

**RESOLUTIONS AND DECISIONS
OF THE 57th SUB-COMMISSION ON PROMOTION & PROTECTION
OF HUMAN RIGHTS (2005)**

[Final version, 19 August 2005]

This is an unofficial summary of the 2005 Sub-Commission session, compiled by Penny L. Parker of the Minnesota Advocates for Human Rights, and Adrien Claude Zoller, Nicolas Joffre, Luc Salomon Kibora and Ronan Scanlan of Geneva for Human Rights. This summary reflects the final votes taken by the Sub-Commission through the end of the session.

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Item	Subject	Sponsor	Result	Comments
1	ORGANIZATION OF WORK			
L.3	Reform of the Sub-Commission	Alfredsson	Withdrawn, 11 August 2005	Withdrawn by the sponsor.
L.36 2005/ 32	Methods of work	Warzazi	Adopted without a vote, 11 August 2005	Requests Mr. Decaux to prepare an expanded working paper next year on this topic, including the number of simultaneous papers and studies to be considered at the same session, ways to identify priority subjects to study, constructive cooperation with treaty bodies and other organs, and modalities for tracing the history & updating of major studies.
L.48 2005/ 114	UN reform	Sub-Commission	Adopted without a vote, 11 August 2005	Transmits to the Chair of the Commission, & the High Commissioner, with request to distribute widely, a 7 page paper prepared by the Sub-Commission during this year's session, on the role of an independent expert body within the reform of the UN human rights machinery. The paper is attached as an annex to the resolution.
2005/ 113	Composition of working groups	Bureau	Adopted without a vote, 11 August 2005	Selects the members of the working groups for next year, including the Social Forum (the membership of each group is included at the end of this summary table).
2	COUNTRY VIOLATIONS			
L.6 2005/ 10	Attacks on civilians	Hampson	Adopted without vote, 10 Aug 2005	Amendments to OP 1 and 2. The Sub-Commission strongly emphasizes that no alleged ground justifies attacks against persons entitled to protection as civilians, and that those who participate, attempt intentionally, incite, or knowingly finance an intentional attack on persons entitled to protection as civilians are guilty of an international crime, which is prohibited by customary international criminal law.
L.7 2005/ 107	Request information from OHCHR	Hampson	Adopted by a vote of 19-0-2, 10 Aug 2005	With amendment to OP (a). The Sub-Commission requests the OHCHR to provide information, annually and before the Sub-Commission's sessions, with a list of countries that have proclaimed a state of emergency; that have issued a standing invitation to the special procedures; that have rejected a request by a special procedure to visit; that are on the agenda of the Commission; that are being considered under item 9 and have denied access to the special procedures; where the special procedures have indicated inadequate or non-existent follow-up to their recommendations.
L.8 2005/ 11	Issuance of standing invitations	Hampson	Adopted without a vote, 10 Aug 2005	With amendments. The Sub-Commission requests the Commission to 'consider making the termination of the mandates of country-specific special procedures conditional upon the issuance of standing invitations to special procedures by the country concerned'.
L.9 2005/ 104	Summary records	Decaux	Adopted without a vote 8 Aug 2005	Requests the chairperson to forward to the Commission the summary records of this year's item 2 debate, pursuant to the Commission's request in Resolution 2005/53.
L.12 2005/ 12	Transfers of persons	Hampson	Adopted by vote of 21-1-2, on 10 Aug 2005	Separate votes on OP 4 and OP 6 of 19-1-2 and 21-0-2 respectively. For any involuntary transfer from the territory of one State to that of another the Sub-Commission emphasizes that the State has the obligation not to extradite, deport, expel to a State where there are substantial grounds for believing that there is a real risk of 'irreparable harm', where there is a risk of torture or extrajudicial killing, as determined by the human rights treaty bodies and the special procedures of the Commission. Such a transfer would be a breach of customary international law. No transfer should be carried out without credible and effective assurances and the

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				right to make regular visits to the person transferred. Such measures of protection against transfer should not lead to impunity and person suspected of having committed a serious crime should be prosecuted in the country in which that person is present.
L.13 2005/ 1	Absolute prohibition of torture	Decaux	Adopted without a vote 8 Aug 2005	As amended. 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, the Sub-Commission commends the work of the Special Rapporteur of the Commission and recalls that all forms of torture constitute violations of the peremptory norms of international law. It recommends that all States develop independent and effective mechanisms.
L.25 2005/ 2	Attacks on medical facilities	Bossuyt	Adopted without a vote 8 Aug 2005	The Sub-Commission expresses concern about military operations directed at medical facilities, transport and personnel. It invites the Special Rapporteur of the Commission on the right to health to address the issue of the protection of medical facilities, transport and personnel 'in situations of both international and internal armed conflicts' as one of great urgency.
3	ADMINISTRATION OF JUSTICE			
L.2 2005/ 105	State sovereignty	Kartashkin	Adopted without a vote 8 Aug 2005	As amended. Requests Mr. Kartashkin to prepare a working paper on this subject for next session, including the responsibilities that go with state sovereignty, and grounds for restricting sovereignty
L.5 2005/ 13	Working group on Administration of Justice	Motoc	Adopted without a vote, 10 August 2005	As amended. Notes with interest the report of this year's working group, and the growing participation at the group's sessions. Invites interested persons and organs to contribute to next year's session. Welcomes NGO seminar on transitional justice to prepare working papers on this topic for next year's session.
L.14 2005/ 14	Accountability of international personnel	O'Connor	Adopted without a vote, 10 August 2005	Appoints Ms. Hampson to a three year study on this topic. If she is not appointed for whatever reason, requests her to prepare an expanded working paper for next session.
L.15 2005/ 108	Working group on relationship between humanitarian & human rights law	Yokota	Adopted without a vote, 10 August 2005	As amended. Requests working papers next year from Ms. Hampson, Mr. Salama and Mr. Yokota on this topic, to be submitted to the working group on administration of justice. [note: the title of this resolution may change in final version]
L.16 2005/ 106	Right to an effective remedy	Motoc	Adopted without a vote 8 Aug 2005	Requests Ms. Hampson & Mr. Cherif to prepare an expanded working paper on this subject next year, to be submitted to the working group on admin of justice
L.17 2005/ 3	Difficulties of proof in crimes of sexual violence	Rakotoarisoa	Adopted without a vote, 8 Aug 2005	Requests Ms. Rakotoarisoa to submit her preliminary report next year on this 3 year study.
L.18 2005/ 15	Military tribunals	Pinheiro	Adopted without a vote, 10 August 2005	As amended. Welcomes the final report and draft principles of Mr. Decaux, requests him to prepare an explanatory note to the principles, transmits the draft principles to the Commission, and requests the OHCHR to organize a 2 nd seminar (no financial implications).
L.19 2005/ 4	Universal implementation	Hampson	Adopted without vote 8 Aug 2005	Requests Mr. Decaux to submit his final report next year on this 3 year study of universal implementation of international human rights treaties
L.20 2005/ 5	Discrimination in the criminal justice system	Decaux	Adopted without vote 8 Aug 2005	As amended (OP 2 is deleted). Requests Ms. Zerrougui to submit her final report next year on this 3 year study.
L.23	Working paper on	Tunon	Adopted without	As amended. Requests Mr. Tunon Veilles to prepare a

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2005/109	transitional justice	Veilles	a vote, 10 August 2005	working paper on this subject for next year's session of the working group on administration of justice.
4	ECONOMIC, SOC & CULTURAL RTS			
L.4 2005/21	Refugee housing and restitution	Pinheiro	Adopted without a vote, 11 Aug 2005	As amended. Welcomes the final report and Principles of Mr. Pinheiro on this subject, requests him to compile and update the reports under one volume, decides to send the report to CERD, and recommends it be published as part of the Human Rights Study Series.
L.21 2005/17	Development	O'Connor	Adopted without a vote, 10 August 2005	As amended. Welcomes Ms. O'Connor's concept document, decides to submit it to the Commission, and requests Ms. O'Connor to continue her work with a working paper next year, including possible meetings with people in selected geographic areas.
L.22 2005/6	Working group on TNCs	Chung	Adopted without a vote 8 Aug 2005	Congratulates Ms. Warzazi as chairperson rapporteur of this group, and invites as papers to be submitted to next year's TNC working group: Mr. Biro to prepare a working paper on the role of states with reference to TNC activities, and Ms. Chung and Ms. O'Connor to prepare a working paper on bilateral and multilateral economic agreements.
L.24 rev.1 2005/16	Corruption	Mbonu	Adopted without a vote, 10 August 2005	As amended. Thanks Ms. Mbonu for her progress report, endorses the conclusions & recommendations, and requests she be given all necessary assistance to visit one or two interested countries during the year in furtherance of her work on this topic.
L.26 2005/7	Study on non-discrimination under the Covenant on ESC Rights	Decaux	Adopted without a vote 8 Aug 2005	Notes Mr. Bossuyt's first report, and requests his 2 nd report be submitted next year, and his final report in 2007.
L.35 2005/8	Social Forum	Bengoa	Adopted without a vote 8 Aug 2005	Welcomes the report of this year's Social Forum, takes note of the conclusions and recommendations and their innovative nature, reaffirms that next year's theme will be "The fight against poverty and the right to participation: the role of women", requests a working paper from Ms. Chung on the challenges of women's participation in policies and strategies to combat poverty, and invites the Chairperson of CEDAW to attend the session next year.
L.41 2005/9	Extreme poverty	Bengoa	Adopted without a vote 8 Aug 2005	As amended. Requests the ad hoc group to prepare a final report next year, and calls on the Commission to replace the current group with a new ad hoc group of 5 members, with the mandate to continue consideration of the subject of extreme poverty.
L.42	Working paper on TNCs	Chung	Withdrawn	Withdrawn in lieu of L.22 (2005/6)
L.43	Working paper on multilateral economic agreements	Chung	Withdrawn	Withdrawn in lieu of L.22 (2005/6)
5	DISCRIMINATION, INDIGENOUS & MINORITIES			
L.27 2005/18	Working group on minorities	Alfredsson	Adopted without a vote, 10 Aug 2005	As amended. The Sub-Commission requests the Commission to request the ECOSOC to authorize the Working Group on Minorities to meet for five days prior to the 58 th and subsequent sessions of the Sub-Commission.
L.30 2005/22	Discrimination based on work and descent	Yokota	Adopted without a vote, 11 August 2005	As amended. The Sub-Commission approves the proposal to send the questionnaire prepared by the two Special Rapporteurs, Mr. Yokota and Ms. Chung, a revised as suggested during this session, and endorses their proposal to hold a general consultation in Geneva in mid-March 2006,

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				and to organize, if funding is available, two regional workshops, one in Asia and the other in Africa. It requests the Special Rapporteurs to continue to work on the drafting of a set of principles and guidelines for the effective elimination of discrimination based on work and descent.
L.37 2005/ 24	Leprosy victims	Yokota	Adopted without a vote, 11 August 2005	As amended. Appoints Mr. Yokota as special rapporteur to do a 3 year study on this topic.
L.45 2005/ 23	Working Group on Indigenous Populations	Alfonso Martinez	Adopted without a vote, 11 August 2005	As amended. The Sub-Commission highlights the complementarity of the mechanisms relating to indigenous peoples, requests the Chairman-Rapporteur to make an oral presentation at the annual meeting of the Special Rapporteurs and to participate in the session of the Permanent forum. The main theme of next year's session of the working Group shall be 'utilization of indigenous peoples' lands by non-indigenous authorities, groups or individuals for military purposes'. Mr. Alfonso Martinez shall prepare an additional working paper on indigenous peoples and conflict prevention and resolution and another paper on the present-day sequels of the colonial era.
L.46 2005/ 19	Second International Decade World's Indigenous Peoples	Alfonso Martinez	Adopted without a vote, 10 August 2005	The Sub-Commission endorses the list of activities recommended by the working Group to the Coordinator for the Second Decade.
L.47 2005/ 20	Disappearing states due to environmental reasons	Alfonso Martinez	Adopted without a vote, 10 August 2005	The Sub-Commission decides to appoint Françoise Hampson as special Rapporteur with the task to prepare a comprehensive study on this issue. If, for whatever reasons, Ms. Hampson's appointment would not be endorsed by the Commission and ECOSOC, the Sub-Commission requests Ms. Hampson to prepare an expanded working paper on this issue.
6	SPECIFIC HUMAN RIGHTS ISSUES			
L.28 2005/ 25	Special rapporteurs on technical cooperation & capacity building	Alfredsson	Adopted without a vote, 11 August 2005	Appoints Mr. Alfredsson and Mr. Salama to do a study on this topic, based on their working paper this year, with a focus on how best to include economic, social & cultural rights.
L.29 2005/ 26	World Programme on Human Rights Education	Yokota	Adopted without a vote, 11 August 2005	Welcomes the General Assembly's proclamation of a World Programme for Human Rights Education, and the draft plan of action for the first phase (2005-2007).
L.31 2005/ 110	Small arms and light weapons	Yokota	Adopted without a vote 11 August 2005	As amended. Noting Ms. Frey's request for additional time to compile responses from Governments to her questionnaire on human rights impacts of small arms and light weapons, welcomes governments responses and encourages any further responses by November 1, 2005, and requests Ms. Frey to submit her final report to next year's session.
L.32 2005/ 27	Systematic rape, sexual slavery & slavery-like practices during armed conflicts	Chung	Adopted without a vote, 11 August 2005	Welcomes this year's report from the Secretary General, and the work of the High Commissioner on this topic, and calls upon the High Commissioner to submit an updated report next year.
L.33 2005/ 111	Human genome	Motoc	Adopted without a vote, 11 August 2005	Requests Ms. Motoc to submit her final report next year on this topic.
L.34 2005/ 112	Non state actors	Motoc	Adopted without a vote, 11 August 2005	As amended. Thanks Mr. Biro and Ms. Motoc for their working paper this year, and requests them, together with Mr. Rivkin and Mr. Salama, to submit an expanded working paper next year, taking into consideration the debate on this subject this year.
L.38	Harmful traditional	O'Connor	Adopted without	Welcomes the 9 th report of Ms. Warzazi on this subject,

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2005/28	practices affecting the health of women and girls		a vote, 11 August 2005	expresses deep regret that this is her final report, and invites the Commission to request the special rapporteur on violence against women to include this subject in her mandate and work.
L.39 2005/29	Working group on contemporary forms of slavery	Bossuyt	Adopted without a vote, 11 August 2005	As amended. Takes note of the working group's report, notes the thematic focus of next year's session on prostitution and the need to strengthen international cooperation to suppress transfers of profits from exploitation of the prostitution and trafficking of persons, and invites Mr. Salama to prepare a working paper for next year's session on this topic.
L.40 2005/30	Voluntary Fund on Slavery	Bossuyt	Adopted without a vote, 11 August 2005	Welcomes the contributions and participation of the Board of the Voluntary Trust Fund at the Working Group's session.
L.44 2005/31	Working group on counter terrorism	Koufa	Adopted without a vote, 11 August 2005	Welcomes the report of the working group this year, and Ms. Koufa's preliminary framework draft of principles and guidelines, endorses the recommendation in the report and the agreed programme of work, and decides to convene the working group next year.
7	FINAL ITEMS			
L.1	Draft agenda for 2006	Secretariat	Taken note of, 12 August 2005	This is a draft agenda only. The actual agenda will be decided by the 2006 Sub-Commission. The dates of the next regular session are Aug 7-25, 2005. Note: the Sub-Commission is recommending for next year to change the order of agenda items, so that Item 6 can be heard earlier in the session. This recommendation is not binding on next year's Sub-Commission. The proposed order next year would be: Items 1, 2, 4, 6, 5, 3 & 7
L.10	Draft rept 57 th session	Rapporteur	Adopted ad referendum, 12 August 2005	Report of the proceedings of the 2005 session. Adopted provisionally. Members have 3 weeks to submit technical corrections (with some flexibility permitted on this deadline)
L.11	Draft rept 57 th session	Rapporteur	Adopted ad referendum, 12 August 2005	Report of the resolutions and decisions of the 2005 session. Adopted provisionally, with 3 weeks to submit technical corrections (some flexibility permitted on this deadline).

*note: there was a debate during the Sub-Commission's voting as to whether votes should be indicated as unanimous, by consensus, or "without vote". We defer to the Secretariat's decision on this matter and have only indicated in each case that the item was adopted without a vote.

INTERSESSIONAL WORKING GROUPS OF THE SUB-COMMISSION (2005-2006)**Working Group on Minorities**

Member	Alternate
Mr. Cherif	Ms. Mbonu
Mr. Sorabjee	Mr. Sattar
Mr. Kartashkin	Ms. Sandru-Popescu
Mr. Bengoa	Ms. O'Connor
Mr. Alfredsson	Ms. Koufa

Working Group on Contemporary Forms of Slavery

Member	Alternate
Mr. Salama	Ms. Warzazi
Mr. Sattar	Ms. Chung
Ms. Motoc	Mr. Biro
Mr. Pinheiro	Ms. O'Connor
Mr. Bossuyt	Mr. Decaux

Working Group on Indigenous Populations

Member	Alternate
Ms. Mbonu	Mr. Salama
Mr. Yokota	Ms. Hayashi
Mr. Biro	Ms. Motoc
Mr. Alfonso Martinez	Mr. Tunon Veilles
Ms. Hampson	Ms. Koufa

Working Group on Communications (1503 procedure)

Member	Alternate
Ms. Warzazi	Mr. Cherif
Mr. Chen	Mr. Liu
Mr. Kartashkin	Mr. Biro
Mr. Alfonso Martinez	Mr. Tunon Veilles
Mr. Decaux	Ms. Hampson

Social Forum

Member	Alternate
Ms. Mbonu	
Mr. Salama	
Ms. Chung	
Mr. Sattar	
Mr. Biro	
Ms. Motoc	
Ms. O'Connor	Mr. Pinheiro/Mr. Tunon Veilles
Mr. Bengoa	Mr. Tunon Veilles/Mr. Pinheiro
Mr. Alfredsson	
Mr. Bossuyt	