholic Women's
Organizations
Worldwide Organization for Women

Roster

All for Reparations and Emancipation
(AFREcure)
Association for World Education
Association of World Citizens
European Union of Public Relations
Foundation of Japanese Honorary Debts
Indian Council of South America
International Educational Development
International Federation for the Protection of
the Rights of Ethnic, Religious, Linguistic
and Other Minorities
International Federation of Rural Adult
Catholic Movements
International Human Rights Association of
American Minorities
International Institute for Peace

International Movement Against all Forms of
Discrimination and Racism
International Peace Bureau
Minority Rights Group International
Movement Against Racism and for
Friendship Among Peoples
Nippon Foundation
Servas International
World Association for the School as an
Instrument of Peace
World Forum on the Future of Sport Shooting
Activities
World Peace Council
World Union for Progressive Judaism

Annex IV

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

1. Should the draft decisions recommended to the Commission on Human Rights at its sixty-first session be adopted, additional resources which would be required under section 24 would be the subject of a statement on administrative and programme budget implications included in the report of the Commission. Accordingly, no statements on administrative and programme budget implications are included in the present report in respect of resolutions and decisions adopted by the Sub-Commission at its fifty-sixth session.

Annex V

Sub-Commission resolutions and decisions referring to matters which are drawn to the attention of the Commission on Human Rights or on which the Commission is expected to take action

Resolutions

- 2004/3 Duration of the Social Forum, paragraph 1
- 2004/4 Corruption and its impact on the full enjoyment of human rights, in particular economic, social and cultural rights, paragraph 9
- 2004/5 Study on non-discrimination as enshrined in article 2, paragraph 2, of the International Covenant on Economic, Social and Cultural Rights, paragraph 5
- 2004/6 Promotion of the realization of the right to drinking water and sanitation, paragraph 7
- 2004/8 The Social Forum, paragraph 8
- 2004/9 Final report on the study “Indigenous peoples’ permanent sovereignty over natural resources”, paragraphs 3 and 5
- 2004/10 The legal implications of disappearances of States and other territories for environmental reasons, including the implications for the human rights of their residents, with particular reference to the rights of indigenous peoples, paragraph 3
- 2004/11 Protection of indigenous peoples in time of conflict, operative paragraph
- 2004/13 The rights of minorities, paragraph 18
- 2004/15 Working Group on Indigenous Populations, paragraphs 13 and 17 to 20
- 2004/17 Discrimination based on work and descent, paragraph 8
- 2004/18 World programme for human rights education, paragraph 2
- 2004/21 Terrorism and human rights, paragraph 5
- 2004/29 The difficulty of establishing guilt and/or responsibility with regard to crimes of sexual violence, paragraph 6

Decisions

- 2004/104 The right to development
- 2004/110 Reservations to human rights treaties

Annex VI

List of studies and reports^a

A. Studies and reports completed at the fifty-sixth session of the Sub-Commission

Title and agenda item	Special Rapporteur	Legislative authority (mandate established in/by and latest resolution(s) decision(s) on the subject)	First submission	Final submission
1. Final report on indigenous people's permanent sovereignty over natural resources (item 5) (E/CN.4/Sub.2/2004/30)	Ms. Erica-Irene Daes* (Greece) * <i>Ms. Daes is no longer a member of the Sub-Commission</i>	Commission decision 2003/110; Sub-Commission resolution 2004/9	Fifty-fifth session (2003)	Fifty-sixth session (2004)
2. Final report on the promotion of the realization of the right to drinking water supply and sanitation (item 4) (E/CN.4/Sub.2/2004/20)	Mr. El-Hadji Guissé (Senegal)	Commission decision 2002/105; Sub-Commission resolution 2004/6 and decision 2004/107	Fifty-fourth session (2002)	Fifty-sixth session (2004)
3. Final report on terrorism and human rights (item 6) (E/CN.4/Sub.2/2004/40)	Ms. Kalliopi K. Koufa (Greece)	Commission decision 1998/107; Sub-Commission resolution 2004/21	Fifty-first session (1999)	Fifty-sixth session (2004)

B. Ongoing studies and reports submitted by special rapporteurs to the Sub-Commission in 2004 in accordance with existing legislative authority^b

Title and agenda item	Special Rapporteur	Legislative authority (mandate established in/by and latest resolution(s)/decision(s) on the subject)	First submission	Final submission
1. Preliminary report on the universal implementation of international human rights treaties (item 3) (E/CN.4/Sub.2/2004/8)	Mr. Emmanuel Decaux (France)	Commission decision 2004/123; Sub-Commission resolution 2004/26	Fifty-sixth session (2004)	Fifty-eighth session (2006)
2. Preliminary report on corruption and its impact on the full enjoyment of human rights, in particular economic, social and cultural rights (item 4) (E/CN.4/Sub.2/2004/23)	Ms. Christy Mbonu (Nigeria)	Commission decision 2004/106; Sub-Commission resolution 2004/4	Fifty-sixth session (2004)	Fifty-eighth session (2006)
3. Progress report on housing and property restitution in the context of the return of refugees and internally displaced persons (item 4) (E/CN.4/Sub.2/2004/22 and Add.1)	Mr. Paulo Sérgio Pinheiro (Brazil)	Commission decision 2003/109; Sub-Commission resolution 2004/2	Fifty-fifth session (2003)	Fifty-seventh session (2005)
4. Updated report on traditional practices affecting the health of women and the girl child (item 6) (E/CN.4/Sub.2/2004/41)	Ms. Halima Embarek Warzazi (Morocco)	Commission decisions 1989/107 and 2004/111; Sub-Commission resolution 2004/23	Forty-first session (1989)	Fifty-eighth session (2005)
5. Preliminary report on human rights and the human genome (item 6) (E/CN.4/Sub.2/2004/38)	Ms. Iulia-Antoanella Motoc (Romania)	Commission decision 2004/120; Sub-Commission decision 2004/112	Fifty-sixth session (2004)	Fifty-eighth session (2006)
6. Progress report on prevention of human rights violations committed with small arms and light weapons (item 6) (E/CN.4/Sub.2/2004/37 and Add.1)	Ms. Barbara Frey* (United States of America) <i>* Ms. Frey is no longer an alternate member of the Sub-Commission</i>	Commission decision 2003/112; Sub-Commission decision 2004/123	Fifty-fifth session (2003)	Fifty-seventh session (2005)

**C. Working papers and other documents without financial implications
submitted to the Sub-Commission in 2004**

Title and agenda item	Entrusted to	Legislative authority and latest Sub-Commission resolution(s)/ decision(s) on the subject	First submission	Final submission
1. Report on the issue of the administration of justice through military tribunals (item 3) (E/CN.4/Sub.2/2004/7)	Mr. Emmanuel Decaux (France)	Sub-Commission decision 2002/103; resolution 2004/27	Fifty-third session (2001)	Fifty-seventh session (2005)
2. Working paper on women in prison (item 3) (E/CN.4/Sub.2/2004/9)	Ms. Florizelle O'Connor (Jamaica)	Sub-Commission decision 2003/104; decision 2004/116	Fifty-sixth session (2004)	Fifty-seventh session (2005)
3. Working paper on the difficulties of establishing guilt and/or responsibilities with regard to crimes of sexual violence (item 3) (E/CN.4/Sub.2/2004/11)	Ms. Lalaina Rakotoarisoa (Madagascar)	Sub-Commission decision 2003/107; resolution 2004/29		Fifty-sixth session (2004)
4. Working paper on the criminalization, investigation and prosecution of acts of serious sexual violence (item 3) (E/CN.4/Sub.2/2004/12)	Ms. Françoise Hampson (United Kingdom of Great Britain and Northern Ireland)	Sub-Commission decision 2003/108		Fifty-sixth session (2004)
5. Progress report on the need to develop guiding principles on the implementation of existing human rights norms and standards in the context of the fight against extreme poverty (item 4) (E/CN.4/Sub.2/2004/25)	Ms. Iulia-Antoanella Motoc (Romania), Mr. Yozo Yokota (Japan), Mr. El Hadji Guissé (Senegal), Mr. Emmanuel Decaux (France) with Mr. José Bengoa (Chile) as Coordinator	Sub-Commission resolution 2001/8; resolution 2004/7	Fifty-fourth session (2002)	Fifty-eighth session (2006)
6. Working paper on non-discrimination as enshrined in article 2, paragraph 2, of the International Covenant on Economic, Social and Cultural Rights (item 4) (E/CN.4/Sub.2/2004/24)	Mr. Emmanuel Decaux (France)	Sub-Commission resolution 2003/12; resolution 2004/5		Fifty-sixth session (2004)

Title and agenda item	Entrusted to	Legislative authority and latest Sub-Commission resolution(s)/ decision(s) on the subject	First submission	Final submission
7. Working paper on the effects of debt on human rights (item 4) (E/CN.4/Sub.2/2004/27 and Corr.1)	Mr. El-Hadji Guissé (Senegal)	Sub-Commission decision 2003/109; decision 2004/106	Fifty-sixth session (2004)	Fifty-seventh session (2005)
8. Expanded working paper on discrimination based on work and descent (item 5) (E/CN.4/Sub.2/2004/31)	Mr. Yozo Yokota (Japan) and Mr. Asbjørn Eide* (Norway) * <i>Mr. Eide is no longer a member of the Sub-Commission</i>	Sub-Commission decision 2002/108; resolution 2004/17	Fifty-third session (2001)	Fifty-sixth session (2004)
9. Working paper on reservations to human rights treaties (item 6) (E/CN.4/Sub.2/2004/42)	Ms. Françoise Hampson (United Kingdom of Great Britain and Northern Ireland)	Sub-Commission resolution 2001/17; decision 2004/110	Fifty-first session (1999)	Fifty-sixth session (2004)
10. Working paper on human rights and international solidarity (item 6) (E/CN.4/Sub.2/2004/43)	Mr. Rui Baltazar Dos Santos Alves (Mozambique)	Commission resolution 2002/73; Sub-Commission decision 2004/111	Fifty-sixth session (2004)	Fifty-seventh session (2004)

D. Working papers prepared for the working groups of the Sub-Commission in 2004

Title and agenda item	Entrusted to	Legislative authority and latest Sub-Commission resolution(s)/ decision(s) on the subject	Working groups
1. Working paper on rural poverty, rural development on the rights of peasant and other rural communities (item 4) (E/CN.4/Sub.2/2004/44)	Mr. José Bengoa (Chile)	Sub-Commission resolution 2003/14	Social Forum (Second session)
2. Working paper on the human rights situations of indigenous peoples in States and territories threatened with extinction for environmental reasons (item 5) (E/CN.4/Sub.2/AC.4/2004/CRP.1)	Ms. Françoise Hampson (United Kingdom of Great Britain and Northern Ireland)	Sub-Commission resolution 2003/29; resolution 2004/15	Working Group on Indigenous Populations (Twenty-second session)
3. Working paper on indigenous peoples and conflict resolution (item 5) (E/CN.4/Sub.2/AC.4/2004/2 and Corr.1)	Mr. Miguel Alfonso Martínez (Cuba)	Sub-Commission resolution 2003/29; resolution 2004/15	Working Group on Indigenous Populations (Twenty-second session)
4. Working paper on globalization and indigenous peoples (item 5) (E/CN.4/Sub.2/AC.4/2004/3)	Mr. El-Hadji Guissé (Senegal)	Sub-Commission resolution 2003/29	Working Group on Indigenous Populations (Twenty-second session)
5. Preliminary working paper on the principle of free, prior and informed consent of indigenous peoples in relation to development affecting their lands and natural resources that would serve as a framework for the drafting of a legal commentary by the working group on this concept (item 5) (E/CN.4/Sub.2/AC.4/2004/4)	Ms. Antoanella-Iulia Motoc (Romania) and the Tebtebba Foundation	Sub-Commission resolution 2003/29; resolution 2004/15	Working Group on Indigenous Populations (Twenty-second session)
6. Working paper on guidelines for the review of the draft principles and guidelines on the heritage of indigenous peoples (item 5) (E/CN.4/Sub.2/AC.4/2004/5)	Mr. Yozo Yokota (Japan) and the Saami Council	Sub-Commission resolution 2003/29; resolution 2004/15	Working Group on Indigenous Populations (Twenty-second session)
7. Working paper on minorities and self-determination (item 5) (E/CN.4/Sub.2/AC.5/2004/WP.1)	Mr. José Bengoa (Chile)	Working Group on Minorities (ninth session)	Working Group on Minorities (tenth session)

**E. Working papers and other documents without financial implications initiated
at the fifty-sixth session of the Sub-Commission**

Title and agenda item	Entrusted to	Legislative authority (latest Sub-Commission resolution/decision on the subject)
1. Working paper on the organization, the content and the outcome of the Sub-Commission's work under agenda item 2 (item 1)	Ms. Françoise Jane Hampson (United Kingdom of Great Britain and Northern Ireland)	Sub-Commission decision 2004/120
2. Working paper on the methods of work of the Sub-Commission with regard to reports (item 1)	Mr. Emmanuel Decaux (France)	Sub-Commission decision 2004/121
3. Working paper on the right to an effective remedy in criminal proceedings (item 3)	Mr. Mohamed Habib Cherif (Tunisia)	Sub-Commission decision 2004/117
4. Working paper on the relationship between human rights law and international humanitarian law (item 3)	Ms. Françoise Jane Hampson (United Kingdom of Great Britain and Northern Ireland) and Mr. Ibrahim Salama (Egypt)	Sub-Commission decision 2004/118
5. Working paper on an effective remedy in civil matters against violations of human rights by State agents (item 3)	Ms. Françoise Jane Hampson (United Kingdom of Great Britain and Northern Ireland)	Sub-Commission decision 2004/119
6. Report on the guidelines for the realization of the right to drinking water supply and sanitation (item 4)	Mr. El-Hadji Guissé (Senegal)	Sub-Commission decision 2004/107
7. Working paper on the right to development (item 4)	Ms. Florizelle O'Connor (Jamaica)	Sub-Commission decision 2004/104
8. Expanded working paper on the legal implications of disappearance of States and other territories for environmental reasons, including the implications for the human rights of their residents, with particular reference to the rights of indigenous peoples	Ms. Françoise Jane Hampson (United Kingdom of Great Britain and Northern Ireland)	Commission decision 2004/122; Sub-Commission resolution 2004/10

Title and agenda item	Entrusted to	Legislative authority (latest Sub-Commission resolution/decision on the subject)
9. Working paper on discrimination against leprosy victims and their families (item 5)	Mr. Yozo Yokota (Japan)	Sub-Commission resolution 2004/12
10. Working paper on the impact of intolerance on the enjoyment and the exercise of human rights (item 5)	Mr. Soli Sorabjee (India)	Sub-Commission decision 2004/108
11. Working paper on human rights and non-State actors (item 6)	Ms. Antonella-Iulia Motoc (Romania) and Mr. Gáspár Bíró (Hungary)	Sub-Commission decision 2004/114
12. Working paper on the evaluation of the content and delivery of technical cooperation in the field of human rights (item 6)	Mr. Gudmundur Alfredsson (Iceland) and Mr. Ibrahim Salama (Egypt)	Sub-Commission decision 2004/115

F. Studies and reports recommended to the Commission on Human Rights for approval

Title and agenda item	Member of Sub-Commission to be appointed as special rapporteur	Legislative authority	First submission	Final submission
1. The difficulties of establishing guilt and/or responsibilities with regard to crimes of sexual violence (item 3)	Ms. Lalaina Rakotoarisoa (Madagascar)	Sub-Commission resolution 2004/29	Fifty-seventh session (2005)	Fifty-ninth session (2007)
2. Non-discrimination as enshrined in article 2, paragraph 2, of the International Covenant on Economic, Social and Cultural Rights (item 4)	Mr. Marc Bossuyt (Belgium)	Sub-Commission resolution 2004/5	Fifty-seventh session (2005)	Fifty-ninth session (2007)
3. Discrimination based on work and descent (item 5)	Mr. Yozo Yokota (Japan) and Ms. Chin Sung Chung (Republic of Korea)	Sub-Commission resolution 2004/17	Fifty-seventh session (2005)	Fifty-ninth session (2007)

^a Prepared in accordance with Commission on Human Rights resolution 1982/23.

^b Pursuant to Sub-Commission resolution 2004/24, the interim report on discrimination in the criminal justice system (item 3) by Ms. Leïla Zerrougui, who is no longer a member of the Sub-Commission, will be submitted to the fifty-seventh session of the Sub-Commission in 2005.

Annex VII

List of documents issued for the fifty-sixth session of the Sub-Commission

Documents issued in the general series

<i>Symbol</i>	<i>Agenda item</i>	
E/CN.4/Sub.2/2004/1		Provisional agenda: note by the Secretary-General
E/CN.4/Sub.2/2004/1/Add.1		Annotations to the provisional agenda prepared by the Secretary-General
E/CN.4/Sub.2/2004/2	1	Organization of work: note by the Secretariat
E/CN.4/Sub.2/2004/3	1	Proposal for inclusion of an item in the provisional agenda: note by the Secretary-General
E/CN.4/Sub.2/2004/4	1	Statistics relating to the fifty-fifth session of the Sub-Commission on the Promotion and Protection of Human Rights: note by the Secretariat
E/CN.4/Sub.2/2004/5	3	Discrimination in the criminal justice system: note by the Secretariat
E/CN.4/Sub.2/2004/6	3	Report of the sessional working group on the administration of justice
E/CN.4/Sub.2/2004/7	3	Issue of the administration of justice through military tribunals: report submitted by Mr. Emmanuel Decaux
E/CN.4/Sub.2/2004/8	3	Preliminary report of Mr. Decaux, Special Rapporteur responsible for conducting a study on the universal implementation of international human rights treaties
E/CN.4/Sub.2/2004/9	3	Working paper by Ms. O'Connor on the issue of women in prison
E/CN.4/Sub.2/2004/10	3	Final working paper by Manuel Rodriguez Cuadros on measures provided in the various international human rights instruments for the promotion and consolidation of democracy: note by the Secretariat

Documents issued in the general series (continued)

<i>Symbol</i>	<i>Agenda item</i>	
E/CN.4/Sub.2/2004/11	3	Expanded working paper on the difficulties of establishing guilt and/or responsibilities with regard to crimes of sexual violence submitted by Lalaina Rakotoarisoa
E/CN.4/Sub.2/2004/12	3	Working paper by Françoise Hampson on the criminalization, investigation and prosecution of acts of serious sexual violence
E/CN.4/Sub.2/2004/13	4	Promoting the right to development in the context of the United Nations Decade for the Elimination of Poverty (1997-2006): note by the Secretariat
E/CN.4/Sub.2/2004/14	4	The right to development: note by the Secretariat
E/CN.4/Sub.2/2004/15 and Corr.1	4	The right to development: study on existing bilateral and multilateral programmes and policies for development partnership: note by the Secretariat
E/CN.4/Sub.2/2004/16	4	The legal nature of the right to development and enhancement of its binding nature: note by the Secretariat
E/CN.4/Sub.2/2004/17	4	Mainstreaming the right to development into international trade law and policy at the World Trade Organization: note by the Secretariat
E/CN.4/Sub.2/2004/18	4	Study on policies for development in a globalizing world: What can the human rights approach contribute? Note by the Secretariat
E/CN.4/Sub.2/2004/19	4	Note by the Secretariat: Towards a human rights approach to development: concepts and implications
E/CN.4/Sub.2/2004/20	4	Final report of Mr. El-Hadji Guissé on the relationship between the enjoyment of economic, social and cultural rights and the promotion of the realization of the right to drinking water supply and sanitation
E/CN.4/Sub.2/2004/21	4	Report of the sessional working group on the working methods and activities of transnational corporations on its sixth session

Documents issued in the general series (continued)

<i>Symbol</i>		<i>Agenda item</i>
E/CN.4/Sub.2/2004/22	4	Progress report of Mr. Paulo Sérgio Pinheiro, Special Rapporteur on housing and property restitution in the context of the return of refugees and internally displaced persons, submitted in accordance with Security Council resolution 2002/7
E/CN.4/Sub.2/2004/22/Add.1	4	_____ : commentary on the draft principles on housing and property restitution for refugees and displaced persons
E/CN.4/Sub.2/2004/23	4	Preliminary report of Ms. Christy Mbonu, Special Rapporteur on corruption and its impact on the full enjoyment of human rights, in particular economic, social and cultural rights
E/CN.4/Sub.2/2004/24	4	Working paper prepared by Mr. Emmanuel Decaux on non-discrimination as enshrined in article 2, paragraph 2, of the International Covenant on Economic, Social and Cultural Rights
E/CN.4/Sub.2/2004/25	4	Progress report submitted by Mr. José Bengoa, coordinator of the ad hoc group of experts, on implementation of existing human rights norms and standards in the context of the fight against extreme poverty
E/CN.4/Sub.2/2004/25/Add.1	4	Implementation of existing human rights norms and standards in the context of the fight against extreme poverty: draft initial elements for discussion on possible guiding principles on human rights, poverty and extreme poverty: conference working paper submitted by Mr. José Bengoa, coordinator of the ad hoc group of experts
E/CN.4/Sub.2/2004/26 and Corr.1	4	Report of the Second Social Forum (Geneva, 22-23 July 2004), submitted by the Chairman-Rapporteur Mr. José Bengoa
E/CN.4/Sub.2/2004/27 and Corr.1	4	Working paper by Mr. El-Hadji Guissé on the effects of debt on human rights

Documents issued in the general series (continued)

<i>Symbol</i>	<i>Agenda item</i>
E/CN.4/Sub.2/2004/28	5 (b) Report of the Working Group on Indigenous Populations on its twenty-second session
E/CN.4/Sub.2/2004/29	5 (c) Report of the Working Group on Minorities on its tenth session
E/CN.4/Sub.2/2004/29/Add.1	5 (c) _____: visit to Finland
E/CN.4/Sub.2/2004/30 and Add.1	5 (b) and 5 Final report of Ms. Erika-Irene Daes, Special Rapporteur on indigenous peoples' permanent sovereignty over natural resources
E/CN.4/Sub.2/2004/31	5 Expanded working paper by Mr. Asbjørn Eide and Mr. Yozo Yokota on discrimination based on work and descent
E/CN.4/Sub.2/2004/32	5 (c) Prevention of discrimination and protection of minorities: note by the Secretariat
E/CN.4/Sub.2/2004/33	6 Note by the Secretary-General on the review of developments in fields with which the Sub-Commission has been previously concerned
E/CN.4/Sub.2/2004/34	6 (b) Report of the Secretary-General on the implementation of the Programme of Action for the Elimination of the Exploitation of Child Labour, submitted pursuant to Sub-Commission resolution 1997/22
E/CN.4/Sub.2/2004/35	6 Report of the United Nations High Commissioner for Human Rights on the issues of systematic rape, sexual slavery and slavery-like practices during armed conflicts
E/CN.4/Sub.2/2004/36 and Corr.1	3 (b) Report of the Working Group on Contemporary Forms of Slavery on its twenty-ninth session
E/CN.4/Sub.2/2004/37 and Add.1	6 Progress report of Ms. Barbara Frey, Special Rapporteur on the prevention of human rights violations committed with small arms and light weapons

Documents issued in the general series (continued)

<i>Symbol</i>	<i>Agenda item</i>	
E/CN.4/Sub.2/2004/38	6	Preliminary report submitted by Ms. Antoanella-Iulia Motoc, Special Rapporteur on human rights and the human genome
E/CN.4/Sub.2/2004/39	6 (c)	Note by the Secretariat on new priorities, in particular terrorism and counter-terrorism
E/CN.4/Sub.2/2004/40	6 (c)	Final report of Ms. Kalliopi Koufa, Special Rapporteur on terrorism and human rights
E/CN.4/Sub.2/2004/41	6 (a)	Eighth report of Ms. Halima Embarek Warzazi, Special Rapporteur on the situation regarding the elimination of traditional practices affecting the health of women and the girl child
E/CN.4/Sub.2/2004/42	6	Final working paper submitted by Ms. Françoise Jane Hampson on reservations to human rights treaties
E/CN.4/Sub.2/2004/43	6 (c)	Working paper submitted by Mr. Rui Baltazar Dos Santos Alves on human rights and international solidarity
E/CN.4/Sub.2/2004/44	4	Working paper prepared by Mr. José Bengoa on poverty as a violation of human rights
E/CN.4/Sub.2/2004/45	4, 5, and 6	Written submission by the World Health Organization
E/CN.4/Sub.2/2004/46	1	Working paper prepared by Mr. Gudmundur Alfredsson on research and study topic proposals
E/CN.4/Sub.2/2004/47	6 (c)	A preliminary framework draft of principles and guidelines concerning human rights and terrorism, working paper prepared by Ms. Kalliopi Koufa, Special Rapporteur
E/CN.4/Sub.2/2004/CRP.1	1	Status of preparation of documentation: note by the Secretariat

Documents issued in the general series (concluded)

<i>Symbol</i>	<i>Agenda item</i>	
E/CN.4/Sub.2/2004/CRP.3	6	Working paper prepared by Ms. Kalliopi Koufa, Special Rapporteur on terrorism and human rights (a preliminary framework draft of principles and guidelines concerning human rights and terrorism)
E/CN.4/Sub.2/2004/INF.1	1	List of attendance
E/CN.4/Sub.2/2004/SR.1-25		Summary records of meetings held by the Sub-Commission at its fifty-sixth session

Documents issued in the limited series

<i>Symbol</i>	<i>Agenda item</i>	
E/CN.4/Sub.2/2004/L.1	7 (a)	Draft provisional agenda for the fifty-seventh session of the Sub-Commission: note by the Secretary-General
E/CN.4/Sub.2/2004/L.2	2	Absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment: draft resolution
E/CN.4/Sub.2/2004/L.3	5 (b)	Final report on the study "Indigenous peoples' permanent sovereignty over natural resources": draft resolution
E/CN.4/Sub.2/2004/L.4	5	Impact of intolerance on the enjoyment and respect for human rights: draft decision
E/CN.4/Sub.2/2004/L.5	5	The legal implications of disappearance of States and other territories for environmental reasons, including the implications for the human rights of their residents, with particular reference to the rights of indigenous peoples: draft resolution
E/CN.4/Sub.2/2004/L.6	5	Protection of indigenous peoples in time of conflict: draft resolution
E/CN.4/Sub.2/2004/L.7	4	New agenda sub-item on transnational corporations and other business enterprises: draft decision
E/CN.4/Sub.2/2004/L.8	5	Discrimination based on work and descent: draft resolution
E/CN.4/Sub.2/2004/L.9	5	Discrimination against leprosy victims and their families: draft resolution
E/CN.4/Sub.2/2004/L.10 and Add.1-5	7	Draft report of the Sub-Commission on the Promotion and Protection of Human Rights Rapporteur: Mr. Paulo Sérgio Pinheiro
E/CN.4/Sub.2/2004/L.11 and Add.1-2	7	Idem

Documents issued in the limited series (continued)

<i>Symbol</i>	<i>Agenda item</i>	
E/CN.4/Sub.2/2004/L.12	2	Beheadings of civilians: draft decision
E/CN.4/Sub.2/2004/L.13	6 (c)	Guidelines and principles for the promotion and protection of human rights when combating terrorism: draft decision
E/CN.4/Sub.2/2004/L.14	4	Housing and property restitution: draft resolution
E/CN.4/Sub.2/2004/L.15	4	Duration of the Social Forum: draft resolution
E/CN.4/Sub.2/2004/L.16	3	Women in prison: draft decision
E/CN.4/Sub.2/2004/L.17	4	Corruption and its impact on the full enjoyment of human rights, in particular economic, social and cultural rights: draft resolution
E/CN.4/Sub.2/2004/L.18	4	Study on non-discrimination as enshrined in article 2, paragraph 2, of the International Covenant on Economic, Social and Cultural Rights: draft resolution
E/CN.4/Sub.2/2004/L.19	4	The effects of the working methods and activities of transnational corporations on the enjoyment of human rights: draft resolution
E/CN.4/Sub.2/2004/L.20	4	Promotion of the realization of the right to drinking water and sanitation: draft resolution
E/CN.4/Sub.2/2004/L.21	4	Implementation of existing human rights norms and standards in the context of the fight against extreme poverty: draft resolution
E/CN.4/Sub.2/2004/L.22	4	The Social Forum: draft resolution
E/CN.4/Sub.2/2004/L.23	5 (c)	The rights of minorities: draft resolution
E/CN.4/Sub.2/2004/L.24	4	The right to development: draft decision
E/CN.4/Sub.2/2004/L.25	4	The right to food and progress in developing international voluntary guidelines for its implementation: draft decision

Documents issued in the limited series (continued)

<i>Symbol</i>	<i>Agenda item</i>	
E/CN.4/Sub.2/2004/L.26	6	World programme for human rights education: draft resolution
E/CN.4/Sub.2/2004/L.27	3	Right to an effective remedy in criminal proceedings: draft decision
E/CN.4/Sub.2/2004/L.28	3	Discrimination in the criminal justice system: draft resolution
E/CN.4/Sub.2/2004/L.29	6 (b)	Report of the Working Group on Contemporary Forms of Slavery: draft resolution
E/CN.4/Sub.2/2004/L.30	6	United Nations Voluntary Trust Fund on Contemporary Forms of Slavery: draft resolution
E/CN.4/Sub.2/2004/L.31	4	Effects of debt on human rights: draft decision
E/CN.4/Sub.2/2004/L.32	5 (b)	International Decade of the World's Indigenous People: draft resolution
E/CN.4/Sub.2/2004/L.33	6 (c)	Terrorism and human rights: draft resolution
E/CN.4/Sub.2/2004/L.34	1	Technical cooperation: draft decision
E/CN.4/Sub.2/2004/L.35	3	Working paper on the relationship between human rights law and international humanitarian law: draft decision
E/CN.4/Sub.2/2004/L.36	6	Reservations to human rights treaties: draft decision
E/CN.4/Sub.2/2004/L.37	3	Working paper on effective remedy in civil matters against violations of human rights by State agents: draft decision
E/CN.4/Sub.2/2004/L.38	3	Imposition of death penalty on civilians by military tribunals or by tribunals whose composition includes one or more members of the armed forces: draft resolution
E/CN.4/Sub.2/2004/L.39	3	The universal implementation of international human rights treaties: draft resolution

Documents issued in the limited series (continued)

<i>Symbol</i>	<i>Agenda item</i>	
E/CN.4/Sub.2/2004/L.40	3	Issue of the administration of justice through military tribunals: draft resolution
E/CN.4/Sub.2/2004/L.41	3	Discrimination against convicted persons who have served their sentence: draft resolution
E/CN.4/Sub.2/2004/L.42	3	The difficulty of establishing guilt and/or responsibility with regard to crimes of sexual violence: draft resolution
E/CN.4/Sub.2/2004/L.43	6 (c)	Human rights and international solidarity: draft decision
E/CN.4/Sub.2/2004/L.44	6	Systematic rape, sexual slavery and slavery-like practices: draft resolution
E/CN.4/Sub.2/2004/L.45	3	Working group on the administration of justice: draft resolution
E/CN.4/Sub.2/2004/L.46	6	Preliminary report on the study on human rights and the human genome: draft decision
E/CN.4/Sub.2/2004/L.47	6	Recognition of meritorious work done by Dr. Erica-Irene A. Daes as member of the Sub-Commission on the Promotion and Protection of Human Rights: draft decision
E/CN.4/Sub.2/2004/L.48	6	Harmful traditional practices affecting the health of women and the girl child: draft resolution
E/CN.4/Sub.2/2004/L.49	6	Human rights and non-State actors: draft decision
E/CN.4/Sub.2/2004/L.50	5 (b)	Working Group on Indigenous Populations: draft resolution
E/CN.4/Sub.2/2004/L.51	4	The right to drinking water supply and sanitation: draft decision
E/CN.4/Sub.2/2004/L.52	1	Resolution under item 1 with regard to item 2 of the agenda: draft resolution

Documents issued in the limited series (concluded)

<i>Symbol</i>	<i>Agenda item</i>	
E/CN.4/Sub.2/2004/L.53	1	Working paper on methods of work of the Sub-Commission with regard to reports: draft decision

Documents issued in the non-governmental organization series

<i>Symbol</i>	<i>Agenda item</i>	
E/CN.4/Sub.2/2004/NGO/1	5 (c)	Written statement submitted by All for Reparations and Emancipation (AFREcure), a non-governmental organization in consultative (Roster) status with the Economic and Social Council
E/CN.4/Sub.2/2004/NGO/2	4	Written statement submitted by the International Council of Environmental Law, a non-governmental organization in general consultative status
E/CN.4/Sub.2/2004/NGO/3	2	Written statement submitted by International Cooperation for Development and Solidarity and Pax Christi International, non-governmental organizations with special consultative status
E/CN.4/Sub.2/2004/NGO/4	2	Written statement submitted by the American Association of Jurists, a non-governmental organization with special consultative status
E/CN.4/Sub.2/2004/NGO/5	2	[Spanish only]
E/CN.4/Sub.2/2004/NGO/6	4	[Spanish only]
E/CN.4/Sub.2/2004/NGO/7	6, 6 (a)	[Spanish only]
E/CN.4/Sub.2/2004/NGO/8	2	Joint written statement submitted by Europe-Third World Centre, a non-governmental organization in general consultative status and American Association of Jurists, a non-governmental organization with special consultative status
E/CN.4/Sub.2/2004/NGO/9	2	Written statement submitted by Europe-Third World Centre - a non-governmental organization with general consultative status and the American Association of Jurists, a non-governmental organization with special consultative status

Documents issued in the non-governmental organization series (continued)

<i>Symbol</i>	<i>Agenda item</i>	
E/CN.4/Sub.2/2004/NGO/10	4	Written statement submitted by Europe-Third World Centre, a non-governmental organization with general consultative status and the American Association of Jurists, a non-governmental organization with special consultative status
E/CN.4/Sub.2/2004/NGO/11	2	[Spanish only]
E/CN.4/Sub.2/2004/NGO/12	3	Written statement submitted by Minnesota Advocates for Human Rights, a non-governmental organization in special consultative status
E/CN.4/Sub.2/2004/NGO/13	3	Idem
E/CN.4/Sub.2/2004/NGO/14	4	Written statement submitted by Society for Threatened Peoples, a non-governmental organization in special consultative status
E/CN.4/Sub.2/2004/NGO/15	6 (c)	Idem
E/CN.4/Sub.2/2004/NGO/16	5 (a)	Idem
E/CN.4/Sub.2/2004/NGO/17	5 (b)	Idem
E/CN.4/Sub.2/2004/NGO/18	5 (c)	Idem
E/CN.4/Sub.2/2004/NGO/19	6 (b)	Idem
E/CN.4/Sub.2/2004/NGO/20	4	Written statement submitted by Japanese Workers' Committee for Human Rights, a non-governmental organization in special consultative status
E/CN.4/Sub.2/2004/NGO/21	6 (b)	Written statement submitted by the Foundation of Japanese Honorary Debts, a non-governmental organization in consultative status (Roster) with the Economic and Social Council

Documents issued in the non-governmental organization series (concluded)

<i>Symbol</i>	<i>Agenda item</i>	
E/CN.4/Sub.2/2004/NGO/22	6 (b)	Written statement submitted by the Marangopoulos Foundation for Human Rights, a non-governmental organization in special consultative status
E/CN.4/Sub.2/2004/NGO/23	4	Written statement submitted by International Educational Development, Inc., a non-governmental organization on the Roster
E/CN.4/Sub.2/2004/NGO/24	2, 3 and 5 (b), (c)	Written statement submitted by the Association for World Education, a non-governmental organization on the Roster
E/CN.4/Sub.2/2004/NGO/25	5, 5 (a), 6 and 6 (c)	Written statement submitted by the World Union for Progressive Judaism, a non-governmental organization on the Roster
E/CN.4/Sub.2/2004/NGO/26	2 and 3	Idem
E/CN.4/Sub.2/2004/NGO/27	4 and 6	Written statement submitted by the Association for World Education, a non-governmental organization on the Roster
E/CN.4/Sub.2/2004/NGO/28	3	Written statement submitted by Japan Fellowship of Reconciliation, a non-governmental organization in special consultative status
E/CN.4/Sub.2/2004/NGO/29	3	Written statement submitted by Japan Federation of Bar Associations, a non-governmental organization in special consultative status
E/CN.4/Sub.2/2004/NGO/30	6	Written statement submitted by Asia-Japan Women's Resource Centre (AJWRC), a non-governmental organization in special consultative status

Annex VIII

Resolutions (30) and decisions (23) adopted by the Sub-Commission on the Promotion and Protection of Human Rights at its fifty-sixth session

Document E/CN.4/Sub.2/2004/	Action taken	No.	Title*	Method of adoption	Paragraphs of report
			AGENDA ITEM 1: ORGANIZATION OF WORK		
	Decision	2004/101	Establishment of a sessional working group on the administration of justice under agenda item 3	Without a vote	19 (a)
	Decision	2004/102	Establishment of a sessional working group to examine the working methods and activities of transnational corporations under agenda item 4	Without a vote	19 (b)
	Decision	2004/120	Resolution under item 1 with regard to item 2 of the agenda	Without a vote	35-38
	Decision	2004/121	Working paper on methods of work of the Sub-Commission with regard to reports	Without a vote	39-40
	Decision	2004/122	Composition of the working groups of the Sub-Commission for 2005	Without a vote	41-42
			AGENDA ITEM 2: QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, ...		
L.02*	Resolution	2004/1	Absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment	Without a vote	49
L.12	Decision	2004/103	Extrajudicial, summary or arbitrary executions	Without a vote	51-53

Document E/CN.4/Sub.2/2004/	Action taken	No.	Title*	Method of adoption	Paragraphs of report
			AGENDA ITEM 3: ADMINISTRATION OF JUSTICE, RULE OF LAW AND DEMOCRACY		
L.28	Resolution	2004/24	Discrimination in the criminal justice system	Without a vote	63-65
L.38	Resolution	2004/25	Imposition of the death penalty on civilians by military tribunals or by tribunals whose composition includes one or more members of the armed forces	Roll-call vote (20/1/3)	71-76
L.39	Resolution	2004/26	The universal implementation of international human rights treaties	Without a vote	77-79
L.40	Resolution	2004/27	Issue of the administration of justice through military tribunals	Without a vote	80-81
L.41	Resolution	2004/28	Discrimination against convicted persons who have served their sentence	Without a vote	82-83
L.42	Resolution	2004/29	The difficulty of establishing guilt and/or responsibility with regard to crimes of sexual violence	Without a vote	84-86
L.45	Resolution	2004/30	Sessional working group on the administration of justice	Without a vote	87-88
L.16	Decision	2004/116	Women in prison	Without a vote	59-60
L.27	Decision	2004/117	Right to an effective remedy in criminal proceedings	Without a vote	61-62
L.35	Decision	2004/118	Working paper on the relationship between human rights law and international humanitarian law	Without a vote	66-68

Document E/CN.4/Sub.2/2004/	Action taken	No.	Title*	Method of adoption	Paragraphs of report
L.37	Decision	2004/119	Working paper on effective remedy in civil matters against violations of human rights by State agents	Without a vote	69-70
			AGENDA ITEM 4: ECONOMIC, SOCIAL AND CULTURAL RIGHTS		
L.14	Resolution	2004/2	Housing and property restitution	Without a vote	96-97
L.15	Resolution	2004/3	Duration of the Social Forum	Without a vote	98-100
L.17	Resolution	2004/4	Corruption and its impact on the full enjoyment of human rights, in particular economic, social and cultural rights	Without a vote	101-103
L.18	Resolution	2004/5	Study on non-discrimination as enshrined in article 2, paragraph 2, of the International Covenant on Economic, Social and Cultural Rights	Without a vote	104-107
L.20	Resolution	2004/6	Promotion of the realization of the right to drinking water and sanitation	Without a vote	108-109
L.21	Resolution	2004/7	Implementation of existing human rights norms and standards in the context of the fight against extreme poverty	Without a vote	110-113
L.22	Resolution	2004/8	The Social Forum	Without a vote	114-116
L.19	Resolution	2004/16	The effects of the working methods and activities of transnational corporations on the enjoyment of human rights	Without a vote	126-129

Document E/CN.4/Sub.2/2004/	Action taken	No.	Title*	Method of adoption	Paragraphs of report
L.24	Decision	2004/104	The right to development	Without a vote	117-118
L.25	Decision	2004/105	The right to food and progress in developing international voluntary guidelines for its implementation	Without a vote	119-120
L.31	Decision	2004/106	Effects of debt on human rights	Without a vote	121-122
L.51	Decision	2004/107	The right to drinking water supply and sanitation	Without a vote	123-125
			AGENDA ITEM 5: PREVENTION OF DISCRIMINATION ...		
L.3	Resolution	2004/9	Final report on the study "Indigenous peoples' permanent sovereignty over natural resources"	Without a vote	139-141
L.5	Resolution	2004/10	The legal implications of disappearances of States and other territories for environmental reasons, including the implications for the human rights of their residents, with particular reference to the rights of indigenous peoples	Without a vote	144-147
L.6	Resolution	2004/11	Protection of indigenous peoples in time of conflict	Without a vote	148-149
L.9	Resolution	2004/12	Discrimination against leprosy victims and their families	Without a vote	150-151
L.23	Resolution	2004/13	The rights of minorities	Without a vote	152-154
L.32	Resolution	2004/14	International Decade of the World's Indigenous People	Without a vote	156-159

Document E/CN.4/Sub.2/2004/	Action taken	No.	Title*	Method of adoption	Paragraphs of report
L.50	Resolution	2004/15	Working Group on Indigenous Populations	Without a vote	160-162
L.8	Resolution	2004/17	Discrimination based on work and descent	Without a vote	163-166
L.4	Decision	2004/108	Impact of intolerance on the enjoyment and respect of human rights	Without a vote	142-143
			AGENDA ITEM 6: SPECIFIC HUMAN RIGHTS ISSUES ...		
L.26	Resolution	2004/18	World programme for human rights education	Without a vote	176-179
L.29	Resolution	2004/19	Report of the Working Group on Contemporary Forms of Slavery	Without a vote	180-181
L.30	Resolution	2004/20	United Nations Voluntary Trust Fund on Contemporary Forms of Slavery	Without a vote	182-183
L.33	Resolution	2004/21	Terrorism and human rights	Without a vote	184-186
L.44	Resolution	2004/22	Systematic rape, sexual slavery and slavery-like practices	Without a vote	191-193
L.48	Resolution	2004/23	Harmful traditional practices affecting the health of women and the girl child	Without a vote	199-201
L.13	Decision	2004/109	Guidelines and principles for the promotion and protection of human rights when combating terrorism	Without a vote	174-175
L.36	Decision	2004/110	Reservations to human rights treaties	Without a vote	187-188

Document E/CN.4/Sub.2/2004/	Action taken	No.	Title*	Method of adoption	Paragraphs of report
L.43	Decision	2004/111	Human rights and international solidarity	Without a vote	189-190
L.46	Decision	2004/112	Preliminary report on the study on human rights and the human genome	Without a vote	194-197
L.47	Decision	2004/113	Decision to postpone draft decision E/CN.4/Sub.2/2004/L.47	Without a vote	198
L.49	Decision	2004/114	Human rights and non-State actors	Without a vote	202-204
L.34	Decision	2004/115	Technical cooperation	Without a vote	206-207
	Decision	2004/123	Prevention of human rights violations committed with small arms and light weapons	Without a vote	209-210

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