

IN-SESSIONAL WORKING GROUPS:

- The working group on the administration of justice initially focused on the human rights of persons subjected to any form of detention or imprisonment, reviewing trends in that area. In 2004, the working group focused its debate on the question of discrimination against convicted persons who have served their sentence.
- The working group on the working methods and activities of transnational corporations examines the impact of TNCs on the enjoyment of civil, cultural, economic, political and social rights and has approved draft norms on the responsibilities of transnational corporations and other business enterprises with regard to human rights.
- The working group on guidelines and principles for the promotion and protection of human rights when combating terrorism is a new working group established to elaborate detailed principles and guidelines on the question of terrorism and human rights.

At these working groups, the issues are discussed in depth and from a broad range of perspectives. The decisions adopted are sent in the form of recommendations to the Sub-Commission.

How can you help?

Human rights are not solely the responsibility of the United Nations or of Governments. Every individual has a role to play in creating and promoting an environment in which human rights are respected. While individuals do not participate directly in the sessions of the Sub-Commission and the Commission on Human Rights, they do play a critical role in providing information to its mechanisms and in this way support their work.

You can draw the Sub-Commission's attention to specific issues in several ways as the Sub-Commission always welcomes information from individuals and groups.

With respect to human rights violations that reveal a pattern of serious violations, individuals can make use of the 1503 procedure. Communications under this confidential procedure should be sent to the Treaties and Commission Branch of the Office of the High Commissioner for Human Rights in Geneva.

Non-governmental organizations in consultative status with the Economic and Social Council can also contribute to the work of the Sub-Commission by sending written statements and attending its annual sessions.

The same applies to the annual sessions of the working groups of the Sub-Commission, with the exception that consultative status is not a prerequisite for participation. Only the Working Group on Communications meets in closed session and cannot be attended by NGOs.

In 2005, the members of the Sub-Commission are:

Mr. Miguel Alfonso Martínez (Cuba), Mr. Gudmundur Alfredsson (Iceland), Mr. José Bengoa (Chile), Mr. Gáspár Bíró (Hungary), Mr. Marc Bossuyt (Belgium), Mr. Chen Shiqiu (China), Mr. Mohamed Habib Cherif (Tunisia), Mr. Chinsung Chung (Republic of Korea), Mr. Emmanuel Decaux (France), Mr. Rui Baltazar dos Santos Alves (Mozambique), Mr. El Hadji Guissé (Senegal), Ms. Françoise Jane Hampson (United Kingdom of Great Britain and Northern Ireland), Mr. Vladimir A. Kartashkin (Russian Federation), Ms. Kalliopi Koufa (Greece), Ms. Iulia-Antoanella Motoc (Romania), Ms. Florizelle O'Connor (Jamaica), Mr. Paulo Sérgio Pinheiro (Brazil), Ms. Lalaina Rakotoarisoa (Madagascar), Mr. David Rivkin (United States of America), Mr. Ibrahim Salama (Egypt), Mr. Abdul Sattar (Pakistan), Mr. Soli Jehangir Sorabjee (India), Mr. Janio Iván Tuñón Veilles (Panama), Mr. N.U.O. Wadibia-Anyanwu (Nigeria), Ms. Halima Embarek Warzazi (Morocco), Mr. Yozo Yokota (Japan).

Further information on human rights and on the work of the Sub-Commission on the Promotion and Protection of Human Rights

Sources for further information are:

- The leaflet "Treaty Bodies", and other human rights materials, available at your local United Nations Development Programme office or United Nations Information Centre and the web site of the United Nations High Commissioner for Human Rights;
- United Nations publications, available from the bookstores at the United Nations Headquarters in New York and Geneva;
- The web sites of the United Nations (www.un.org) and the Office of the United Nations High Commissioner for Human Rights (www.ohchr.org).

The Office of the United Nations High Commissioner for Human Rights, a part of the United Nations Secretariat, provides secretariat services to the Commission on Human Rights and to other human rights meetings, and is located in Geneva (Switzerland).

For any questions regarding the work of the Sub-Commission on the Promotion and Protection of Human Rights, please contact its secretariat at the following address:

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THE SUB-COMMISSION ON THE PROMOTION AND PROTECTION OF HUMAN RIGHTS 2005



UNITED NATIONS



What is the Sub-Commission on the Promotion and Protection of Human Rights?

The United Nations Sub-Commission on the Promotion and Protection of Human Rights is the main subsidiary body of the Commission on Human Rights. It was established by the Commission in 1947 at its first session, under the authority of the Economic and Social Council, as the Sub-Commission on Prevention of Discrimination and Protection of Minorities. In 1999 the Commission, with the approval of the Council, decided to change the Sub-Commission's title.

Each year the Sub-Commission holds its regular session in July/August for three weeks in Geneva to address the main issues on its agenda and make recommendations to the Commission.

The Sub-Commission is composed of experts acting in their personal capacity, elected by the Commission with due regard for equitable geographical distribution. It was originally composed of 12 experts, but the number has increased progressively over the years and now stands at 26: seven experts from Africa, five from Asia, five from Latin America, three from Eastern Europe and six from Western European and other States (for the current members, see page 5). Half the members are elected every two years for a four-year term.

In addition to the members, the annual session is attended by about 1,000 observers, including representatives of States, United Nations bodies and specialized agencies, other intergovernmental organizations and non-governmental organizations in consultative status with the Economic and Social Council.

What does the Sub-Commission do?

The Sub-Commission is often described as a "think tank" for the Commission on Human Rights as its central task is to assist the Commission in its work in specific areas relating to the prevention of discrimination of any kind in the exercise of human rights and fundamental freedoms and the protection of racial, national, religious and linguistic minorities. The Sub-Commission provides substantive input to the Commission's work by undertaking studies on human rights issues, making recommendations to the Commission and carrying out any other tasks that may be entrusted to it by the Council or the Commission.

At its regular annual session, the Sub-Commission adopts about 50 resolutions and decisions based on the debates, as well as on the reports and studies undertaken by members. These studies address various aspects of the realization of human rights such as the administration of justice, combating discrimination and protecting the human rights of minorities, indigenous peoples and other vulnerable groups. They contribute to the further development of human rights standards by drawing the attention of the Commission to certain issues and providing expert analysis and advice. On several occasions the Commission has highlighted the importance of those studies as well as the Sub-Commission's recommendations.

What issues are under discussion in the Sub-Commission?

The main issues currently under discussion are:

- Questions of the violation of human rights and fundamental freedoms in all countries;
- The administration of justice, rule of law and democracy, inter alia discrimination in the administration of justice, human rights and states of emergency, the death penalty;
- Economic, social and cultural rights, including the right to drinking water and sanitation, the right to development, the fight against extreme poverty;
- Prevention of discrimination, including racism, racial discrimination and xenophobia, the protection of indigenous peoples and minorities;
- Other specific human rights issues, such as women and human rights, contemporary forms of slavery, questions relating to refugees and displaced persons, reservations to human rights treaties, human rights and bioethics, and new priorities, in particular terrorism and counter-terrorism.

The members of the Sub-Commission regularly identify new issues for discussion in a human rights context and provide expert opinions. In recent years, such issues have included terrorism, globalization, activities of transnational corporations, discrimination based on work and descent and intellectual property rights, discrimination against people with leprosy and their families, women in prison, and the impact of intolerance on the enjoyment and the exercise of human rights.

How does the Sub-Commission work?

The Sub-Commission serves as a substantive research body, especially by identifying human rights issues and proposing solutions. The work of the Sub-Commission is assisted by a number of special rapporteurs and several working groups, nominated from among the members, whose tasks are to undertake research and make recommendations on specific human rights problems and to foster dialogue between Governments, the various United Nations bodies, other intergovernmental organizations, scholars and the civil society, notably NGOs. The members of the Sub-Commission are often asked to undertake in-depth studies.

At present, studies and reports by special rapporteurs on the following topics are ongoing and will be submitted in 2005: traditional practices affecting the health of women and the girl child; discrimination in the criminal justice system; housing and property restitution in the context of refugees and other displaced persons; prevention of human rights violations committed with small arms and light weapons, impact of corruption on realization of human rights, human rights and human genome, universality of international human rights treaties, crimes of sexual violence, non-discrimination as enshrined in article 2, paragraph 2, of the International Covenant on Economic, Social and Cultural Rights, discrimination based on work and descent.

Several working groups, each consisting of five members of the Sub-Commission representing each region, meet before, after or during the annual session. Their sessions are attended by government officials and NGOs, and their small size and flexible procedures encourage dialogue.

PRE-SESSIONAL WORKING GROUPS:

- The Working Group on Minorities reviews the practical realization of the 1992 Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. It examines possible solutions and recommends measures to resolve problems involving minorities, and seeks to promote mutual understanding between and among minorities and Governments. The main topics discussed by the Working Group in 2005 were autonomy and integration, language rights, religious intolerance, intercultural and multicultural education, conflict prevention, and the right of minorities to participate in political and public life and development.
- The Working Group on Indigenous Populations focuses on a review of developments pertaining to the rights of indigenous people, centred around one or more principal themes, such as indigenous people and their right to development. The principal theme for the 2005 session of the Working Group was "Indigenous peoples and the international and domestic protection of traditional knowledge".
- The Working Group on Contemporary Forms of Slavery reviews the implementation of the conventions on slavery as well as developments in the field and measures to prevent all forms of slavery. This includes the discussion of topics such as economic or sexual exploitation, bonded and forced labour and traffic in persons, especially children. Each year a specific theme is addressed. In 2004, priority attention was devoted to the issue of forced labour, and in 2005, 30 years after its creation, the Working Group has undertaken an assessment of its activities with the aim of identifying remaining gaps and challenges in the areas covered by its mandate.
- The Working Group on Communications considers in closed meetings confidential communications - under 1503 procedure - that would seem to reveal a pattern of gross violations of human rights.
- The forum on economic, social and cultural rights, known as the Social Forum, met for the third time in July 2005. This year, the Social Forum focused its session on "Poverty and economic growth: challenges to human rights", which was addressed within the context of the five-year assessment of the goals set in the United Nations Millennium Declaration.