

## **UN SUB-COMMISSION ON HUMAN RIGHTS CONCLUDES SUCCESSFUL 57th SESSION**

(Geneva, 12 August 2005) -- Minnesota Advocates for Human Rights and Geneva for Human Rights welcome the results of this year's UN Sub-Commission on the Promotion and Protection of Human Rights, which concluded its annual three week session today. This year's work includes the completion of one major study of immediate importance to human rights defenders in the field (the Principles on Housing and Property Restitution for Refugees and Displaced Persons), the revitalization of the discussion on country situations under item 2 of the Sub-Commission's agenda, and the initiation of several major new projects viewed as particularly important to promoters and defenders of human rights.

We also welcome the continued efforts of the Sub-Commission to enhance the participation of non-governmental organizations (NGOs) in its activities, including more and better NGO access to the interactive debates on expert papers and studies, and the continuing involvement in the Sub-Commission's existing and new working groups.

Particularly in the context of the UN reform discussions this year it is important to recognize the Sub-Commission as one of the best access points and best participation opportunities for NGOs and peoples directly concerned in the UN human rights system. So far the Sub-Commission has not even been mentioned in the draft outcome documents issued from New York. We sincerely hope governments and delegations include an expert, collegial, open and transparent body like the Sub-Commission, in whatever reform structures they adopt this fall in the UN General Assembly in New York.

Among the highlights of this session, we would include:

1. The final report of Mr. Paulo Sergio Pinheiro, Special Rapporteur (expert member from Brazil), including new the Principles on Housing and Property Restitution for Refugees and Displaced Persons.
2. The updated draft principles on military tribunals of Mr. Emmanuel Decaux (expert member from France), which are now being transmitted to the Commission on Human Rights for approval.
3. The strong focus on participation rights of the poor in several of the ongoing papers and reports under the Sub-Commission's work on economic, social & cultural rights, including the conclusions and recommendations of the third annual session of the Social Forum, the progress paper on extreme poverty and the concept document on the right to development.
4. The new working group on counter terrorism which had its first session this year, and has launched several papers and discussions for next year on gaps and neglected topics relating to the human rights concerns of the war on terrorism.
5. The continued development of the Sub-Commission's working group structures, with nearly all working groups this year exhibiting higher quality, better focused debate and deliberation on topics of concern to practical human rights implementation.
6. The revitalization of item 2 (country situations) of the Sub-Commission's agenda, including several important resolutions and decisions, which take strong human rights positions on topics previously unaddressed by any major human rights body (in particular on transfers of persons between states in the war on terrorism, and attacks on medical facilities).
7. An important and remarkable consensus document prepared by the Sub-Commission members during the session, describing the key role an independent expert body can play in a UN human rights system.

We hope this document helps inform the deliberations ongoing in New York. The document is not defensive. It does not attempt to defend or save the present Sub-Commission, or publicize the prior accomplishments. It is forward looking, identifying aspects of an expert body to be created in the new human rights mechanisms. As such it is remarkably free from politicization or claims of authorship. In a year when one might have expected the various experts to be self-promoting and positioning themselves on the record for possible selection to any new expert body in the future, this document speaks impressively with one voice.

8. New studies and working papers next year, including on the accountability of international personnel in UN peace support operations, transitional justice, the right to an effective remedy, and counter terrorism.

We are also however disappointed at other aspects of the Sub-Commission's session, including:

1. Despite some efforts of the Sub-Commission, no dialogue took place during the session on the new Plan of Action of the High Commissioner for Human Rights.
2. There continue to be efforts both publicly and privately by some members of the Sub-Commission to use the concept of reform of the Sub-Commission's working methods to introduce limits and/or abolish key mechanisms and features of the Sub-Commission's procedures that are most important to NGOs.
3. Several NGOs are bringing issues of religious intolerance to the attention of the Sub-Commission in various written and oral interventions, but so far these efforts have received either negative or disinterested reactions.
4. While national human rights institutions are beginning to participate in the Sub-Commission's proceedings, so far they seem to be limiting themselves to simply promoting and defending their own country, rather than offering constructive and self-evaluative reflections on obstacles, challenges, and trends.
5. The three week session is too short to meaningfully address the many important papers and working groups of the Sub-Commission.
6. Available documentation still lags the promised delivery dates, making it difficult for NGOs to review the expert studies in advance of discussions. This year five reports or papers were not submitted as promised, and nearly all reports were submitted after the Secretariat's deadlines for translation and distributing the papers in all official languages.
7. The number of experts who actually participated in the Item 2 (country situations) discussion and debate this year was a record low number. Only six of 23 experts who were present gave interventions. This contrasted to 23 of 25 last year. Even experts who have suggested using Item 2 to raise constructive examples not just cases of human rights violations, failed to make any intervention this year under Item 2. So while we salute the revitalization of the practice of resolutions and papers under Item 2 this year, we hope experts will also join the debate with NGOs and have interactive discussions under Item 2 next year.

## Background

The Sub-Commission is a subsidiary body to the United Nations Commission on Human Rights, composed of 26 independent experts, representing the five geographic regions of the UN system. Each expert serves a term of four years. Every even-numbered year half of the Sub-Commission (13 members) are elected or re-elected. The next election is scheduled for Spring 2006. The Sub-Commission has

initiated many of the most important standards, studies, special procedures mechanisms, and working groups in the UN human rights system, including on indigenous peoples, economic, social & cultural rights, and disappearances. The 58th session of the Sub-Commission is scheduled for August 7-25, 2006.

For more information on this year's Sub-Commission session, please consult the official website of the High Commissioner for Human Rights, [www.ohchr.org](http://www.ohchr.org). An unofficial summary of the resolutions and decisions of this year's session, compiled by Minnesota Advocates for Human Rights and Geneva for Human Rights, can be found at [www.ProjectEleanor.com/2005](http://www.ProjectEleanor.com/2005).

Geneva for Human Rights is an NGO dedicated to strengthening human rights mechanisms and providing global training on human rights advocacy and promotion tools. Its training programs are worldwide. Its executive director has attended and followed the Sub-Commission for over 30 years. For more information please see [www.gdh-ghr.org](http://www.gdh-ghr.org).

Minnesota Advocates for Human Rights is an NGO with special consultative status with ECOSOC, dedicated to human rights advocacy and information, and the strengthening of human rights mechanisms. Its UN representatives have attended and followed the Sub-Commission for over 15 years. For more information please see [www.mnadvocates.org](http://www.mnadvocates.org).

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