



# General Assembly

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## Human Rights Council

Advisory Committee

Ninth session

6 – 10 August 2012

Item 1 of the provisional agenda

Adoption of the agenda and organization of work

## Annotations to the provisional agenda

Note by the Secretary-General

1. Pursuant to paragraph 37 of the annex to Human Rights Council resolution 16/21, in order to provide a proper setting for better interaction between the Council and the Advisory Committee, the first annual session of the Committee is now convened immediately prior to the March session of the Council, while the second session is held in August. The Committee therefore held its eighth session from 20 to 24 February 2012, and will hold its ninth session from 6 to 10 August 2012. The officers elected by acclamation at the 1st meeting of the seventh session of the Committee, held on 8 August 2011, also served as officers at the eighth and ninth sessions.
2. Furthermore, pursuant to paragraph 38 of the annex to resolution 16/21, the annual report of the Advisory Committee will be submitted to the Council at its September session and be the subject of an interactive dialogue with the Committee. Therefore the reports of the Committee on its seventh session (A/HRC/AC/7/4), together with the annual report of the Committee, consisting of its reports on its eighth (A/HRC/AC/8/8) and ninth sessions, will be considered by the Council at its twenty-first session (10 to 28 September 2012).
3. In its decision 18/121, the Human Rights Council decided that the cycle of the Advisory Committee would be adjusted to run from 1 October to 30 September to ensure that the annual reporting of the Committee to the Council and the interactive dialogue thereon would take place at the end of the cycle. It also decided that, as a transitional measure, the period of office of members of the Committee ending in March 2012 would be exceptionally extended until 30 September 2012. The period of office of four members of the Committee will expire on 30 September 2012, and elections for these vacancies will be held during the Council's twenty-first session.

## **Item 1**

### **Adoption of the agenda and organization of work**

#### **Adoption of the agenda**

4. The Advisory Committee will have before it the provisional agenda (A/HRC/AC/9/1) proposed by the Secretary-General and the present annotations relating to the items included in the provisional agenda.

#### **Organization of work**

5. Rule 99 of the rules of procedure of the General Assembly provides that each committee "shall, at the beginning of the session, adopt a programme of work indicating, if possible, a target date for the conclusion of its work, the approximate dates of consideration of items and the number of meetings to be allocated to each item" (A/520/Rev.17). Accordingly, the Advisory Committee will have before it, for its consideration and approval, a draft timetable prepared by the Secretariat showing the order and distribution of meeting time for each agenda item/segment of its programme of work for the ninth session.

#### **Composition of the Advisory Committee**

6. At its nineteenth session, the Human Rights Council elected Cecilia Rachel V. Quisumbing as a member of the Advisory Committee for the remainder of the term of the late Purificación C. Valera Quisumbing.

7. The composition of the Advisory Committee and the term of membership of each expert is as follows (see also paragraph 4 above):<sup>1</sup> Miguel d'Escoto Brockmann (Nicaragua, 2012); José Antonio Bengoa Cabello (Chile, 2013); Laurence Boisson de Chazournes (France, 2014); Chen Shiqiu (China, 2012); Chung Chinsung (Republic of Korea, 2013); Wolfgang Stefan Heinz (Germany, 2013); Latif Hüseyinov (Azerbaijan, 2014); Alfred Ntunduguru Karokora (Uganda, 2013); Vladimir Kartashkin (Russian Federation, 2013); Obiora Chinedu Okafor (Nigeria, 2014); Anantonia Reyes Prado (Guatemala, 2014); Cecilia Rachel V. Quisumbing (Philippines, 2014); Shigeki Sakamoto (Japan, 2013); Dheerujlall Seetulsingh (Mauritius, 2014); Ahmer Bilal Soofi (Pakistan, 2014); Halima Embarek Warzazi (Morocco, 2012); Jean Ziegler (Switzerland, 2012); and Mona Zulficar (Egypt, 2013).

## **Item 2**

### **Requests addressed to the Advisory Committee stemming from Human Rights Council resolutions**

#### **(a) Requests currently under consideration by the Committee**

##### **(i) Right to food**

8. In its resolution 7/14, the Human Rights Council requested the Advisory Committee to consider potential recommendations for approval by the Council on possible further measures to enhance the realization of the right to food, bearing in mind the priority importance of promoting the implementation of existing standards. In its resolution 10/12, the Council acknowledged the work undertaken by the Committee on the right to food and also requested it to undertake a study on discrimination in the context of the right to food, including identification of good practices of anti-discriminatory policies and strategies, and to report thereon to the Council at its thirteenth session.

9. At its first session, the Advisory Committee established a drafting group consisting of Mr. Bengoa Cabello, Ms. Chung, Mr. Hüseyinov, Mr. Ziegler and Ms. Zulficar. Subsequently, Mr. Karakora joined the drafting group.

10. In its resolution 13/4, the Human Rights Council acknowledged the work carried out by the Advisory Committee on the right to food and welcomed the submission to the Council of its preliminary study on discrimination in the context of the right to food (A/HRC/13/32). It also requested the Office of the United Nations High Commissioner for Human Rights (OHCHR) to collect the views and comments of all Member States, all relevant United Nations special agencies and programmes and all other relevant stakeholders on the good practices of anti-discriminatory policies and strategies set out in the preliminary study, so that the Advisory Committee could take them into account for the conclusion of the study. On 21 May 2010, OHCHR sent a note verbale in this regard to all concerned.

11. At its sixth session, the Advisory Committee considered the final study on discrimination in the context of the right to food, prepared by its drafting group, and submitted it to the Human Rights Council (A/HRC/16/40).

12. In its resolution 16/27, the Human Rights Council welcomed the final study on discrimination in the context of the right to food and, taking into account recommendation 6/2 of the Advisory Committee, requested it to undertake, as appropriate, comprehensive

<sup>1</sup> The year of expiry of the term of membership is shown in parenthesis.

studies on (a) the urban poor and their enjoyment of the right to food, including strategies to improve their protection and best practices; (b) rural women and their enjoyment of the right to food, including patterns of discrimination, strategies and policies for their protection and best practices, with a special focus on female-headed households and temporary or seasonal workers; and (c) the relationship between severe malnutrition and childhood diseases, taking children affected by noma as an example, and ways to improve the protection of malnourished children.

13. In its resolution 19/7, the Human Rights Council acknowledged the work being carried out by the Advisory Committee on the right to food.

*Rights of peasants*

14. In its resolution 13/4, the Human Rights Council requested the Advisory Committee to continue to work on the issue of discrimination in the context of the right to food and, in that regard, to undertake a preliminary study on ways and means to further advance the rights of people working in rural areas, including women, in particular smallholders engaged in the production of food and/or other agricultural products, including from directly working the land, traditional fishing, hunting and herding activities, and to report thereon to the Council at its sixteenth session.

15. At its sixth session, the Advisory Committee considered the preliminary study on the advancement of the rights of peasants and other people working in rural areas prepared by the drafting group, and submitted it to the Human Rights Council (A/HRC/16/63).

16. In its resolution 16/27, the Human Rights Council requested the Advisory Committee to continue to work on the issue of discrimination in the context of the right to food and, in that regard, took note of its preliminary study on ways and means to further advance the rights of people working in rural areas, including women, in particular smallholders engaged in the production of food and /or other agricultural products, including from directly working the land, traditional fishing, hunting and herding activities (A/HRC/16/63).

17. In resolution 16/27, the Human Rights Council also requested OHCHR to collect the views and comments of all Member States, all relevant United Nations special agencies and programmes, in particular the Food and Agriculture Organization of the United Nations (FAO), and all other relevant stakeholders on the preliminary study, in order that the Advisory Committee may take them into account in the preparation of the final study to be presented to the Council at its nineteenth session. On 6 April 2011, OHCHR sent a note verbale in this regard to all concerned.

18. At its seventh session, the Advisory Committee welcomed the comments by States and other stakeholders on the above-mentioned preliminary study on the advancement of the rights of peasants and other people working in the rural areas. The Committee assigned the completion of the study to the drafting group on the right to food, for presentation to the Committee at its eighth session, for submission to the Human Rights Council at its nineteenth session.

19. In its resolution 19/7, the Human Rights Council took note of the final study of the Advisory Committee on the advancement of the rights of peasants and other people working in rural areas (A/HRC/19/75).

*Children affected by noma*

20. In accordance with the request of the Human Rights Council in its resolution 16/27, the Advisory Committee considered, at its seventh and eighth sessions, the preliminary study prepared by the drafting group on the right to food on severe malnutrition and

childhood diseases, with children affected by noma as an example (A/HRC/AC/7/CRP.2) and the final study (A/HRC/AC/8/7), respectively.

21. In resolution 16/27, the Human Rights Council also requested OHCHR to collect the views and comments of all Member States, all relevant United Nations special agencies and programmes, in particular FAO, and all other relevant stakeholders on the preliminary study, in order that the Advisory Committee may take them into account in the preparation of the final study to be presented to the Council at its nineteenth session. On 31 August 2011, OHCHR sent a note verbale in this regard to all concerned.

22. At its eighth session, the Advisory Committee considered the study on severe malnutrition and childhood diseases with children affected by noma as an example and the human rights principles and guidelines to improve the protection of children at risk or affected by malnutrition, specifically at risk of or affected by noma, annexed thereto, prepared by its drafting group. The Advisory Committee submitted the revised study to the Human Rights Council at its nineteenth session (A/HRC/19/73).

23. In its resolution 19/7, the Human Rights Council took note of the submission by the Advisory Committee of the above-mentioned study on severe malnutrition and childhood diseases with children affected by noma as an example, including the human rights principles and guidelines to improve the protection of children at risk or affected by malnutrition, specifically at risk of or affected by noma, annexed thereto, and encouraged States to implement those principles.

#### *Urban poor*

24. In accordance with the request of the Human Rights Council in its resolution 16/27, the Advisory Committee considered a concept note on promoting the human rights of the urban poor: strategies and best practices (A/HRC/AC/7/CRP.3), prepared by Ms. Chung, and assigned the preparation of a preliminary study on that topic to the drafting group on the right to food, to be presented to the Committee at its eighth session.

25. At its eighth session, the Advisory Committee welcomed the preliminary study on the promotion of human rights of the urban poor: strategies and best practices prepared by its drafting group (A/HRC/AC/8/5).

26. In its resolution 19/7, the Human Rights Council took note of the above-mentioned preliminary study prepared by the Advisory Committee, and requested that the final study be presented to the Council at its twenty-second session. It also requested OHCHR to collect the views and comments of all Member States, all relevant United Nations specialized agencies and programmes and all other relevant stakeholders on the above-mentioned preliminary study so that the Committee could take them into account for the conclusion of its final study. On 2 April 2012, OHCHR sent a note verbale in this regard to all concerned.

27. At its ninth session, the Advisory Committee will discuss the final study by the drafting group on the right to food (A/HRC/AC/9/3).

#### *Rural women*

28. In accordance with the request of the Human Rights Council in its resolution 16/27, the Advisory Committee at its seventh session, assigned the preparation of a preliminary study on rural women and their enjoyment of the right to food to the drafting group on the right to food, to be presented to the Committee at its ninth session.

29. At its eighth session, the Advisory Committee discussed the concept note for the preliminary study on rural women and the right to food prepared by the drafting group (A/HRC/AC/8/CRP.2).

30. In its resolution 19/7, the Human Rights Council took note of the concept note for the above-mentioned preliminary study prepared by the Advisory Committee, and requested the Committee to continue to undertake a comprehensive study in that regard. It also requested OHCHR to collect the views and comments of all Member States, all relevant United Nations specialized agencies and programmes and all other relevant stakeholders on the above-mentioned concept note so that the Advisory Committee could take them into account for the conclusion of its final study. On 2 April 2012, OHCHR sent a note verbale in this regard to all concerned.

31. At its ninth session, the Advisory Committee will discuss the preliminary study by the drafting group on the right to food.

**(ii) Integration of a gender perspective**

32. In its resolution 6/30, the Human Rights Council requested the Advisory Committee to regularly and systematically integrate a gender perspective into the implementation of its mandate, including when examining the intersection of multiple forms of discrimination against women, and to include in its reports information on and qualitative analysis of human rights of women and girls.

33. At its second and fourth sessions, the Advisory Committee held discussions on the matter.

**(iii) Promotion of a democratic and equitable international order**

34. In its resolutions 8/5 and 18/6, the Human Rights Council requested, inter alia, the Advisory Committee to pay due attention, within its respective mandate, to the resolution and to make contributions towards its implementation. In resolution 18/6, the Council also decided to establish, for a period of three years, a new special procedures mandate of independent expert on the promotion of a democratic and equitable international order.

35. At its first, second and fourth sessions, the Advisory Committee held discussions on the issue.

36. At its nineteenth session, the Human Rights Council appointed Alfred de Zayas (United States of America) as independent expert on the promotion of a democratic and equitable international order.

**(iv) Integration of the perspective of persons with disabilities**

37. In its resolution 7/9, the Human Rights Council encouraged the Advisory Committee and other mechanisms of the Council to integrate the perspective of persons with disabilities, as appropriate, in carrying out their work and in their recommendations in order to facilitate the inclusion of persons with disabilities in the work of the Council.

38. At its first, second and fourth sessions, the Advisory Committee held discussions on the issue.

**(v) Human rights and international solidarity**

39. In its resolutions 9/2 and 12/9, the Human Rights Council requested the Advisory Committee to prepare inputs to contribute to the elaboration by the independent expert on human rights and international solidarity of a draft declaration on the right of peoples and individuals to international solidarity, and to the further development of guidelines, standards, norms and principles with a view to promoting and protecting this right.

40. In its resolution 15/13, the Human Rights Council reiterated its request to the Advisory Committee to prepare, in close cooperation with the independent expert on human

rights and international solidarity, inputs to contribute to the elaboration of the draft declaration on the right of peoples and individuals to international solidarity, and to the further development of guidelines, standards, norms and principles with a view to promoting and protecting this right.

41. At its fifth and sixth sessions, the members of the drafting group established to work on this issue (Mr. Chen (Chairperson/Rapporteur), Ms. Chung, Mr. d'Escoto Brockmann, Mr. Hüseyinov, Mr. Seetulsingh and Ms. Warzazi) presented the work to be undertaken.

42. At its seventh session, the Advisory Committee took note of the draft outline prepared by the Chairperson/Rapporteur of the drafting group, and encouraged the drafting group to cooperate closely with the independent expert on human rights and international solidarity and to submit the outcome of its work to the Committee at its eighth session.

43. At its eighth session, the Advisory Committee took note of the draft paper prepared by the Chairperson-Rapporteur of the drafting group (A/HRC/AC/8/CRP.1). It also welcomed the participation of the independent expert on human rights and international solidarity and encouraged the drafting group to continue to cooperate closely with her. The Committee designated Mr. Chen and Mr. Seetulsingh to participate in the workshop, scheduled to take place on 7 and 8 June 2012, convened, pursuant to Human Rights Council resolution 18/5, by the United Nations High Commissioner for Human Rights, for an exchange of views on, inter alia, the gender implications of international solidarity, the impact of a right to international solidarity, the role of international solidarity in achieving the Millennium Development Goals and the realization of the right to development.

44. At its ninth session, the Advisory Committee will consider the revised paper on the issue.

**(vi) Promotion of the right of peoples to peace**

45. In its resolution 14/3, the Human Rights Council took note with satisfaction of the report of the High Commissioner on the outcome of the workshop on the right of peoples to peace (A/HRC/14/38), and requested the Advisory Committee, in consultation with Member States, civil society, academia and all relevant stakeholders, to prepare a draft declaration on the right of peoples to peace and to report on the progress thereon to the Council at its seventeenth session.

46. At its fifth session, the Advisory Committee designated Ms. Chung, Mr. d'Escoto Brockmann, Mr. Heinz (Rapporteur), Mr. Hüseyinov, Mr. Sakamoto and Ms. Zulficar (Chairperson) as members of a drafting group entrusted to work on the issue.

47. At its sixth session, the Advisory Committee considered the progress report presented by the drafting group (A/HRC/AC/6/CRP.3), and submitted its revised progress report to the Human Rights Council for its consideration at its seventeenth session (A/HRC/17/39). The Committee also requested the drafting group to prepare a questionnaire in order to consult with Member States, civil society, academia and all relevant stakeholders. On 1 April 2011, OHCHR sent a note verbale transmitting the questionnaire to all concerned.

48. In its resolution 17/16, the Human Rights Council took note of the progress report of the Advisory Committee on the right of peoples to peace, and requested the Advisory Committee, in consultation with Member States, civil society, academia and all relevant stakeholders, to present a draft declaration on the right of peoples to peace and to report on progress thereon to the Council at its twentieth session.

49. At its seventh session, the Advisory Committee took note of the second progress report submitted by the drafting group (A/HRC/AC/7/3), and welcomed the responses received to the questionnaire.

50. At its eighth session, the Advisory Committee welcomed the submissions and comments received during the session by various stakeholders and members of the Advisory Committee, and requested the drafting group to finalize its work on the draft declaration on the right of peoples to peace in the light of the discussions held by the Committee at its eighth session, and to submit it to the Human Rights Council at its twentieth session (A/HRC/20/31).

**(vii) Enhancement of international cooperation in the field of human rights**

51. In its resolution 13/23, the Human Rights Council requested the Advisory Committee to explore ways and means to enhance cooperation in the field of human rights, taking into account the views contained in the report of the High Commissioner on the enhancement of international cooperation in the field of human rights (A/HRC/13/19), and further views from States and relevant stakeholders, and to submit proposals thereon to the Council at its nineteenth session.

52. At its fifth session, the Advisory Committee designated Mr. Chen, Mr. Decaux (Rapporteur), Mr. Hüseyinov, Mr. Kartashkin, Ms. Quisumbing, Mr. Seetulsingh (Chairperson) and Ms. Warzazi as members of a drafting group to undertake preparatory work on the issue for consideration by the Committee at its sixth session. Subsequently, Ms. Boisson de Chazournes replaced Mr. Decaux as Rapporteur of the drafting group.

53. At its sixth session, the Advisory Committee held a meeting with the sponsors of resolution 13/23 and considered a preliminary working paper prepared by the drafting group on the issue (A/HRC/AC/6/CRP.4).

54. In its resolution 16/22, the Human Rights Council took note of the discussions held in the Advisory Committee in fulfilment of its mandate.

55. At its seventh session, the Advisory Committee took note of the progress report presented by the Chairperson of the drafting group (A/HRC/AC/7/2), and the questionnaire to be disseminated to seek further views from States and relevant stakeholders for the preparation of final proposals. On 1 September 2011, OHCHR sent a note verbale transmitting the questionnaire to all concerned.

56. At its eighth session, the Advisory Committee welcomed the responses received to its questionnaire submitted to States, non-governmental organizations and relevant stakeholders. It considered the final report on the enhancement of international cooperation in the field of human rights prepared by the drafting group (A/HRC/AC/8/3), and submitted the revised version to the Human Rights Council at its nineteenth session (A/HRC/19/74).

57. In its resolution 19/33, the Human Rights Council took note of the of the study of the Advisory Committee on the enhancement of international cooperation in the field of human rights (A/HRC/19/74), and requested OHCHR to organize a seminar, before its twenty-second session, with the participation of a member of the Committee to build upon the study prepared by the Committee, including the recommendations contained therein. It also requested OHCHR to prepare a summary of the seminar and to submit it to the Council at its twenty-second session.

**(viii) Promoting human rights and fundamental freedoms through a better understanding of traditional values of humankind**

58. In its resolution 16/3, the Human Rights Council requested the Advisory Committee to prepare a study on how a better understanding and appreciation of traditional values of dignity, freedom and responsibility could contribute to the promotion and protection of human rights, and to present that study to the Council before its twenty-first session.



59. At its seventh session, the Advisory Committee designated Ms. Boisson de Chazournes, Mr. Chen, Ms. Chung, Mr. Karakora, Mr. Kartashkin (Rapporteur), Mr. Okafor, Ms. Reyes Prado, Mr. Seetulsingh and Mr. Soofi (Chairperson) as members of a drafting group established to prepare the above-mentioned study for submission to the Committee at its ninth session.

60. At its eighth session, the Advisory Committee, considered the preliminary study prepared by Mr. Kartashkin (A/HRC/AC/8/4).

61. At its ninth session the Advisory Committee will consider the revised preliminary study (A/HRC/AC/9/2).

**(ix) Human rights and issues related to terrorist hostage-taking**

62. In its resolution 18/10, the Human Rights Council took note of the summary prepared by OHCHR of the panel discussion held at its sixteenth session on the issue of human rights in the context of action taken to address terrorist hostage-taking (A/HRC/18/29). In resolution 18/10, the Council requested the Advisory Committee to prepare a study on the issue of terrorist hostage-taking for the purposes of promoting awareness and understanding, paying particular attention to its impact on human rights and the role of regional and international cooperation in this field. It also encouraged the Committee, when elaborating the above-mentioned study, to take into account, as appropriate, and to refrain from duplicating the work done on the issue by competent United Nations bodies and mechanisms. The Council requested the Committee to present an interim report at its twenty-first session and to submit the study to the Council at its twenty-third session.

63. At its eighth session, the Advisory Committee decided to establish a drafting group comprising Mr. Heinz (Rapporteur), Mr. Hüseyinov (Chairperson), Mr. Okafor, Mr. Sakamoto, Mr. Soofi and Mr. Ziegler. The Committee also decided to recommend that the Human Rights Council consider adopting a decision requesting the Committee to submit an interim report to the Council at its twenty-second session and the final report at its twenty-fourth session.

64. At its ninth session, the Advisory Committee will consider the preliminary study prepared by the drafting group.

**(b) Follow-up to reports of the Committee submitted to the Human Rights Council**

**(i) Human rights education and training**

**(ii) Elimination of discrimination against persons affected by leprosy and their family members**

**(iii) Missing persons**

65. None of the above sub-items will be discussed at the current session.

### **Item 3**

#### **Implementation of sections III and IV of the annex to Human Rights Council resolution 5/1 of 18 June 2007, and of section III of the annex to Council resolution 16/21 of 25 March 2011**

**(a) Review of methods of work**

66. In paragraphs 35 to 39 of section III of the annex to its resolution 16/21, the Human Rights Council made reference to the Advisory Committee (see also paragraphs 1 to 4 above).

**(b) Agenda and annual programme of work, including new priorities**

67. In its resolution 15/22, the Human Rights Council decided to hold a panel discussion at its eighteenth session on a thematic study to be prepared by the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, with the assistance of OHCHR, on the realization of the right to health of older persons. Members of OHCHR, the World Health Organization, the Advisory Committee and other relevant United Nations bodies and agencies were to participate in the panel discussion.

68. At its seventh session, the Advisory Committee requested Ms. Chung to attend the above-mentioned panel discussion.

**(c) Follow-up to Advisory Committee recommendation 1/11**

69. The Advisory Committee designated some of its members to follow the work of other subsidiary bodies of the Human Rights Council. However, since the Council did not take relevant action entailing budgetary implications in this regard, the secretariat of the Committee has been unable to implement the above-mentioned recommendation.

### **Item 4**

#### **Report of the Advisory Committee on its ninth session**

70. The Advisory Committee will have before it for adoption a draft report on its ninth session, prepared by the Rapporteur.

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