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Advisory Committee

Twenty-sixth session

16–20 August 2021

Item 1 of the provisional agenda

Adoption of the agenda and organization of work

Provisional agenda and annotations

Provisional agenda

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Annotations

1. Adoption of the agenda and organization of work

Adoption of the agenda

The Advisory Committee will have before it the provisional agenda and the present annotations relating to the items included in the provisional agenda (A/HRC/AC/26/1).



Organization of work

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” (see 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 twenty-sixth session.

Composition of the Advisory Committee

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. The terms of membership will therefore end on 30 September of each year.

The current composition of the Advisory Committee and the term of membership of each expert are as follows:¹ Ibrahim Abdulaziz Alsheddi (Saudi Arabia, 2021); Buhm-Suk Baek (Republic of Korea, 2023); Nadia Amal Bernoussi (Morocco, 2023); Lazhari Bouzid (Algeria, 2022); Alessio Bruni (Italy, 2021); Milena Costas Trascasas (Spain, 2022); Iurii Alexandrovich Kolesnikov (Russian Federation, 2022); José Augusto Lindgren Alves (Brazil, 2021); Xinsheng Liu (China, 2022); Ajai Malhotra (India, 2023); Itsuko Nakai (Japan, 2022); Mona Omar (Egypt, 2022); Javier Palummo (Uruguay, 2022); Elizabeth Salmón (Peru, 2023); Patrycja Sasnal (Poland, 2023); Dheerujlall Seetulsingh (Mauritius, 2023); Cheikh Tidiane Thiam (Senegal, 2021); and Catherine Van de Heyning (Belgium, 2023).

2. Requests addressed to the Advisory Committee stemming from Human Rights Council resolutions**(a) Requests currently under consideration by the Committee****(i) Integration of a gender perspective**

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.

(ii) Promotion of a democratic and equitable international order

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 resolutions and to make contributions towards their implementation. In its resolution 18/6, the Council also decided to establish, for a period of three years, a new special procedure mandate of Independent Expert on the promotion of a democratic and equitable international order. The mandate has been renewed periodically and most recently through Council resolution 45/4. The most recent reports on the mandate are contained in documents A/HRC/45/28 and A/75/206.

(iii) Integration of the perspective of persons with disabilities

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. In its resolution 26/20, the Council decided to establish, for a period of three years, a new special procedure mandate of Special Rapporteur on the rights of persons with disabilities. The mandate has been renewed

¹ The year in which the term of membership expires is shown in parentheses.

periodically and most recently through Council resolution 44/10. The most recent reports on the topic are contained in documents A/HRC/46/27 and A/75/186.

(iv) Negative effects of terrorism on the enjoyment of human rights

In its resolution 34/8, the Human Rights Council requested the Advisory Committee to conduct a study and prepare a report on the negative effects of terrorism on the enjoyment of all human rights and fundamental freedoms, with a particular focus on economic, social and cultural rights, including as a result of diverting foreign direct investment, reducing capital inflows, destroying infrastructure, limiting foreign trade, disturbing financial markets, negatively affecting certain economic sectors and impeding economic growth, and to recommend actions to be taken by Governments, United Nations human rights mechanisms, regional and international organizations and civil society organizations in this regard, and to present the report to the Council at its thirty-ninth session.

At its nineteenth session, the Advisory Committee held discussions on the topic and established a drafting group for the preparation of that report. The drafting group currently comprises Buhm-Suk Baek, Lazhari Bouzid, Alessio Bruni (Chair), Milena Costas Trascasas, Iurii Alexandrovich Kolesnikov, José Augusto Lindgren Alves, Xinsheng Liu, Ajai Malhotra, Mona Omar (Rapporteur), Elizabeth Salmón and Patrycja Sasnal.

At its twentieth session, the Advisory Committee recommended that the Human Rights Council extend the deadline for submission of the report in order to allow for the gathering of better information and that it request the Committee to submit the report to the Council at its forty-second session. At its twenty-third session, the Committee, considering the highly specific and complex character of the mandate, recommended that the Council further extend that deadline for the report to be submitted to the Council at its forty-fifth session. At its thirty-eighth and forty-second sessions, the Council therefore decided to extend the deadline for the Advisory Committee to complete the study and submit the report thereon to the Council at its forty-second and, subsequently, at its forty-fifth sessions.

At its twenty-fourth session, the Advisory Committee requested the drafting group to continue its work with a view to finalizing in the intersessional period, if possible, the report on the negative effects of terrorism on the enjoyment of all human rights and fundamental freedoms for submission to the Human Rights Council at its forty-fifth session.

Given the highly specific and complex character of the mandate, and that the draft report required further thorough discussion, the Advisory Committee decided, in the intersessional period, to hold further discussions on the draft report at its twenty-fifth session. However, the twenty-fifth session of the Committee, initially scheduled to be held from 17 to 21 August 2020, was postponed until February 2021 owing to the coronavirus disease (COVID-19) pandemic. Consequently, the Committee could not submit the report to be considered by the Human Rights Council at its forty-fifth session.

At its twenty-fifth session, the Advisory Committee discussed the topic and reaffirmed the highly specific and complex character of the mandate and that the preparation of the report required further thorough discussion. It requested the drafting group to continue its work in the intersessional period with a view to finalizing the report on the negative effects of terrorism on the enjoyment of all human rights and fundamental freedoms for submission to the Human Rights Council at its forty-eighth session. Also at its twenty-fifth session, the Committee recommended that the Council extend the time scheduled for completion of the report and that it request the Committee to submit the report to the Council at its forty-eighth session. At its forty-sixth session, the Council decided to extend the deadline for the Committee to complete the report and submit it to the Council at its forty-eighth session.

At its twenty-sixth session, the Advisory Committee will have before it the final report to be considered by the Human Rights Council at its forty-eighth session.

(v) Situation regarding racial equality in the world

At its seventy-second session, in December 2017, the General Assembly adopted resolution 72/157 on a global call for concrete action for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation

of and follow-up to the Durban Declaration and Programme of Action. In that resolution, it requested the Human Rights Council to continue to pay attention to the situation regarding racial equality in the world, and in that regard requested the Council, through its Advisory Committee, to prepare a study on appropriate ways and means of assessing the situation, while identifying possible gaps and overlaps. Furthermore, the Assembly requested the Secretary-General to submit to it at its seventy-third session a report on the implementation of that resolution.

At its twenty-first session, the Advisory Committee held discussions on the topic and established a drafting group to prepare that study. The drafting group currently comprises Buhm-Suk Baek, Milena Costas Trascasas (Rapporteur), Iurii Alexandrovich Kolesnikov, José Augusto Lindgren Alves, Ajai Malhotra, Itsuko Nakai, Mona Omar, Elizabeth Salmón, Patrycja Sasnal, Dheerujlall Seetulsingh (Chair) and Catherine Van de Heyning.

At the same session, the Advisory Committee decided to request input and further collaboration from relevant bodies and mechanisms of the Human Rights Council, the relevant treaty bodies, the mechanisms involved in following up on the implementation of the Durban Declaration and Programme of Action and the Group of Independent Eminent Experts on the Implementation of the Durban Declaration and Programme of Action.

At its seventy-third session, in December 2018, the General Assembly adopted resolution 73/262 on a global call for concrete action for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action, and requested the Human Rights Council to continue to pay attention to the situation regarding racial equality in the world, and in that regard requested the Council, through its Advisory Committee, to prepare a study on appropriate ways and means of assessing the situation, while identifying possible gaps and overlaps.

At its twenty-second session, the Advisory Committee decided to request input from Member States and other stakeholders, including international organizations, national human rights institutions and non-governmental organizations, on appropriate ways and means of assessing the situation regarding racial equality in the world. It also requested the drafting group to submit a preliminary outline of the study to it at its twenty-third session, taking into account the above-mentioned input from stakeholders.

At its twenty-third session, the Advisory Committee decided to seek additional views from Member States and other stakeholders on appropriate ways and means of assessing the situation regarding racial equality in the world. It also decided to provide information on the implementation of the current mandate to the Human Rights Council at its forty-second session, for it to be brought to the attention of the General Assembly at its seventy-fourth session. The Committee also requested the drafting group to submit the draft study to it at its twenty-fifth session, taking into account the above-mentioned input from stakeholders.

At its twenty-fourth session, the Advisory Committee welcomed the input received from Member States and other stakeholders on appropriate ways and means of assessing the situation regarding racial equality in the world and welcomed also the participation of external experts in the discussion held during the session. It took note of the preliminary outline of the study submitted by the drafting group and requested the drafting group to submit the draft study to the Committee at its twenty-fifth session, taking into account the above-mentioned input from stakeholders and the discussions held at the twenty-fourth session.

At the same session, the Advisory Committee decided to submit the final study to the Human Rights Council at its forty-seventh session and to bring the study to the attention of the General Assembly at its seventy-sixth session.

At its seventy-fourth and seventy-fifth sessions, the General Assembly adopted resolutions 74/137 and 75/237 on a global call for concrete action for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action. In those resolutions, it welcomed the efforts undertaken by the Human Rights Council, through

its Advisory Committee, in preparing a study on appropriate ways and means of assessing the situation regarding racial equality, while identifying possible gaps and overlaps.

At its twenty-fifth session, the Advisory Committee noted that the drafting group had designated Ms. Costas Trascasas to act as Rapporteur following the resignation of the previous Rapporteur, Ludovic Hennebel, in July 2020, and that, owing to the COVID-19 pandemic, it had been unable to hold its twenty-fifth session from 17 to 21 August 2020.

At the same session, the Advisory Committee took note of fact that the draft preliminary outline of the study submitted by the drafting group to the Committee at its twenty-fifth session, eventually held from 15 to 19 February 2021, had undergone important structural and substantive changes that required further thorough discussion and requested the drafting group to finalize its study in the light of the discussion held at its twenty-fifth session.

Also at the same session, the Advisory Committee decided to submit the final study on the situation regarding racial equality in the world to the Human Rights Council at its forty-eighth session and to request the Council to bring it to the attention of the General Assembly at its seventy-sixth session.

At its twenty-sixth session, the Advisory Committee will have before it the final study to be considered by the Human Rights Council at its forty-eighth session.

(b) Recommendations contained in the reports of the Committee submitted to the Human Rights Council: current levels of representation of women in human rights organs and mechanisms

In its resolution 41/6, the Human Rights Council requested the Advisory Committee to prepare a report, in close cooperation with the Working Group on discrimination against women and girls and the Committee on the Elimination of Discrimination against Women, on current levels of representation of women in human rights organs and mechanisms such as the Advisory Committee, the treaty bodies and the special procedures established by the Council and to present the report to the Council at its forty-seventh session. The report was to include good practices by States in nominating, electing and appointing candidates to ensure balanced gender representation, in line with the system-wide strategy on gender parity, and recommendations to assist the Council and Member States in that regard. The Council also requested the Advisory Committee to seek the views, inputs and meaningful participation of relevant stakeholders in an inclusive manner, including Member States, international and regional organizations, the Office of the United Nations High Commissioner for Human Rights (OHCHR), the special procedures, national human rights institutions, civil society organizations and academic institutions, when preparing the above-mentioned report.

The Advisory Committee has submitted its report on current levels of representation of women in human rights organs and mechanisms to be considered by the Human Rights Council at its forty-seventh session (A/HRC/47/51).

At its twenty-sixth session, the Advisory Committee will hold discussions on possible follow-up to the recommendations made to the Human Rights Council and its mechanisms in the above-mentioned report.

3. Implementation of sections III and IV of the annex to Human Rights Council resolution 5/1 and of section III of the annex to Council resolution 16/21

(a) Review of methods of work

According to paragraph 77 of the annex to Human Rights Council resolution 5/1, the Advisory Committee may propose within the scope of the work set out by the Council, for the latter's consideration and approval, suggestions for further enhancing its procedural efficiency.

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. In paragraph 39 of the same resolution, the Council stipulated that the Committee should endeavour to enhance intersessional work

between its members in order to give effect to the provisions of paragraph 81 of the annex to Council resolution 5/1.

At its twenty-sixth session, the Advisory Committee may therefore address issues related to its methods of work.

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

In paragraph 35 of the annex to Human Rights Council resolution 16/21, the Council stipulated that it should, within existing resources, strengthen its interaction with the Advisory Committee and engage more systematically with it through work formats, such as seminars, panels and working groups, and by sending feedback to the inputs of the Committee.

At its fourteenth session, the Advisory Committee decided to produce reflection papers for its own use at each of its sessions, which could be published on the OHCHR website.

At its twenty-fifth session, the Advisory Committee held a discussion on new priorities and potential research proposals it could make to the Human Rights Council. Following the discussions, on 8 March 2021 the Chair sent, on behalf of the Committee, a letter to the President of the Council setting out new research proposals.

The Advisory Committee may decide to continue, during its twenty-sixth session, its discussions under item 3, including on new priorities.

(c) Appointment of members of the Working Group on Communications

In accordance with paragraphs 91 to 93 of the annex to Human Rights Council resolution 5/1, the Advisory Committee is to appoint five of its members, one from each regional group, with due consideration for gender balance, to constitute the Working Group on Communications. In the event of a vacancy, the Committee should appoint, from among the members of the Committee, an independent and highly qualified expert from the same regional group. Since there is a need for independent expertise and continuity with regard to the examination and assessment of communications received, the independent and highly qualified experts of the Working Group are appointed for three years. Their mandate is renewable once only.

The current members of the Working Group on Communications were appointed by the Advisory Committee at its twenty-first and twenty-third sessions (A/HRC/AC/21/2, paras. 22–24; and A/HRC/AC/23/2, paras. 25–27) and during the intersessional period through silence procedure in the light of the postponement of its twenty-fifth session from August 2020 to February 2021 owing to the COVID-19 pandemic. At its twenty-fifth session, the Committee took note of the appointments made during the intersessional period (A/HRC/AC/25/2, paras. 22–24).

At its twenty-sixth session, the Advisory Committee will appoint new members of the Working Group to replace those whose term expired on 30 September 2020.

4. Report of the Advisory Committee on its twenty-sixth session

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

Pursuant to paragraph 38 of the annex to Human Rights Council resolution 16/21, the annual report of the Advisory Committee will be submitted at the September session of the Council and be the subject of an interactive dialogue with the Committee's Chair. The reports of the Committee on its twenty-fifth and twenty-sixth sessions will be considered at the forty-eighth session of the Council.