

# SPECIAL PROCEDURES BULLETIN



THIRTEENTH ISSUE: APRIL -JUNE 2009

## HIGHLIGHTS

### 16<sup>TH</sup> ANNUAL MEETING OF SPECIAL PROCEDURES

At the 16th Annual Meeting, the Special Procedures mandate holders decided to put in place a joint communications report. They emphasized the independence and effectiveness of the mechanisms and discussed various issues of interest. *continued on page 15*

### FIVE NEW SPECIAL PROCEDURES MANDATE HOLDERS APPOINTED

At its 11<sup>th</sup> regular session, the Human Rights Council appointed five new Special Procedures mandate-holders, including three members of working groups. The new mandate-holders will take office on August 2009. *continued on page 15*

### TWO INDEPENDENT EXPERTS TO BE APPOINTED AT THE TWELFTH SESSION OF THE HUMAN RIGHTS COUNCIL

By resolution 11/10, the Human Rights Council created the mandate of the Independent Expert on the situation of human rights in the Sudan. This independent expert will be appointed at the twelfth regular session of the Human Rights Council, along with the Independent Expert in the field of cultural rights, established by Resolution 10/23.

### **How to find information on Special Procedures**

The OHCHR website (<http://www.ohchr.org>) provides information on the system of special procedures under Human Rights Bodies/ Special Procedures, including details on each mandate and the Coordination Committee. It also contains details of country visits, links to reports, press statements, etc.

To learn more about Special Procedures, consult Fact Sheet no. 27, Seventeen Frequently Asked Questions about United Nations Special Rapporteurs available at: <http://www.ohchr.org/Documents/Publications/FactSheet27en.pdf>

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The quarterly Special Procedures Bulletin provides a general overview of the main activities of the 39 Special Procedures mandates. The next issue of the Bulletin will cover July-September 2009. The Bulletin is produced by the Information, Coordination and Management Unit of the Special Procedures Division of the OHCHR.

### **How to send information on alleged human rights violations to Special Procedures**

For further information on how to submit communications, please visit the OHCHR website under Human Rights Bodies/ Special Procedures.

Communications should contain a factual description of the alleged violation and be submitted by individuals or organizations acting in good faith with direct or reliable knowledge of the violations they are reporting. They should not be politically motivated, abusive or based solely on media reports. Please specify which special procedure(s) mechanism the information is addressed to in the subject line of the e-mail or fax, or on the envelope.

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## COMMUNICATIONS

Some special procedures mechanisms intervene directly with Governments on specific allegations of human rights violations that fall within their mandates. The intervention can relate to a human rights violation that has already occurred, is ongoing, or which has a high risk of occurring. The process generally involves sending a letter to the concerned Government requesting information and comments on the allegation and calling for preventive or investigative action.

The decision to intervene is at the discretion of the special procedure mandate holder and depends on criteria

established by him or her, as well as the criteria laid out in the Code of Conduct. Criteria generally relate to the reliability of the source and the credibility of information; the details provided; and the scope of the mandate itself. Further information is frequently requested from sources. Communications should not be politically motivated, abusive or based solely on media reports. Mandate holders may send joint communications when the case falls within the scope of more than one mandate. The OHCHR's Special Procedures Division Quick Response Desk coordinates communications and keeps relevant databases updated.

Between **April and June 2009**, **145** communications were sent.  
**70.34%** were joint communications.  
The communications concerned **307** individuals.  
**17.91%** of these cases concerned women.  
**66** countries received communications.

## COUNTRY VISITS

### BURUNDI/SOMALIA/HORN OF AFRICA

UN expert seriously concerned about violence and rights abuses in Somalia

From 1 to 12 June 2009, the Independent Expert on the situation of human rights in Somalia, Mr. Shamsul Bari, undertook an official visit to the Horn of Africa. During his mission, he visited Hargeisa in Somaliland, Garowe and Bossaso in Puntland, as well as the Dadaab Refugee Camp in Kenya, which houses some 270.000 Somali refugees.

In the press statement following his visit, Mr. Bari highlighted the issue of recruitment of children by armed groups, which is reportedly taking place in well-organized camps set up for this purpose. He noted that specific groups, such as human rights defenders, aid workers and journalists, are being targeted. He also expressed his sadness at the killing of the Minister of National Security and at the upsurge of violence in Mogadishu, and called upon all the parties to the conflict to renew the dialogue, in conformity with the 2008 Djibouti Agreement.

The Independent Expert highlighted the efforts of the newly elected cabinet of Puntland to improve the human rights situation and the rule of law. He also commended the steps undertaken by Somaliland authorities to host refugees despite the limited resources and noted that "the empowerment of academic institutions could have a positive effect on the promotion and protection of human rights, in particular by providing free assistance to minorities, refugees, internally displaced people, and

### OHCHR WEBSITE PAGE ON SPECIAL PROCEDURES COUNTRY VISITS

<http://www.ohchr.org/english/bodies/chr/special/visits.htm>

Links to alphabetical tables of country visits by Special Procedures mandate holders since 1998 are available at this link as well as a list of all countries having extended standing invitations to all the thematic procedures. As of June 2009, 65 countries have extended standing invitations.

An annual compilation of recommendations of Special Procedures by country is also available on the [Special Procedures webpage](#).

other vulnerable groups that lack the protection of Somalia's main clans". Finally, he stressed the need for harmonization of customary law, Sharia law and formal law, in conformity with international human rights standards.

### HAITI

The IE on Haiti underlines that economic exclusion threatens stability

On 8 May 2009, the Independent Expert on the situation of human rights in Haiti, Mr. Michel Forst, concluded a second official visit to Haiti. In his press statement he highlighted the fact that economic exclusion is a threat to

political stability and security in Haiti. He also noted that restoring the rule of law is not sufficient in order to improve security and the respect for economic, social and cultural rights should also be taken into consideration. He called for the concrete manifestation of the interdependency and indivisibility of human rights. Mr. Forst recognized the progress made so far in the area of civil and political rights, including the security situation. However, there are still areas of concern. Overpopulated prisons are a recurrent problem and constitute cruel, inhuman and degrading treatment. Violence against women, lynching, exploitation of human beings and the question of deported persons are some other areas of concern, which the independent expert will address during his next visit to Haiti. Mr. Forst commended the efforts that the President and the Government have undertaken to implement the reforms announced in the area of civil and political rights and to continue pursuing, with their external partners, programmes indispensable for the realization of economic and social rights.

UN expert on slavery expresses concern over “restavek” system in Haiti

From 2 to 10 June 2009, the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Ms. Gulnara Shahinian, undertook an official visit to Haiti. At the end of her visit, she issued a press statement expressing her concern over the highly exploitative nature of the “restavek” system in the country, which she considers to be a modern form of slavery and called on all actors to make the eradication of this practice a top priority. She noted that this system “deprives children of their family environment and violates their most basic rights such as the rights to education, health and food as well as subjecting them to multiple forms of abuse including economic exploitation, sexual violence and corporal punishment, violating their fundamental right to protection from all forms of violence”.

The Special Rapporteur took note of the political instability of the last decades as well as the natural disasters that have impeded the economic and social development of Haiti and commended the Government’s efforts to address the issue of the “restavek” system through legislative, policy and programmatic steps. In this context, she welcomed the creation of the Brigade de Protection des Mineurs and the efforts of the Institut du Bien-Etre Sociale de la Recherche.

The Special Rapporteur identified issues that should be addressed as a matter of priority, including the limited application in national law and practice of the international human rights obligations of Haiti; the fragmented nature and limited capacities of state agencies dealing with vulnerable children; the limited number of programmes addressing the issue of child labour; the limited number and inaccessibility to free schooling for children from poor rural communities; the absence of comprehensive health care and social protection system; the absence of adequate legislation regarding the rights of child; the weakness of the judicial system in ensuring prosecution, fair trial and adequate punishment of perpetrators; insufficient attention to the issue of “restavek” at the level of international agencies;

and the sporadic and insufficient efforts by the Government to cooperate with and support civil society. She also made some preliminary recommendations regarding human security of children, urged the Government to develop proactive complex prevention programmes to eliminate the disputed practice, proposed necessary legislative changes and identified the efforts the Government should undertake in order to ensure safe return and effective reintegration of children in their families and communities.

SUDAN

UN expert on human rights situation in the Sudan concludes visit

From 25 May to 4 June 2009, the Special Rapporteur on the situation of human rights in the Sudan, Ms. Sima Samar, undertook an official visit to the country. At the end of her visit, she issued a press release noting the ratification of the Convention on the Rights of Persons with disabilities and its Optional Protocol and the efforts undertaken on legislative reform. Other positive developments include the passing of the Human Rights Commission Act, the provisions of the 2009 Child Bill act and the request to the National Assembly to include a provision criminalizing female genital mutilation (FGM), and most notably the establishment of the Human Rights Forum for Darfur and other parts of Sudan. However, the Special Rapporteur affirmed that there are still some areas of concern that need to be addressed, notably the National Security Forces Act which provides powers of arrest and detention to the National Intelligence Security Service (NISS) and procedural immunity for acts that should be subjected to criminal liability.

In her statement, Ms. Sima Samar highlighted cases of arbitrary arrest, detention and allegations of torture and ill-treatment of human rights defenders. She also addressed the revocation of the license of several NGOs and called for the independent judicial review of the appeals of these NGOs. During her visit to Kalma IDP camps, she was faced with the urgent need of IDPs for water, health care and educational programmes for children. The humanitarian and human rights situation in the Sudan remains also of great concern due to killings and displacement of civilians caused by recent conflict and the attacks of the Lords Resistance Army (LRA) in Western Equatoria and Central Equatoria states. The Special Rapporteur urged the Sudan People’s Liberation Army (SPLA) and local governments to find a sustainable solution to the problem which would involve a proactive deployment of state security forces in areas of potential conflict and a well designed and peaceful civilian disarmament campaign.

## **AFRICAN DESCENT**

### **WG on people of African Descent in Ecuador**

From 22 to 26 June 2009, the Working Group of Experts on People of African Descent undertook an official visit to Ecuador. In the press statement released at the end of the visit, the Working Group commended the government's willingness to discuss in a very open and constructive manner the problems facing people of African descent and urged the full implementation of the obligations contained within the Constitution regarding the fight against discrimination, as well as the Durban Declaration and Programme of Action and the outcome document of the Durban Review Conference. It noted that Afroecuadorians, due to structural racism, have been historically excluded from areas such as higher education, higher ranks of state administration and decision-making bodies. The government may need to rectify this by considering affirmative action and a special law on non-discrimination.

During their visit to the communities of Cenepa on Trinitaria Island and Batalla de Tarqui, both in Guayaquil, the members of the Working Group were particularly concerned by the abject poverty of these communities and the plight of the women and children that they met. In the province of Esmeraldas, Afroecuadorian youths are also affected by high levels of violence, as a result of the influence of illegal armed actors and illicit drug trade. The Working Group also met with a number of Afroecuadorian organisations, and it became clear that there is a need to highlight their culture and heritage and underline its importance in Ecuadorian history and national heritage.

## **COUNTER TERRORISM AND HUMAN RIGHTS**

### **UN expert continues open dialogue with Egypt on human rights and counter terrorism**

On 21 April 2009, the Special Rapporteur on the promotion and protection of human rights while countering terrorism, Mr. Martin Scheinin, issued a press release following the end of his official visit to Egypt commending the cooperation of the Government which allowed the Rapporteur to have open and extensive discussions with key stakeholders regarding the country's counter terrorism law and practices. The main purpose of his visit was to engage with officials and experts regarding a counter terrorism law that is intended to replace the state of emergency scheduled to end on 28 May 2010. In this context, Mr. Scheinin had productive meetings with the Minister of Legal and Parliamentary Affairs and the ministries of foreign affairs, interior and justice. He also met with the Chief of the Egyptian Supreme Constitutional Court, the Public

Prosecution and high level representatives of the Egyptian Council of Human Rights and Parliament, including the President of the People's Assembly. In addition, the Special Rapporteur benefited from consultations with lawyers, academics, non governmental organizations and the international community.

The Special Rapporteur affirmed that the Government's willingness to discuss the challenging subject of upholding human rights while countering terrorism is encouraging and made known his intention to repeat his visit to Egypt in the near future, in order to finalize his report on Egypt's counter-terrorism law and practice, containing a set of findings and recommendations, with a view to making it public by the end of 2009 and also having it considered by a future session of the Human Rights Council.

## **ENFORCED OR INVOLUNTARY DISAPPEARANCES**

### **UN Working Group on Enforced or Involuntary Disappearances visits Morocco**

From 22 to 25 June 2009, the Working Group on Enforced or Involuntary Disappearances undertook an official visit to Morocco. The purpose of the visit, which was the first to be undertaken by the Working Group to an African country, was to collect information which could lead to the clarification of the 58 remaining outstanding cases of enforced disappearances, out of 249 that have been transmitted to the Government since 1980, as well as to take stock of the experience of the Equity and Reconciliation Commission (IER-Instance d' Equité et Reconciliation).

In the press statement released at the end of the mission, the IER experience was commended, from which more countries could profit. The Working Group welcomed the gender focus adopted as well as the clarification of 742 cases of enforced disappearance by the IER, however it regretted the fact that the Commission had no power to subpoena alleged perpetrators of gross violations of human rights and took note of the lack of implementation of many of the recommendations in the Commission's report.

The Working Group addressed the issue of individual and collective reparations, as well as the effect of the approach on impunity, since the IER process was based on reconciliation and not persecution and there have been allegations that alleged perpetrators remain in service.



Mr. Jeremy Sarkin and Mr. Santiago Corcuera, members of the Working Group on Enforced or Involuntary Disappearances at the former detention centre of Kelaat M'Gouna, Morocco

Finally, the Working Group underlined the fact that there are no specific provisions in the Criminal Code criminalizing enforced disappearances and encouraged the Government of Morocco to undertake constitutional and criminal procedure reforms in order to harmonize internal legislation with international human rights standards, including ratifying the International Convention on the Protection of All Persons from Enforced Disappearances.

## EDUCATION

### SR on education in Paraguay

From 14 to 22 April 2009, the Special Rapporteur on the Right to Education, Mr. Vernor Muñoz Villalobos, undertook an official visit to Paraguay. At the end of his visit he issued a press release highlighting the progress made in school attendance rates and in budgetary allocations to education. He also observed progress in eliminating gender stereotypes from textbooks and in mobilizing civil society, which often complement the role of the State in fulfilling its obligations. The remaining challenges with regard to education include high repetition rates in primary schools, low rates of completion of secondary education and the neglect suffered by the inhabitants of rural areas and indigenous communities in relation to almost all development issues. The Special Rapporteur applauded the decision to launch a national literacy campaign as a governing plan for the entire social sector; however he is concerned about illiteracy rates among indigenous persons over 15 years, which reach 40 per cent. He also noted that one of the most dramatic forms of discrimination is child labour, including "criadazgo" (children working as domestic

workers with a family in exchange for food, housing and education).

Mr. Muñoz highlighted that the education system requires necessary resources to address its problems with regard to infrastructure, safe drinking water, school meals, educational materials that reflect cultural diversity, teacher training and affirmative action measures to ensure the poorest can access and stay successfully in school.

The Special Rapporteur also observed that those excluded from education continue to be primarily indigenous and rural communities, as well as marginalized urban populations.

As for pedagogical challenges facing Paraguay, the adoption of urgent measures is essential to rescue and develop the Guaraní language which in practice continues to be considered a secondary issue. The Special Rapporteur insisted also on the need to formulate and effectively implement a new approach to education based on knowledge and experience of human rights. Finally, the pedagogical model must also provide opportunities for persons with disabilities to participate in the normal educational system.

## FOREIGN DEBT

### UN expert urges countries to acknowledge shared responsibility for debt, drawing lessons from Norway and Ecuador

From 28 April to 8 May 2009, the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of human rights, particularly economic, social and cultural rights, Mr. Cephias Lumina, undertook official visits to Norway and Ecuador. The purpose of the visits was to explore the unique role of these States in the debate about illegitimate debt and to learn from their experiences in addressing this complex issue.

At the end of his visits, he issued a press release calling for the acknowledgement of the shared responsibility of debtors and creditors and the obligation of international cooperation, in order to address the current situation in low- and middle-income countries. He also noted that the absence of an internationally accepted definition of illegitimate debt was cited by government and civil society as an obstacle to efforts to systematically address the debt issue on the global level. He called for further exploration of the issue. Mr. Lumina highlighted the link between foreign debt and human rights, and urged for debt audits that will examine the impact of debt on the full enjoyment of human rights. Finally, he expressed his satisfaction about the initiatives taken at the international level to further elaborate the concept of illegitimate debt and called for the placement of the poorest countries at the centre of development objectives and the transparent examinations of national debt portfolios, while keeping in mind the importance of the broader context of responsible financing.

## HEALTH

### UN Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health visits Poland

From 5 to 11 May 2009, the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, Mr. Anand Grover, undertook an official visit to Poland. At the end of his visit, he issued a press release highlighting his preliminary conclusions and observations. The focus of his visit was the implementation of the right to health in Poland and more specifically three issues: sexual and reproductive health rights, HIV and harm reduction and drug dependence treatments and relevant laws, policies and practices.

The Special Rapporteur noted the complex issues that the question of abortion raises in a country with long and deeply rooted traditions and emphasized the need for health professionals to receive education and training on human rights and for children and adolescents to be provided with non-judgmental sex and relationship information and education. Mr. Grover also expressed his concern about the penalization in law of the possession of small and minute amounts of narcotics and psychotropic substances and highlighted the effectiveness of substitution methods to treat drug dependence. With regards to HIV/AIDS, he commended the efforts of the National AIDS Center to raise awareness and address issues related to stigma and discrimination, while underlining the fact that the principle of non-discrimination and equality is the fundamental basis for the realization of the right to health and that programmes should include the marginalized groups of society.

## HUMAN RIGHTS DEFENDERS

### UN expert on human rights defenders visits the Democratic Republic of the Congo

From 21 May to 3 June 2009 the Special Rapporteur on the situation of human rights defenders, Ms. Margaret Sekaggya, undertook an official visit to the Democratic Republic of the Congo with the purpose of assessing the situation of human rights defenders in the light of the principles set forth in the Declaration on Human Rights Defenders. In the press release issued at the end of her visit, Ms. Sekaggya recognized the difficult circumstances under which human rights defenders work and identified the numerous illegitimate restrictions to their fundamental freedoms as one major area of concern. In addition to insecurity, human rights defenders face impunity for violations committed against them and the work of women human rights defenders is impeded by the authorities and by discrimination they face from their male colleagues.

The Special Rapporteur welcomed the acknowledgement by state authorities of the need to adopt a legal framework to enhance and legitimize the work of human rights defenders and urged the National Assembly to finalize the adoption of the draft law on the

establishment of a national human rights commission. The Special Rapporteur commended the work of the Protection Unit, which runs the Protection of Victims, Witnesses and Human Rights Defenders programme since June 2007 and also welcomed the work of the follow-up committees established by MONUC, the police and the military to investigate complaints regarding violations committed by security forces.

## INTERNALLY DISPLACED PERSONS

### UN expert appeals to LTTE and Government of Sri Lanka to save lives of internally displaced persons trapped by conflict.

On 7 April 2009, the Representative of the Secretary-General on the human rights of internally displaced persons, Mr. Walter Kälin, issued a press statement, following the end of his four-day visit to Sri Lanka. Mr. Kälin expressed his concern for the lives of over 100.000 civilians trapped in the area of Vanni, which has been declared by the Government as a no-fire zone. He called upon the LTTE to allow the civilians under its control in the Vanni region to leave the zone and called upon the Government to respect the no-fire zone as long as civilians remain in it.

The Special Representative highlighted the efforts that the Government, the UN, NGOs and donors will have to undertake in order to meet the humanitarian needs of more than 52.000 persons that have arrived in Vavuniya since November. He called upon the Government to facilitate unhindered access for humanitarian agencies and organizations to all IDP sites. He welcomed the Government's efforts to relieve the pressure on Vavuniya's resources by transferring some IDPs closer to their homes in other districts and to promote family reunification. He was also assured by the Government that it will promptly develop criteria and procedures to speed the release of many more IDPs from the camp and called for the immediate release of the staff of United Nations agencies and NGOs and their families.

## INDIGENOUS PEOPLE

### UN Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people visits Chile

On 9 April 2009, the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, Mr. James Anaya, issued a press statement, following the end of his visit to Chile. Mr. Anaya recognized the efforts made by the Government to advance in the recognition and protection of the human rights of the indigenous people, especially in the field of health and in reducing poverty. He also appreciated the positive steps being taken regarding the recommendations of the previous Special Rapporteur on the situation of the human rights and the fundamental freedoms of indigenous peoples, Mr. Rodolfo Stavenhagen.

Mr. Anaya also addressed existing situations of concern regarding action by the police in the Mapuche area. He rejected violent forms of protesting and exhorted the State to effectively deal with them. He also highlighted the need to strengthen the mechanisms of consultation and participation of indigenous peoples in all the decisions that affect them. He drew attention to projects of industrial investment and of extraction of natural resources that affect directly indigenous populations. He also focused on the claims of indigenous peoples to grounds and natural resources. Finally, he recognized the State's commitment to proceed with the adoption of all necessary measures to implement the Agreement 169, and called upon the Government to do so in full consultation with indigenous peoples.

### MERCENARIES

#### UN expert group on mercenaries concludes visit to Afghanistan

The Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of people to self-determination, represented by Ms. Amanda Benavides de Perez and Mr. Alexander Nikitin, carried out a five-day visit to Afghanistan. The objective of the visit was to exchange views with Government authorities and relevant stakeholders regarding the activities of Private Military and Security Companies in Afghanistan and their impact on the enjoyment on human rights. In a press statement issued at the end of the visit, on 9 April 2009, the Working Group noted the accountability of non-state actors, the rights of victims to an effective remedy and the regulatory structure for Private Security Companies (PSCs) were issues of great concern.

The Working Group was particularly interested in the draft law on private security companies introduced to Parliament on 6 April 2009 and the measures adopted by the Government in order to assure full accountability of PSCs and their oversight and monitoring by the State. The members of the Working Group also discussed the current security situation in Afghanistan and the challenges that the Government is facing. They took note of the concerns of the Government and its efforts to regulate PSCs, including the February 2008 "Procedure for Regulating Activities of Private Security Companies in Afghanistan" as an interim measure, as well as its effective implementation.

### MIGRANTS

#### UN expert on migrants visits Romania

From 15 to 20 June 2009, the Special Rapporteur on the human rights of migrants, Mr. Jorge Bustamante, undertook an official visit to Romania. In his statement, at the end of his visit, the Special Rapporteur addressed the issue of labour migration, which is "one of the key issues for domestic and foreign policy in Romania, given the fact that both immigration and outmigration have been increasing in recent years". Mr. Bustamante was

informed about several initiatives undertaken by civil society organizations for the protection and assistance of victims of trafficking in human beings and forced labour and about the contrasting trends of decrease in the trafficking in persons and the increase in the smuggling of migrant workers. The Special Rapporteur met with several government authorities, but regretted not having the chance to interview persons benefitting from victim protection programs. He took note of the transparency of procedures and of the detention conditions in detention centers for foreigners in irregular situation, where no complaints were made regarding the treatment provided.

Finally, Mr. Bustamante underlined that, despite the Government's commitment to the ratification of international human rights instruments, it has not ratified the International Convention on the Protection of the Rights of All Migrant Workers and members of their Families, adopted in 1990.

#### UN expert visits the United Kingdom

From 22 to 26 June 2009, the Special Rapporteur on the human rights of migrants, Mr. Jorge Bustamante, undertook an official visit to the United Kingdom. In his statement, at the end of his visit, the Special Rapporteur acknowledged the controversy and sensitivity of the issue in UK policy and took note of the strong stand the Government takes against irregular migration and anti-immigrant manifestations. He noted that migration policy in the country is currently focusing on "the forcible return of third country nationals in irregular situations, strengthening the screening of asylum seeking applicants and enhancing international cooperation with countries affected by armed conflict". The UK policy on migration tries to ensure that the conditions of stay and of removal of non-nationals are consistent with the human rights obligations undertaken by the State, however there have been allegations of prolonged detention of irregular migrants waiting for deportation.

The Special Rapporteur took note of the good practices in relation to treatment of non-national unaccompanied minors and was impressed by the variety of services provided to inmates in immigration removal centers, such as interpretation services. He met with officials from the Border Agency and visited Heathrow airport, including holding centers, where he observed operations and was briefed on the processing of EU and non-EU passengers.

### RACISM

#### UN expert on racism visits Germany

From 22 June to 1 July 2009, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Mr. Githu Muigai, conducted an official visit to Germany. At the end of his visit he issued a press release noting the progress that has been made over the past few years in the fight against racism, and commended the adoption of the Federal Equal Treatment Act and the establishment of the Federal Anti-Discrimination Agency.

In addressing the remaining challenges, he affirmed that "actors at all levels are well aware of the historical experience of Nazism and the Holocaust, showing a commitment to preserve the memory of these events and ensure that they will not be repeated in the future". Constant vigilance is required, because youth groups and political parties based on the ideology of right-wing extremism are showing enduring resilience. He also called for a broader understanding of the problem of racism and a stronger mandate for the Federal Anti-Discrimination Agency. Finally, he took note of the under-representation in important institutions of persons with a migrant background and made recommendations concerning the situation of refugees and asylum seekers.

## **FREEDOM OF RELIGION**

### **UN expert on freedom of religion or belief concludes visit to the Former Yugoslav Republic of Macedonia**

At the end of her visit to the former Yugoslav Republic of Macedonia, the Special Rapporteur on freedom of religion or belief, Ms. Asma Jahangir, issued a press release highlighting the multi-ethnic, multi-cultural and multi-religious character of the society. She remarked a high level of tolerance and pointed out the delicate role that the Government has to play in ensuring the equality of religious communities and groups before the law. She also expressed her satisfaction with regard to the reforms made by the 2007 Law on Religious Communities and Religious Groups, although its implementation has not been streamlined yet.



Ms. Asma Jahangir, Special Rapporteur on freedom of religion or belief on her visit to the Former Yugoslav Republic of Macedonia.

Despite the positive references, there still exist some areas of concern that need to be addressed. Regarding the recent judgment of the Constitutional Court striking down provisions of the law on primary education, which raised a considerable public debate, Ms. Jahangir noted that it does not in any way impinge upon the freedom to receive religious instruction outside of primary school teachings and therefore reiterated her concern about the outrage expressed publicly by certain religious leaders and politicians in this context. The Special Rapporteur also expressed her concerns regarding the number of reports denouncing expressions of incitement to religious or racial hatred and added that "impunity in cases of incitement to religious hatred unfortunately emboldens

forces of bigotry". Finally, the expert underlined the crucial role that civil society needs to play in order to create awareness on human rights issues, including freedom of religion or belief.

### **UN expert on religious freedom statement during visit to the Republic of Serbia**

During her visit to the Republic of Serbia, the Special Rapporteur on freedom of religion or belief, Ms. Asma Jahangir, issued a press briefing on 5 May 2009, noting the turn towards a democratic process that the Republic of Serbia has taken. In her statement, the Special Rapporteur expressed her satisfaction for the multi-ethnic, multi-religious and multi-linguistic character of some smaller municipalities. She also highlighted the active role that the Ombudsman for Human Rights and the Minister of Human and Minority Rights can play in addressing violations of the past.

With regards to the 2006 law on churches and religious communities she urged the Minister of Religion to reflect on the legislation and reiterated that "registration should not be a precondition for practicing one's religion". Despite the fact that the Republic of Serbia is going through a democratic process and has several competing priorities, the issue of non-discrimination should remain one of its main concerns. Finally, she noted that the voices of those individuals who do not profess any religion or who are dispassionate about the issue are being marginalized and that the media has a responsibility to report in a balanced manner.

### **UN expert on religious freedom ends visit in Pristina**

On 8 May 2009, the Special Rapporteur on the freedom of religion or belief, Ms. Asma Jahangir issued a press briefing at the conclusion of her visit to the Balkans region. In her statement, Ms. Asma Jahangir took note of the scars of the recent conflicts and the enormous suffering of the Muslim population of Albanian ethnicity.



Ms. Asma Jahangir, Special Rapporteur on freedom of religion or belief in Pristina

She also expressed her concern regarding the attacks against Serbia Orthodox believers and their religious sites and reiterated her call for healing through justice rather than through revenge or violence.



She addressed the issue of wearing religious symbols in educational institutions and called for meaningful inter-religious and intra-religious dialogue “in order to address contentious issues that religious leaders can resolve amicably through negotiations rather than confrontation”. Finally, she referred to disturbing indicators about rifts within the Muslim community and expressed her concern about reports that Muslim religious leaders were threatened and beaten up for opposing radical religious approaches.

### **SUMMARY EXECUTIONS**

#### **UN Special Rapporteur on extrajudicial executions visits Colombia**

From 8 to 18 June 2009, the Special Rapporteur on extrajudicial, summary or arbitrary executions, Mr. Philip Alston, undertook an official visit to Colombia. The purpose of his mission was to focus on killings by the security forces, guerillas, paramilitaries and other armed non-state actors and examine the effectiveness of the criminal, civil and military justice systems in relation to those killings, which in addition affect disproportionately rural and poor populations, indigenous people, Afro-Colombians, trade unionists, human rights defenders and community leaders.

In his statement at the end of the mission, Mr. Alston acknowledged the improvement in the security situation since 2002; however, he noted that FARC and ELN guerillas continue to carry out unlawful killings. An issue of grave concern is also the incidence of so-called “false positives”, where individuals are killed by members of the military, who then make it appear as if the individual was a guerilla legitimately killed in combat, so they would be awarded for the results they are achieving in the fight against guerillas. Mr. Alston also acknowledged the steps taken by the Government to address those violations and prevent future ones. There has been a significant reduction in recorded allegations of extrajudicial executions over the last six to nine months; however a worrying gap remains between the policies and practices. He noted that extrajudicial executions by paramilitaries and other illegal armed groups are another area of concern and that the Government needs to address the resurgence of those groups through policies that focus on law enforcement and engagement and protection of the affected communities.

Regarding human rights defenders, Mr. Alston highlighted the contribution of the civil society in raising awareness about human rights. However, he also noted the polarization between NGOs and Government positions and urged officials to cease the stigmatization of such groups. Finally, the Special Rapporteur called for the equal treatment of victims of state agents and of non-state actors, with regard to compensation.

### **TORTURE**

#### **UN expert on torture concludes visit to Kazakhstan**

From 5 to 13 May 2009, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or

punishment, Mr. Manfred Nowak, made an official visit to Kazakhstan. At the end of his mission, he issued a press release stressing the fact that Kazakhstan has acceded to numerous international human rights instruments since its independence in 1991.

The expert complimented the Government’s efforts to improve the conditions in places of deprivation of liberty. He further affirmed their compliance with international minimum standards, although rehabilitation and reintegration is not achieved through the current penitentiary systems. Those remarks apply also to pre-trial detention and custody facilities. The Reception and Redistribution Center in Almaty was particularly mentioned, where detention conditions are clearly not in line with international minimum standards.

Regarding the use of torture and ill-treatment, the Special Rapporteur expressed his concern over numerous credible allegations which led him to conclude that those practices go beyond isolated cases. With regard to protection mechanisms, the legal framework is in line with international norms, however many safeguards are not effective in practice and there are no meaningful complaint mechanisms. Factors that are impeding the administration of justice are the lack of recording of the duration of detention; the appointment of defense lawyers by the State; the presence of judges at certain points of the criminal process; the lack of transparency of prosecutorial control; and corruption. Contrary to international standards, there is also no independent body mandated to investigate torture allegations made against police officials; consequently, there have been no such allegations during the last five years. Finally, he noted that domestic violence against women is a widespread phenomenon and that the fact that the draft law on domestic violence has not been adopted for many years indicates that the State has not taken the appropriate measures to protect victims.

### **TRAFFICKING**

#### **UN expert on trafficking in persons visits Belarus**

From 18 to 24 May 2009, the Special Rapporteur on trafficking in persons, especially in women and children, Ms. Joy Ngozi Ezeilo, undertook an official visit to Belarus. At the end of her visit, she issued a press release expressing her satisfaction about the legislative initiatives that have been introduced, the amendments of the Criminal Code and also about the high number of cases persecuted, which affirm the commitment of the government to tackle the issue. Good practices in the country include compensation to victims of trafficking; an international training centre on migration and human trafficking; extensive media campaigns directed at prevention of human trafficking; and cooperation with international and regional organizations and neighbouring countries.

The Special Rapporteur noted as areas of concern the provision of holistic, re-integrative and rehabilitative assistance to victims of trafficking; ensuring that victims are not stigmatized and re-victimized; domestic violence, which increases the vulnerability of victims to trafficking; the root causes of trafficking, especially equal access and

opportunities to work; the trafficking of men for purposes of labour exploitation; and finally, the anti-trafficking measures, which should appropriately balance the need to combat trafficking and the need to ensure the protection of every individual's human rights.

She called for the establishment of an independent body to contribute to the implementation of the country action plan; and for the creation of a "Special Fund" for compensation of victims and for enhanced partnership with NGOs. Furthermore, the expert called for adequate human resources to deal with the problem and for the urgent enactment of a law that would prohibit all forms of domestic violence.

#### UN expert on trafficking in persons visits Poland

From 24 to 29 May 2009, the Special Rapporteur on trafficking in persons, especially in women and children, Ms. Joy Ngozi Ezeilo, undertook an official visit to Poland. Ms. Ngozi Ezeilo, at the end of her visit, underlined the aggravation of the scale of trafficking in persons during the past five years. By virtue of Poland joining the European Union and acceding to the Schengen zone, it became a country of both transit and destination. However, the Special Rapporteur noted that Poland has ratified major international and regional human rights treaties and is making good progress in combating human trafficking with stakeholders and through international cooperation, and that further measures that have been taken include the amendment of the Criminal Law, the enactment of a comprehensive law on trafficking in human organs and tissue, the existence of a law on domestic violence, a Government Plenipotentiary on Equal Treatment and the establishment for an independent Commissioner for Civil Rights Protection. Furthermore, a fourth national plan of action has been adopted and is currently being implemented.

Ms. Ezeilo urged the Government to comply with its international obligations by elaborating on the definition of trafficking and improving identification of victims and to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. She also recommended the establishment of a National Rapporteur to coordinate and monitor relevant activities and of a mechanism addressing child victims. She called for a fund to provide compensation to victims of trafficking, for raising awareness among various stakeholders and for the strengthening of the law dealing with the increasing problem of trafficking for labour exploitation. She called for the expansion of funding to organizations providing assistance to victims

and to enhance the capacity of law enforcement agencies by increasing training.

#### WATER AND SANITATION

##### Egypt well placed to tackle human rights challenges related to water and sanitation, says UN independent expert

From 21 to 28 June 2009, the Independent Expert on the issue of human rights obligations related to access to safe drinking water and sanitation, Ms. Catarina de Albuquerque, undertook an official visit to Egypt to assess how the country is implementing its human rights obligations related to access to safe drinking water and sanitation. In the press release she issued at the end of her visit, the Independent Expert highlighted the high level of commitment, in terms of political will and financial resources, which the Government has demonstrated in order to address issues of water and sanitation, despite the financial crisis. Regarding the Draft Water Law, she suggested that the Government use the international human rights framework as a guide for the design and implementation of policies and programmes.

Ms. Albuquerque called upon the Government to sustain its attention to drinking water and sanitation in order to maintain the achievements and avoid backward steps in the future, when new challenges appear. In addition, she noted that the Government will need to address the high rate of physical water losses, due to leaking pipes and other technical problems.

The expert urged the Government to address the issue of water quality, especially in places at the extremities of the water network and in less affluent areas. Providing regular and comprehensive water quality tests across the country is also essential in order to identify and tackle this problem. Ms. Albuquerque welcomed the rural sanitation strategy and encouraged the Government to continue prioritizing sanitation in all areas, including rural areas and informal settlements. In terms of good practices, she noted the Government's policy to re-use treated wastewater for irrigation as well as growing trees for bio fuel production.

Finally, the expert noted the issues of poor drinking water quality, lack of access to sanitation, and affordability disproportionately affect many living in rural areas, and those living in informal settlements. These are the poorest and most marginalized communities, and from a human rights perspective, policies and programmes should prioritize their situation.

## POSITIVE DEVELOPMENTS

### Sri Lanka

On 24 April 2009, Mr. N. Vithyatharan, the editor of the Tamil daily “Sudar oil”, was released. Mr. Vithyatharan, who had been held by police since 26 February 2009, accused of having links with Tamil Tiger rebels, was cleared by the Colombo Criminal Division for lack of evidence. The Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression had taken up his case in a communication sent on 24 and 25 August 2006.

### Sudan

On 17 April 2009, Mr. Mohamed Al Maghoub was released by the authorities without charge. He had been arrested on 11 April 2009 by the National Intelligence State Security (NISS) and detained incommunicado. His arrest was preceded by the closure of three organizations supporting victims of human rights violations, in particular victims of torture and victims of the ongoing conflict in Darfur. The Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur on the independence of judges and lawyers, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, the Special Rapporteur on the situation of human rights in Sudan and the Working Group on Arbitrary Detention took up his case with a joint urgent appeal, sent on 17 April 2009.

### Azerbaijan

On 9 April 2009, Mr. Sakit Zakhidov was released from prison after having been granted amnesty. The journalist had been arrested on 24 June 2006 and sentenced on 4 October 2006 to three years in prison on drug charges. The Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression had taken on his case with an allegation letter sent on 25 July 2006.

### Iran

On 7 and 8 April 2009 respectively, Ms. Mahboubeh Karami and Ms. Khadijeh Moghaddam were released on bail. They had been arrested, together with ten other persons, on 26 March 2009, as they prepared to make Iranian New Year visits to the families of detained activists, including students and trade unionists. The Working Group on Arbitrary Detention, the Special Rapporteur on the situation of the human rights defenders and the Special Rapporteur on violence against women, its causes and its consequences, had taken on their case with a communication sent on 11 April 2009.

### Malaysia

On 6 April 2009, Mr. V. Ganapathy Rao and Mr. R. Kengatharan, two human rights lawyers working for Hindu Rights Action Force (HINDRAF), a coalition of non-governmental organizations, were released by the Malaysian authorities. They are still not permitted to leave their home towns, must be at home in their residence every day by 7pm and have restricted access to the media. They were arrested on 13 December 2007, together with three other human rights lawyers, on the grounds of threatening national security by organizing a peaceful demonstration. The Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur on the situation of human rights defenders and the Working Group on Arbitrary Detention had taken up their case with a communication sent on 27 December 2007.

### Bahrain

On 3 April 2009, Mr. Maytham Bader Jassim Al-Sheikh was released from Jaw Prison by a Royal decree, due to the deterioration of his health condition. Mr. Al-Sheikh was arrested during a wave of arrests between 21 and 28 December 2007, which targeted more than 60 activists, including several human rights defenders, and had been sentenced to five years of prison. His appeal of this conviction was denied on 28 December 2008. The Special Rapporteur on the situation of human rights defenders, the Special Rapporteur on torture and other cruel, degrading or inhuman treatment or punishment, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur on the freedom of religion or belief, the Working Group on arbitrary detention and the Special Rapporteur on extrajudicial, summary or arbitrary executions had taken up his case with three communications sent on 10 January 2008, 18 January 2008 and 20 February 2008.

### Egypt

On 10 May 2009 the Egyptian Organization for Human Rights (EOHR) received a letter from the Ministry of Social Solidarity, stating that there is no process initiated to dissolve EOHR's board of trustees and that the warning that the organization had previously received from the Ministry was only aiming to inform them of such usual procedures. The Special Rapporteur on the promotion and protection of the rights to freedom of opinion and expression and the Special Rapporteur on the situation of human rights defenders had taken up this case with a joint communication sent on 5 May 2009.

United Arab Emirates

On 8 May 2009, Mr. Abdullah Sultan Sabihat Al Alili was released after 28 months of detention in Al Watbha prison, Abu Dhabi, United Arab Emirates. Mr. Alili was arrested on 15 February 2007 and was later charged with “incitement and conspiracy to disclose secrets relating to national defense” and “illegally obtaining secrets relating to national defense”. During his detention he was subject to torture. Following an unfair trial, he was sentenced to three years of imprisonment on 1 October 2007. The Working Group on Arbitrary Detention issued Opinion No. 3/2008 regarding his case and also, jointly with the Special Rapporteur on the promotion and protection of freedom of expression, the Special Rapporteur on the independence of judges and lawyers and the Special Rapporteur on torture and other forms of cruel, inhuman or degrading treatment or punishment, took up his case with a communication on 21 February 2007.

United Kingdom

On 28 January 2009, Ms. Nadya Azizullah, an Afghan woman living in the UK, was recognized as a refugee by an immigration judge, as well as being a person at risk of treatment in violation of article 3 of the European Convention on Human Rights (ECHR). The Special Rapporteur on violence against women, its causes and consequences had taken up her case with a communication sent on 2 February 2009.

Philippines

Ms. Marilou Aligato, who was arrested on 7 November 2006 by a group of military officers for her suspected involvement in the killing of a soldier, has been released. While in detention she was reportedly tortured. The Working Group on Arbitrary Detention, the Special Rapporteur on torture and other forms of cruel, inhuman or degrading treatment or punishment and the Special Rapporteur on violence against women, its causes and consequences, had taken up her case with a joint communication sent on 2 March 2007.

## FORTHCOMING VISITS

### FORTHCOMING VISITS BETWEEN JULY AND SEPTEMBER 2009

**Australia:** Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, 17-28 August 2009

**Colombia:** Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, 22-27 July 2009

**Colombia:** Special Rapporteur on the situation of human rights defenders, 7-18 September 2009

**Guatemala:** Special Rapporteur on the right to food. Follow-up visit, 3-5 September 2009

**Japan:** Special Rapporteur on trafficking in persons, especially women and children, 12-18 July 2009

**Kazakhstan:** Independent Expert on minority issues, 6-15 July 2009

**Kyrgyzstan:** Special Rapporteur on Toxic Wastes, 23-30 September 2009

**Nicaragua:** Special Rapporteur on the right to food, 6-13 September 2009

**Senegal:** Special Rapporteur on the human rights of migrants 17-24 August 2009

**Zambia:** Independent Expert on Extreme Poverty, 20-28 August 2009

**United States of America:** Working Group on the use of mercenaries as a means of impeding the exercise of the rights of peoples to self determination, 20 July-3 August 2009

## REQUESTED VISITS

### REQUESTS INITIATED BETWEEN APRIL AND JUNE 2009

**Burundi:** Working Group on Enforced or Involuntary Disappearances

**Canada:** Independent Expert on minority issues

**India:** Special Rapporteur on the right to food. Follow-up visit

**Indonesia:** Independent Expert on minority issues

**Israel/Palestinian Territory:** Special Rapporteur on the right to freedom of opinion and expression

**Japan:** Independent Expert on the issue of human rights obligations related to access to safe drinking water and sanitation

**Mexico:** Special Rapporteur on the right to food

**Nigeria:** Independent Expert on minority issues

**Rwanda:** Independent Expert on minority issues

**United States:** Independent Expert on the issue of human rights obligations related to access to safe drinking water and sanitation

## REMINDERS

### REMINDERS SENT BETWEEN APRIL AND JUNE 2009

**Nepal:** Special Rapporteur on the situation of human rights defenders. Previous requests made in September 2003, October 2003 and November 2008.

**Sri Lanka:** Independent Expert on minority issues. Initial request made in May 2007.

## ACCEPTED VISITS

### REQUESTS ACCEPTED BETWEEN APRIL AND JUNE 2009 AND WHICH WILL TAKE PLACE AFTER SEPTEMBER 2009

**Australia:** Special Rapporteur to Health, 23 November to 5 December 2009.

**Bangladesh:** Joint country visit of the Independent Expert on the issue of human rights obligations related to access to safe drinking water and sanitation; and the Independent Expert on the question of human rights and extreme poverty; 30 November to 10 December 2009.

**Lao People's Democratic Republic,** Special Rapporteur on freedom of religion or belief, 23 to 30 November 2009

**Libyan Arab Jamahiriya:** Working Group on Arbitrary Detention.

**Mongolia:** Special Rapporteur on the right to education, 1 to 8 October 2009.

**Mozambique:** Independent Expert on the issue of human rights obligations related to access to safe drinking water and sanitation.

**Senegal:** Special Rapporteur on the sale of children, child prostitution and child pornography.

**USA:** Special Rapporteur on Adequate Housing, 26 October to 6 November 2009.

## HIGHLIGHTS

### 16TH ANNUAL MEETING OF SPECIAL PROCEDURES MANDATE-HOLDERS

continued from page 1...

Special Procedures mandate-holders met in Geneva from 29 June to 3 July 2009 for their Annual Meeting. Mr. Santiago Corcuera, Chairperson-Rapporteur of the Working Group on Enforced Disappearances was elected chair of the Meeting, and new Chair of the Coordination Committee. Ms. Najat M'jiid Malla, Special Rapporteur on the sale of children, child prostitution and pornography, was elected as Rapporteur and member of the Coordination Committee. Three additional members of the Coordination Committee were elected: Ms. Joy Ezeilo, Special Rapporteur on trafficking, especially in women and children; Mr. Frank La Rue, Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; and Mr. Manfred Nowak, Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment. Ms. Asma Jahangir, former Chair of the Coordination Committee remained as *ex officio* member for one year.

Participants discussed working methods, emphasizing the independence and effectiveness of the mechanisms. Discussions included follow-up to their activities and recommendations, their relationship with the Council, other UN human rights monitoring bodies and with civil society. In this context, mandate holders held an exchange of views with the High Commissioner, the current and former Presidents and Bureau of the Human Rights Council, the chairpersons of Treaty Bodies and civil society. During the discussion with the Chairpersons of treaty bodies, the need to enhance mutual cooperation and coordination was highlighted. Mandate-holders decided to put in place a joint communications report.

The report of the 16<sup>th</sup> Annual Meeting has been submitted to the twelfth session of the Human Rights Council in September 2009 and is available at: [http://www2.ohchr.org/english/bodies/chr/special/docs/A.HRC.12.47\\_16thAM\\_2009.doc](http://www2.ohchr.org/english/bodies/chr/special/docs/A.HRC.12.47_16thAM_2009.doc) .

### 11<sup>TH</sup> SESSION OF THE HUMAN RIGHTS COUNCIL – JUNE 2009

The Human Rights Council held its eleventh session from 2 to 18 June 2009 in Geneva. During this session, the Council held interactive dialogues (IDs) with the Special Representative of the Secretary General on human rights and transnational corporations and other business enterprises, Mr. John Ruggie; the Special Rapporteur on the human rights of migrants, Mr. Jorge A. Bustamante; the Special Rapporteur on the right to education, Mr. Vernor Muñoz; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Mr. Frank La Rue; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, Mr. Anand Grover; the Special Rapporteur on extrajudicial, summary or arbitrary executions, Mr. Philip Alston; the Independent Expert on the effects of foreign debt and other related international financial obligations of states on the full enjoyment of human rights, particularly economic, social and cultural rights, Mr. Cephas Lumina; the Independent Expert on the question of human rights and extreme poverty, Ms. Magdalena Sepulveda; the Special Rapporteur on the situation of human rights in Sudan, Ms. Sima Samar; the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Mr. Githu Muigai; and the Independent Expert on the situation of human rights in Haiti, Mr. Michel Forst.

The Council also held IDs with Mr. Leandro Despouy, the Special Rapporteur on the independence of judges and lawyers and Ms. Yakin Ertürk, Special Rapporteur on violence against women, its causes and consequences, both rapporteurs made their last presentations after six years as mandate-holders. Mr. Despouy recommended the strengthening of the mandate and the role of the UN, which are important for the independence of judiciary, in particular in support countries in political transition. Ms. Ertürk noted that in order to address prevention as well as protection of violence against women, it is important to prioritize assessments regarding the integration of violence against women into all public policies.

On 18 June 2009 the Council appointed five new Special Procedures mandate-holders. Three members of working groups, namely Mr. Sicilianos Linos-Alexander (Greece) for the **Working Group on people of African Descent**; Mr. Mads Andenas (Norway) for the **Working Group on Arbitrary Detention**; Mr. Osman El-Hajje (Lebanon) for the **Working Group on Enforced or Involuntary Disappearances**. Ms. Gabriela Carina Knaut De Albuquerque e Silva (Brazil) was appointed **Special Rapporteur on the independence of judges and lawyers** and Ms. Rashida Manjoo (South Africa), **Special Rapporteur on violence against women, its causes and consequences**. The new mandate-holders will take office on 1 August 2009.

The Council adopted twelve resolutions and one decision, along with 16 decisions on the outcome of the Universal Periodic Review (Germany, Djibouti, Canada, Bangladesh, Russian Federation, Nigeria, Cameroon, Cuba, Saudi Arabia, Senegal, China, Azerbaijan, Mexico, Mauritius, Jordan and Malaysia). The adoption of resolution 11/10 on the human rights situation in the Sudan included the establishment of an Independent Expert for a period of one year. In resolution 11/11, the Council addressed the issue of compliance with the Code of Conduct for Special Procedures mandate holders.

**PANEL DISCUSSION ON HUMAN RIGHTS AND CLIMATE CHANGE**

On 15 June, the Council held a panel discussion on the relationship between human rights and climate change. Issues were raised included the impact of climate change on the right to life, food, safe water and health, properties, livelihood, employment and development; vulnerability of the poor in developing countries and the responsibility of developed countries to help them mitigate climate change effects. The key role that the Council could play in drawing attention to the human rights implications of climate change was underlined and that human rights dimensions should inform and strengthen policy-making in the area of climate change. Among the panellists was Ms. Raquel Rolnik, Special Rapporteur on adequate housing as a component of the right to an adequate standard of living. Ms. Rolnik said the effects of climate change were already being felt today, and threatened to intensify in the years ahead. Around one billion people lived in precarious and overcrowded housing in slums, many at risk from flooding and landslides. The lowest income ranks of the population are located in the most hazard prone sites. She also highlighted that rising sea levels would threaten Small Island States and would displace whole populations, but this would mean migration to precarious urban areas and cause other human rights related problems there.

**FULL- DAY DISCUSSION ON WOMEN'S HUMAN RIGHTS**

At its 11<sup>th</sup> session the Human Rights Council held a full-day discussion on women's human rights. The discussion focused on 'equality before the law'. Among the panellists were Mr. Leandro Despouy, Special Rapporteur on the independence of judges and lawyers, Mr. Frank La Rue, Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Mr. Philip Alston, Special Rapporteur on extrajudicial, summary or arbitrary executions and Ms. Yakin Ertürk, Special Rapporteur on violence against women, its causes and consequences.

As to administration of justice, Mr. Despouy noted that women often had problems participating in it. Important issues were at stake for women, such as child custody among others, and therefore they needed access to the judiciary. Mr. La Rue highlighted the importance to focus on freedom of expression from the point of view of women and that it is necessary to create a safe space for the exchange of opinions, in all spheres of life. He also noted that freedom of expression is a main instrument to halt violence against women and all forms of discrimination. Mr. Alston noted that gender inequality was the single biggest challenge to the international human rights system at every level and that the relationship between law and practice, the question of direct versus indirect responsibility of States, and the relevance of human rights law to non-State actors, were important issues when dealing with gender. Ms. Ertürk, recognizing the accomplishments regarding women's rights, noted that there was a gap in the way that States were responding to their obligations to respect and protect women's rights; and that most countries were taking measures, given the limitations within their own cultural context, to grapple with the issue.

**11<sup>TH</sup> SPECIAL SESSION OF THE HUMAN RIGHTS COUNCIL**

On 26 May 2009, at the 11th Special Session of the Human Rights Council on "The human rights situation in Sri Lanka" a statement was delivered on behalf of all Special Procedures mandate-holders, which reiterated the deep concern of all Special Procedures mandate-holders for the humanitarian crisis in the country and the lack of transparency and accountability that accompanied it. It also referred to both parties' obligations under international human rights and humanitarian law and urged speeding up of the screening process and the reintegration into society of those persons currently held in temporary camps. It regretted the fact that until recently UN personnel were denied access to the conflict zone and highlighted the existing problems in the country regarding protection of human rights. Finally, the statement stressed the need for reconciliation and peace building in the country and recommended the establishment of a mechanism to impartially inquire into all violations committed. The special session closed with the adoption of resolution S-11/1 encouraging the Government of Sri Lanka to continue to pursue its cooperation with UN organizations and its efforts towards the disarmament, demobilization and rehabilitation of former child soldiers, recruitment by the non-State armed actors, physical and psychological recovery and integration in society. It also urged the international community to cooperate with the Government of Sri Lanka in the reconstruction efforts.

**DURBAN REVIEW CONFERENCE (Geneva, 20-24 April 2009)**

The [Durban Review Conference](#) and the preparations leading to it, provided an opportunity to assess and accelerate progress on implementation of measures adopted at the 2001 World Conference against Racism, including an assessment of contemporary forms of racism, racial discrimination, xenophobia and related intolerance. The Conference concluded with the adoption of an [outcome document](#) in which it emphasized the need to address with greater resolve and political will all forms and manifestations of racism, racial discrimination, xenophobia and related intolerance, in all spheres of life and in all parts of the world. The outcome document, takes note of the efforts undertaken at all levels and welcomes the progress achieved since the adoption of the [Durban Declaration and Programme of Action](#), reaffirms the responsibility of

Governments for safeguarding and protecting the rights of individuals within their jurisdiction against crimes perpetrated by racist or xenophobic individuals or groups or agents of the State and stressed the need to increase appropriate preventive measures to eliminate all forms of racial discrimination.

The five-day session included a high-level segment with the participation of heads of States and a wide range of dignitaries. During the general debate, Ms. Asma Jahangir, Chair of the Coordination Committee, delivered a statement on behalf of all Special Procedures calling for national action plans to come to the fore to combat racism placing the emphasis on real and concrete action at the national and especially at the grass roots level. She further noted that to eliminate the roots and branches of racism and discrimination, education was all important. The international community must address the causes of racism as much as it must treat its consequences if one is to avoid new generations growing up tainted by prejudice. Mr. Joe Frans, Chair of the Working Group of Experts on People of African Descent; Mr. Githu Muigai, Special Rapporteur on racism, racial discrimination, xenophobia and related intolerance; Mr. Frank La Rue, Special Rapporteur on freedom of expression; Ms. Gay McDougall, United Nations Independent Expert on minority issues; Mr. Jorge Bustamante, Special Rapporteur on the human rights of migrants; Ms. Gulnara Shahinian, Special Rapporteur on contemporary forms of slavery, including its causes and consequences; and Ms. Asma Jahangir in her capacity of Special Rapporteur on freedom of religion or belief also addressed the Conference.

In the framework of the Durban Review Conference, several Special Procedures mandate holders participated in side events organized by the OHCHR and NGOs. For example, the Independent Expert on minority issues, Ms. Gay McDougall, participated in a panel including the High Commissioner, Mr. Stéphane Hessel and Ms. Berthe Kayitesi (a Rwandan genocide survivor) who spoke during an opening event “United against racism”. Ms. McDougall was also a moderator for the daily “VOICES” event. This important and often moving event enabled 16 men and women from around the world who had been personally affected by different forms of racism, racial discrimination, xenophobia and related intolerance to share their experiences and to tell their stories. Voices was first held and moderated by Ms. McDougall in Durban in 2001. The event had the objective of helping to give a human face to the issues addressed in the Review Conference.



Gay McDougall moderates a session of the daily VOICES event

#### **WORKSHOP ON SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY; CONTEMPORARY FORMS OF SLAVERY; AND TRAFFICKING, ESPECIALLY WOMEN AND CHILDREN**

From 24 to 26 June 2009, the Special Rapporteur on the sale of children, child prostitution and child pornography, the Special Rapporteur on contemporary forms of slavery and Special Rapporteur on Trafficking, especially women and children, organized a workshop with the aim to discuss the methods of work of the three mandates and to develop practical modalities of collaboration between the three Rapporteurs, as well as between them and UN agencies, NGOs and other UN human rights mechanisms. Participants also included the three Rapporteurs, relevant NGO and UN agency partners, and other members of the OHCHR Secretariat.

At the end of the workshop, the participants agreed on a Plan of Action specifying concrete tasks and a detailed work plan for the next months. The tasks include the creation of a list serve to regularly exchange information, as well as the creation of an online interface to enhance collaboration, which would include information about the three mandates, as well as about the work of NGOs, UN agencies and UN human rights mechanisms relevant to the three mandates



## LINKS TO REPORTS OF SPECIAL PROCEDURES MANDATE HOLDERS PRESENTED AT THE 11<sup>TH</sup> SESSION OF THE HUMAN RIGHTS COUNCIL

**Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Mr. Philip Alston**

<http://www2.ohchr.org/english/bodies/hrcouncil/docs/11session/A.HRC.11.2.pdf>

**Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Mr. Frank La Rue**

<http://www2.ohchr.org/english/bodies/hrcouncil/docs/11session/A.HRC.11.4.pdf>

**Report of the Independent Expert on the situation of human rights in Haiti, Mr. Michel Forst**

<http://www2.ohchr.org/english/bodies/hrcouncil/docs/11session/A.HRC.11.5.pdf>

**Report of the Special Rapporteur on violence against women, its causes and consequences, Ms. Yakin Ertürk**

<http://www2.ohchr.org/english/bodies/hrcouncil/docs/11session/A.HRC.11.6.pdf>

**Report of the Special Rapporteur on the human rights of migrants, Mr. Jorge Bustamante**

<http://www2.ohchr.org/english/bodies/hrcouncil/docs/11session/A.HRC.11.7.pdf>

**Report of the Special Rapporteur on the right to education, Mr. Vernor Muñoz**

[http://www2.ohchr.org/english/bodies/hrcouncil/docs/11session/A.HRC.11.8\\_en.pdf](http://www2.ohchr.org/english/bodies/hrcouncil/docs/11session/A.HRC.11.8_en.pdf)

**Report of the independent expert on the question of human rights and extreme poverty, Ms. Magdalena Sepúlveda Carmona**

[http://www2.ohchr.org/english/bodies/hrcouncil/docs/11session/A.HRC.11.9\\_en.pdf](http://www2.ohchr.org/english/bodies/hrcouncil/docs/11session/A.HRC.11.9_en.pdf)

**Report of the independent expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights, Mr. Cephas Lumina**

[http://www2.ohchr.org/english/bodies/hrcouncil/docs/11session/A.HRC.11.10\\_en.pdf](http://www2.ohchr.org/english/bodies/hrcouncil/docs/11session/A.HRC.11.10_en.pdf)

**Report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, Mr. James Anaya**

<http://www2.ohchr.org/english/bodies/hrcouncil/docs/11session/A.HRC.11.11.pdf>

**Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, Mr. Anand Grover**

[http://www2.ohchr.org/english/bodies/hrcouncil/docs/11session/A.HRC.11.12\\_en.pdf](http://www2.ohchr.org/english/bodies/hrcouncil/docs/11session/A.HRC.11.12_en.pdf)

**Report of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises, Mr. John Ruggie**

<http://www2.ohchr.org/english/bodies/hrcouncil/docs/11session/A.HRC.11.13.pdf>

**Report of the Special Rapporteur on the situation of human rights in the Sudan, Ms. Sima Samar**

[http://www2.ohchr.org/english/bodies/hrcouncil/docs/11session/A.HRC.11.14\\_AUV.pdf](http://www2.ohchr.org/english/bodies/hrcouncil/docs/11session/A.HRC.11.14_AUV.pdf)

**Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Mr. Githu Muigai**

<http://www2.ohchr.org/english/bodies/hrcouncil/docs/11session/A.HRC.11.36.pdf>

**Report of the independent expert on the human rights situation in Burundi, Mr. Akich Okola**

<http://www2.ohchr.org/english/bodies/hrcouncil/docs/11session/A.HRC.11.40.pdf>

**Report of the Special Rapporteur on the independence of judges and lawyers, Mr. Leandro Despouy**

[http://www2.ohchr.org/english/bodies/hrcouncil/docs/11session/A.HRC.11.41\\_en.pdf](http://www2.ohchr.org/english/bodies/hrcouncil/docs/11session/A.HRC.11.41_en.pdf)

## PRESS RELEASES

### UN Experts welcome Australia's endorsement of the UN Declaration on the Rights of Indigenous Peoples

On 3 April 2009, the UN Special Rapporteur on the human rights situation and the fundamental freedoms of indigenous people, Mr. James Anaya, the Chairperson-Rapporteur of the UN Expert Mechanism of the Rights of Indigenous Peoples, John Henriksen and the Chairperson of the UN Permanent Forum on Indigenous Issues, Ms. Victoria Tauli-Corpuz, issued a joint press release welcoming Australia's support to the UN Declaration on the Rights of Indigenous Peoples. The UN experts highlighted the fact that, although initially Australia had voted against the UN Declaration on September 2007, the country is now joining the ranks of States that support the principles and rights outlined in the Declaration, thus reinforcing the international consensus on the rights of indigenous peoples. They also called upon Member States to adopt policies and legislation in order to implement the Declaration at the national and regional level.

### United Nations expert on extrajudicial executions calls on Kenya to stop systematic intimidation of human rights defenders

On 7 April 2009, the Special Rapporteur on extrajudicial, summary or arbitrary executions, Mr. Philip Alston, issued a press statement calling upon the Government of Kenya to issue public instructions to the police and military to refrain from acts of intimidation and harassment of human rights defenders. The Special Rapporteur deplored the fact that the campaign of intimidation seems to have been carefully coordinated within the Government and noted that no substantive response has been given by the Government to complaints registered by the United Nations and no critical statements have been made by the President or by others who exercise control over the security forces. He characterized the behavior of the Kenyan police and military as violating the most basic rules governing the treatment of United Nations fact-finding missions. "Non-cooperation with a United Nations mission is one thing", said Mr. Alston, "but making threats against those that have provided information to the United Nations, as well as harassing their families, is quite another".

### Human Rights Expert condemns killing of Burundian anti/corruption activist

On 16 April 2009, the Independent Expert on the situation of human rights in Burundi, Mr. Akich Okola, issued a press release expressing his outrage over the killing, on the night of 8 April 2009, of Mr. Ernest Manirumva, Vice-President of the Observatory for the Struggle against Corruption and Economic Embezzlement and a leading figure in the promotion of good governance in Burundi. He stated that this incident is another proof that those who exercise their right to freedom of expression in Burundi are in danger, and urged the authorities to investigate the case

of Mr. Manirumva and bring the perpetrators to justice. The Independent Expert also expressed deep concern over reports indicating that other staff members of the same organization are regularly submitted to intimidation and threats. Mr. Okola also reminded the Burundian authorities of a number of recommendations concerning guarantees to freedom of association, expression, opinion and peaceful assembly made in the context of the Universal Periodic Review, under which the human rights situation in Burundi was recently considered.

### The Special Representative of the Secretary General on human rights and transnational corporations and other business enterprises participates in Public Hearings on Business and Human Rights Sub-Committee on Human Rights of the European Parliament

On 16 April 2009, the Special Representative of the Secretary General on the issue of human rights and transnational corporations and other business enterprises, Mr. John G. Ruggie, participated in a public hearing on business and human rights of the Sub-Committee on Human Rights of the European Parliament. In his statement, the Special Representative gave an update regarding his mandate, describing the three pillars on which rests the policy framework that the Human Rights Council welcomed in June 2008: the duty of states to protect against human rights abuses by third parties, including business, through appropriate policies, regulation and adjudication; the corporate responsibility to respect human rights; and greater access for victims to effective remedy, judicial and non-judicial. He also addressed the mandatory vs. voluntary debate, stating that governments and other governance institutions do not always appreciate the roles they must play even when they promote strictly voluntary means. He concluded by noting that the international community is still in the early stages of adapting the international human rights regime to protect more effectively individuals and communities against corporate-related human rights harm. The framework endorsed by the Human Rights Council provides a common platform of duties of states and responsibilities of business on the basis of which the business and human rights agenda can be advanced.

### UN experts strongly condemn the execution of nine men following an unfair trial in Sudan

On 17 April 2009, the Chairperson-Rapporteur of the Working Group on Arbitrary Detention, Ms. Manuela Carmena Castrillo, the Special Rapporteur on extrajudicial, summary or arbitrary executions, Mr. Philip Alston, the Special Rapporteur on the independence of judges and lawyers, Mr. Leandro Despouy, the Special Rapporteur on the situation of human rights in the Sudan, Ms. Sima Samar, and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Mr. Manfred Nowak, issued a press statement in which they

strongly condemned the execution of nine men, sentenced to death in November 2007, for committing the murder of newspaper editor Mohamed Taha Mohamed Ahmed. The Working Group on Arbitrary Detention had issued a legal opinion in November 2008 raising serious questions about the fairness of the trial of the accused. They were held in incommunicado detention for up to four months and bore visible signs of torture when they appeared in court. The nine men had revoked their confessions, alleging that they had been obtained under duress. Several mandate holders of the Human Rights Council had appealed to the Sudanese Government to stay the execution until all fair trial related concerns were dispelled in their entirety or the men were given a new trial or released. The Special Rapporteur on extrajudicial, summary or arbitrary executions, Mr. Philip Alston, added that "...in cases involving capital punishment the slightest doubt cast on whether due process has been followed makes an execution inadmissible. This follows from the irreversibility of the death penalty."

UN experts strongly condemn the dismissal of judges in Fiji

On 20 April 2009, the Special Rapporteur on the independence of judges and lawyers, Mr. Leandro Despouy, and the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Mr. Frank La Rue, issued a press release, joining the UN Secretary General and the UN High Commissioner for Human Rights in calling for action towards the restoration of a legitimate government and constitutional order in Fiji. In their statement, the experts strongly condemned the decision of the President of Fiji to dismiss the entire judiciary and the heavy restrictions imposed on the media and urged the authorities in Fiji to immediately restore the rule of law. On 10 April 2009, the President of Fiji abrogated the Constitution and declared a state of emergency. He also promulgated the Public Emergency Regulations 2009, which give military and law enforcement officers' broad powers on search and arrest, to impose restrictions on freedom of assembly and to allow censorship of the media. The Special Rapporteurs added that a fundamental requirement, according to international law, in order for States to unilaterally derogate from some of the obligations on a temporary basis is that such measures "be limited to the extent strictly required by the exigencies of the situation and that States must provide well-considered justification, not only of their decision to proclaim a state of emergency, but also of any specific measures based on such a proclamation".

UN expert for Somalia urges donors conference in Brussels to contribute generously to Somali security forces

On 24 April 2009, the Independent Expert on the situation of human rights in Somalia, Shamsul Bari, issued a press release on the occasion of the opening in Brussels of the Donors Conference on Somalia, urging the international community to assist the Government of National Unity of Somalia with financial, technical and other assistance. The

funding of the Somali Security Forces is directly related to the improvement of the protection of civilians and the cause of human rights protection of all Somalis in general. Underlining also that human rights are violated on a daily basis in Somalia, he called upon the conference to fully support the establishment of accountability and transitional justice mechanisms, so that past and current human rights and international humanitarian law violations can be addressed.

Joint statement on behalf of Special Procedures mandate holders at the Durban Review Conference, Geneva, 20-24 April 2009

On 24 April 2009, on the occasion of the Durban Review Conference, the Chair of the Coordination Committee of Special Procedures, Ms. Asma Jahangir, issued a press release on behalf of Special Procedures mandate holders. The mandate holders of the United Nations Human Rights Council took this opportunity to speak as one in their condemnation of racism, racial discrimination, xenophobia and related intolerance everywhere, welcoming the attention and focus that has been given to these issues globally and the progress that has been achieved to-date as a result of the Durban process. They affirmed their commitment to eliminating racism worldwide and affirmed their belief that this common goal has significant implications for the protection and promotion of all human rights for all people, everywhere. Many of their substantive contributions were incorporated into the preparations for the Review Conference in a joint report and based on their experiences garnered through the implementation of the core functions of their mandates, including the conduct of country visits and thematic studies. As clearly established in the Durban Declaration and Programme of Action, racism has many faces and takes many forms: from the everyday racist and discriminatory acts and omissions quietly suffered by many millions in countless ways, to the extremes of violence and genocide.

In 2001, States agreed that racial discrimination exists in every region of the world and that no country can claim to be free of racism. They also committed to report on their progress towards eradicating it. They welcomed the initiatives and follow-up mechanisms as a result of that statement and as required in the Durban Declaration and Programme of Action - actions to bring that ground-breaking document to life where it matters most. However, the progress achieved to date must be enhanced in all regions.

National action plans must now come to the fore to combat racism and must place the emphasis clearly on real and concrete "action" at the national and especially at the grass roots level. This task should be carried out with the full consultation and cooperation of all relevant stakeholders including non-governmental partners and, importantly, those representatives of communities affected by racism.

Laws must be put in place at the national level that do justice to our commitments to equality. The rule of law and judicial mechanisms that ensure the implementation of laws should be a priority. A real danger exists that new

challenges including the impact of the global financial crisis, climate change and ensuring global access to food, begin to inverse the positive results achieved. Concerns have already been raised about growing incidents of violence and increasing activities of extremist groups.

In the project to eliminate the roots and branches of racism and discrimination, education is all important. The causes of racism must be addressed, as much as its consequences in order to avoid new generations growing up tainted by prejudice. The Special Procedures mandate holders also addressed the issue of multiple and intersectional forms of racism and discrimination on women and girls and recalled that the mechanisms through which their voices are raised and their views are acted upon should be established with them. The experts affirmed that “the message of this conference must be one of justice, dignity and humanity. An opportunity exists as never before in history for the global community to work together to identify and eradicate racism, racial discrimination, xenophobia and related intolerance wherever it occurs.

UN Working Group on mercenaries gravely concerned by allegations that mercenaries were involved in plot against Bolivian authorities

On 29 April 2009, the Working Group on mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination issued a press release expressing its concern over reports that a group of five persons, including foreigners, were involved in a plot against the Bolivian authorities. Three of the persons were killed during an operation launched on 16 April 2009 by the Bolivian police in the eastern city of Santa Cruz and two others are detained. In its statement the Working Group recalled relevant resolutions affirming that the use and recruitment of mercenaries are offences of grave concern to all States and the principle of self-determination.

UN human rights chief and UN media expert urge better protection for journalists

On World Press Freedom Day, the High Commissioner for Human Rights, Ms. Navi Pillay and the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Mr. Frank La Rue, issued a joint press statement urging states to uphold their human rights obligations and protect journalists from political interference and physical threat. Over the last year, more than 60 journalists were killed in the line of duty: their physical safety is jeopardized by the proliferation of small arms, the use of increasingly sophisticated weapons by belligerents and the concern to win the “war of images”. Ms. Pillay and Mr. La Rue reminded that each year the UN human rights system receives hundreds of reports of individual journalists denouncing the violation of their human rights while carrying out their work, they stressed the fact that their safety and protection are two of the key priorities for the full implementation of the right to freedom of opinion and expression. Governments are bound by the existing legal instruments to protect a free and independent media and also guarantee the safety of

those working in the media sector. Those safeguards are fundamental to the process of democracy. In this context the High Commissioner and the Special Rapporteur urged all States to take concrete measures to enhance the safety of journalists and other media personnel including at the legislative, administrative and judicial levels; those measures should apply to all media personnel irrespective of their professional or political affiliations.

UN expert urges Cambodia to refrain from forced evictions

On 6 May 2009, the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, Ms. Raquel Rolnik, issued a press release expressing her concern over the threatened eviction of nearly one hundred families in Pnom-Penh, Cambodia, also known as Group 78. Since 2004, these families have been engaged in a legal battle to obtain the recognition of their ownership of their land, according to the 2001 Land Law. However, the authorities have not considered their claim to be the legitimate owners of the land they occupy and have sent them instead six eviction notices. The notice issued on 20 April 2009 indicated that in case the families refused to negotiate with the Pnom Penh Municipality (PPM) and accept the offers within 15 days, the PPM would implement administrative measures.

The Special Rapporteur noted that since the beginning of her mandate she has observed an “increase in forced evictions throughout Cambodia accompanied by a systematic lack of due progress” and that the Government of Cambodia had failed or delayed to reply to her inquiries on this issue. She reminded also that large scale forced evictions can only be carried out

in exceptional circumstances and with full respect for due process requirements, as set forth by international human rights standards.

Ms. Rolnik affirmed that the Group 78 residents seem to have a strong case in claiming the recognition of their rights to the disputed land and are entitled to have full legal review of their ownership claims in accordance with the Cambodian legislation; in this context she urged the competent authorities not to implement the threatened “administrative measures”. She finally reiterated her call for a moratorium on all forced evictions in Cambodia, “especially when residents have pursued claims before administrative or judicial bodies that they have legal possession rights under national law, until the policies and actions of the authorities can be brought fully into line with international human rights obligations”.

Global financial crisis, volatile food prices, make agricultural focus urgent, UN human rights food expert tells UN Commission on Sustainable Development

On 7 May 2009 the Special Rapporteur on the right to food, Mr. Olivier De Schutter, issued a press statement outlining the choices that need to be made in order to design more sustainable food systems in a world facing climate change

and declining natural resources. The right to food is a human right stated in the UDHR and in widely ratified human rights treaties. Mr. De Schutter stressed the need to look at agricultural development through that perspective. Governments should prioritize the needs of the most vulnerable and their policies should be guided by the need to alleviate hunger and malnutrition and by building the resilience of the most vulnerable. The existing framework on the right to food can assist them in making the rights choice towards this direction. The Special Rapporteur stressed that “The human rights based approach clearly ought to be an essential component of a sustainable development approach to the issues of hunger and malnutrition”.

Regarding agricultural production, the income of the poorest as well as climate change should be taken into account. The Commission on Sustainable Development can contribute to the discussions as well as to address the issue of access to food. The key question is not just that of increasing budgets allocated to agriculture, as the experience gained from the Africa crisis showed. Efforts should be concentrated rather on choosing the right model of agricultural development for each group and build an environment which is more about “how to help the world feed itself”.

Finally, Mr. De Schutter invited the Commission to “identify access to land as key to sustainable agriculture and to reiterate the essential role of agrarian reform in the progressive realization of the right to food”. He also highlighted the need for the adoption of international guidelines on large-scale offshore acquisitions of land.

#### Urgent international scrutiny needed in Sri Lanka, say UN Human Rights Experts

On 8 May 2009, the Special Rapporteur on extrajudicial, summary or arbitrary executions, Mr. Philip Alston, the Special Rapporteur on the issue of human rights obligations related to access to safe drinking water and sanitation, Ms. Catarina de Albuquerque, the Special Rapporteur on the right to food, Mr. Olivier De Schutter and the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, Mr. Anand Grover, issued a joint press statement urging international scrutiny in Sri Lanka.

The humanitarian crisis in the country gave causes for deep concern because of the number of civilians that had been and continued to be killed, but also because of the lack of transparency and accountability. Civilians trapped in the middle of the fighting between the Sri Lankan army and the LTTE, in an area measuring less than 10 sq km, was deprived of sufficient access to food, medical supplies and safe water and sanitation. The number of those persons was estimated as superior to 50.000, although many had already left the area.

The experts also pointed out that food and medical supplies to the “no fire zone” had been grossly insufficient during the past months; furthermore, as a result of the blackout on independent information sources, verifying

whether humanitarian assistance had been delivered and whether the Government was taking steps to minimize civilian casualties, was impossible.

During the conflict, the LTTE had also violated applicable norms by preventing civilians from leaving the area and killing those trying to flee. Finally, the experts also called upon the Government to “provide convincing evidence to the international community that it is respecting its obligations under human rights and international humanitarian law” and upon the Human Rights Council to establish an international commission of inquiry to document recent events and monitor ongoing developments.

#### UN expert on Myanmar calls for release of Aung San Suu Kyi

On 14 May 2009, the Special Rapporteur on the situation of human rights in Myanmar, Mr. Tomàs Ojea Quintana, issued a press statement expressing his concern over the unlawful detention of Aung San Suu Kyi, General Secretary of the National League for Democracy (NLD), calling for her unconditional release.

On 14 May 2009, Aung San Suu Kyi and two aides were escorted by security forces to Insein prison. They appeared before a special court and were charged under article 22 of the State Protection law. The new charges are connected to the recent intrusion of an American citizen into the home of Aung San Suu Kyi, where she has been under house arrest for the past six years.

#### UN expert extremely concerned about situation of displaced in Sri Lanka

On 15 May 2009, the Representative of the Secretary General on internally displaced persons (IDPs), Mr. Walter Kälin, issued a press statement expressing his concern about the situation in Sri Lanka, where civilians are forced to stay in the conflict zone, as well as for the continued confinement of internally displaced persons to camps.

Mr. Kälin highlighted the fact that at least 50.000 IDPs remain trapped in a 4 sq km conflict zone, with no access to sufficient humanitarian access. The LTTE is preventing civilians from leaving the zone and the Government is using heavy weapons in the area. According to an ICRC statement, the evacuation of the sick and wounded and the delivery of food to the conflict zone was prevented due to heavy fighting on 12 May 2009. He urged both parties to respect their obligations under international humanitarian law.

Regarding the living conditions in camps for IDPs, the Special Rapporteur noted that they remain dire and that the additional influx of an additionally 110.000 IDPs at the end of April is posing additional challenges for the Government and its humanitarian partners. Mr. Kälin underlined the fact that “Ensuring adequate humanitarian assistance to internally displaced persons is first and foremost a Government responsibility, especially since the

Government decided to intern them in camps, citing security concerns”.

The 194.000 internally displaced persons that fled the fighting and are now held in temporary camps should also be screened and registered without any further delay and the freedom of movement should be restored for the majority of them who do not pose security threats. Finally, the expert expressed his concern over reports that some elderly people had died of starvation or malnutrition in the camps and urged the Government to release immediately all vulnerable persons and their care givers.

Statement delivered on behalf of all Special Procedures mandate holders of the Human Rights Council at the Eleventh Special Session of the Human Rights Council: “The human rights situation in Sri Lanka”.

On 26 May 2009, the Independent Expert on the question of human rights and extreme poverty, Ms. Magdalena Sepulveda, delivered a statement on behalf of all Special Procedures mandate holders at the 11th Special Session of the Human Rights Council on “The human rights situation in Sri Lanka”, which took place in Geneva from 26 to 27 May 2009. The statement reiterated the deep concern of all Special Procedures mandate holders for the humanitarian crisis in the country and the lack of transparency and accountability that accompanies it. The situation of 300.000 internally displaced persons interned in Government-run camps resulting from the fighting between the Sri Lanka army and the LTTE should be immediately addressed.

The statement also referred to both parties’ obligation under international human rights and humanitarian law, including the obligations to distinguish between combatants and civilians, to direct attacks only against combatants and military targets and to ensure protection of civilians. Both parties violated their obligations under international law: the LTTE by using civilians as human shields or by preventing them to leave the conflict area and the Government by continuing to detain in temporary camps over 300.000 internally displaced persons (IDPs), citing security reasons. The mandate holders also urged the Government to speed up the screening process and the reintegration into society of those persons currently held in temporary camps.

The statement also highlighted the existing critical humanitarian situation, with regard to essential needs such as food, water and sanitation, shelter, education and healthcare and regretted the fact that until recently UN personnel were denied access to the conflict zone. It highlighted the existing problems in the country regarding protection of human rights. Unfettered access to all areas of the country is essential in order to determine the credibility of allegations of serious human rights violations, including enforced disappearances and arbitrary executions and detentions. In this context, the mandate holders affirmed their commitment to help ensuring the promotion and protection of the human rights of every person, irrespective of their origin. The wider and endemic problems and failures to protect human rights throughout the country were also underlined, including impunity, reports of

torture, extrajudicial killings and enforced disappearances and the harassment of human rights defenders.

The Government should take measures without any further delay in order to assist victims of human rights abuses and their families. Its efforts should be directed to peace-building and reconciliation, on the basis of the rule of law and of the principles of equality and non-discrimination. The need of respect for and protection of minority rights was highlighted, as an essential component of a peace-building process.

Finally, the mandate holders called for the establishment of an effective mechanism to impartially inquire into all violations committed.

Special Rapporteur on indigenous people urges Government of Peru to dialogue with indigenous peoples of the Amazon

On 10 June 2009, the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, Mr. James Anaya, issued a press release expressing his profound concern over the confrontations that took place on 5 June 2009 in Bagua, Department of Amazonas, Peru, and subsequent occurrences which resulted in the deaths of an estimated 30 people and in dozens of wounded and missing.

The Special Rapporteur called upon all those concerned to avoid further violence and urged State authorities to implement measures to protect the human rights and fundamental freedoms of the affected indigenous people, as internationally recognized. He also called upon the State to investigate allegations of violation of human rights, ensure their non-repetition in the future and bring the perpetrators to justice. The parties involved should explore ways to reach an agreement based on dialogue, mutual understanding, tolerance and respect for human rights. Finally, Mr. Anaya affirmed his willingness to visit the country in order to review the situation and contribute to the search for a solution to the conflicts in the region.

The UN Special Rapporteur on the right to food recommends principles and measures to discipline “land grabbing”.

On 11 June 2009, the Special Rapporteur on the right to food, Mr. Olivier De Schutter, issued a press release proposing a minimum set of principles and measures based on human rights in the elaboration of large-scale transnational land acquisitions and leases, more commonly referred to as “land-grabbing”. These measures are based on the principles of international human rights law as well as in international labour legislation. Large-scale transnational land investments are one of the trends that emerged from the 2008 global food crisis, but they have not been properly addressed by the international community. This trend can constitute opportunities for development; however it can also have negative effects on the right to food as well as other human rights, including the eviction of land users who have no formal security of tenure over the land they

have been cultivating for decades; the loss of access to land for indigenous peoples and pastoral populations; competition for water resources and decreased food security.

Mr. De Schutter also identified the issue of investment revenues as crucial. He affirmed that “investment contracts should prioritize the development needs of the local populations” and proposed that host States and investors establish and promote farming systems that are labour intensive in order to ensure that investment agreements contribute to reinforcing local livelihood options and provide living wages for the local population, which is a key component for the right to food. Impact assessments should be conducted prior to the finalization of contracts and later at pre-defined intervals, in order to highlight the consequences of the investment on local employment and incomes, on access to productive resources of the local communities and on the environment. He also suggested that investment agreements include a clause defining that a certain minimum percentage of the crops produced shall be sold in local markets.

Finally, the Special Rapporteur affirmed his expectations that the human-rights-based measures will help to bring about a consensus on the establishment of a multilateral approach and underlined the fact that the human rights framework is not only an obligation for States, but also an opportunity.

#### UN human rights experts urge fair and open trial for Aung San Suu Kyi

On 16 June 2009, the Chairperson-Rapporteur of the Working Group on Arbitrary Detention, Ms. Manuela Carmena Castrillo; the Special Rapporteur on the independence of judges and lawyers, Mr. Leandro Despouy; the Special Rapporteur on the situation of human rights in Myanmar, Mr. Tomas Ojea Quintana; the Special Rapporteur on the situation of human rights defenders, Ms. Margaret Sekaggya; and the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Mr. Frank La Rue issued a joint press statement urging the authorities of Myanmar to ensure that the trial of Aung San Suu Kyi, the leader of the National League for Democracy and Nobel Peace Prize laureate, and two of her aides, is “fair and open.” On 14 May 2009, Aung San Suu Kyi and two of her aides were taken by security forces to Insein Prison, where they continue to stand trial before an *ad hoc* special tribunal. They were charged under Myanmar's State Protection Law 1975 after an individual swam across Lake Inya and spent two nights at Aung San Suu Kyi's home. The Special Rapporteur on the independence of judges and lawyers pointed out that so far, her trial had been marred by flagrant violations of substantive and procedural rights, notably the trial has been conducted behind closed doors and the media have been prevented from speaking to the defense lawyers.

Noting the political transition to which the Myanmar leadership has committed itself, the experts emphasized the requirement in democratic society for trials to be conducted

openly. “National and international media should be granted full access to the trial,” said the Special Rapporteur on freedom of opinion and expression, Frank La Rue. The experts concluded that Aung San Suu Kyi needs to be released immediately and unconditionally, since the Working Group had declared that the continuation of the house arrest after May 2008 was arbitrary according to international standards and also violated Myanmar's own laws (Opinion 46/2008). Since she was placed under house arrest in 2003, Aung San Suu Kyi has never been brought before a judge. Finally, the five experts called upon the authorities of Myanmar to allow the justice system to function in an independent and impartial manner, so as to guarantee an open and fair trial for the defendants, and to grant unfettered media access.

#### Human rights experts gravely concerned at killings and arrests in Iran

On 18 June 2009, the Chairperson-Rapporteur of the Working Group on Arbitrary Detention, Ms. Manuela Carmena Castrillo, the Special Rapporteur on extrajudicial, summary or arbitrary executions, Mr. Philip Alston, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Mr. Frank La Rue, the Special Rapporteur on torture and other forms of cruel, inhuman or degrading punishment, Mr. Manfred Nowak, and the Special Rapporteur on the situation of human rights defenders, Ms. Margaret Sekaggya, issued a joint press statement expressing their concern about the excessive use of force, arbitrary arrests and killings in the Islamic republic of Iran, following the recent presidential elections.

The Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression suggested that the recent arrests and use of excessive police force may be a direct attempt to restrain freedom of opinion and expression in the country. He also took note of reports alleging that access to online news services and social networking internet sites has been blocked since the election results were announced. The Special Rapporteur on the situation of human rights defenders recalled the obligation of the State to protect human rights defenders against any arbitrary action. The Chairperson-Rapporteur of the Working Group on Arbitrary Detention affirmed the Government's obligation to guarantee the right of everyone not to be deprived arbitrarily of their liberty and to have fair proceedings before an independent and impartial tribunal. The Special Rapporteur on extrajudicial, summary or arbitrary executions underlined that “law enforcement officials should apply non-violent means before resorting to the use of force and firearms”. The Special Rapporteur on torture and other forms of cruel, inhuman or degrading punishment reminded that the excessive violence may constitute ill treatment”.

Finally, the five human rights experts strongly urged the Government of the Islamic republic of Iran to refrain from using excessive force and arbitrary detentions and to fully guarantee freedom of expression and assembly throughout the country.

UN experts call for enhancing the protection of persons with disabilities

On 26 June 2009, on the occasion of the United Nations International Day in support of victims of torture, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Mr. Manfred Nowak, the United Nations Committee Against Torture, the Subcommittee on Prevention of Torture, the Committee on the Rights of Persons with Disabilities and the Board of Trustees of the United Nations Voluntary Fund for Victims of Torture, issued a joint press release calling for the enhancement of the protection of persons with disabilities. They recalled that "persons with disabilities continue to run an increased risk of falling victim to abuse and neglect in a number of contexts", they affirmed that States have the obligation to prevent torture and other cruel, inhuman or degrading treatment or punishment for every person. They stressed that certain forms of severe violence directed against persons with disabilities can amount to torture. They fall within the definition of torture in the Convention against Torture if their purpose is discriminatory.

Prison conditions, interrogation techniques or procedures permissible under international law should be adapted in order to live up to relevant human rights obligations.

The two principles that should always be at the centre of the protection of persons with disabilities are non-discrimination in all areas, including confinement, and the requirement of free and informed consent to medical treatment. International scrutiny would help to look into cases of abusive practices and to combat this phenomenon. Finally, the experts called on all States to become parties to the Convention against Torture and its Optional Protocol as well as to the Convention on the Rights of Persons with Disabilities and to take all other relevant measures to ensure the enjoyment of human rights for all persons.

"The global food crisis is not over. Our obligations go beyond fixing the financial system", says UN Special Rapporteur

On 25 June 2009, the Special Rapporteur on the right to food, Mr. Olivier De Schutter, issued a press release calling on decision makers gathered in New York for the UN Conference on World Financial and Economic Crisis not to forget the global food price crisis, which is connected not only with the financial and economic crises, but also with the climate/environmental crisis..

The FAO has confirmed that the total number of people experiencing food insecurity is now above one billion people. Food prices on local markets remain higher in May 2009 than in May 2008 in more than forty developing countries. Remittance flows have been declining since late 2008, as a result of migrant workers losing their jobs. The consequences are increased food insecurity for the communities these remittances support. "Just like the collapse of large banks, widespread hunger entails systemic risks. Less wholesome and less nutritious diets create an economic liability for future development", said Mr. De Schutter. "If coping strategies adopted by vulnerable households cause reductions in the quantity

and/or quality of diets at critical stages of child growth or during pregnancy, this may have long-lasting consequences on physical and mental growth". Some of the poorest families have also been led to distress sales, including sales of productive assets such as land or tools, thereby making recovery less likely. "The right to food can act as a compass to guide possible responses at the national and international levels" said the Special Rapporteur as it is a tool to ensure that policies are geared towards alleviating hunger and malnutrition and towards building the resilience of the most vulnerable groups against risks, shocks and policy changes. Mr. De Schutter recommends five directions in order to prevent more hunger and to progressively realize the right to food, including fighting against volatility on international agricultural markets; encouraging States to build social protection schemes thanks to a global reinsurance mechanism; Channeling resources towards the scaling up of sustainable agriculture systems rather than simply increasing food production; protecting agricultural workers rights; and reforming the governance of the global food and agricultural system.

Don't forget human rights, UN experts urge General Assembly session on financial crisis

On 26 June 2009, the Independent Expert on the question of human rights and extreme poverty, Ms. Magdalena Sepulveda and the Special Rapporteur on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of human rights, particularly economic, social and cultural rights, Mr. Cephas Lumina, issued a joint press statement urging the General Assembly to adopt human rights as a framework for analysis, action and accountability in their responses to overcome the world financial and economic crisis.

Ms. Sepulveda noted that millions across the world are trapped in poverty. She pointed out the contradiction between the commitment demonstrated to rescue financial markets and the continuous failure to honour commitments in order to reduce poverty and inequality. She urged the States to set up long-lasting social protection systems and proposed the establishment of a joint funding mechanism to support national protection floors.

Mr. Lumina remarked that States that are struggling to fulfill their basic human rights obligations will face increasing obstacles as national funds grow scarce and conditions for contracting loans become increasingly stringent. He urged States to address the indebtedness of low and middle-income countries and support the establishment of an international debt dispute resolution mechanism. He also encouraged the revision of the Debt Sustainability Framework.