



61st SESSION
OF THE COMMISSION
ON HUMAN RIGHTS

14 March – 22 April 2005

Background Note

UNITED NATIONS COMMISSION ON HUMAN RIGHTS

The United Nations Commission on Human Rights is the world's foremost human rights forum. Established in 1946 to weave the international legal fabric that protects our fundamental rights and freedoms, its brief has expanded over time to allow it to respond to the whole range of human rights problems. The Commission continues to set standards to govern the conduct of States, but it also acts as a space where countries large and small, non-governmental groups and human rights defenders from around the world can voice their concerns.

THE EARLY YEARS

Under the leadership of Eleanor Roosevelt, its first Chairperson, the Commission drafted the Universal Declaration of Human Rights, which was adopted by the United Nations General Assembly on 10 December 1948. It went on to draft the two other pillars of what has come to be known as the International Bill of Human Rights: the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.

In 1967, the Commission began to expand its role from promoter to protector of human rights, establishing a panel to investigate the deteriorating situation in southern Africa. Today, about 41 different procedures investigate abuses around the world (See fact sheet on Experts).

HOW DOES THE COMMISSION WORK?

The Commission is composed of 53 States and meets annually in Geneva in March and April for six weeks. States and non-governmental organizations (NGOs) present information of concern to them, with the Governments involved often submitting replies. In light of the examination of such situations, fact-finding groups or experts may be designated and on-the-spot visits may be organized. The Commission may pursue discussions with Governments concerned, provide advisory services and condemn violations and violators.

The Commission may also meet between sessions to deal with urgent human rights situations. Such special sessions have taken place five times: twice during the 1992 crises in the former Yugoslavia; in 1994 over the atrocities in Rwanda; in 1999 to discuss the East Timor situation; and, most recently, in 2000 concerning violations of Palestinian human rights by Israel.

The Chairpersonship rotates each year among the five United Nations regional groupings: Africa, Asia, Latin America and the Caribbean, Eastern Europe and the Western group.

DOES THE COMMISSION DEAL WITH COMPLAINTS FROM INDIVIDUALS?

Anyone may bring a human rights problem to the attention of the United Nations, and thousands do so each year. This is a vital facility, as it is through individual complaints that the seemingly abstract standards of human rights commitments gain concrete meaning.

The Commission plays an important role in this process. In 1970, the United Nations adopted a procedure to allow the Commission to deal with communications from individuals alleging violations of human rights and fundamental freedoms. The "1503" procedure, so called because of the resolution that established it, enables the Commission to examine complaints which appear to show "consistent patterns of gross and reliably attested human rights violations" received from individuals or NGOs. When a large number of individual cases from a particular country seem to show a widespread pattern of abuse, the Commission may decide to examine the situation in that country.

The Commission has examined 86 countries under the 1503 procedure. The full list of countries scrutinized under the procedure is available at www.ohchr.org/english/bodies/chr/stat1.htm.

HOW DO YOU MAKE A COMPLAINT UNDER THE 1503 PROCEDURE?

A complaint may be submitted at any time, to either the Office of the High Commissioner for Human Rights or the United Nations, specifying that it is to be dealt with under the 1503 procedure. The purpose of the complaint and the rights alleged to have been violated should be set out in as much detail as possible. Personal details should also be included, as complaints may not be anonymous. This information may be submitted to the above offices by normal mail, facsimile message or e-mail.

Certain conditions must be met for a complaint to be considered. It should be submitted within a reasonable time following the exhaustion of available national remedies; an effort should be made not to duplicate complaints already considered by the procedure; and no complaint should contain abusive language, be politically motivated or run counter to the principles of the United Nations.

Further information on complaint procedures is available at <http://www.ohchr.org/english/about/publications/docs/fs7.htm>

For further information, please contact:

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PROVISIONAL AGENDA

The sixty-first session of the Commission on Human Rights will be held at the United Nations Office at Geneva from 14 March to 22 April 2005. The Commission elected its bureau, or steering committee, on 17 January 2005. The provisional agenda of the session is reproduced below.

1. Election of officers
2. Adoption of the agenda
3. Organization of the work of the session
4. Report of the United Nations High Commissioner for Human Rights and follow-up to the World Conference on Human Rights
5. The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation
6. Racism, racial discrimination, xenophobia and all forms of discrimination
 - (a) Comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action
7. The right to development
8. Question of the violation of human rights in the occupied Arab territories, including Palestine
9. Question of the violation of human rights and fundamental freedoms in any part of the world, including
 - (a) Question of human rights in Cyprus
 - (b) Procedure established in accordance with Economic and Social Council resolutions 1503 (XLVIII) and 2000/3
10. Economic, social and cultural rights
11. Civil and political rights, including the questions of
 - (a) Torture and detention
 - (b) Disappearances and summary executions
 - (c) Freedom of expression
 - (d) Independence of the judiciary, administration of justice, impunity
 - (e) Religious intolerance
 - (f) States of emergency
 - (g) Conscientious objection to military service
12. Integration of the human rights of women and the gender perspective
 - (a) Violence against women
13. Rights of the child
14. Specific groups and individuals
 - (a) Migrant workers
 - (b) Minorities

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- (c) Mass exoduses and displaced persons
- (d) Other vulnerable groups and individuals
- 15. Indigenous issues
- 16. Report of the Subcommission on the Promotion and Protection of Human Rights
 - (a) Report and draft decisions
 - (b) Election of members
- 17. Promotion and protection of human rights
 - (a) Status of the International Covenants on Human Rights
 - (b) Human rights defenders
 - (c) Information and education
 - (d) Science and environment
- 18. Effective functioning of human rights mechanisms
 - (a) Treaty bodies
 - (b) National institutions and regional arrangements
 - (c) Adaptation and strengthening of the United Nations machinery for human rights
- 19. Advisory services and technical cooperation in the field of human rights
- 20. Rationalization of the work of the Commission
- 21. (a) Draft provisional agenda for the sixty-second session of the Commission
 - (b) Report to the Economic and Social Council on the sixty-first session of the Commission



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UNITED NATIONS COMMISSION ON HUMAN RIGHTS OFFICERS OF THE 61ST SESSION

As decided by the Commission and endorsed by the Economic and Social Council in its decision 2002/278, the first meeting of the Commission is convened on the third Monday in January, with the sole purpose of electing the Commission's officers.

For the sixty-first session of the Commission on Human Rights:

Chairperson	Mr. Makarim WIBISONO	(Indonesia)
Vice-Chairperson	Mr. Hernán ESCUDERO MARTÍNEZ	(Ecuador)
Vice-Chairperson	Mr. Mohamed Saleck OULD MOHAMED LEMINE	(Mauritania)
Vice-Chairperson	Mr. Anatolyi ZLENKO	(Ukraine)
Rapporteur	Ms. Deirdre KENT	(Canada)

THE 53 MEMBER STATES OF THE COMMISSION ON HUMAN RIGHTS IN 2005

1. Argentina	27. Ireland
2. Armenia	28. Italy
3. Australia	29. Japan
4. Bhutan	30. Kenya
5. Brazil	31. Malaysia
6. Burkina Faso	32. Mauritania
7. Canada	33. Mexico
8. China	34. Nepal
9. Congo	35. Netherlands
10. Costa Rica	36. Nigeria
11. Cuba	37. Pakistan
12. Dominican Republic	38. Paraguay
13. Ecuador	39. Peru
14. Egypt	40. Qatar
15. Eritrea	41. Republic of Korea
16. Ethiopia	42. Romania
17. Finland	43. Russian Federation
18. France	44. Saudi Arabia
19. Gabon	45. South Africa
20. Germany	46. Sri Lanka
21. Guatemala	47. Sudan
22. Guinea	48. Swaziland
23. Honduras	49. Togo
24. Hungary	50. Ukraine
25. India	51. United Kingdom of Great Britain and Northern Ireland
26. Indonesia	52. United States of America
	53. Zimbabwe



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UNITED NATIONS COMMISSION ON HUMAN RIGHTS

The Commission examines, monitors and reports publicly on human rights situations in specific countries or territories on major phenomena of human rights violations worldwide.

The Commission is currently responsible for 15 country mandates and 26 thematic mandates.

COUNTRY MANDATES

With its action on the issue of *apartheid* in South Africa in 1967, the Commission began a tradition of dealing with specific country or territory situations.

The countries or territories under investigation at present are Afghanistan, Burundi, Belarus, Cambodia, Chad, Cuba, the Democratic Republic of the Congo, the Democratic People's Republic of Korea, Haiti, Liberia, Myanmar, Somalia and Uzbekistan as well as the Occupied Palestinian Territory.

Country mandates are reviewed annually by the Commission.

THEMATIC MANDATES

Thematic mandates cover a wide range of civil, political, economic, cultural and social rights. The oldest of the existing mandates is that on enforced disappearances, which was established in 1980.

In recent years, particular attention has been paid to economic, social and cultural rights, such that most mandates created since 1995 fall into this category.

The general areas covered by the thematic mandates at present are adequate housing; arbitrary executions; the right to development; education; extreme poverty; the right to food; freedom of opinion and expression; human rights defenders; the independence of judges and lawyers; internally displaced persons; mercenaries; terrorism; impunity; migrants; racism; freedom of religion or belief; sale of children, child prostitution and child pornography; trafficking in persons; structural adjustment policies and foreign debt; torture; toxic waste; violence against women; indigenous people; and highest physical and mental health.

Thematic mandates are reviewed every three years.

WORKING GROUPS

A mandate is usually entrusted to an individual expert, but in certain cases, usually with thematic issues, a working group is set up.

At present, the Commission has established working groups on enforced disappearances; arbitrary detention; the right to development; a declaration on the rights of indigenous people; situations (under the 1503 procedure); people of African descent; implementation of the Durban Declaration and Programme of Action; legally binding instrument for the protection of persons from enforced disappearances; and options regarding the elaboration of an optional protocol to the International Covenant on Economic, Social and Cultural Rights.

For specific details on the current mandates, please see the tables at the following website:
www.ohchr.org.



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The scope of the work of the Commission on Human Rights has widened dramatically since its establishment in 1946. Originally charged with setting the standards so urgently needed following the horrors of the Second World War, the Commission today must also respond to a growing number of human rights situations around the globe.

Key to this work are a broad range of experts who report annually to the Commission.

WHAT DO THE EXPERTS DO?

In carrying out their mandates, experts research the issues of concern, visit the countries involved, interact with governmental and non-governmental representatives, and receive and consider complaints from victims of human rights violations. They may also intervene with Governments on behalf of such victims.

They then report their findings, conclusions and recommendations to the Commission and/or the United Nations General Assembly. The experts' role also includes discussing their findings with the Governments or parties involved with the aim of instigating change.

WHO ARE THE EXPERTS?

The experts appointed by the Commission hail from various walks of life. They are, for example, lawyers, judges, academics, economists and journalists. They are chosen for their expertise, their experience, their integrity and their impartiality.

Experts act independently of governmental and non-governmental influence, and are immune from legal process of every kind in relation to what they say, write or do in the course of carrying out their mission. They are not paid for their work with the United Nations.

WHY ARE DIFFERENT EXPERTS GIVEN DIFFERENT TITLES?

The term "expert" covers various titles bestowed by the Commission. Such titles include Special Rapporteur, independent expert, representative of the Secretary-General and representative of the Commission. These titles have no hierarchy, nor do they indicate the powers entrusted to the expert. They are simply the result of political negotiations.

WHO SELECTS THE EXPERTS?

Special Rapporteurs and representatives are usually selected by the Chairperson of the Commission after consultation with the bureau. Representatives of the Secretary-General and some independent experts are selected by the Secretary-General upon the recommendation of the High Commissioner for Human Rights. Experts may serve a maximum of six years on a mandate.

WHAT ARE MANDATES?

There are two types of mandates: country mandates and thematic mandates. A mandate is usually entrusted to an individual expert, although in some cases a working group of experts may be appointed. Country-specific mandates are reviewed annually at the Commission, and thematic mandates are normally reviewed every two or three years.

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A Time for Renewal

HOW EFFECTIVE IS THE WORK OF THE EXPERTS IN IMPROVING HUMAN RIGHTS SITUATIONS?

The effectiveness of this system depends on the extent to which an expert's research is followed by action on the ground; therefore it is difficult to quantify. However, the continuing examination of a situation lets victims know that they are neither forgotten nor alone, provides them with the opportunity to voice their concerns, and reminds the perpetrators of human rights violations that they are being watched.



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UNITED NATIONS COMMISSION ON HUMAN RIGHTS FREQUENTLY ASKED QUESTIONS

IS THE COMMISSION ON HUMAN RIGHTS PART OF THE OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS (OHCHR), OR VICE VERSA?

The Commission on Human Rights and the OHCHR are distinct entities of the UN human rights system, working side by side but each with its own role.

HOW DO THEY DIFFER?

The Commission is a sort of international human rights parliament. It drafted the Universal Declaration of Human Rights and major global human rights treaties. The Commission examines, monitors and reports publicly on human rights situations in specific countries or territories, and on major human rights phenomena worldwide. Its member States, 53 in all, are elected by the United Nations Economic and Social Council. The Commission meets yearly for six weeks in Geneva. Over 5,000 delegates from member and observer States and from intergovernmental and non-governmental organizations participate.

OHCHR is part of the United Nations Secretariat, meaning that its staff works for the United Nations and not on behalf of any Government. OHCHR gets its mandate from the Charter of the United Nations and the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights held at Vienna in 1993. In general, OHCHR supports and coordinates UN activities for the promotion and protection of human rights. It counts among its main activities the services it provides to the Commission and to the UN bodies that monitor how human rights treaties are implemented.

The Office is headed by the High Commissioner for Human Rights, Louise Arbour.

The High Commissioner is an official of the United Nations appointed by, and accountable to, the Secretary-General.

The High Commissioner is responsible for all the activities of OHCHR and carries out the functions specifically assigned to her by the General Assembly. The High Commissioner advises the Secretary-General on the policies of the United Nations in the area of human rights; ensures that substantive and administrative support is given to the projects, activities, organs and bodies of the human rights programme; and carries out special assignments as decided by the Secretary-General, among other duties.

WHO HEADS THE COMMISSION ON HUMAN RIGHTS?

The Commission, as a political body, is chaired by a representative of one of its member States, usually the country's Ambassador to the United Nations at Geneva.

DOES THE WORK OF THE COMMISSION ON HUMAN RIGHTS AND THAT OF OHCHR OVERLAP?

The Commission brings together all of the international community to chart the way forward in the area of human rights. The High Commissioner and her Office are a source of moral authority and play a leading role in the international human rights movement. These institutions avoid overlapping through coordination.

DO THE TWO BODIES WORK TOGETHER?

Yes. OHCHR provides services and support to the Commission, and especially to its Special Rapporteurs, or investigators, and to its working groups (see fact sheet on Experts).



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FORMER CHAIRPERSONS OF THE UNITED NATIONS COMMISSION ON HUMAN RIGHTS

YEAR	SESSION	NAME	COUNTRY
1946	1	Mrs. Eleanor Roosevelt	United States of America
1947	2	Mrs. Eleanor Roosevelt	United States of America
1948	3	Mrs. Eleanor Roosevelt	United States of America
1948	4	Mrs. Eleanor Roosevelt	United States of America
1949	5	Mrs. Eleanor Roosevelt	United States of America
1950	6	Mrs. Eleanor Roosevelt	United States of America
1951	7	Mr. Charles Malik	Lebanon
1952	8	Mr. Charles Malik	Lebanon
1953	9	Mr. Mahmoud Azmi	Egypt
1954	10	Mr. Mahmoud Azmi	Egypt
1955	11	Mr. René Cassin	France
1956	12	Mr. René Cassin	France
1957	13	Mr. F. M. Serrano	Philippines
1958	14	Mr. Ratnakirti S. S. Gunewardene	Ceylon
1959	15	Mr. Ratnakirti S. S. Gunewardene	Ceylon
1960	16	Mr. Mario Amadeo	Argentina
1961	17	Mr. C. S. Jha	India
1962	18	Mr. Georges Hakim	Lebanon
1963	19	Mr. Abdul Rahman Pazhwak	Afghanistan
1964	20	Mr. Enrique Ponce y Carbo	Ecuador
1965	21	Mr. Salvador P. López	Philippines
1966	22	Mr. F. Volio-Jiménez	Costa Rica
1967	23	Mr. Petr E. Nedbailo	Ukrainian SSR
1968	24	Mr. Ibrahima Boye	Senegal
1969	25	Mr. R. Q. Quentin-Baxter	New Zealand
1970	26	H. I. H. Princess Ashraf Pahlavi	Iran
1971	27	Mr. Andrés Aguilar	Venezuela
1972	28	Mr. Engeniusz Kulaga	Poland
1973	29	Mr. Radha Krishna Ramphul	Mauritius
1974	30	Mr. Felix Ermacora	Austria
1975	31	Mr. Ghulam Ali Allana	Pakistan
1976	32	Mr. Leopoldo Benítez	Ecuador
1977	33	Mr. Aleksander Bozovic	Yugoslavia
1978	34	Mr. Kéba M'Baye	Senegal

1979	35	Mr. Yvon Beaulne	Canada
1980	36	Mr. Waleed M. Saadi	Jordan
1981	37	Mr. Carlos Calero Rodrigues	Brazil
1982	38	Mr. Ivan Garvalov	Bulgaria
1983	39	Mr. Olara Otunnu	Uganda
1984	40	Mr. Peter H. Kooijmans	Netherlands
1985	41	Mr. Abu Sayeed Chowdhury	Bangladesh
1986	42	Mr. Héctor Charry-Samper	Colombia
1987	43	Mr Leonid Evmenov	Byelorussian SSR
1988	44	Mr. Alioune Sene	Senegal
1989	45	Mr. Marc Bossuyt	Belgium
1990	46	Mrs. Purification Quisumbing	Philippines
1991	47	Mr. Enrique Bernales Ballesteros	Peru
1992	48	Mr. Pál Solt	Hungary
1993	49	Mr. Mohamed Ennaceur	Tunisia
1994	50	Mr. Peter P. van Wulfften Palthe	Netherlands
1995	51	Mr. Musa Bin Hitam	Malaysia
1996	52	Mr. Gilberto V. Saboia	Brazil
1997	53	Mr. Miroslav Somol	Czech Republic
1998	54	Mr. Jacob Selebi	South Africa
1999	55	Ms. Anne Anderson	Ireland
2000	56	Mr. Shambu Ram Simkhada	Nepal
2001	57	Mr. Leandro Despouy	Argentina
2002	58	Mr. Krzysztof Jakubowski	Poland
2003	59	Ms. Najat Al-Hajjaji	Libyan Arab Jamahiriya
2004	60	Mr. Mike Smith	Australia