

SPECIAL PROCEDURES BULLETIN



FIFTEENTH ISSUE: OCTOBER-DECEMBER 2009

HIGHLIGHTS

12TH SPECIAL SESSION OF THE HUMAN RIGHTS COUNCIL

On 15 and 16 October 2009, the Human Rights Council held its twelfth Special Session entitled "the situation of human rights in the Occupied Palestinian Territory including East Jerusalem". In resolution S-12/1 entitled "The human rights situation in the Occupied Palestinian Territory, including East Jerusalem" adopted by 25 in favour, 6 against and 11 abstentions, the Council expressed "deep concern at the actions by Israel undermining the sanctity and inviolability of religious sites in the Occupied Palestinian Territory including East Jerusalem." *continued on page*

FORUM ON MINORITY ISSUES

On 12 and 13 November 2009, the Forum on minority issues held its second session. The Participating in the Forum discussions were a great variety of stakeholders, including minority political actors, civil society, United Nations experts, Governments, international and regional organizations, national human rights institutions and NGOs. The Independent expert on minority issues is mandated to guide the work of the Forum. . *continued on page*

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 Coor-dination 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>

Or contact:

PUBLICATIONS UNIT

c/o OHCHR-UNOG
8-14 Avenue de la Paix
1211 Geneva 10
Switzerland

Tel: +4122 917 92 24

Fax: +4122 917 90 10

E-mail: publications@ohchr.org

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The Special Procedures Bulletin provides a general overview of the main activities of the 39 Special Procedures mandates. The Bulletin is produced by the Information, Coordination and Management Unit of the Special Procedures Branch 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.

SPECIAL PROCEDURES Branch

c/o OHCHR-UNOG8-14 Avenue de la Paix

1211 Geneva 10 Switzerland

Fax : +41 22 917 90 06

E-mail : urgent-action@ohchr.org

<http://www2.ohchr.org/english/bodies/chr/special/index.htm>

For further information, or to submit information (other than specific information on alleged human rights violations), please contact: SPDINFO@OHCHR.ORG

COMMUNICATIONS

Some special procedures mechanisms intervene directly with States 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 States 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 Branch Quick Response Desk coordinates communications and keeps relevant databases updated

Between **1st October** and **31 December 2009**, **187** communications were sent.

62.6 % were joint communications.

The communications concerned **401** individuals.

14.2 % of these cases concerned women.

70 countries received communications.

COUNTRY VISITS

AUSTRALIA

[Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health](#)

On 4 December 2009, the Special Rapporteur on the right to health issued a press statement after a 12-day mission to Australia, where he visited Canberra, Sydney, Melbourne, Alice Springs, Darwin and Brisbane .

His mission focused on two main issues - indigenous health and access to healthcare in detention establishments, including those for asylum-seekers, refugees and prisoners. The Special Rapporteur noted that one of his major challenges was that there is no legal right to health in Australia. He added that Australia is apparently the only developed liberal democracy that does not provide constitutional guarantee for human rights. The Special Rapporteur also said that Australia's failure to incorporate international human rights standards enshrined in treaties to which it is a party into domestic law remains an issue of great concern, as those rights need to be enforceable at the national level. He made note of the recent National Human Rights Consultation process, culminating in a report which recommended the increased recognition of human rights within Australia. He urged the Government to take necessary steps to incorporate international human rights standards into domestic legislation, all of which should be justiciable, including economic, social and cultural rights.



Anand Grover, Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, meeting with members of the Aboriginal community in Alice Springs, Australia.

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 December 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.

This would provide an effective remedy to all those whose rights may have been violated.

The health of Australia's refugee and asylum seeker population in detention has been a significant concern for many years. Some of the Government's policy changes surrounding immigration detention, particularly around frequency of review of detention, are to be commended. The average lengths of time for which individuals are detained have significantly decreased, diminishing the inherent risk of mental illness associated with indefinite detention. Removal of temporary protection visas has also gone some way towards ameliorating uncertainty within this population. Provision of health services in mainland immigration detention centres appears generally satisfactory. However, he emphasized his overriding concerns regarding the situation of persons in detention centres: the fact that detention remains mandatory, with no maximum limits on duration of stay, and that there are no binding legal standards that must be met in providing services.

The health of Australia's prison population was also an issue of concern. The Special Rapporteur noted that there are clearly positive initiatives in place— for example, establishment of a tertiary prison hospital in the former, and the Elders Visiting Program in the latter – however many challenges remain. These include adequate provision of primary health care, resourcing of health promotion projects, and provision of appropriate services to a population of Aboriginal and Torres Strait Islanders disproportionately represented in prisons. The Special Rapporteur recommended that the Government invest additional funds with a view to ensuring sustainable delivery of primary healthcare services. Individuals with mental illnesses are overrepresented in all types of custody. The deinstitutionalization of mental health services is a welcome development in healthcare, but inadequate resourcing of alternative services has resulted in a shift of individuals with mental illnesses to prison.

The Special Rapporteur noted that this mission confirmed that the realization of the right to health of some Australians, especially those in detention and Aboriginal and Torres Strait Islanders, remains a significant challenge. Guaranteeing human rights protections through supportive legal and policy frameworks alongside practical, targeted interventions that place empowerment and meaningful community engagement at their centre are necessary to ensure the right to health for all Australians.

BANGLADESH

"Bangladesh must do more to reach the poorest, including to ensure their access to safe drinking water and sanitation," declare UN Experts

On 10 December 2009, after a week long visit to the country, the Independent Experts on human rights and extreme poverty, Magdalena Sepúlveda and on the human right to water and sanitation, Catarina de Albuquerque, concluded that "Bangladesh must do more to reach the

extreme poor, including regarding access to water and sanitation." They also noted that the provision of basic services, especially water and sanitation, is critical to lifting people out of poverty and fulfilling human rights obligations.

"Bangladesh has experienced significant economic growth in the past 15 years but the economic growth of the country is not yet reaching its poorest citizens. Poverty reduction strategies, especially related to social safety net programmes, are implemented in a disconcertingly fragmented manner. Bangladesh must design an integrated and comprehensive social protection strategy, and measures must be taken to target the most vulnerable effectively" said Ms. Sepúlveda. "The commitment to achieve total sanitation by 2013 and reduce the impact of arsenic contamination in drinking water is commendable. However, I am concerned that programmes to provide the poorest with sanitation, or with arsenic filters, are not always reaching the intended beneficiaries," added Ms. de Albuquerque.

The experts placed particular emphasis on the obligation to eliminate all forms of discrimination. "In Bangladesh, discrimination based on gender, ethnicity, disability, work, descent, and tenure status, is rampant. This has an enormous impact on these individuals' ability to lift themselves out of poverty and to claim their rights, including their rights to water and sanitation," asserted the experts.

Both experts emphasised that it is impossible to reduce poverty and improve access to water and sanitation without also combating corruption. They insisted that "clear accountability mechanisms must be established for violations of all human rights, including socio-economic rights."

The experts called attention to the precarious situation of Bangladesh with regard to climate change. "Climate change is undoubtedly a major challenge facing the population of Bangladesh, with the poorest people suffering the most, and with severe implications for enjoyment of the rights to water and to sanitation. Although climate change is largely caused by external factors, the Government must take urgent steps to protect the human rights of people affected. We also call on the international community to reinforce contributions to national efforts." "Bangladesh is facing major problems, but it has also shown the world that it has creative answers to complicated issues. We are convinced that going forward, Bangladesh will demonstrate its capacity to find innovative solutions", they concluded.

BOSNIA AND HERZEGOVINA

Normal lives for Bosnia and Herzegovina's displaced must not be delayed by politics, says UN Representative

On 17 November 2009, Walter Kälin, Representative of the Secretary-General on the Human Rights of Internally Displaced Persons (IDPs), on his return from a visit to Sarajevo, noted that "Bosnia's internally displaced need durable solutions to rebuild their lives. However, the

present political disputes endanger the progress needed to address their humanitarian needs and to remove an important obstacle to a lasting peace." "The country's IDPs have been living in displacement for more than a decade and, thus, continue to suffer from the consequences of atrocities committed during the war," he added.

In talks with the Chair of the Presidency of Bosnia and Herzegovina, Mr. Zeljko Komsic, the Minister for Human Rights and Refugees, Mr. Safet Halilovic, and the State Commission for Refugees and Displaced Persons, The Representative of the Secretary-General advocated the speedy adoption of the revised Strategy for the Implementation of Annex VII of the Dayton Peace Agreement, which sets out a range of measures to assist the displaced. "The revised Strategy is a solid blueprint for action. It deals with all relevant elements that need to be in place to find durable solutions for the displaced, addressing housing and property issues as well as issues of security, livelihoods, health and education, non-discrimination and reconciliation. The document reaffirms that return is the preferred solution, while also providing space for local integration, especially of the most vulnerable." In June 2009, certain political parties blocked the adoption of the Strategy in the upper house of the Parliament of Bosnia and Herzegovina, Mr. Kālin said. The strategy is currently being reviewed by the Ministry of Human Rights and Refugees.

Until the revised Strategy is adopted, the authorities should continue to work on the basis of existing agreements and ongoing initiatives, Kālin said. "There are still more than 117,000 registered IDPs who are in need of durable solutions. Many returnees need to have their houses reconstructed and connected to infrastructure. It is just as important that they benefit from equal opportunities to find employment. It also needs to be ensured that their pensions and social welfare entitlements are transferred to their place of return."

"Finding durable solutions requires money," Kālin concluded. "Despite present problems facing this country, budget allocations for finding durable solutions for the displaced must not be reduced and donors should continue to provide the necessary funding."

BRAZIL

UN Special Rapporteur: "Brazil is a leading country on the right to food, tremendous opportunities to do even better"

On 16 October 2009, the Special Rapporteur on the right to food, Professor Mr. Olivier De Schutter, during his visit to Brazil, on a country mission on the progressive realization of the right to food, noted that Brazil had made much progress since 2002, yet at the same time major challenges remain, and persistent pockets of poverty and hunger are unacceptable. Brazil has on enormous opportunities to accelerate change for the better, if the country commits to reinforce the policies that not only boost food production,

but improve the situation of the most vulnerable groups, including small farmers and the landless."

"Any candidate for the next presidential elections should commit to three objectives: strengthening social programmes; accelerating the support to family farming; allocating public resources to productive sustainable agricultural modes of production; and tackling land concentration through agrarian reform", added Mr. De Schutter. He detailed three core objectives.

"First, the Fome Zero programmes should be enshrined in laws, with adequate earmarked budgets, so that they cannot easily be reversed, creating a permanent dynamic of progress and development. Second, the Special Rapporteur observed that family farming is absolutely vital to Brazil's economy. According to data received, family farming accounts for 70% of food production in Brazil, and it creates more jobs and more value per hectare. Third, Brazil should consider stepping at full speed into the best sustainable farming approaches in order to become a holistic and long-term source of inspiration for the world. Indeed, there is a huge untapped potential in innovative agroecological practices, such as agroforestry, and they could be scaled up", said the UN expert, who called for a nation-wide participatory assessment of the respective merits of family farming, agroecology and export-led agriculture, including monocultures and agrofuels. The Special Rapporteur added that "genuine participation of family farming organizations and social movements will be vital to ensure the potential of agroecology materializes".

CANADA

Visit of United Nations Independent Expert on minority issues, Ms Gay McDougall

From 13 to 23 October 2009, the Independent expert on minority issue, Ms. Gay McDougall, conducted an official visit to Canada. She met with government officials at the Federal and provincial levels and consulted directly with members of numerous minority communities in Ontario, British Columbia and Quebec.

The independent expert noted that Canada is rightly proud of its richly diverse society including citizens with over 200 ethnic backgrounds, numerous languages, religions and cultural practices. Many identify themselves as African and Caribbean Canadians, Arab and Asian Canadians; people of colour and religious minorities. Persons belonging to minorities generally described Canada as a society open to and accepting of cultural, religious and linguistic differences, where they can express their identities, speak their languages and practice their faiths freely and without hindrance. Canada has an impressive constitutional and legislative framework at the federal and provincial levels that requires adherence to the core principles of equality and non-discrimination for all. Canada was a leader among nations in fashioning a state policy of multiculturalism.

However, achieving a truly inclusive society requires constant vigilance, said the independent expert. She noted that members of various communities discussed with her significant and persistent problems that they face in their



Gay McDougall, Independent expert on minority issues, at the Ryerson Community School, Toronto, Canada.

lives as persons belonging to ethnic, religious and linguistic minorities, as people of colour or of particular religious beliefs. Many of them felt that the Government had failed to respond adequately to their problems or to devise meaningful solutions, leaving them and their communities feeling discriminated against, neglected or as second class citizens in their country of birth or long-term residence. Among the issues of concern raised were: economic and social status of specific minority communities; poverty disproportionately faced by people of colour including African Canadian and specific Asian Canadian communities; children of minority communities having negative experiences in public schools; consistent higher than average educational achievements for young people not translating into access to professional and skilled employment and wages commensurate with their educational outcomes; income levels significantly lower for minorities, higher unemployment rates and minorities disproportionately living in the poorest neighbourhoods and in social housing with relatively poor access to services. There is also concern about minorities being extremely poorly represented in political structures and institutions at federal, provincial and municipal levels; a deep level of frustration among minority communities that highly qualified and skilled workers encouraged to migrate to Canada are unable to gain employment in their former professions despite critical shortages. In addition, racial profiling as a systemic practice, over-policing of some communities in which minorities form a large percentage of the population and disturbing allegations of excessive use of force leading to deaths particularly of young Black males. While on the one hand, members of the Muslim communities reported that they feel there is certainly freedom to practice their religion in Canada, on the other hand, government policies post 9/11 have made them feel targeted, profiled and harassed.

The independent expert noted that Canada's Constitution recognizes the authority of provincial governments in such fields as education, employment, the delivery of health care, social housing, and social services. The Federal government of Canada, however, has the responsibility for ensuring that Canada meets its international obligations in all fields of human rights. The Federal government must be the guarantor of human rights and establish mechanisms that meet this requirement. The current practice has created an uneven and unclear enforcement system that varies among provinces. Human Rights Commissions have an essential role to play in the promotion and protection of human rights, but the jurisdiction of the federal Commission is severely limited and the Provincial bodies are under-resourced, under threat and have been abolished in some provinces. This has led many communities to lose faith in the effectiveness of these critical enforcement bodies.

COLOMBIA

UN expert on independence of judges and lawyers expresses need for judicial strengthening

On 17 December 2009, the Special Rapporteur on the independence of judges and lawyers, Ms. Gabriela Carina Knaul de Albuquerque e Silva, ended her 10-day visit to Colombia with a press conference, in which she shared with local and regional media some of the preliminary findings of her mission.

Highlighting the important steps accomplished by the Government so far and being mindful of the significant challenges encountered, the Special Rapporteur stressed that "a climate of fear and insecurity appears to reign over the judicial system because of attacks and threats against judges, prosecutors and lawyers that occur to them as a consequence of the cases they deal with or the functions that they discharge." "This also affects victims and witnesses who often prefer not to denounce abuses or to testify before the courts," according to the UN expert. "This situation leads to impunity for crimes and negatively affects the confidence of the population in the justice system."

In her preliminary findings, Ms. Albuquerque noted that the long delay in the appointment of the new Prosecutor-General has created a limbo in a situation when the country attempts to come to grips with past violations and impunity. "The appointment process must be transparent and free from any discrimination," says the UN expert monitoring the independence of judges and lawyers. "The person to be appointed must meet the highest standards of integrity and professional ability." She further called for "firm safeguards and guarantees which are to limit the involvement of the executive and the legislative branches of power in the selection and appointment of judges of the highest judicial instances of the country".

The Special Rapporteur noted that the 'Justice and Peace process' is making insufficient progress and so far is not apt to bring about the truth that so many people are looking for. "Another important aspect is the lack of equal access to

justice, which is reflected in overcrowding of the prisons with persons awaiting trial. This situation is aggravated for individuals belonging to the indigenous and afro-Colombian communities, in particular those who are displaced," she stressed.

DEMOCRATIC REPUBLIC OF THE CONGO

The Mission to the Democratic Republic of the Congo, October 2009

From 5 to 15 October 2009, the Special Rapporteur on extrajudicial, summary or arbitrary executions, Mr. Philip Alston, visited the Democratic Republic of the Congo. He held meetings in Kinshasa, Bas Congo (Kisantu), North Kivu (Goma), South Kivu (Bukavu and Minova), and Province Orientale (Dungu and Doruma).

Across the DRC, he met with central, provincial and local Government officials, members of the military and police, judges and prosecutors, MONUC officials, members of the diplomatic community, representatives of civil society at all levels, humanitarian agencies, representatives of religious groups, prison detainees, and former combatants from the Forces Démocratiques pour la Libération du Rwanda (FDLR) and Lord's Resistance Army (LRA). He also met with many witnesses to human rights abuses and family members of victims.

The Special Rapporteur noted that one of the most troubling overall issues in the DRC is the radical privatization of the state. The military is poorly paid and often not paid at all, but it is understood that soldiers will extract their own rewards from the community, through extortion and theft. MONUC provides much of their rations. An ineffectual justice system tolerates and perhaps even encourages 'popular justice' exacted by the local community. Healthcare and education are outsourced to international agencies, and Government officials expressed anger that the latter were not doing far more. The central Government provides funds to only one prison in the entire country. The rest function on the basis of exactions that their often unappointed administrators can obtain from prisoners, their relatives, and others. The privatization phenomenon relieves most of the pressure for fiscal reform and accountability.

In his statement, Mr. Alston gives an overview and analysis of the killings by the Congolese army and FDLR in North and South Kivu; the killings by the Lord's Resistance Army in the Province Orientale; the political killings in Bas Congo and Kinshasa; deaths in prisons; sexual violence and extrajudicial executions; impunity and the criminal and military justice systems; and the role of MONUC. The Special Rapporteur's report to the Human Rights Council will also consider problems relating to the role of the police vigilante and mob justice killings, the killing of journalists and "witches", and the protection of human rights defenders. The latter issue is of particular importance given the constant harassment and intimidation to which the defenders are subjected.

The Special Rapporteur noted that the DRC has long suffered from 'recommendation fatigue' and that now prioritization is unavoidable. He proposed six reforms that were both necessary and achievable within the following six months. These reforms address impunity; indicting those who have committed war crimes, crimes against humanity and other serious offences; early warning; security sector reform; prison conditions and detainees being killed by a negligent and callous prison system; and urgent consideration to improving and restructuring the ability of the UN to monitor and report effectively, independently and credibly on human rights abuses within the DRC.

ECUADOR

United Nations Special Rapporteur on indigenous people visit to Ecuador

From 7 to 9 December 2009, the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, James Anaya, visited Ecuador.

The visit of the Special Rapporteur was intended to provide technical assistance in the elaboration of coordination and cooperation mechanisms between indigenous justice and ordinary jurisdiction, and to start dialogue on the situation of indigenous peoples in Ecuador.

The Special Rapporteur's agenda included meetings with Government representatives, members of the Assembly, indigenous organizations, the United Nations Country Team and other relevant actors in the consultation process on the progress and challenges to implement rights and guarantees relating to indigenous peoples that the new Constitution recognizes. The Special Rapporteur also participated in the regional forum on indigenous justice organized by the Ministry of Justice and Human Rights.

GEORGIA

Displaced from Ossetia conflict need more pragmatism, less politics, says U.N. Representative

On 10 November 2009, upon his return from a visit to the Tskhinvali region of South Ossetia, Walter Kälin, Representative of the Secretary-General on the human rights of internally displaced persons, noted that "more pragmatism and less politics are needed to improve the situation of the displaced." Mr. Kälin already visited Georgia in October 2008, but had been unable to access the Tskhinvali region of South Ossetia at the time.

"It is estimated that 680 houses, in addition to a number of public civilian installations, were destroyed in Tskhinvali during the armed conflict of August 2008 alone. Many villages were affected, too. Lack of shelter is the main problem faced by those displaced within South Ossetia. Reconstruction is progressing far too slowly, Mr. Kälin noted. All displaced, whether they were displaced in 1991-1992 or 2008, have the right to return and restitution of their property," he said. "Return for everyone regardless of where they live now must be facilitated by both sides in a pragmatic way respecting the rights of internally displaced

persons in accordance with the Guiding Principles on Internal Displacement. In view of the complex property situation in the former Soviet republic and the different waves of displacement we probably need a mechanism with international expertise to effectively address property issues."

Kälin encouraged both sides to make use of the Geneva discussions and other channels of communication to agree on first steps to alleviate unnecessary hardships for the civilian population, while continuing to work towards a more comprehensive solution.

"In Akhgori (also known as Leningori) I was informed that supplies of gas and often also electricity from the south have been cut off. This makes life for the mixed ethnic Georgian and Ossetian population in the area very difficult. In Znauri district, I talked to old and vulnerable people who have to fend for themselves, because their children had to flee and are now cut off from helping them. The local population should be allowed to pass through the checkpoints, like it is already the case in Akhgori/Leningori. Family reunification should be fostered."

The Representative of the Secretary-General also called on all sides to show more flexibility in agreeing on access routes for the international community to provide humanitarian assistance and help with the recovery and reconstruction effort. "These are practical arrangements that do not in any way pre-determine political questions. With a minimum will to compromise we could have had an agreement long ago allowing humanitarian organizations to help the most vulnerable to resume normal lives."

HAITI

The Independent Expert on the situation of human rights in Haiti ends his fourth visit to the country

On 30 November 2009, the Independent expert on the situation of human rights in Haiti, Michel Forst, concluded his fourth visit to the country. The main purpose of his visit was to evaluate the implementation of recommendations made in his report to the Human Rights Council presented in June 2009. The independent expert also intended to identify new paths in the field of economic and social rights.

During a press conference, Mr. Forst noted with concern that the reform of the judicial system was stalled while the demand for justice is increasingly present in Haiti, in particular in the context marked by the use of mob justice. Nevertheless, the independent expert is optimistic for the options available to the new Minister of Justice to engage decisively in the reform process.

In the field of economic and social rights, the independent expert called for a change of language and in particular, for all actors to change from the logic of assistance or satisfaction of needs, to the logic of response to the expression of rights. Mr. Forst also called upon Haitian authorities to speed up the process of decentralization with a view to approach those deciding on beneficiaries, within a

framework of subsidiarity, to involve them in decision-making.

Finally, in the context of the preparation for the coming elections in Haiti, and mainly of the decision taken by the Provision Election Council to exclude various political parties for the coming elections, discussions have been initiated with government representatives and different sectors of society.

KYRGYZ REPUBLIC

Toxic waste: UN expert concludes mission to the Kyrgyz Republic

The Special Rapporteur on the adverse effects of the movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights, Mr. Okechukwu Ibeanu, conducted a ten-day mission, from 29 September to 9 October 2009 to the Kyrgyz Republic. Apart from the capital, Bishkek, Mr. Ibeanu visited Orlovka, Cant and Kara-Balta.

The Special Rapporteur welcomed the progress made by the Kyrgyz Republic in addressing the significant problems related to the several radioactive and toxic waste dump sites existing in the country, as well as its efforts to attract the attention of the international community on the serious transboundary threats of contamination of groundwater resources and rivers located in the Central Asian region. Nevertheless, he added that much more remains to be done to minimize such threats and to ensure the effective enjoyment of all human rights by peoples who live in proximity to tailings sites or storage facilities for obsolete pesticides.

The level of co-operation among the different ministries and Government agencies responsible for the management and disposal of radioactive and toxic products and wastes should be strengthened. Access to information on the status of the uranium and toxic waste sites and their possible adverse effects on human health and the environment, as well as the right of affected local communities to participate in decision-making processes aimed at reducing the risks posed by hazardous products and wastes dumped or stored in proximity of their villages, also need to be improved.

The Rapporteur noted with concern that "the social and economic impact of uranium tailings sites and other hazardous toxic waste dump sites on the local population has not been properly addressed," and tailored measures need to be adopted to address the difficulties faced by local communities living in proximity of these sites, who often live in conditions of extreme poverty. Mr. Ibeanu also noted that the existing normative framework on chemicals and waste management is not effectively enforced, and responsible ministries and agencies do not possess sufficient human and financial resources to monitor its implementation.

UN Special Rapporteur on violence against women concludes visit to the Kyrgyz Republic

From 9 to 16 November 2009, the Special Rapporteur on violence against women conducted an official visit to the Kyrgyz Republic. During her visit, which included the cities of Bishkek and Osh, the Special Rapporteur met with representatives of various ministries and Government institutions, the Office of the Ombudsman, members of the Parliament, human rights and women's organizations, victims of violence, as well as representatives of the donor community and United Nations agencies. She also visited a crisis centre for women, a shelter for children, a women's prison, and a pre-trial detention centre.

The preliminary observations emanating from the mission reveal certain trends as regards the current forms of violence against women that exist in the country, including the possible causes and the consequences of such trends. My mandate includes seeking information on violence in the family, the community, at the transnational level and also violence committed and/or condoned by agents of the state. The prevalent forms of violence identified during her visit include: domestic violence, bride-kidnapping, underage marriages, unregistered marriages, trafficking, polygamy, violence and discrimination against women based on their sexual orientation and gender identity, and violence committed by law enforcement agents. The causes identified include amongst others: the lack of effective implementation of legislative and policy measures, poverty, unemployment, traditional and religious practices, internal and external migration, and the lack of accountability in relation to state agents who violate the human rights of citizens. The consequences of such trends include amongst others an increase in the following areas: the prevalence levels of violence against women and girl-children, homelessness, migration, the numbers of women being incarcerated for drug-related offences and also for the killing of family members, rates of HIV/AIDS infections, maternal mortality rates, levels and forms of corruption, and impunity for acts of violence against women by both state and non-state actors.

LAO PEOPLE'S DEMOCRATIC REPUBLIC

Test of religious freedom in Lao PDR lies with tolerance extended to religious minorities, UN expert says

During her country mission from 23 to 30 November 2009, The Special Rapporteur on Freedom of Religion or belief, Ms. Jahangir raised concerns at the serious allegations received by her mandate during the last ten years, for example with regard to arrests on the basis of religion or official campaigns aimed at forcing Christians to renounce their faith. Acknowledging that some incidents had indeed taken place in the past, the authorities assured her that fresh instructions had been passed down to the local administration level and that these incidents will not be tolerated in the future.

The Special Rapporteur very much welcomed the fact that the Lao People's Democratic Republic has recently ratified the International Covenant on Civil and Political Rights,

which prohibits religious discrimination and unreasonable restrictions on the movements of individuals, including in the exercise of religious freedom. Since some provisions of the Prime Ministerial Decree 92 for the Administration and Protection of Religious Activities are not in conformity with international human rights standards, the Special Rapporteur would recommend to review the relevant articles and to complement this decree with policy guidelines on its interpretation.

Ms. Jahangir was also concerned regarding the isolation of religious minorities, who seem to have little or no access to higher education. She also referred to a "glass ceiling in



Asma Jahangir, Special Rapporteur on freedom of religion or belief, meeting with members of the civil society, Lao PDR

terms of their promotion in public service and their effective participation in decision making." The Special Rapporteur emphasized that members of religious minorities must not be marginalized and she expressed the hope that the growing awareness within the Government of respecting religious diversity will be sustained and fostered. "The test of freedom of religion or belief lies with the level of tolerance extended to religious minorities," she added.

MAURITANIA

Unaddressed, slavery in all its forms may be an obstacle to the future of Mauritania

On 4 November 2009, at the end of her visit to Mauritania, the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Gulnara Shahinian, noted that "the Government and civil society organizations have taken significant steps to fight against slavery in Mauritania, but a more a holistic, collaborative and sustained approach addressing all forms of discrimination together with poverty at all levels of society is required." "Unaddressed, slavery in all its forms may be an obstacle to the stability, sustainable development and prosperity of Mauritania," said the UN expert.

Ms. Shahinian met with Government authorities, international organizations and NGOs, and visited communities in Atar, Rosso and Nouakchott. "In my visits

to communities I met with people who told me that they had been victims of slavery practices such as serfdom and domestic servitude. These people had fled slavery and also told the stories of those they had left behind."

"These victims said that they were utterly deprived of their basic human rights. Having no alternative, they voluntarily stay or after fleeing, return to slavery. This perpetuates the vicious circle of slavery for men, women and children. The women I met felt that they were the most vulnerable as they suffer triple discrimination firstly as women, secondly, as mothers and thirdly as slaves."

The Special Rapporteur congratulated Mauritania for openly discussing and addressing all forms of contemporary forms of slavery and its remnants, challenges and consequences, and praised the Government for taking all legal measures to eradicate all forms of slavery. She particularly commended the 2007 passing of the law criminalising slavery. The Special Rapporteur recommended that a sustained awareness-raising campaign in the urban and rural areas is needed in order to make all Mauritians aware of the law.

"A comprehensive and holistic national strategy specifically addressing slavery that includes awareness-raising, access to basic services and income generating activities is required in order to effectively put an end to this phenomenon," said the UN expert. In addition, said Ms. Shahinian, "the national strategy to combat slavery should be developed by different stakeholders from the Government, local and international NGOs, political parties, religious leaders, trade unions, UN agencies and the donor community. I encourage these different stakeholders to jointly implement and monitor the national strategy to combat slavery," the UN expert stressed.

The Special Rapporteur noted that Mauritania's commitment to fight slavery is shown from what it has been able to achieve despite a limited budget. "The new Poverty Reduction Strategy Paper must also include programmes that specifically target slavery in all its forms."

MONGOLIA

UN Expert on the right to education concludes visit

From 1 to 8 October, the Special Rapporteur on the right to education, Mr. Vernor Muñoz, conducted a mission to Mongolia. At the end of his visit, he noted that "Mongolia has achieved significant results in providing access to education in such a vast territory with so little population density and has maintained gross enrolment rates of more than 93 per cent at the primary and 95 per cent at the secondary level." He added that "Mongolia has placed great value in education with policies that encourage children from both urban and rural areas to complete primary and secondary education, and has shown innovation and creativity in order to provide education to such diverse groups as nomadic communities and ethnic minorities."

The Special Rapporteur was made aware of how the current economic crisis is affecting Mongolia and, although the State budget dedicated to education has remained steady at around 20 per cent, the increase of the population, particularly in the capital region, as well as inflation, makes it difficult to provide quality education to all children. In urban areas, this has resulted in frequent overcrowding in schools, whereas in rural communities, the conditions of students' dormitories as well as access to water and proper sanitation facilities are serious challenges for the well-being of students as well as teachers. The vastness of the country and the great distances should provide incentives to stimulate distance education as well as generalized access to internet in order to reduce the growing gap between rural and urban communities. Access to kindergarten (pre-primary education) still remains a challenge, despite creative practices such as the mobile kindergarten, which aims to attend the children of nomadic herders.

"The Government should also seriously consider the situation of children with disabilities in order to provide an inclusive education environment," noted Mr. Muñoz, on realizing that little is provided for them, especially since Mongolia ratified the Convention on the rights of persons with disabilities. "Programme such as schools snacks and free textbooks should be extended also to secondary school children, or at least to those who need it the most," said the UN expert, adding that resources could be better allocated.

The Special Rapporteur also noted that it was difficult to obtain reliable statistical data on indicators such as school drop-outs, especially high in rural areas and among the Kazakh minority, which calls upon better access to education material in their language and encourage intercultural education experiences. "Adequate data collection is crucial in developing public policies and affirmative action programme," said Mr. Muñoz.

RUSSIAN FEDERATION

UN expert on Indigenous People concludes visit to the Russian Federation

On 16 October 2009, at the end of his two-week visit to the Russian Federation, the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, James Anaya, noted that he was "impressed by the several initiatives by the Government of the Russian Federation and regional governments to address the concerns of the country's small-numbered indigenous peoples." He added that "significant challenges remain, however, to consolidate and effectively implement these initiatives for the benefit of these indigenous peoples."

In his preliminary observations on his visit, the Special Rapporteur noted that the Concept Paper on the Sustainable Development of Indigenous Peoples of the North, Siberia and the Far East of the Russian Federation, which the Federal Government issued in February of this year, provided an important impetus for advancing the rights of

indigenous peoples and for overcoming their disadvantage in social and economic spheres.

The Special Rapporteur observed that several important framework laws are in place at the federal level to address the concerns of indigenous peoples, including in regard to lands and natural resources and the preservation and development of their distinctive cultures. At the same time, he encouraged steps to implement these laws and harmonize them effectively with other laws and development policies that favor commercial development of natural resources. Also significant are the laws and programme at the regional level focusing on indigenous peoples.

The Special Rapporteur learned of a number of situations in which indigenous peoples have access to formal education and health services, are able to pursue traditional economic activities such as reindeer herding, and benefit from programme that advance their cultural preservation and economic and social development. However, he also learned that indigenous peoples in many places continue to suffer from poverty, unemployment, and related social ills, and face impediments to their access to traditional economic activities and effective participation in the decisions affecting them. He called upon the Federal and regional governments to strengthen their efforts to secure the rights, of indigenous peoples and to enhance indigenous peoples participation in the design and implementation of the programme intended to benefit them. The Special Rapporteur added that further research and exchange of information would be needed to more completely understand the situation of indigenous peoples in the Russian Federation.

SENEGAL

UN expert on sale of children, child prostitution and child pornography visits Senegal

From 21 to 29 October 2009, the Special Rapporteur on sale of children, child prostitution and child pornography, Najat M'jid Maalla, conducted an official visit to Senegal. She visited Dakar, Saint-Louis and M'bour.

During her mission, she collected first-hand information on the main issues related to the sale of children, child prostitution and child pornography, as well as on the child protection system in general. The Special Rapporteur held meetings with Government representatives at a local and national level, and examine policies and practices of Senegalese authorities on relevant issues to her mandate. The Special Rapporteur also met with representatives of the United Nations Country Team and civil society organizations, and visited centres for child victims of sexual abuse.

On 3 November 2009, the Special Rapporteur asked the Government of Senegal rapidly to elaborate and implement a national integrated and global strategy on child

protection, in order to ensure a more complete protection of the rights of the child.

"The phenomena of sexual exploitation and abuse of children, and of exploitation of children through begging, are of strong concern to all parties," said the UN expert at the end of her nine-day visit to Senegal, where she undertook visits and meetings in Dakar, St. Louis and M'bour.

"Nevertheless," noted Ms. Maalla, "their true scope is unknown due to the absence of a centralized information system, limited knowledge of rights or laws protecting children, non denunciation due to fear of reprisals or stigmatization, and varied understandings of the concepts of trafficking, sale, migration, economic exploitation and apprenticeships."

The Special Rapporteur welcomed the Government's political commitment and numerous actions by a wide variety of actors regarding the rights of the child, stressing the need to secure effective implementation of harmonized legislation, the promotion of positive social norms, accelerating the process of regulating Koranic schools, encouraging child participation as well as partnerships with other actors (private sector, media, civil society), and an information system as well as a follow-up and evaluation mechanism.

A cooperation and coordination mechanism amongst partners in development must also be established, in order to guarantee quality and protection of children in the long term, as well as the respect and promotion of their rights.

SOMALIA

International Community fails Somali displaced, UN Representative says

From 14 to 21 October 2009, Walter Kälin, the Representative of the Secretary General on the Human Rights of Internally Displaced Persons, conducted a mission to Somalia. At the end of his visit he said that "the international community is failing the 1.5 million internally displaced persons (IDPs) in Somalia at a time when the humanitarian crisis is deepening."

The Representative noted that many of the IDPs interviewed during his mission had fled the climate of violence and impunity in Central and South Somalia, including Mogadishu. "I am shocked by the degree of violence facing the civilian population in Central and South Somalia. Serious violations of international humanitarian and human rights law, in particular indiscriminate attacks and shelling of areas populated or frequented by civilians, are being perpetrated by all parties to the conflict with total impunity," the Representative said. "Such acts are a major cause of displacement and may amount to war crimes and other crimes under international law." He also noted the

recent increase of persons fleeing the risk of targeted killings, forced recruitment by militias or because they received death threats. IDPs told him that such acts are particularly rampant in areas controlled by those acting under the umbrella of anti-government groups. Many women and girls have fled after being raped. He urged all parties to the conflict – whether state actors, anti-government groups or militias – to abide by their obligations under international humanitarian and human rights law. International troops should take all measures to ensure that their operations do not affect the civilian population.

Those fleeing, whether from general insecurity or drought, are forced to seek refuge in makeshift camps that are often inaccessible to humanitarian agencies for security reasons or because access is denied by those controlling the area. "The lack of humanitarian access to those most in need, danger for humanitarian workers, such as abductions, as well as a sharp decline in donor contributions exacerbate this long-standing humanitarian crisis and risk bringing it to a hitherto unknown level," the Representative said. He noted the risk of aid being diverted, but called on donors not to reduce humanitarian aid: "This would not only mean punishing the most vulnerable among already destitute communities but also playing into the hands of radical elements who could easily exploit the situation." He insisted that all actors must grant humanitarian access, ensure the safety of humanitarian workers and not impede the already limited delivery of urgently needed humanitarian aid.

I am also deeply concerned about the unacceptable living conditions in some of the IDP settlements I have visited, including lack of proper shelter, food and drinking water, severe malnutrition of children, very poor sanitation, lack of education and health facilities and severe overcrowding, "the Representative said. "Torrential 'El Niño' rains are expected to further aggravate an already dramatic situation," Mr. Kálin added, calling on donors to be prepared.

Though he was not able to visit South and Central Somalia, he received testimonies regarding violence and the appalling living conditions in the Afgooye corridor, an area close to Mogadishu with the highest density of IDPs worldwide. "Existing humanitarian aid is pitifully insufficient compared to the needs of the displaced who often face severe protection risks and marginalisation," The Representative of the Secretary-General said. "Vulnerabilities are heightened by the fact that many IDPs have been displaced more than once," he added.

The Representative recognized that the high number of internally displaced persons imposes a burden on host communities and puts enormous strain on the limited existing basic services and resources. He acknowledged existing support being provided by authorities and host communities in Somaliland and Puntland and urged the authorities and humanitarian and development

organizations to strengthen efforts to ensure adequate protection and assistance for all internally displaced persons regardless of where they come from. "All must work together to strengthen reception capacities for new arrivals as much as possible and to enhance and expand basic services for all the communities affected by displacement – both the IDPs and the host communities – in order to avoid and mitigate inter-communal and inter-clan tensions and violence."

The Representative especially noted the need for a stronger engagement of the international community in Somalia, saying it is essential to find ways to improve humanitarian access and the security of humanitarian workers.

UNITED ARAB EMIRATES

UN Special Rapporteur on racism & xenophobia concludes visit to the United Arab Emirates

From 4 to 8 October 2009, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Mr. Githu Muigai, visited the United Arab Emirates. At the end of his visit, he noted that "the United Arab Emirates is a unique country, where non-nationals constitute the vast majority of the population and where nationals represent a minority in their own country." "The influx of foreigners, which has been supported by the Government to satisfy the demands of a fast-growing economy, has contributed to the building of the country in a positive manner," emphasized the UN expert, "yet it has created tremendous challenges for the Emirati society in terms of national identity, social integration and capacity of absorption".

During his five-day mission, the Special Rapporteur raised various issues of concern relating to the policy on granting citizenship, the working and living conditions of construction and domestic workers, the situation of "Bidoons" or stateless persons, the victims of human trafficking, as well as the Emirati public education system which seems to be hampering integration of foreigners in society.

The UN human rights expert also stressed the need for a robust and solid institutional and legal framework to combat racism, racial discrimination, xenophobia and related intolerance.

Mr. Muigai appreciated that the Government had recognized the need to address these issues and had taken steps accordingly. He encouraged the Government to continue treating these issues as a matter of priority in order to eradicate discrimination on the grounds of national or ethnic origin, preventing individuals from enjoying just and favourable conditions of work, equal pay for equal work, as well as equality before the law.

UN expert on sale of children, child prostitution and child pornography visit

On 18 October 2009, the Special Rapporteur on the sale of children, child prostitution and child pornography, Ms. Najat M'jid Maalla, completed a seven-day visit to the United Arab Emirates. She welcomed the Government's political commitment to the rights of the child and the efforts it has undertaken, particularly in the area of combating trafficking in persons, including camel jockeys.

The Special Rapporteur welcomed Emirate's upcoming ratification of the Optional Protocol on the sale of children, child prostitution and child pornography.

She also praised the existing range of child protection programmes and centres, including shelters and a hotline for victims of child abuse, neglect and sexual exploitation, but pointed to the need for an integrated national child protection strategy, accessible to all children across the country. She also stressed the importance of "stronger prevention efforts, with a focus on the protection of vulnerable children" including stateless children (known as *Bidoon*), migrant children, orphans and children with unknown parents.

Ms. M'jid Maalla also emphasized the need to harmonize juvenile justice legislation with international standards. She recalled that: "all children under 18 years of age who are sexually exploited should be considered as victims, and have access to adequate care, protection, rehabilitation, reintegration and reparation.

The Special Rapporteur, who visited Abu Dhabi, Dubai and Sharjah, welcomed the planned establishment of a Child Rights Monitoring mechanism and of an information system and database for the rights of the child.

UNITED STATES OF AMERICA

"Millions lack access to affordable and adequate housing

On 8 November 2009, at the end of her 18-day fact finding mission to the United States of America, the Special Rapporteur on adequate housing, Raquel Rolnik, warned that, "millions of people in the U.S. are spending high percentages of their income to make their monthly rent and mortgage payment, face foreclosure or eviction, and live in overcrowded and substandard conditions." "The number of homeless continues to rise with increasing numbers of working families and individuals finding themselves on the streets," highlighted the UN expert after visiting Washington DC, New York, Chicago, New Orleans, Los Angeles, Pacoima and the Pine Ridge Indian Reservation. "The economic crisis has exacerbated this situation."

The U.S. has a longstanding and established history of commitment to decent, safe, and affordable housing, dating back to the National Housing Act of 1934, though certain groups such as minorities and Native Americans have not benefitted on an equal basis. Federal funding for low income housing has been cut over the past decades leading to decreased stock and quality of subsidized housing.

During this time, significant efforts have been made to reshape the face of subsidized rental and public housing in the U.S., often demolishing public housing and promoting mixed income communities. "Though a good goal, implementation of mixed income developments in many cases leads to displacement, discriminatory practices and a reduction of the stock of affordable and adequate housing for low-income households," stressed Ms. Rolnik.

Ms. Rolnik is pleased to note that the new Administration is thinking critically and broadly to confront and solve the affordable housing crisis in the country, reversing decades of budget cuts and proposing large additional budgetary



Raquel Rolnik, 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, in her mission to the United States of Amer-

resources to housing. A wider range of permanent options for affordable housing, particularly for the most vulnerable, is required. In designing and implementing these options, affected residents and community members should be partners in the planning and decision making process, as required by international human rights norms.

POSITIVE DEVELOPMENTS

Australia: On 26 November 2009, the Australian House of Representatives Standing Committee on Family, Community, Housing and Youth issued a major report recommending the enactment of new homelessness legislation which enshrines "the right of all Australians to adequate housing. The document, entitled "Housing the Homeless", contains 15 recommendations aimed at preventing and addressing homelessness in the country. The report cited the recommendations addressed by the Special Rapporteur on the Right to Adequate Housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context following a visit to Australia in 2006.

Honduras: As a result of the repeal of a decree that suspended a number of constitutional guarantees, including the right to freedom of expression, the Radio Globo and Radio La Catracha radio stations as well as the Canal 36

television station are operating again. The three media outlets were silent for 22 days after the approval of the decree and the seizure of their equipment by the National Police and the National Telecommunications Commission on 28 September 2009. The issue had been raised in a Joint Urgent Appeal by the Working Group on arbitrary detention, the Working Group on forced or involuntary disappearances, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur on extrajudicial, summary or arbitrary executions, and the Special Rapporteur on torture and other forms of cruel, inhuman or degrading treatment on 30 September 2009. A press release is available at:

<http://www.unhchr.ch/hurricane/hurricane.nsf/view01/84EA5E9DE3C87ECEC1257643004A82D9?opendocument> .

Iran: Gholam Ali Eskandari and Gilan Mohammad, a man and a woman convicted of adultery and who faced death by stoning, were released on appeal after spending six years in detention. Capital offences in Iran include murder, rape, armed robbery, apostasy, blasphemy, serious drug trafficking, repeated sodomy, adultery or prostitution, treason and espionage. Adultery is still punishable by stoning, which involves the hurling of stones in public at a partially buried person. This issue had been raised in three different Joint Urgent Appeals by the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on torture and other forms of cruel, inhuman or degrading treatment and the Special Rapporteur on violence against women, its causes and consequences on 30 July 2008, by the Special Rapporteur on the independence of judges and lawyers, the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on torture and other forms of cruel, inhuman or degrading treatment on 21 January 2009, and by the Special Rapporteur on the independence of judges and lawyers, the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on torture and other forms of cruel, inhuman or degrading treatment and Special Rapporteur on violence against women, its causes and consequences on 21 January 2009.

Iran: Safar Angooti, a juvenile who was due to be executed on 21 October 2009 for a murder committed when he was 17, was granted a one-month stay to allow time to persuade the victim's family to agree to pardon him, in exchange for compensation. The stay of execution, however, falls short of the commutation of the death penalty which, as the Special Rapporteur on extrajudicial, summary or arbitrary executions has pointed out, is required by international law. The case had been raised by the Special Rapporteur in two different Urgent Appeals, on 6 April 2008 and 8 October 2009.

Iran: Canadian-Iranian journalist Maziar Bahari, Newsweek's Tehran correspondent, was released on bail after four months in an Iranian jail. He had been held

without charge in prison in Iran since 21 June 2009 for exercising his right to free expression. Concerns remain that Mr. Bahari's ability to leave the country may be restricted. This was particularly important, when his wife, Paola Gourley was expecting the birth of their first child, in England. The case had been raised in a Joint Urgent Appeal by the Working Group on forced or involuntary disappearances, 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 Special Rapporteur on torture and other forms of cruel, inhuman or degrading treatment on 10 July 2009, and in a Joint Urgent Appeal by the Working Group on forced or involuntary disappearances, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, and the Special Rapporteur on torture and other forms of cruel, inhuman or degrading treatment on 14 July 2009.

Iran: The execution of Mohammad Reza Haddadi, a 21-year-old man sentenced to death in 2004 for a murder he committed when he was 15 years old, did not take place, and no new execution date has been announced. He was first scheduled for execution in October 2008, but this was stayed on the order of the Head of the Judiciary. His execution was then scheduled on 27 May 2009 and 16 July 2009. He is currently being held in Adelabad prison in Shiraz, southern Iran. This issue had been raised in a Joint Urgent Appeal by the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on torture and other forms of cruel, inhuman or degrading treatment on 29 February 2008, and in two Urgent Appeals sent by the Special Rapporteur on extrajudicial, summary or arbitrary executions on 23 July and 8 December 2009.

Maldives: On 23 November 2009, the Parliament passed an amendment bill proposed by the Government to repeal five articles in the criminal code that criminalize defamation. The Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Mr. Frank La Rue, had conducted a mission to the country in March 2009 and one of his recommendations was to eliminate criminal provisions for defamation with regard to State officials' actions in public office. On 1 December 2009, the Special Rapporteur issued a press release in which he welcomed the adoption of the bill: <http://www.unhchr.ch/hurricane/hurricane.nsf/view01/FFF0A396EDA735D5C125767F0040C061?opendocument> .

Mongolia: Mr. Buuveibaatar, a thirty-three-year-old man who had been sentenced to death by the Bayangol District Court of Ulanbattar for murder, was granted a presidential pardon and will not be executed. Buuveibaatar had exhausted all his means of appeal. He will continue to serve a prison sentence. This issue had been raised in a Joint Urgent Appeal by the Working Group on arbitrary

detention, the Special Rapporteur on extrajudicial, summary or arbitrary executions, and the Special Rapporteur on torture and other forms of cruel, inhuman or degrading treatment on 4 August 2009.

Morocco: After a 32-day hunger strike, Ms. Aminatou Haidar, a prominent Saharawi human rights defender who had been deported by Moroccan authorities to the Canary Islands, has returned home. The issue had been raised in a Joint Urgent Appeal by the Working Group on arbitrary detention, 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 Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment on 28 July 2005, and in a Letter of Allegation by the Special Rapporteur on the situation of human rights defenders on 26 November 2009.

Sri Lanka: Mr. Vettivel Jasikaran, writer, publisher and manager of the news website Outreach Sri Lanka and his wife, Ms. Valarmathi Jasikaran, were released on 26 October 2009. The police Terrorist Investigation Division (TID) had arrested Mr. Jasikaran on suspicion of “terrorism-related activities”, and his wife as an accessory, under emergency anti-terror legislation, on 6 March 2008. On 8 June 2008, the couple had filed a fundamental rights case at the Supreme Court, stating that their detention was illegal and that Mr. Jasikaran had been tortured in custody. After nearly six months detained without charge, Mr. Jasikaran was indicted for “inciting communal disharmony” by publishing a magazine. Ms. Jasikaran was charged with aiding and abetting her husband. On 26 October 2009 the Supreme Court allowed the withdrawal of the Jasikarans' fundamental rights petition and acquitted them of all charges. The issue had been raised in a Joint Urgent Appeal by the Working Group on arbitrary detention, the Special Rapporteur on freedom of opinion and expression, the Special Rapporteur on the independence of judges and lawyers, and the Special Rapporteur on the promotion and protection of human rights while countering terrorism on 14 March 2008.

Venezuela: Mr. Eligio Cedeño, whose detention was declared arbitrary by the Working Group on Arbitrary Detention in its Opinion No. 10/2009, has been freed pending trial by a judge, apparently also relying on the Opinion of the Working Group.

Zimbabwe: On 23 November 2009, a Zimbabwean female human rights defender, Ms. Magodonga Mahlangu, and her organization, Women of Zimbabwe Arise (WOZA), were awarded the 2009 Robert F. Kennedy Human Rights Award by the President of the United States. Ms. Magodonga and WOZA have mobilized hundreds of demonstrations of thousands of women across Zimbabwe, motivating mothers to take a stand against the repression and neglect committed by the Government. The situation of Ms. Magodonga was first raised in a Joint Letter of Allegation by the Special Rapporteur on the promotion and protection

of the right to freedom of opinion and expression and the Special Rapporteur on the situation of human rights defenders on 19 April 2005; it had subsequently been the object of several other communications, the most recent of which was a Joint Urgent Appeal sent by the above-mentioned Special Rapporteurs on 8 July 2008.

VISITS

VISITS BETWEEN JANUARY AND MARCH 2010

Albania: Special Rapporteur on extrajudicial, summary or arbitrary executions, 15 - 23 February 2010.

Ecuador: Special Rapporteur on contemporary forms of slavery, including its causes and consequences, 25 January - 1 February 2010.

India: Special Rapporteur on the adverse effects of the movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights, 11-21 January 2010.

Sudan: Independent Expert on the situation of human rights in the Sudan, 23 January -11 February 2010.

United States of America: Working Group on people of African descent, 25-29 January 2010.

ACCEPTED VISITS

REQUESTS ACCEPTED BETWEEN OCTOBER AND DECEMBER 2009 AND VISITS THAT WILL TAKE PLACE AFTER MARCH 2010

Cuba: Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment.

Egypt: Special Rapporteur on trafficking in persons, especially in women and children, 12-21 April 2010.

Guatemala: Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.

Israel: Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, September 2010.

Republic of Korea: Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, May 2010.

Singapore: Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, 21-28 April 2010.

Slovenia: Independent Expert on the issue of human rights obligations related to access to safe drinking water and sanitation, July 2010.

Uruguay: Special Rapporteur on trafficking in persons, especially in women and children, May or June 2010.

Viet Nam: Independent Expert on the question of human rights and extreme poverty, 2010 (dates to be confirmed).

Zimbabwe: Special Rapporteur on violence against women, its causes and consequences, 2010.

REQUESTED VISITS

REQUESTS INITIATED BETWEEN OCTOBER AND DECEMBER 2009

Argentina: Special Rapporteur on trafficking in persons, especially in women and children, request sent on 20 November 2009.

Bangladesh: Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, request sent on 23 December 2009.

Dominican Republic: Special Rapporteur on trafficking in persons, especially in women and children, request sent on 20 November 2009.

Equatorial Guinea: Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the rights of peoples to self-determination, request sent on 8 December 2009

Finland/Norway/Sweden: letter informing these three countries that the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people received a joint letter from the presidents of the respective Sami parliaments of Norway, Sweden, and Finland inviting him to participate in a conference on the cross-border and other issues affecting the Sami people in the Sápmi region of the Nordic countries, request sent on 23 December 2009.

Indonesia: Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, request sent on 23 December 2009

Somalia: Special Rapporteur on violence against women, its causes and consequences, requested on 30 December 2009 for August 2010.

South Africa: Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the rights of peoples to self-determination, request sent on 8 December 2009

United States of America: Special Rapporteur on violence against women, its causes and consequences, requested on 30 December 2009 for May 2010.

REMINDERS

REMINDERS SENT BETWEEN OCTOBER AND DECEMBER 2009

Afghanistan: Special Rapporteur on the question of torture and other cruel, inhuman or degrading treatment or punishment, 4 November 2009.

Algeria: Special Rapporteur on the question of torture and other cruel, inhuman or degrading treatment or punishment, 18 November 2009.

Bangladesh: Special Rapporteur on extrajudicial, summary or arbitrary executions, 16 December 2009.

Belarus: Special Rapporteur on the question of torture and other cruel, inhuman or degrading treatment or punishment, 4 November 2009.

Bolivia: Special Rapporteur on the question of torture and other cruel, inhuman or degrading treatment or punishment, 4 November 2009.

Congo (Brazzaville): Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, 23 December 2009.

Côte d'Ivoire: Special Rapporteur on the question of torture and other cruel, inhuman or degrading treatment or punishment, 4 November 2009.

Dominican Republic: Special Rapporteur on extrajudicial, summary or arbitrary executions, 16 December 2009.

Egypt: Special Rapporteur on the question of torture and other cruel, inhuman or degrading treatment or punishment, 4 November 2009.

Eritrea: Special Rapporteur on the question of torture and other cruel, inhuman or degrading treatment or punishment, 4 November 2009.

Ethiopia: Special Rapporteur on the question of torture and other cruel, inhuman or degrading treatment or punishment, 4 November 2009.

Fiji: Special Rapporteur on the question of torture and other cruel, inhuman or degrading treatment or punishment, 4 November 2009.

Gambia: Special Rapporteur on the question of torture and other cruel, inhuman or degrading treatment or punishment, 4 November 2009.

India: Special Rapporteur on the question of torture and other cruel, inhuman or degrading treatment or punishment, 4 November 2009.

Iran: Special Rapporteur on the question of torture and other cruel, inhuman or degrading treatment or punishment, 4 November 2009.

Israel: Special Rapporteur on the question of torture and other cruel, inhuman or degrading treatment or punishment, 4 November 2009.

Liberia: Special Rapporteur on the question of torture and other cruel, inhuman or degrading treatment or punishment, 4 November 2009.

Libya: Special Rapporteur on the question of torture and other cruel, inhuman or degrading treatment or punishment, 4 November 2009.

Nepal: Special Rapporteur on the situation of human rights defenders, 11 December 2009.

Pakistan: Special Rapporteur on extrajudicial, summary or arbitrary executions, 16 December 2009.

Saudi Arabia: Special Rapporteur on the question of torture and other cruel, inhuman or degrading treatment or punishment, 4 November 2009.

Syria: Special Rapporteur on the question of torture and other cruel, inhuman or degrading treatment or punishment, 4 November 2009.

Tunisia: Special Rapporteur on the question of torture and other cruel, inhuman or degrading treatment or punishment, 4 November 2009.

Turkmenistan: Special Rapporteur on the question of torture and other cruel, inhuman or degrading treatment or punishment, 4 November 2009.

Uzbekistan: Special Rapporteur on the question of torture and other cruel, inhuman or degrading treatment or punishment, 4 November 2009.

Yemen: Special Rapporteur on the question of torture and other cruel, inhuman or degrading treatment or punishment, 4 November 2009.

HIGHLIGHTS

12TH SPECIAL SESSION OF THE HUMAN RIGHTS COUNCIL

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Following the opening of the Special Session by the President of the Council, the High Commissioner for Human Rights stated that the human rights situation in the Occupied Palestinian Territory remained of grave concern and that there was strong evidence of serious violations of international human rights and humanitarian law by all parties. She expressed her dismay at the continuing blockade and the deteriorating situation in Gaza. She further considered that the blockade constituted a collective punishment of the Gaza population, in violation of international law. She also raised concern at the prevailing impunity in the occupied territories and in Israel. Expressing her full support to the findings of the United Nations Fact-Finding Mission of carrying out impartial, independent, prompt, and effective investigations into reported violations of human right and humanitarian law. She also recalled that the situation of detainees remains of grave concern and that addressing impunity for human rights and international humanitarian law is essential to prevent further violence.

Special Procedures mandate holders were not be able to be present in Geneva during the special session. However, the

Chair of the Coordination Committee reassured the President of the Council in a letter that Special Procedures remained at the disposal of the Council to take action, should this be required.

FORUM ON MINORITY ISSUES

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Ms. Barbara Lee, member of the United States House of Representatives, served as Chairperson for this second session of the Forum which focused on minorities and effective political participation. In addition to this wide range of stakeholders, this session of the Forum brought together members of minority populations from all regions of the world, who were either elected officials or had been candidates at national or local levels, engaged in political parties, or who were actively engaged in developing programme to encourage greater participation of minorities in the political process. The focus of discussions was broadly based around the following three core elements: identification of challenges and problems facing minorities and States; identification of good practices in relation to minorities and political participation; and consideration of opportunities, initiatives and solutions.

INTERGOVERNMENTAL WORKING GROUP ON DURBAN

The Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action (IGWG) held its seventh session from 5 to 16 October 2009, in Geneva. The Ambassador of Djibouti, H.E. Mohamed Siad Douale, was elected Chair-Rapporteur by acclamation.

Issues highlighted during the discussions, included *inter alia*, analysis of the underlying causes of migration, including differences in demographics, development and democracy, and in particular poverty, scarcity of food, obstacles to education, inequality of opportunities and discrimination; the State's obligation to protect human rights of all individuals within their jurisdiction including all migrants, irrespective of their status. The importance of not making any distinctions between irregular migrants, asylum seekers and refugees; feminization of migration; and the non-restriction of migration as a North-South phenomenon, recognizing that it is also a South to South phenomenon. Challenges faced by migrants are compounded by new threats, such as the global financial crisis and economic downturn; an increase in racism, xenophobia and discrimination, including violent attack, against migrants, asylum seekers and refugees; an increasing tendency to criminalize the irregular migration and use mandatory detention as a punitive measure; the tragic consequences of migration in terms of family separation; the need for further targeted studies on the subject as well as information and education campaigns, both for migrants and others; the importance of seeing migrants as contributors to economic growth and human development; and the role of human rights mechanisms in protecting the human rights of migrants: the importance of

using treaty body and UPR recommendations as protection and advocacy tools.

Documents related to the seventh session of the IWGD can be found at <http://www2.ohchr.org/english/issues/racism/groups/implementation7th.htm>

AD HOC COMMITTEE ON THE ELABORATION OF COMPLEMENTARY STANDARDS

The Ad Hoc Committee on the elaboration of complementary international standards held its second session from 19 to 30 October 2009, in Palais des Nations. The Ambassador of Algeria, H.E. Idriss Jazairy, was re-elected Chairperson-Rapporteur by acclamation. In his opening remarks as Chair, the Ambassador emphasized the opportunity to advance the endeavours of the Committee. Among the topics discussed were: comprehensive anti-discrimination legislation, discrimination based on religion or belief, establishment, designation or maintaining of national mechanisms with competence to protect and prevent against discrimination; genocide; hate crimes; human rights education; implementation of existing norms and standards; impunity for acts of racism, racial discrimination, xenophobia and related intolerance, including its contemporary manifestations; provisions of free legal aid to victims; interim measures in the interest of victims, and intercultural and inter-religious dialogue; protection of migrants against racist, discriminatory and xenophobic practices; protection of people under foreign occupation from racist and discriminatory practices; protection of refugees, returnees, and IDPs against racist and discriminatory practices; racial, ethnic and religious profiling and measures to combat terrorism; and racism in modern information and communication technologies (racial cybercrime). Also, reparation and remedies for victims of racism, racial discrimination, xenophobia and related intolerance were discussed.

The documents of the second session of the Ad Hoc Committee can be found at <http://www2.ohchr.org/english/issues/racism/2ndAdHocCommittee.htm>

PRESS RELEASES

UN EXPERTS URGE THAILAND TO STOP IMMEDIATELY THE EXPULSIONS OF HMONG

On 31 December 2009, the Special Rapporteur on torture, Manfred Nowak, and the Special Rapporteur on the human rights of migrants, Jorge A. Bustamante, expressed their grave concern at reports that the on-going forcible return of large numbers of Hmong from Thailand to the Lao People's Democratic Republic despite numerous international protests.

"We urge the Government of Thailand to stop immediately all expulsions, to grant access to relevant international

organizations, notably UNHCR, and to take all necessary measures to ensure that the human rights of the Hmong are scrupulously respected," said the experts in a joint statement.

The Special Rapporteur on torture stressed that "the fact that no independent and reliable pre-screening mechanism is in place to assess whether these individuals would be at risk of torture violates international human rights norms."

The Special Rapporteur on the human rights of migrants expressed his concern that "among those expelled to Laos were persons in need of international protection, such as recognized refugees and asylum seekers whose applications had not yet been assessed."

"There is an urgent need to adopt a holistic approach to the management of migration," said Mr. Bustamante, "that takes into account the causes and consequences of the migration flows implicating the Hmong and the full respect of human rights and fundamental freedoms of all those involved."

UN EXPERT URGES CHINA TO CANCEL SCHEDULED EXECUTION

On 24 December 2009, the Special Rapporteur on extrajudicial, summary or arbitrary executions, Philip Alston, called on the Government of China to cancel the scheduled execution of Akmal Shaikh, who was sentenced to death on drug trafficking charges. "There are very strong indications that Mr Shaikh suffers from mental illness and, on the information available, the Chinese courts failed to take this into account," Alston said. "Both Chinese and international law clearly indicate that a person who committed a crime while suffering from significant mental illness should not be subjected to the death penalty."

Alston noted that China has recently taken some important steps to ensure that the death penalty is carried out in accordance with applicable international standards. "Executing a mentally ill man would be a major step backwards for China, and I very much hope that the Government will grant clemency in this case." He noted that in October 2009 he had requested the Government to review the decision by the judicial authorities to deny the defendant a mental health evaluation, but had received no reply to his communication.

Akmal Shaikh was executed by lethal injection on Tuesday 29 December 2009.

UN MINORITIES EXPERT CALLS ON CHINA TO GRANT HER ACCESS TO ASSESS ETHNIC TENSIONS AND VIOLENCE IN XINJIANG UYGHUR REGION

On 22 December 2009, the Independent Expert on minority issues, Ms. Gay McDougall, called upon the Government of China to permit a comprehensive and independent assessment of the ethnic tensions and grievances that erupted into violence in July 2009 in Urumqi, Xinjiang Uyghur Autonomous Region.

"A thorough analysis of the events that took place must go to the heart of ethnic tensions in the region that underlie the terrible tragedy and appalling loss of life experienced by both communities," stated Ms. McDougall. "It should be independent and impartial and hear the perspectives of both ethnic Han and Uyghur communities. An analysis of that nature would be a positive step towards reconciliation."

"If the causes of the July violence are not understood and addressed in an open and transparent manner, they will remain unresolved and Urumqi's communities will be set still further apart. The possibility of further ethnic hostility cannot be discounted under current conditions," said the UN expert. In the immediate aftermath of the July violence, Ms. McDougall requested to make an official visit to China including the Xinjiang Uyghur Autonomous Region in her capacity as Independent Expert on minority issues. To-date, her request has not been granted. Ms. McDougall stated that "independent mandate holders of the United Nations Special Procedures system are ideally situated to carry out such an analysis" and re-stated her request to visit the region.

"Community consultations as part of a wider assessment may provide information that has a bearing on the current trials that have been subject to questions regarding respect for due process rights," the Independent Expert stated. "The apparent fast-tracking of some trials and subsequent executions send shocking signals to some communities and may serve to further inflame tensions".

Nine individuals, mostly from the Uyghur ethnic group, were reportedly executed in November 2009 for their involvement in the violence in Urumqi. On 3 December 2009 a further five Uyghurs were reportedly sentenced to death and on 4 December two more Uyghurs and an ethnic Han were sentenced to death. Concerns remain over the whereabouts and circumstances of many others reportedly detained following the violence.

UN EXPERT ON TORTURE SERIOUSLY CONCERNED ABOUT FORCIBLE RETURN OF ETHNIC UYGHURS FROM CAMBODIA TO CHINA

On 22 December 2009, the UN Special Rapporteur on torture, Manfred Nowak, expressed grave concern about the forcible return of 20 ethnic Uyghurs from Cambodia to China. The deportees were seeking asylum in Cambodia after having fled China during the past few months, following clashes between Uyghurs and Han, in the Xinjiang region in July 2009.

"In light of the reports of severe torture I have received following the July events and the recent executions in the Xinjiang region in violation of the most basic fair trial guarantees, this is a blatant violation of Cambodia's obligations under the principle of non-refoulement as stipulated in article 3 of the UN Convention against torture," stressed the UN expert.

"The situation is aggravated by the fact that I had reminded the Government of Cambodia beforehand by means of an urgent communication, added Nowak.

The decision to deport the 20 persons to China pre-empted the result of their asylum requests which all of them were awaiting. "This means," said the Special Rapporteur, "that the Cambodian authorities have also knowingly prevented an objective determination of their refugee status under the Geneva Convention on refugees and whether the deportees would be at risk of torture, other forms of ill-treatment or the death penalty."

"I am calling on the Chinese authorities to treat the 20 persons humanely upon return in accordance with international standards, to grant access to them in case they are detained and to afford them due process guarantees, if charged with criminal offenses", urged the Special Rapporteur.

UN EXPERT ON FOREIGN DEBT REGRETS BRITISH COURT ORDER THAT LIBERIA MUST PAY 1978 DEBT TO 'VULTURE FUNDS'

On 17 December 2009, the UN expert on foreign debt and human rights, Dr. Cephas Lumina, regrets the recent ruling of London's High Court ordering Liberia to pay a debt of approximately US\$20 million, dating from 1978, to two private investment funds which acquired the debt after it was resold several times.

'Vulture funds' are private investment firms that purchase the debts of distressed companies or sovereign States on the secondary market, often for a sum far less than the face value of the debt obligation. They then pursue repayment of the nominal full face value of the debt together with interest, penalties and legal costs.

"This is a morally unacceptable trade-off," stressed Dr. Lumina. "Payment of this debt by Liberia would have a direct negative effect on its government's ability to fulfill its human rights obligations, resulting in further impoverishment and privation of basic human rights, especially economic, social and cultural rights, such as the rights to water and sanitation, health, housing and education. In return, two private speculative investors will unfairly increase their profit margins."

The 26 November ruling comes at a time when Liberia is going through the Heavily Indebted Poor Countries Initiative (HIPC) process - an internationally agreed debt relief measure which is designed to free-up funds for poor countries to invest in education, health and poverty reduction. Ranking 169 out of 182 countries on the UN' Human Development Index, Liberia continues to struggle to recover from years of war. Much of the country lacks the basic infrastructure of electricity, piped water, and sewerage systems. The sum of US\$20 million awarded to Hamsah Investments and Wall Capital Limited by the British court represents a significant portion of Liberia's annual budget for education and health.

"I strongly urge the international community, the Paris Club and, in particular, the United Kingdom, the USA and France - which are preferred jurisdictions for many 'vulture funds' - to urgently consider enacting legislation to prevent 'vulture fund' activity within their jurisdictions as a clear indication of their commitment to find a durable solution to the debt problem. It is illogical to cancel poor country debt and at the same time allow unconscionable 'vulture fund' claims."

"For their part, developing countries should ensure transparency, participation and accountability in the negotiation, contraction, restructuring and settlement of public loans, including through legislation providing for oversight by parliaments and civic organizations," said Dr Lumina. "It is time to move beyond the rhetoric to more robust action outlawing this retrogressive practice."

JOINT STATEMENT OF THE COMMITTEE ON MIGRANT WORKERS AND THE SPECIAL RAPORTEUR ON THE HUMAN RIGHTS OF MIGRANTS ON THE OCCASION OF THE INTERNATIONAL MIGRANTS DAY, 18 DECEMBER 2009

"Migrants are more exposed to commoditization and human rights violations", say the Committee on Migrant Workers and the Special Rapporteur on the situation of human rights of migrants.

Despite the increasing efforts of the international community, including civil society, for the promotion on satisfactory, equal, dignified and legal conditions of migration, human rights of migrants continue to be relegated and migrants continue to be exposed to commoditization and human rights violations. 18 December, celebrated the International Migrants Day in 2009, the Special Rapporteur on the human rights of migrants called attention to the situation of two particularly vulnerable groups, namely migrant domestic workers and minors.

This year, the Committee on Migrant Workers examined the issue of domestic migrant workers at its 11th session. In the encouraged all States, whether of origin or destination, to apply standards based on gender considerations and to extend international labour protection to migrant domestic workers. We also call upon government to stop the abuse of employment agencies, increase legal migration channels and facilitate victims the access to judiciary, independently of their migration status.

There is no specific international convention dedicated to domestic workers and the work by the ILO to elaborate a new legal instrument on domestic workers was welcomed, and the expert expected that it will close, in a significant manner, the existing protection gap.

The situation of migrant children also continues to be a matter of particular concern, especially the unaccompanied children and who are at risk of human trafficking and sale of children. States were called upon to integrate a focus

based on the rights of the child in migration legislation, policies and programmes. In particular, States were asked to facilitate access to education, health and birth registration to all children, including children of migrants in irregular situations.

The 2009 International Migrants Day was the year leading to the 20th anniversary of the approval by the General Assembly of the [International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families](#). The Special Rapporteur on the human rights of migrants took this opportunity to intensify efforts for the promotion of the ratification and implementation of the international convention, and called upon States to adhere as a matter of priority.

UN EXPERT ON EXTRAJUDICIAL EXECUTIONS CALLS ON UN TO END SUPPORT TO CONGOLESE MILITARY OPERATIONS COMMANDED BY KNOWN WAR CRIMINALS

"As the UN Security Council considers renewing the mandate of the UN peacekeeping force in the Democratic Republic of the Congo (MONUC), it should ensure that no further support is given to Congolese military operations commanded by individuals who have committed grave human rights abuses," stated the UN Special Rapporteur on extrajudicial executions, Philip Alston. He added that "it is a contradiction of basic UN principles for UN peacekeepers to cooperate with a military operation led by individuals who stand accused of war crimes and grave human rights abuses." "The situation is all the more problematic as a result of the continuing reports of major abuses committed against the civilian population," stated the UN independent expert.

Through 2009, MONUC has supported "Kimia II," a Congolese military operation against the FDLR rebel group in eastern Congo. The Special Rapporteur stated that while action against the FDLR is necessary, the manner in which this operation has been carried out to date has been "absolutely catastrophic" for civilians in the Congo. "There has been insufficient planning for civilian protection, and civilians have been raped to death and massacred in revenge attacks by the rebels. Shockingly, civilians have also been gang raped and hacked or shot to death by the Congolese army - the very force that is supposed to protect them."

The Special Rapporteur traveled to the Democratic Republic of the Congo in October 2009, and gathered evidence of unlawful killings by all sides, including civilian massacres led by Congolese army commander Innocent Zimurinda in an area called Shalio. "The UN has clearly taken important steps in response to my statements following the mission," said Alston, "but it appears that Colonel Zimurinda remains in command, and that the UN has not implemented a strong conditionality policy that would prevent it from supporting units led by him or by Bosco Ntaganda, for whom the

International Criminal Court has issued an arrest warrant for war crimes.”

The Special Rapporteur also called on MONUC to make public the terms of any conditionality policy it currently implements, and to ensure that it has adequate monitoring in place to guarantee that the conditions are being observed.

UN EXPERTS: PRESIDENT CHÁVEZ DEALS NEW BLOW TO INDEPENDENCE OF JUDGES AND LAWYERS IN VENEZUELA

On 16 December 2009, three independent UN human rights experts said that they are deeply disturbed about a controversial arrest of a judge in Venezuela, which they described as “a blow by President Hugo Chávez to the independence of judges and lawyers in the country.” Judge María Lourdes Afiuni was promptly arrested by intelligence police officers after having ordered the conditional release pending trial of Mr. Eligio Cedeño, according to available information. Mr. Cedeño’s detention was declared arbitrary by the UN Working Group on Arbitrary Detention on 1 September 2009, citing violations of the right to fair trial. His counsel team introduced the UN experts’ opinion at the hearing before Judge Afiuni on 10 December 2009, following which he was conditionally released after almost three years in detention without trial.

President Chávez openly instructed the Attorney General and the President of the Supreme Court to punish Judge Afiuni as severely as possible, to prevent similar actions by other judges. He also suggested that Mr. Cedeño’s defense attorneys had engaged in criminal conduct in requesting his release. Attorney General Luisa Ortega Díaz is reported to have given interviews to the press slandering the Judge. Two court bailiffs accompanying Mr. Cedeño out of the court room, and one of his lawyers were also briefly arrested, but soon released.

“Reprisals for exercising their constitutionally guaranteed functions and creating a climate of fear among the judiciary and lawyers’ profession serve no purpose except to undermine the rule of law and obstruct justice,” stated the experts. “The immediate and unconditional release of Judge Afiuni is imperative,” they added. Judge Afiuni is said to have been charged with corruption, accessory to an escape, criminal conspiracy and abuse of power. She has been denied a public defender. It is also feared that Mr. Cedeño’s Venezuelan defence lawyers are under imminent threat of arrest. Earlier in November, another Caracas judge was reportedly removed from the court of appeals and demoted after determining that Mr. Cedeño’s pretrial detention had exceeded statutory limits.

STATEMENT OF THE COORDINATION COMMITTEE OF SPECIAL PROCEDURES ON BEHALF OF MANDATE HOLDERS OF THE UNITED NATIONS HUMAN RIGHTS COUNCIL ON THE OCCASION OF HUMAN RIGHTS DAY, 10 DECEMBER

“Efforts to end discrimination are falling short,” state UN experts. “Globally, stronger commitments and more determined action are required if we are to defeat discrimination” stated the United Nations special procedures mandate holders in a joint statement to mark Human Rights Day, 10 December 2009. The struggle against discrimination must be intensified and given higher priority by all societies and at all levels as a key human rights objective. However “efforts to defeat discrimination are falling short, and progress is even being reversed in some instances” warned the experts in their joint call for action. “Governments must be the first and strongest advocates for equality and non-discrimination. But as individuals, institutions and societies we all have a vital role to play. We must all be human rights defenders, all anti-discrimination activists. We must challenge discrimination wherever it exists and stand resolutely in support of whomever it affects. Those who are most vulnerable to discrimination in our societies should always be the most protected, never the least,” asserted the experts.

“Our ethnic, cultural or religious differences should be acknowledged, valued and respected, not seen as a threat to our unity as they too often are, but as a celebrated component of it” they stated. “Societies that reject discrimination and embrace diversity and rights, create the conditions for all to grow and prosper in equality and dignity. Discrimination distorts that vision and damages all of our societies in immeasurable ways.”

“There must be no form of discrimination that we do not confront, no injustice that we turn away from. Discrimination can be defeated, but we must meet the challenge with commitment and concerted action against discrimination and its causes based on a firm foundation of justice and the rule of law,” stressed the special procedures mandate holders.

The group of experts pointed out that discrimination may affect us all as we migrate, grow older or cope with illness or disability and other inevitable changes in our lives and circumstances. “No society is immune. We must acknowledge the discrimination around us in all its forms and recognize it for the scourge that it is, both in its most pronounced and in its most hidden or subtle expressions” they affirmed.

The United Nations experts highlighted in their joint statement the impact that discrimination has on the lives of millions affected every day and that it takes many forms. “For children deprived of an education because they are girls, their ethnicity, colour or their poverty, it is the denial of a future of opportunity and choice. For the woman or man humiliated or attacked simply because of their difference, because of who they are, it is a burden of fear that they daily endure. For those harassed, threatened or arrested because theirs is a different faith or belief, it is a constant reminder that they are not welcome. Discrimination silences those who most need a voice to speak out for their rights, and denies those who most need a place in the structures of society including in their decision

making processes. Where discrimination prevails, there is yet another moment of violence or insecurity for the victims of conflict or oppression, yet another day of exploitation for those born or sold into servitude. Discrimination ruins lives”.

The special procedures reflected on their role in the global struggle: “Within our varied thematic responsibilities we work to uphold all human rights throughout the world, to speak out uncompromisingly against violations of those rights and to work to assist States and civil society, and to support their vital efforts to ensure equality. Each of us sees every day the terrible impact that discrimination has in our own specialist fields. Collectively we realize that discrimination is a root cause of so many of the violations that come before us. We take hope from the strong reaffirmation provided this year at the Review Conference of the Durban World Conference Against Racism - that discrimination must and can be eradicated from all of our societies.

“When we, as nations and governments, but also as communities, as families and as individuals, instill in every part of our lives and our societies a culture of equality, dignity and rejection of discrimination, we collectively take a great leap forward in the global struggle for justice and rights”.

"AN AMBITIOUS CLIMATE CHANGE AGREEMENT MUST PROTECT HUMAN RIGHTS OF ALL," WARN UN EXPERTS

Joint Statement of the Special Procedure Mandate Holders on the UN Climate Change Conference (Copenhagen, 7-18 December 2009)

On 7 December 2009, just before the opening of the Copenhagen Climate Change Conference, a group of UN human rights experts noted that “it is a matter of human rights.”. While there is growing consensus on the adverse impact that global warming is likely to have on the environment and economic growth, the serious threats it poses to the full enjoyment of a broad range of human rights still need to be properly understood and addressed. “A weak outcome of the forthcoming climate change negotiations threatens to infringe upon human rights,” the experts said. Rising sea levels, increasing ocean and surface temperature and extreme weather events like storms, droughts and cyclones have, and will continue to have, a range of direct and indirect implications for the enjoyment of human rights.

“Adaptation or mitigation measures, such as the promotion of alternative energy sources, forest conservation or tree-planting projects and resettlement schemes must be developed in accordance with human rights norms,” warned the experts. “Affected individuals and communities must participate, without discrimination, in the design and implementation of these projects.”

The adverse effects of climate change are felt most acutely in the poorest countries of the world. Poor or otherwise

marginalized individuals and communities, who often live in areas prone to natural disasters and depend on natural resources for their subsistence, face the greatest risk. They are less able to prepare for, or adapt to, climate change and its effects on the accessibility and availability of food, drinking water, sanitation, adequate housing or health care. A growing number of people will face displacement and the loss of their homes and livelihoods, which may also result in increased social unrest.

“Focusing on the rights of those who are already vulnerable and marginalised due to poverty and discrimination, a human rights-based approach to climate change can be a useful tool to complement international efforts aimed at tackling the adverse effects of global warming,” affirmed the experts. In accordance with international human rights law, States have an obligation to take individual and collective measures to reduce greenhouse gas emissions and their adverse impact, as well as to assist those who are most vulnerable in preparing for, and adapting to, its inevitable impact.

The experts urged participants at the Copenhagen Climate Change Conference “to step up their efforts to achieve a new agreement that prevents further climate change, protects affected individuals from its adverse impact and leads to the formulation of global and national mitigation and adaptation responses based on internationally recognised human rights norms and standards.”

UN SOMALIA EXPERT CONDEMNS MOGADISHU KILLINGS, CALLS FOR GRASSROOTS EFFORT TO PREVENT FURTHER ATROCITIES

On 3 December 2009, the Independent Expert on the situation of human rights in Somalia, Dr. Shamsul Bari, called for a nationwide grassroots effort to prevent a repetition of killings of several prominent members of Somalia’s Transitional Federal Government, as well as journalists, students and other bystanders, in an explosion at a graduation ceremony in the Somali capital Mogadishu. “I am shocked and greatly saddened by the clearly deliberate murder of a number of prominent Somalis, including government ministers, students and journalists in the blast at the Shamo Hotel’s meeting hall, where reportedly hundreds of people were attending a graduation ceremony,” Bari said.

“One of the greatest tragedies of the prolonged crisis in Somalia has been that several generations have been deprived of education. This attack, which targeted some of the country’s very few university-level students, as well as the education ministers working to enhance education under extremely difficult circumstances, is a direct blow to the fabric -- and the future -- of the nation,” the UN expert said. “I appeal to all Somalis, at all levels of society, to make it clear they condemn in the strongest manner this atrocious act, which is unacceptable and unjustifiable under any circumstances, and to do what

they can to help prevent any more atrocities of this type from taking place, as well as to bring those responsible to justice."

Bari also called on the international community "to strengthen the capacity of the Somali Government to investigate this appalling crime and to prosecute the perpetrators to the fullest extent of the law." "I offer my heartfelt condolences and prayers to the families and loved ones of those killed and injured," he said. "It is another terribly sad day for a country that has already suffered so much for so long."

UN EXPERTS: MAGUINDANAO MASSACRE MUST BE THE START OF A MAJOR REFORM PROCESS

On 2 December 2009, the brutal killing of 57 people in Maguindanao, including some 30 journalists, should be seen as a watershed moment for the Philippines, according to Philip Alston, Special Rapporteur on extrajudicial executions, and Frank La Rue, Special Rapporteur on freedom of opinion and expression. Both UN experts noted that "the pre meditated killing of political opponents, combined with a massive assault on the media must be tackled at various levels that go well beyond standard murder investigations."

In a statement, the two UN experts indicated that the initial responses of the Government had been encouraging. "The first step", they noted, "is to ensure that the police investigation is comprehensive and independent, and employs the highest professional standards. It must also be followed by effective prosecutions of all those responsible for the killings." They added, however, that the massacre also demanded a more extensive reflection on the elite family-dominated manipulation of the political processes and the need to eliminate such practices in order to assure the future of democracy in the Philippines.

"This will require a thorough-going investigation of the broader context to be undertaken by a credible and independent body, appointed with full legal powers to carry out an effective inquiry and make recommendations." The UN experts expressed their particular dismay at the wholesale killings of journalists and emphasized that any broader inquiry into the political system would need to focus on the ways and means of enhancing protection for journalists in the future.

A third, but even more urgent step is also required according to the UN experts. "Elections in the Philippines have traditionally become occasions for widespread extrajudicial executions of political opponents. There is every indication that the run-up to the May elections will sound the death knell for many political activists." Alston and La Rue added that "the Government should acknowledge this likelihood and immediately establish a high-level task force, with broad political support, to identify the measures that should be taken to prevent killings that occur in the lead-up to the elections".

WTO: TRADE NEGOTIATIONS NEED TO REFLECT THE NEW GLOBAL CONSENSUS ON HUNGER, WARNS UN EXPERT ON RIGHT TO FOOD

On 2 December 2009, after the World Summit on Food Security in Rome, the UN Special Rapporteur on the right to food, Mr. Olivier De Schutter, reviewed the stakes of the ongoing WTO Ministerial for global food security. According to the UN human rights expert, the trade community should devote the upcoming six months to ensure coherence with multilateral efforts to eradicate hunger. Mr. Olivier De Schutter welcomed the statements by WTO members recognizing the critical importance of food security concerns and the need for these to be better incorporated into the multilateral trading system. But, he added, "Governments negotiating trade issues must be consistent with the new global consensus on hunger." He called on States to ensure that trade rules will not deprive States from the policy space they require to implement actions that ensure food security at domestic level. He also called for a systemic review of the Doha Work Programme to ensure the trade system can meet the challenges posed by the post-crisis global food economy.

The Special Rapporteur called for three concrete actions. First, he called for a "compatibility check" between existing trade agreements and the policies that food-insecure countries are currently putting or planning to put in place, including those policies promoted by the UN High-Level Task Force on the Global Food Security Crisis and the recent Rome Declaration on food security. "The WTO has not seriously assessed the extent to which the WTO disciplines impose restrictions to the policy space of countries. In certain areas, these restrictions may be decisive for food security."

Second, countries should embark on a review of the Doha Work Programme to consider the long-term impacts of the global food crisis. "Caution is needed to ensure a completed trade deal does not come at the expense of global food security" said De Schutter. "The global food economy of 2009 is fundamentally different from the one in 2001 when the Doha round began. The old assumption of falling prices no longer holds true and food prices are expected to stay above their pre-crisis levels. The concentration is such in global food markets that an increasing portion of the added value is captured by wholesalers and traders, not producers in developing countries. And competition is increasing between small producers who are squeezed out from supply chains and large producers who have much easier access to global markets. Yet, the current WTO draft modalities on agriculture fail to capture these new realities and thus the trade system is ill-prepared to address present and future agricultural policy and food security challenges."

Third, the Special Rapporteur shares the view that a comprehensive and balanced conclusion of the Doha Round could be important to improving world food

security. That holds only, however, “if a set of conditions are met.” This set of conditions includes but is not limited to the possibility for States to retain the freedom to take measures which insulate domestic markets from the volatility of prices on international markets. “Safeguard measures are crucial; they are the essence of maintaining national food systems in countries that cope with import surges.” He noted it was also imperative for WTO members to decisively implement the long overdue Ministerial Decision on Measures concerning the Possible Negative Effects of the Reform Programme on LDCs and Net-Food Importing Developing Countries, as called for by earlier WTO ministerials and recently affirmed once again by heads of states and ministers at the World Summit on Food Security.

"SLAVERY EXISTS IN HOUSEHOLDS AROUND THE WORLD" SAYS UN EXPERT ON CONTEMPORARY FORMS OF SLAVERY

On 1 December 2009, the UN Special Rapporteur on Contemporary forms of Slavery, Ms. Gulnara Shahinian, on the occasion of the International Day for the Abolition of Slavery stated that “domestic workers who are overworked, underpaid and subject to abuse – whether physical, emotional or sexual in nature – are effectively being treated as slaves. This form of slavery takes place in households all across the world,” said

“Domestic servitude or slavery is a situation when a vulnerable individual is forced, by physical and/or moral coercion, to work without any real financial reward, is deprived of his or her liberty, and is in a situation which is contrary to human dignity,” Ms. Shahinian said, adding that “domestic workers are especially vulnerable to this form of forced labour because of the unprotected nature of their work and the highly personalized relationship between the worker and their employer.”

“Domestic workers are beaten, raped, forced into confinement, denied food and contact with others. Despite working in these inhumane conditions, they are often trapped due to lack of information or opportunity to seek help, as well as by financial pressures and debts that make them afraid to lose their employment,” the Special Rapporteur said. Boys and girls in domestic service are often labelled as trainees to avoiding provisions prohibiting child labour. Such children are particularly at risk due to their young age, isolation and separation from their families and peers, making them totally dependent on their employers.

Migrant domestic workers are especially vulnerable because of their insecure legal status in the country in which they work. “Domestic service is used as a cover mainly to lure women and girls into employment abroad, while deceiving them about the real nature of their work,” Ms. Shahinian said. “For many, seeking employment away from home, sometimes across borders, is the only means to escape poverty. Policies linking workers’ immigration status to individual employers, excessive recruitment fees,

language barriers, and confiscation of passports expose migrant domestic workers to more human rights abuses.”

The Special Rapporteur urged States to sign and ratify international instruments related to the rights of migrant workers and the fight against child labour. “Despite the fact that domestic servitude takes place in private households, Governments have the duty to protect individuals from all types of human rights violations, including this form of slavery which affects predominately women and girls.”

FREEDOM OF EXPRESSION: UN EXPERT WELCOMES DECRIMINALISATION OF DEFAMATION IN THE MALDIVES

On 1 December 2009, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Frank La Rue, welcomed the adoption of a Bill by the Parliament of the Maldives to remove the provisions in the Penal Code which criminalise defamation.

The Bill, adopted by the Parliament on 23 November, abolishes articles 150 through 166 of the Penal Code which deal with defamation of a person’s “name, integrity, or dignity,” which carried a sentence of exile, house detention or fine.

“I urge all States which have not already done so to repeal criminal defamation laws in favour of civil laws. In addition, any provisions that allow public officials to bring defamation suits with regard to their actions in public office should be totally eliminated,” stressed the expert. “I look forward to the implementation of other recommendations that I have made following the visit to the Maldives,” La Rue also added, “including the adoption of an antimonopoly legislation particularly with regard to communications, and to ensure that the Telecommunications Act is passed to guarantee the independence of the Telecommunications Authority.”

SWITZERLAND: UN EXPERT ON RELIGIOUS FREEDOM REGRETS OUTCOME OF VOTE TO BAN CONSTRUCTION OF MINARETS

On 30 November 2009, the Special Rapporteur on freedom of religion or belief, Ms. Asma Jahangir, regretted the outcome of the vote on the prohibition of the construction of minarets in Switzerland.

“I have deep concerns at the negative consequences that the outcome of the vote will have on the freedom of religion or belief of members of the Muslim community in Switzerland,” Ms. Jahangir said. “Indeed, a ban on minarets amounts to an undue restriction of the freedom to manifest one’s religion and constitutes a clear discrimination against members of the Muslim community in Switzerland.”

“This vote reminds us that no societies are immune from religious intolerance,” stressed Ms. Jahangir, adding that “it is therefore more than ever necessary to continue raising awareness and educating people about religious diversity, enabling all societies to adopt an enlightened and progressive attitude towards the beliefs of other communities.” “Doing so will help to eliminate the grounds for irrational fears towards

Muslims. Unfortunately, these fears have been largely exploited in Switzerland for political purposes," warned the UN expert.

The Special Rapporteur emphasized that Switzerland, which has ratified the International Covenant on Civil and Political Rights, must protect and ensure respect for freedom of thought, conscience and religion. "I therefore urge the Swiss authorities to abide by all its international obligations and to take the necessary measures to fully protect the right to freedom of religion or belief of members of the Muslim community," concluded the UN expert on religious freedom.

UN EXPERT CONDEMNS SERIES OF STONINGS IN SOMALIA, URGES RELIGIOUS GROUPS TO REFLECT ON THEIR ACTIONS

On 27 November 2009, the Independent Expert on the situation of human rights in Somalia, Dr. Shamsul Bari, condemned the series of stonings that had been taking place in Somalia, and called on all parties to immediately refrain from and abolish the practice of cruel, inhuman and degrading treatments, including stoning, amputations, floggings, and other unlawful acts of torture and murder. "I would like to extend my solidarity and sympathy to the Somali people in view of the deteriorating human rights situation in the country including the summary executions, floggings and stoning to death carried out in public by Islamist armed groups in South and Central Somalia," Dr. Bari said.

On November 18, 2009, according to reports from a village near the town of Wajid, 400 km north-west of the capital, Mogadishu, a 20-year-old woman divorcee accused of committing adultery was stoned to death by Islamists in front of a crowd of about 200 people. Earlier this month, a man was stoned to death for rape in the port town of Merka, south of Mogadishu, and in October two men are reported to have been executed after being accused of spying. Similar executions took place earlier in the year.

"I strongly condemn these recent executions by stoning in Al-Shabab-controlled areas of Somalia, including that of the woman accused of adultery in the Wajid area, and of Abbas Hussein Abdirahman in the town of Merka," Bari said. He urged all Islamist groups, including Al Shabaab and other armed groups and religious leaders to abide by their international human rights and international humanitarian law obligations.

"I call on all relevant parties to immediately refrain from and abolish the practice of cruel, inhuman and degrading treatments, including stoning, amputations, floggings, various other corporal punishments, and further unlawful acts of murder and torture which amount to crimes under the International Law," Bari said. "Today is the start of the Eid Al Adha, an extremely important event in the Muslim calendar. It is a good moment for all those in power who are inflicting suffering on individuals and, indeed, on the

population in general, to reflect on how they can help people, in accordance with religious principles, rather than harm them." He also urged the International Community to engage with Somalia's Transitional Federal Government (TFG) to identify priorities in terms of security, humanitarian and human rights and to strengthen the capacity of the Government to investigate human rights abuses and hold the perpetrators accountable.

"On the occasion of this important religious feast, the Eid Al Adha, I express my solidarity to all the victims and their families," Bari said. "This should be an occasion of piety and celebration. Instead, for them, it is marked with great sadness and loss."

PANAMA: UN EXPERT CONDEMNS EVICTIONS OF NASO COMMUNITIES AND CALLS TO DIALOGUE

On 25 November 2009, the UN Special Rapporteur on indigenous people, James Anaya, expressed his "deep concern about forced evictions and destruction of houses on 20 November 2009 of Naso communities of San San and San San Druy, in Changuinola, Bocas del Toro province, Panama."

According to sources, on 20 November 2009, approximately 150 policemen evicted more than 200 Naso indigenous living in San San and San San Druy communities using tear gas. After the people were evicted, employees from the company Ganadera Bocas entered the area with machinery and destroyed the houses of the indigenous.

The company claimed the eviction area for its commercial activities based on a property title given by the State, while Naso communities that have lived there claim traditional land rights. Since the seventies, Naso communities have been claiming the revindication of these lands. Despite time, at present, the Naso do not have legal recognition of these traditional lands.

"I call upon the Panama authorities and Naso communities to look for channels of dialogue and understanding based on the respect of human rights," said the UN expert. "In particular, I call upon the Government to immediately take the lead in the dialogue process with the Naso people affected to find a peaceful solution to this situation," he added.

UN EXPERT CALLS FOR STRENGTHENED COOPERATION TO INTENSIFY EFFORTS TO ELIMINATE VIOLENCE AGAINST WOMEN

On 25 November 2009, the Special Rapporteur on Violence against Women, its causes and consequences, Ms. Rashida Manjoo, seized the opportunity of the International Day on the Elimination of Violence Against Women to present her approach to the mandate, both in terms of thematic priorities and cooperation with other mechanisms, with a

view to enhance efforts to eliminate violence against women.

“Significant progress achieved in recent years in the international legal response to violence against women has resulted in the explicit recognition of violence against women as a human rights concern. However, the reality on the ground shows that many forms and manifestations of violence against women remain endemic around the world, cutting across national boundaries, race, class, culture, tradition and religion. The consequences include the violation of dignity and also of the right to equality, non-discrimination, physical integrity and freedom from violence.”

“Over the last fifteen years, the mandate of the Special Rapporteur on violence against women has evolved at both a conceptual and a practical level. At the conceptual level, the mandate has evolved to capture a wider spectrum of acts as they manifest from the home to the transnational arena. At the practical level, the mandate involves regional networking, implementation of international laws, technical assistance and monitoring of international laws. The current approach emphasises the universality of violence against women, the multiplicity of its forms, the intersectionality of diverse kinds of discrimination against women, and its linkage to other systems of domination based on inequality and subordination.”

“It is with this approach that I intend to further strengthen the mandate by addressing a number of thematic concerns which in my view require timely and focused attention. These include the issues of reparations to women for wrongs committed in contexts of peace, conflict, post-conflict and transitional justice settings; prevention strategies including those which promote women’s empowerment and engagement in challenging patriarchal interpretations of norms, values and rights; and multiple, intersecting and aggravated forms of discrimination affecting women and leading to increased levels of violence and limitation or denial of their human rights.”

“The work and the challenges ahead require increased joint efforts with other international human rights mechanisms. In this regard, I am committed to strengthen synergies with the system of special procedures, the treaty bodies - CEDAW in particular -, the Universal Period Review of the Human Rights Council, as well as with other entities as the Commission on the Status of Women and the new UN gender equality structure. I am also committed to promoting and strengthening the engagement of the mandate with regional mechanisms and civil society actors. The upcoming Beijing +15 and the review of the implementation of the Platform for Action; the 30th anniversary celebrations and reflections on the achievements of the CEDAW; and the recent Security Council Resolution 1888 strengthening the response to the issue of sexual violence in conflict situations, all provide us with the opportunity to intensify our efforts towards protection, prosecution, prevention and provision of

effective redress to women who have been subjected to violence.”

“The Secretary-General’s campaign titled ‘UNiTE to end violence against women’ identifies five key outcomes in its Framework of Action. These include: the adoption and enforcement of national laws; the adoption and implementation of multi-sectoral national plans of action that emphasise prevention and are adequately resourced ; the establishment of data collection and analysis systems on the prevalence of various forms of violence against women and girls ; the establishment of national and/or local campaigns and the engagement of civil society in preventing violence and in supporting women and girls who have been abused ; and the adoption of systematic efforts to address sexual violence in conflict situations and to protect women and girls from rape as a tactic of war, and the full implementation of related laws and policies.”

“The above outcomes and also the due diligence standard provide us with an opportunity to address impunity and to demand accountability. Holding both state and non-state actors accountable for acts of violence against women is an imperative that cannot be ignored. The advocacy campaigns over the next 16 days once again challenge us to focus on ways, measures and means to eliminate all forms of violence against women. It is only by placing women’s human rights, including the right to be free from violence, at the center of such efforts that we will be able to build a more secure world, based on the common goal and the shared obligation of ensuring that human rights are universally and equally enjoyed.”

CULTURAL RIGHTS: NEW UN INDEPENDENT EXPERTS TAKES CHARGE

On 1 November 2009, Pakistani sociologist Ms. Farida Shaheed took up her functions as the Independent Expert in the field of cultural rights, one of the latest areas earmarked for special monitoring by the UN Human Rights Council.

“My decades of work at the grassroots in promoting human rights leaves me in no doubt that the right to cultural life and cultural development is an essential and inherent right of all individuals and peoples,” said Ms. Shaheed, who was appointed by the Human Rights Council in October 2009.

After a first series of consultations to shape her new mandate, held in Geneva at the Office of the UN High Commissioner for Human Rights, Ms. Shaheed stressed that “cultural rights must celebrate the diversities that define our collective humanity.”

“The challenge is to ensure that the right to pursue, develop and preserve culture in all its manifestations is in consonance with and serves to uphold the universality, indivisibility and interdependence of all human rights,” said the new Independent Expert. “This includes the right not to be forced into participation.”

Farida Shaheed, recipient of several national and international human rights awards, has worked for more than 25 years promoting and protecting cultural rights by fostering policies and projects designed in culturally sensitive ways to support the rights of marginalized sectors, including women, peasants, and religious and ethnic minorities.

An experienced participant in negotiations at international, regional and national levels, Ms. Shaheed has brought her distinctive perspective on the integration of culture and rights to her work as an independent expert/consultant to numerous UN and development agencies as well as to the government of Pakistan since 1980.

Ms. Shaheed is the Deputy Director of a research project on Women's Empowerment in Muslim Contexts: gender, poverty and democratization from the inside out, and is a visiting fellow at the City University of Hong Kong. She is also the Director of research in Shirkat Gah - Women's Resource Centre in Pakistan.

"EACH HOUR IS CRITICAL," WARNS UN SPECIAL RAPPORTEUR ON TORTURE AFTER BEING DENIED ENTRY TO ZIMBABWE

On 29 October 2009, the UN Special Rapporteur on Torture, Manfred Nowak, expressed concern about serious and credible allegations of torture, ill-treatment and inhuman prison conditions in Zimbabwe, twenty-four hours after being denied access to the country, contrary to its invitation of 1 October.

"I deeply regret that the Government has deprived me of the possibility to objectively assess the situation of torture and ill-treatment through gathering on the spot evidence from all available sources, including governmental and non-governmental sources, victims and witnesses, as well as visits to various places of detention," said the UN expert. "Each hour is critical."

Mr. Nowak was invited by the Minister of Justice of Zimbabwe, Mr. Chinamasa, to conduct a fact-finding mission to the country from 28 October to 4 November 2009. While in transit in Johannesburg on 27 October, he was informed that the Minister of Foreign Affairs, Mr. Mumbengegwi, had decided on 26 October to postpone the mission.

The Special Rapporteur strongly protested against this treatment by the various authorities of the Government of Zimbabwe. He urged the Government to investigate this incident fully and to clarify who bears responsibility for the denial of his access to the country. He will report on these experiences to the Human Rights Council.

GOVERNMENT OF ZIMBABWE WITHDRAWS INVITATION TO UN RAPPORTEUR ON TORTURE AT THE LAST MINUTE

Upon his arrival in Johannesburg, on transit to Harare, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Manfred Nowak, was informed, that the mission had been postponed by the Government on 26 October 2009, stating that it "regrets to advise that due to the previously unanticipated Consultative process currently taking place in Harare involving the Government of National Unity and the Southern African Development Community (SADC), the Government of Zimbabwe will be unable to receive the Special Rapporteur on the proposed dates."

The Special Rapporteur welcomed the SADC initiative and all efforts to resolve the political crisis in the country. He also understands that the SADC Consultative process might lead to certain changes in his meetings with Government officials foreseen during his mission and offered his cooperation and flexibility to the Government in this respect. He failed to be convinced, however, that the Consultative process on Thursday, 29 October should be a valid reason to cancel his eight-day mission at such a late stage.

Recent allegations that MDC supporters and human rights defenders have been arrested, harassed and intimidated, highlighted the urgency of objective fact-finding by an independent UN expert at this crucial stage. The Special Rapporteur therefore called upon the Government of Zimbabwe to receive him in Harare and allow the mission to go ahead as planned.

MIGRATION: CHILDREN AMONG THE MOST VULNERABLE TO HUMAN RIGHTS VIOLATIONS

On 26 October 2009, the UN Special Rapporteur on the human rights of migrants, Jorge Bustamante in presenting his report to the UN General Assembly in New York warned that "arbitrary and incommunicado detention; xenophobia and discrimination; threats to life and personal security; collective deportations and expulsions; these human rights violations -and many others- define the life of millions of migrants around the world every day."

"At all stages of the migration process, children -especially those unaccompanied or separated from their parents- are particularly vulnerable to human rights violations and abuses," stressed the UN expert. These include children left behind by migrant family members, children who move across borders in countries of transit and destination and children staying in host countries. Children are increasingly being part of mixed migratory flows, mass population movements of refugees, asylum-seekers, economic and other migrants, falling prey to transnational organized crime syndicates and exploitation practices such as smuggling, trafficking in persons and contemporary forms of slavery.

The UN Special Rapporteur stressed the gender dimension of migration given the special vulnerability of the girl child

to gender-based violence and discrimination, which includes issues of trafficking in persons for purposes of sexual exploitation, forced labour and other forms of exploitation, as well as other abuses to which the girl child is more vulnerable during migration.

"Despite the progress made, much remains to be done to ensure the protection of human rights in the context of migration as well as to ensure the enjoyment of human rights by migrants all over the world", said Bustamante. In his view "there is a need for a serious and in-depth approach to address the scourges of racism, racial discrimination, xenophobia and related intolerance, which continue to affect migrants and to take a strong stand against the criminalization of irregular migration, since migrants are not criminals."

NO GREEN SHOOTS OF RECOVERY FOR THE WORLD'S POOR, SAYS UN EXPERT ON EXTREME POVERTY ON OCCASION OF DAY FOR ERADICATION OF POVERTY

On 17 October 2009, on the International Day for the Eradication of Poverty the Independent Expert on human rights and extreme poverty, Ms Magdalena Sepúlveda, noted that "more than ever, we have to promote awareness on the need to eradicate poverty and destitution. 2009 is a year of record job losses. Malnutrition will be expected to reach a historic peak of over one billion people. Tightening budget constraints are also threatening investment in education and health care, further limiting the capacity of those already affected by the dramatic impacts of the financial crisis and the rise in food prices in 2008".

We are also commemorating the 20th anniversary of the Convention on the Rights of the Child. We must not forget that children are being hit hardest by a crisis that they did not create. The projected long-term impact of the crisis on children is particularly concerning. The damage to children's health and education is often irreversible" warns Ms Sepúlveda. "When crises hit, families are forced to cope. They often take their children out of schools, especially girls. They forgo health care and eat less and poorer quality food. Unfortunately, these coping mechanisms have devastating effects on the physical and mental development of children."

"The crisis is not over. In fact, its full impact, particularly on the most vulnerable, is still unfolding. From a human rights perspective, we are far from a recovery; on the contrary, poverty and hunger are still increasing." According to Ms Sepúlveda, lessons from past crises show that States have the ability to address the negative impact on children and the poor through the establishment and expansion of social protection systems. National social protection strategies can target poverty and contribute to realizing the rights of all, especially children.

Ms Sepúlveda notes that, "unfortunately most States have not implemented social protection responses to the crisis." She stresses that "investing in social protection is a legal as

well as a moral obligation. It is also a sound economic decision." "Building or expanding social protection systems has multiplier effects on the economy. Social protection acts as an economic stabiliser and stimulates growth."

"Social protection systems are not unaffordable. When there is political will, States opt for them." Ms. Sepúlveda notes that since the early days of the crisis world leaders have promised resources to promote social protection programs in developing countries but there is a big gap between their promises and what has been delivered. "Donors could clearly do much more to protect poor people from the devastating effects of the crisis. Not only must the committed levels of ODA be complied with immediately but they should be increased." Earlier this year in London, G20 leaders reaffirmed the Gleanegles commitments.

"MASSACRES CONTINUE IN CONGO AT HANDS OF ARMED GROUPS AND CONGOLESE ARMY", WARNS UN EXPERT

On 15 October 2009, the UN Special Rapporteur on extrajudicial executions, Mr. Philip Alston noted in a press statement that Government troops in the Democratic Republic of the Congo have killed scores of civilians in eastern Congo this year. "Congolese soldiers shot and beat to death at least 50 Rwandan Hutu refugees, and burnt their camp to the ground in an attack in April 2009. Some 40 women were abducted from the camp. A small group of 10 who escaped described being gang raped, and had severe injuries – some had chunks of their breasts hacked off," said Alston. The killings took place in the Shalio area of North Kivu in eastern Congo. Reports of other very recent killings carried out by the FARDC, the DRC's army, are also beginning to emerge, he added. "An immediate, independent, and thorough investigation into these killings is essential", he said.

The killings occurred in the context of an ongoing joint DRC-UN military operation to eliminate the FDLR, an armed group composed partly of ex-Rwandan 'genocidaires' and others that has destabilized eastern Congo for over a decade. But the joint operation has been so poorly carried out that the FDLR has easily been able to re-enter villages abandoned by the Congolese and UN forces and commit brutal retaliation massacres of civilians. "From a human rights perspective, the operation has been catastrophic", Alston said. "Hundreds of thousands have been displaced, hundreds of villages burnt to the ground, and at least 1,000 civilians have been killed. Women and girls have literally been raped to death in the most gruesome attacks imaginable."

Since September 2008, over 1,200 civilians have been brutally killed by the LRA in the Congo. Many of these killings were predictable revenge massacres following Government and UN military operations, and Alston concluded that both the Government and the UN failed in their responsibility to prioritize civilian protection in their planning. The LRA has a long-established pattern in Uganda and Sudan of targeting civilians in retaliation for

government attacks. Some of the most vicious LRA killings in the Congo occurred after an operation conducted in cooperation with Uganda and the Sudan People's Liberation Army, with US logistical support.

Alston also expressed concern that as elections approach in 2010, Kinshasa and Bas Congo are ripe for a repetition of the political killings of hundreds of civilians by security forces from 2006-2008. "The highly repressive state apparatus in these areas was brought home to me dramatically when I was prevented from meeting with witnesses and victims by officials and armed police in Bas Congo earlier this week," said the Rapporteur.

Across the country, impunity for killings is so pervasive that even Bosco Ntaganda, wanted by the ICC for using child soldiers, holds a senior command position in current military operations. "Men dressed anonymously in off-the-rack green military uniforms, lacking any identifying insignia, use brutality and the power of their position to prevail over the law in the Congo," said Alston. "The Government doesn't even know how many soldiers it has. Even a change as simple as requiring soldiers to wear uniforms that identify their name and unit would go a long way to combating impunity."

"Alarm bells are ringing loudly in the DRC," warned Alston, as he called on the Government of the DRC and the international community to take immediate preventative measures to avert further predictable bloodshed in the west, Province Orientale, and the Kivu.

HANDS WASHED: LIVES SAVE

On 15 October 2009, on the occasion of Global Handwashing Day, the UN independent experts on water and sanitation, health and education stated that "preventable diseases are killing thousands of people everyday. One simple action, washing hands with soap, could drastically reduce these deaths."

"While access to water and sanitation are critical to the protection of human health, we must remember that these are only effective when combined with good hygiene," emphasized Ms. Catarina de Albuquerque, the UN Independent Expert on human rights, water and sanitation. "Handwashing with soap at critical moments, especially after defecating, before handling food, and after coughing and sneezing, is crucial for the prevention of disease," noted the expert, emphasizing that "promotion of this lifesaving activity is part of a State's human rights obligations."

"Children face the greatest risks from bad hygiene, which can lead to potentially fatal diseases," said Mr. Anand Grover, the UN Special Rapporteur on the right to health. Good hand washing practices are said to be the single most effective way to avoid contracting diseases, such as acute respiratory illnesses and diarrhoea-related diseases like cholera and dysentery. These diseases cause 3.5 million deaths among children under five each year and they are preventable. Furthermore, promotion of hand washing

with soap will be a crucial way to prevent the spread of the H1N1 virus. "Large sums of money are being spent as we speak on awareness-raising to prevent the spread of the H1N1 virus -- with similar prioritization, handwashing could reduce the spread of not only the H1N1 virus, but many other equally dangerous communicable diseases," added Mr. Grover.

"The school environment is a crucial place for hygiene promotion, since children will often take these lessons home, and it will influence other family members," according to Mr. Vernor Muñoz, the UN Special Rapporteur on the right to education. "We have observed various projects which are based on this premise and are very successful. However, it is crucial that the school environment also provides adequate sanitation facilities"

"Hygiene is a central part of the human rights obligations related to water, sanitation and health, and we call upon all States to comply with these obligations. States should prioritize investment aimed at ensuring access to water and soap, in particular in schools," noted the three specialists.

"These investments in simple, cost-effective hygiene methods play an important part in realizing the human rights to health, education, water and sanitation, as well as related Millennium Development Goals. They should be a central part of overseas development aid efforts," concluded the UN experts.

UN EXPERT ON EXTRAJUDICIAL KILLINGS CONDEMNS EXECUTION OF JUVENILE OFFENDER IN IRAN

On 13 October 2009, the UN Special Rapporteur on extrajudicial, arbitrary or summary executions, Mr. Philip Alston, denounced the hanging of Behnoud Shojaie, a young man sentenced to death for killing another boy in a street fight in 2005 when he was aged 17.

"The prohibition against executing juvenile offenders - those who were under the age of 18 at the time of committing the relevant crime - is one of the clearest and most important of international human rights standards. It is unequivocal and admits no exception" said Mr. Alston. He added that "the juvenile death penalty is a negation of the essential principles of juvenile justice accepted by all States, including Iran".

The UN expert recalled that in the last two years he had written three times to the Government of the Islamic Republic of Iran regarding the case of Behnoud Shojaie, and more than twenty times regarding other juvenile offenders sentenced to death. The Government assured me as recently as 15 July 2009 that the judicial authorities were doing their utmost to obtain agreement from the victim's family for the payment of *diyeh* in place of execution," he said referring to the system in Iran whereby the victim's family can waive the execution of a convicted murderer in exchange for the payment of so-called "blood money".

"While such efforts to mediate between the family of the child found guilty of a killing and the victim's family are welcome, they are utterly insufficient to satisfy Iran's obligations under international law", said Mr. Alston, who in the 1980s was legal adviser to UNICEF in the drafting of the Convention on the Rights of the Child. He further explained that, in addition to the absolute prohibition of the death penalty for crimes committed by persons aged less than 18, international law also provides that in capital cases it must be possible to appeal to a government authority for pardon or commutation of sentence.

"The stance taken by the Government in its correspondence with me, that they have no possibility to halt an execution if the murder victim's family insists on it, is untenable as a matter of international law," the Special Rapporteur argued.

"ARE HUMAN RIGHTS DEFENDERS STILL SAFE IN THE GAMBIA?" QUESTION HUMAN RIGHTS EXPERTS

On 9 October 2009, three Special Rapporteurs from the United Nations and the African Commission on Human and Peoples' Rights voiced deep concern for the security of human rights defenders in the Gambia and hundreds of those who would attend the session of the African Commission on Human and Peoples' Rights, from 11 to 25 November 2009, in the Gambian capital, Banjul, headquarters of the Commission. The human rights experts were deeply disturbed by statements attributed to President Jammeh made on 21 September 2009, where he publicly threatened to kill human rights defenders in the Gambia and all people cooperating with them.

"Such alleged public statements by a Head of State are unacceptable and in contradiction with all human rights instruments ratified by the Gambia," stressed the Special Rapporteurs. "They contribute to the stigmatization of human rights defenders in the country, raise grave concern about the protection and promotion of human rights in the Gambia; and set a very negative example regionally and internationally."

"Hundreds of national and international human rights defenders will gather next month in the Gambia; will they be really safe?", questioned the human rights experts. "We call on the President of the Gambia to issue another public statement in which he highlights the importance and legitimacy of the work of human rights defenders, and their essential contributions to the strengthening of democracy and the rule of law in contradiction to what may have been reported."

The Special Rapporteurs urged the Gambian authorities to take all necessary steps to ensure the protection by all relevant authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of

his or her legitimate exercise of the rights referred to in the Declaration on Human Rights Defenders.

The three experts were further concerned that the right to freedom of opinion and expression is being stifled in the Gambia and that all persons who voice criticism of the Government are exposed to heightened risk to their physical and psychological integrity and urged the Gambian government to take all necessary steps to secure the right to freedom of opinion and expression of all persons, including human rights defenders in the Gambia, in accordance with fundamental principles as set forth in article 19 of the Universal Declaration of Human Rights, and reiterated in article 19 of the International Covenant on Civil and Political Rights.

UN EXPERTS RAISE CONCERNS OVER ALLEGED USE OF MERCENARIES IN HONDURAS

On 9 October 2009, the UN Working Group on the use of mercenaries expressed its concerns about reports that former paramilitaries from Colombia have been recently recruited in Honduras to protect properties and individuals from further violence between supporters of the *de facto* government and those of the deposed President Manuel Zelaya

According to the information available to date, some 40 former *Autodefensas Unidas de Colombia* (AUC) members were being recruited by land owners in Honduras to protect them and their properties from possible violence following the coup on 28 June 2009. Other sources mentioned the formation of a 120-persons group of paramilitaries from several countries in the region to support the coup in Honduras.

There were also allegations of indiscriminate use of "Long Range Acoustic Devices" by the police and mercenaries against President Zelaya and his supporters who took refuge at the Embassy of Brazil.

"We urge the Honduran authorities to take all practical measures to prevent the use of mercenaries within its territory and to fully investigate allegations concerning their presence and activities," said the group of experts. The Working Group recalled, without giving at this stage any opinion on the facts of the case, that Honduras is a party to the International Convention against the recruitment, use, financing and training of mercenaries, which prohibit these activities.

The Working Group stressed the principle of self-determination by which all peoples have the right to determine freely their political status and pursue freely their economic, social and cultural development as well as the right of the people of a certain nation to decide how they want to be governed without the influence of any other entity.

GUATEMALA/SUPREME COURT: "LACK OF TRANSPARENCY IN THE ELECTION OF

JUDGES"

On 5 October 2009, the UN Special Rapporteur on the independence of judges and lawyers, Gabriela Carina Knaul de Albuquerque e Silva warned that the recent election of judges of the Supreme Court of Justice of Guatemala ignored the principles of transparency and objectivity necessary for this process.

The UN expert expressed concern about the fact that the Congress of Guatemala has decided to elect judges to the Supreme Court in plenary session on 30 September, without having established a methodology or a chronology for an organized election, to evaluate every candidate in accordance to Guatemala's legislation and international standards.

The Special Rapporteur made an urgent call for the plenary of the Congress to guarantee that in the election of judges for the Court of Appeal the abovementioned aspects be considered and facilitate the effective preparation of civil society in order to ensure that High Court are integrated by independent and competent judges, in accordance with international standards.

"WITH AND FOR THE POOR" PLANNING, THE KEY TO PROTECT URBAN DWELLERS FROM CLIMATE CHANGE

On 5 October 2009, the United Nations Special Rapporteur on adequate housing, Raquel Rolnik warned about "the rapid expansion of informal settlements and the particular vulnerability of low-income groups to the effects of climate change is a major challenge." In her view, "the theme of this year's World Habitat Day -'Planning our Urban Future'- is an urgent call to address the challenges faced by urban dwellers, specially the most vulnerable."

"Disasters caused by extreme weather are not simply a result of natural events, but reflect also a failure of urban planning and development policies" stressed the UN expert," noting that around one billion people worldwide live in precarious and overcrowded housing conditions, in slums or informal urban settlements, many located on sites at risk from flooding or landslides.

Low income dwellers are often located in the most hazard-prone areas within cities. They lack the basic infrastructure and services necessary to protect them from environmental disasters. "Cities lacking in protective infrastructure are generally more susceptible to climate related disasters, with many having experienced the highest number of flood-related deaths and injuries in recent years," said Rolnik.

"Land and housing for the poor should be placed at the center of urban planning in order to ensure the sustainability of cities", warned the UN expert, further emphasizing the urgent need for action to reduce the vulnerability of urban dwellers to the impact of climate change. "Concerned communities need to be consulted and be allowed to participate in the decision-making process."

For the Special Rapporteur, "access to affordable and well located land needs to be guaranteed to avoid further unplanned settlement expansions or settling the poor far away from income earning or human development opportunities."

In celebrating UN Habitat Day, the Special Rapporteur on adequate housing called upon all states to reflect on how to improve urban planning so as to ensure that the most vulnerable are protected from the effects of climate change.

"PENSIONS ARE THE KEY TO HUMAN RIGHTS FOR POOR OLDER PERSONS AND THEIR FAMILIES", SAYS UN EXPERT ON EXTREME POVERTY ON INTERNATIONAL DAY OF OLDER PEOPLE

On 1 October 2009, the United Nations Independent Expert on human rights and extreme poverty, Magdalena Sepúlveda, on the International Day of Older People said that "Governments should put in place old age social pensions and strengthen their social protection systems to realize the rights of older persons and their families." She added that "it is high time to kill the myth of pensions being unaffordable for poor countries," highlighting that non-contributory pensions, also known as 'social pensions,' are the simplest way to keep older persons out of poverty and to realize their right to social security.

"Social pensions not only improve the living conditions of older persons, but also that of their families. So they benefit society as a whole." On average, four other persons benefit from a social pension, which in turn contributes to the economic development of poor communities. For example, children living with pensioners tend to be better nourished and attend school more often than those living with older relatives where no pension scheme exists. "Consequently," argues Ms. Sepúlveda, "social pensions should be a high priority for States committed to fighting poverty and to ensuring human rights for both old and young."

Population ageing is a global trend, with the number of older people growing fast. Today, over 470 million older people live in developing countries. Among them, 100 million live with less than one dollar per day. By 2050, there will likely be 2 billion people over 60 years old, the vast majority in developing countries.

Older persons can and do make an enormous contribution to society, as reliable care-givers, volunteers and, increasingly, as fully active members of society. Yet, ensuring their well-being and supporting their continuing participation is a challenge. They can also be particularly vulnerable to human rights violations ranging from straightforward abuse to stereotypes that lead to denial of adequate health care and access to development programmes. Older people are at greater risk of sudden deterioration in their standard of living; as their health declines and family support structures break down due to several factors such as HIV/AIDS and economic decline. The situation of older women is even

worse, as they benefit less from contributory pensions. Older people in many poor countries are frequently unable to meet even basic food needs.

"Most States have been neglecting for years their obligations under the right to social security, for example by not ensuring that poor people who worked in the informal economy all their lives can count on a basic, non contributory, pension," concluded the Independent Expert.

COMMEMORATING ANTI-CORRUPTION DAY 2009 (9 DECEMBER 2009)

Corruption and climate change: a deadly combination for the poor

In commemorating anti-corruption day, the United Nations Independent Expert on poverty and human rights, Ms. Magdalena Sepúlveda, stressed the importance of strengthening efforts to combat corruption. She emphasized that "As the world continues to struggle with the unfolding impacts of the global economic and financial crisis and climate change, the threats posed by corruption to the poor are more imminent than ever." She added "corruption not only disrupts economic growth, it is an obstacle to building a sustainable economic environment, which disproportionately affects the poor."

The Expert noted that corruption is one of the major impediments to achieving the Millennium Development Goals. It negatively impacts on public services such as education, health and access to justice which acutely affects the lives of the poor. The Expert observed that "in the daily lives of those living in poverty, the payment of a bribe to a public servant can mean not enough money to buy food." Now, the attention of the world is focused on the United Nations Climate Change Conference. Noting the risk posed by climate change in contexts where corruption persists, the Expert emphasized that "negotiations over a new climate change agreement represent an opportunity to link environmental issues with good governance."

"Poor individuals and communities often live in areas prone to natural disasters, depend on natural resources for their subsistence and face the greatest risks from the effects of a warming climate. They are less able to prepare for, or adapt to, climate change and its effects on the accessibility and availability of food, drinking water, adequate housing and health care. If corruption is happening at senior levels of government, money dedicated to programmes to combat the effects of climate change and reduce poverty will be diverted to the pockets of corrupt elites. Both corruption and mismanagement of resources make initiatives to tackle climate change more costly and this clearly affects our ability to fight poverty."

Climate change strategies must take poverty reduction goals into account. They also must include effective

mechanisms to ensure transparency and accountability, according to international standards, in the management of funding that aims to address climate change. In efforts to respond to climate change and stimulate economic growth, participatory governance by those most affected is key to understanding and dealing with the problem. The Expert stressed that "We need to take this global opportunity to ensure that responses to the climate crises are sustainable and do not further burden the poor."

"CURRENT INTELLECTUAL PROPERTY RIGHTS REGIME SUBOPTIMAL FOR GLOBAL FOOD SECURITY", ACCORDING TO UN EXPERT ON FOOD

On 21 October 2009 the UN Special Rapporteur on the right to food, Mr. Olivier De Schutter, presented his report on the relationships between intellectual property (IP) rights and the right to food. Summarizing his analysis and recommendations, he called Members of the U.N. General Assembly to develop seed policies that encourage innovation, promote food security and enhance agrobiodiversity at the same time.

"The current intellectual property rights regime is suboptimal to ensure global food security today. It is unfit to promote the kind of innovation we need to cope with climate change", said De Schutter, adding that his mandate was to make recommendations to ensure that seed policies 'respect, protect and fulfill' the right to food of the most vulnerable groups. "Climate change means more extreme and more frequent climatic events. This will severely impact agricultural systems". In this context, said De Schutter, "seed policies should not just aim to improve yields. They should also raise the incomes of the poorest farmers working in the most difficult environments. They should help build resilience to climate change. And they should stem the loss of crop genetic diversity".

According to the UN food expert, there are currently two ways for farmers to access seeds: informal seed systems where seeds are stored from one year to the other and exchanged locally; and commercial systems marketing improved seeds which are certified by public authorities. Increasingly, the former disappear due to their neglect in agricultural policies, while globalization and the current IP rights regime strengthen the second at an accelerated pace. "This trend must be reversed: we need both systems for a successful approach to food security and climate change".

According to the Special Rapporteur, the strengthening of intellectual property rights at global level could result in improved certified varieties being unaffordable for the poorest farmers. But it creates other problems as well. Experts say it is becoming harder and harder for public scientists to access and exchange genetic material, and research is primarily oriented towards the needs of rich countries, rather than to those of small farmers in poor countries. "Local indigenous communities of the Amazon have a hard time to convince research institutions to have significant research partnership on their seeds".

“To have more innovation in the fields of small farmers, we need to ground our vision and our public policies on two fundamental principles. First, we need participation. When you combine the experience of small farmers – who know their fields and their needs – with the best of what science can offer, tremendous progress can be made. That is what happens with ‘participatory plant breeding’. Second, we must look beyond the seed and adopt a systemic approach to agricultural innovation. Improving plants is one thing, designing productive and resilient farming systems is another one. It requires a more holistic approach. Agroecological practices and innovations such as agroforestry, biopesticides or intercropping represent a huge untapped potential”.

Betting on farmers as innovators also makes economic sense. “Real improvements for the most vulnerable groups – those who are hungry – can sometimes be cheaper than multi-million research programmes and high-tech biotechnologies. Investing research efforts in orphan crops – crops that have been neglected in research for decades – proves to have exceptional returns on investment.” With 10,000\$ only, a Peruvian researcher has been able to improve oca, an Andean tuber which is the basic foodcrop for 9 million people, but which scientists had neglected. Within two years, he was able to produce virus-free plants, leading to a doubling of productivity. “That’s what’s pro-poor breeding is. That’s where we should put our money.”

LINKS TO REPORTS OF SPECIAL PROCEDURES MANDATE HOLDERS PRESENTED AT THE 12TH REGULAR SESSION OF THE HUMAN RIGHTS COUNCIL

Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Ms. Gulnara Shahinian

http://www2.ohchr.org/english/bodies/hrcouncil/docs/12session/A-HRC-12-21_E.pdf

Addendum: Mission to Haiti

<http://www2.ohchr.org/english/bodies/hrcouncil/docs/12session/A.HRC.12.21.Add.1.pdf>

Report of the Special Rapporteur on the sale of children, child prostitution and child pornography, Ms. Najat M’jid Maalla

<http://www2.ohchr.org/english/bodies/hrcouncil/docs/12session/A.HRC.12.23.pdf>

Addendum: Mission to Latvia

<http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G09/145/66/PDF/G0914566.pdf?OpenElement>

Addendum: Mission to Estonia

http://www2.ohchr.org/english/bodies/hrcouncil/docs/12session/A-HRC-12-23-Add2_E.pdf

Addendum: Communications with Governments

<http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G09/155/23/PDF/G0915523.pdf?OpenElement>

Report of the Independent Expert on the issue of human rights obligations related to access to safe drinking water and sanitation, Ms. Catarina de Albuquerque

http://www2.ohchr.org/english/bodies/hrcouncil/docs/12session/A-HRC-12-24_E.pdf

Addendum: Mission to Costa Rica

http://www2.ohchr.org/english/bodies/hrcouncil/docs/12session/A-HRC-12-24-Add1_E.pdf

Corrigendum: Mission to Costa Rica

<http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G09/154/01/PDF/G0915401.pdf?OpenElement>

Addendum: Mission to Egypt (Preliminary note)

<http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G09/150/56/PDF/G0915056.pdf?OpenElement>

Corrigendum: Mission to Egypt

<http://www2.ohchr.org/english/bodies/hrcouncil/docs/12session/A.HRC.12.24.Add.2.Corr.1.pdf>

Report of the Special Rapporteur on the adverse effects of the movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights, Mr. Okechukwu Ibeanu

http://www2.ohchr.org/english/bodies/hrcouncil/docs/12session/A-HRC-12-26_E.pdf

Addendum: Communications to and from Governments

<http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G09/151/52/PDF/G0915152.pdf?OpenElement>

Addendum: Joint mission to the Netherlands and Côte d'Ivoire

<http://www2.ohchr.org/english/bodies/hrcouncil/docs/12session/A-HRC-12-26-Add2.pdf>

Report of the Independent Expert on human rights and international solidarity, Mr. Rudi Muhammad Rizki

<http://www2.ohchr.org/english/bodies/hrcouncil/docs/12session/A-HRC-12-27.pdf>

Corrigendum

<http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G09/154/74/PDF/G0915474.pdf?OpenElement>

Report of the Special Rapporteur on the right to food, Mr. Olivier De Schutter (follow-up to the 7th special session)

<http://www2.ohchr.org/english/bodies/hrcouncil/docs/12session/A-HRC-12-31.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/12session/A-HRC-12-34.pdf>

Addendum: Communications to and from Governments

<http://www2.ohchr.org/english/bodies/hrcouncil/docs/12session/A-HRC-12-34-Add1.pdf>

Addendum: Mission to Brazil

<http://www2.ohchr.org/english/bodies/hrcouncil/docs/12session/A.HRC.12.34.Add.2.pdf>

Addendum: Mission to Nepal

http://www2.ohchr.org/english/bodies/hrcouncil/docs/12session/A-HRC-12-34-Add3_E.pdf

Addendum: Mission to Botswana

<http://www2.ohchr.org/english/bodies/hrcouncil/docs/12session/A-HRC-12-34-Add4.pdf>

Addendum: Observations on the situation of the Charco la Pava community and other communities affected by the Chan 75 hydroelectric project in Panama

<http://www2.ohchr.org/english/bodies/hrcouncil/docs/12session/A.HRC.12.34.Add.5.pdf>

Addendum: Mission to Chile

<http://www2.ohchr.org/english/bodies/hrcouncil/docs/12session/A.HRC.12.34.Add.6.pdf>

Addendum: Report on Madrid Expert Seminar

<http://www2.ohchr.org/english/bodies/hrcouncil/docs/12session/A-HRC-12-34-Add7.pdf>

Addendum: Mission to Peru

http://www2.ohchr.org/english/bodies/hrcouncil/docs/12session/A.HRC.12.34.Add.8_sp.pdf

Addendum: Preliminary note on the situation of indigenous peoples in Colombia

http://www2.ohchr.org/english/bodies/hrcouncil/docs/12session/A.HRC.12.34.Add.9_sp.pdf

Addendum: Preliminary note on the situation of indigenous peoples in Australia

<http://www2.ohchr.org/english/bodies/hrcouncil/docs/12session/A.HRC.12.34.Add10.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/12session/A-HRC-12-38_E.pdf

Report of the Special Rapporteur on the situation of human rights in Cambodia, Mr. Surya Prasad Subedi

<http://www2.ohchr.org/english/bodies/hrcouncil/docs/12session/A.HRC.12.40.pdf>

Corrigendum

<http://www2.ohchr.org/english/bodies/hrcouncil/docs/12session/A.HRC.12.40.Corr1.doc>

Report of the Independent Expert on the situation of human rights in Somalia, Mr. Shamsul Bari

<http://www2.ohchr.org/english/bodies/hrcouncil/docs/12session/A.HRC.12.44.pdf>