

SPECIAL PROCEDURES BULLETIN



TENTH ISSUE: JULY - SEPTEMBER 2008

HIGHLIGHTS

Council holds its Ninth Session from 8 to 23 September 2008

The Human Rights Council started its ninth session on 8 September 2008 with an exchange of views with the High Commissioner. In her statement, the High Commissioner outlined her vision for her mandate and underscored the importance of implementing human rights on the ground to improve the lives of men, women and children. The High Commissioner stressed the important role played by the Special Procedures to create a global culture of human rights. She added that she would use the influence of her Office "to promote (...) a productive interaction between States and special mechanisms".

STANDING INVITATION

In August 2008, Australia issued a standing invitation to all thematic procedures, bringing to 62 the number of countries that have issued a standing invitation

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

SPECIAL PROCEDURES DIVISION

c/o OHCHR-UNOG
8-14 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 on how to submit communications, please visit the OHCHR website under [Human Rights Bodies/ Special Procedures](#). Communications should contain a factual description of the alleged violation and be submitted by individuals or organizations acting in good faith with direct or reliable knowledge of the violations they are reporting. They should not be politically motivated, abusive or based solely on media reports. Please specify which special procedure(s) mechanism the information is addressed to in the subject line of the e-mail or fax, or on the envelope.

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The quarterly Special Procedures Bulletin provides a general overview of the main activities of the 38 Special Procedures mandates. The next issue of the Bulletin will cover October-December 2008. The Bulletin is produced by the Information, Coordination and Management Team of the Special Procedures Division of the OHCHR.

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How to find information on Special Procedures

The OHCHR website (<http://www.ohchr.org>) contains information on the system of special procedures and on specific mandates under [Human Rights Bodies/ Special Procedures](#), with pages devoted to each Special Procedure and to the Coordination Committee. The pages contain details on the mandate, country visits, links to reports, press statements, how to submit information, etc.

To learn more about Special Procedures, consult Fact Sheet no. 27 (Seventeen Frequently Asked Questions about United Nations Special Rapporteurs) available at: <http://www2.ohchr.org/english/about/publications/factsheet27.pdf> (to be updated)

Or contact:

PUBLICATIONS UNIT

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

Tel: +41 22 917 92 24

Fax: +41 22 917 90 10

E-mail: publications@ohchr.org

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

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

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

2007 COMMUNICATIONS	JULY TO SEPTEMBER 2008
1003 Total number of communications	281 Total number of communications
49% Joint Communications	83% Joint Communications
2294 Individual cases covered; 13% of these were women	523 Individual cases covered; 66% of these were women
128 Countries received communications	72 Countries received communications

COUNTRY VISITS

SUDAN

VISIT BY THE SPECIAL RAPPORTEUR

On 10 July 2008, the UN Special Rapporteur on the situation of human rights in the Sudan, Ms. Sima Samar, issued a press statement at the end of her sixth visit to the country. She strongly condemned the recent attack on UN peacekeepers in Darfur and expressed concern at the deteriorating security situation faced by all humanitarian actors in Sudan.

In relation to the attack launched in the Omdurman district of Khartoum on 10 May 2008 by armed members of the Darfuri Justice and Equality Movement (JEM), the Special Rapporteur stated that a number of casualties may have been the result of disproportionate use of force. She urged the Government to conduct an inquiry into the allegations and to make its findings public as soon as possible. She also expressed concern about the Government's response following the attack as a significant number of people were reportedly detained and ill-treated. The large majority of those detained appear to be of Darfuri origin and there is credible evidence that many of them were arrested on grounds of their ethnicity. The Rapporteur also condemned the reported use of child soldiers in the attack, a practice forbidden under international law. She urged the Government to treat children as victims of the conflict, to attempt to trace their families and to ensure that they are not prosecuted in relation to the attack, but demobilized and fully reintegrated into society.

Ms. Samar also reported serious violations of human rights and humanitarian law during a recent confrontation between the Sudan Armed Forces and the Sudan People's Liberation Army in Abyei. Given the seriousness of the allegations received, she urged the Government of National Unity to support an in-depth independent fact-finding inquiry to investigate violations and bring perpetrators to justice.

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 August 2008, 62 countries have extended standing invitations.

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

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In Darfur, the Rapporteur was encouraged that several members of the regular forces were sentenced and found guilty of rape. However, she regretted that direct violations by Government forces against civilians continue to be reported, such as for example in Tawilla and Mario. According to Ms. Samar, the Government has primary responsibility regarding the promotion and protection of human rights. She also called on the rebel groups to fully comply with their obligations under international law and to take all necessary measures to protect civilians. As there is no military solution to the Darfur conflict, the Government, the movements and the international community need to make a more determined attempt to find a workable political solution to the conflict.

The Special Rapporteur also visited Southern Sudan where she received information about a serious attack against civilians committed by the SPLA in Torit. Ms. Samar stressed that to avoid similar incidents, it is essential that the Government of National Unity, the Government of Southern Sudan and the international community commit adequate resources to ensure a successful and comprehensive transition from military to civilian law-enforcement. She also visited detention centres where conditions reportedly fell short of international standards and called on the Government and the international community to address this question as a matter of priority.

LIBERIA

VISIT BY THE INDEPENDENT EXPERT

On 18 July 2008, the Independent Expert on the situation of human rights, technical cooperation and advisory services in Liberia, Ms. Charlotte Abaka, issued a press statement at the end of her ninth visit to Liberia. The expert underlined a number of positive developments such as the fact that Liberia has enjoyed continual peace and security over the past 5 years since the signing of the Comprehensive Peace Agreement. According to Ms. Abaka, the installation of a new democratically elected government, the acceleration of progress on a number of human rights, the launching of the Poverty Reduction Strategy and the establishment of courts constitute key achievements that deserve the continuous support of the international community. The expert welcomed the fact that the Truth and Reconciliation Commission is nearing completion of its core activities with public hearings coming to a close. She also expressed satisfaction at the June 2008 programme led by the Government and the UN to Prevent and Respond to Sexual Gender Based Violence, which includes the opening of safe houses for victims of all forms of gender violence. She was encouraged by the draft legislation that will allow for the establishment of the Law Reform Commission and the Independent National Commission on Human Rights.

Notwithstanding the success of the above-mentioned programme, the Independent Expert expressed a number of concerns such as the very high rate of rape and sexual violence committed in Liberia. Serious concerns remain with regard to the rule of law. The continued increase in armed robberies is a security issue. According to Ms. Abaka, there is an urgent need for far reaching reforms in policing, judiciary and correction sectors. In addition, action needs to be taken to ensure that protective and punitive measures are enforced in relation to the ongoing scourge of sexual violence. The Independent Expert was particularly concerned about the persistence of harmful traditional practices which includes the inflicting of trials by ordeal on suspected witches, and the practice of female genital mutilation.

Ms Abaka recalled that the primary responsibility for the protection of its citizens lies with the Government and that clear policy choices must be made. However support should also be forthcoming from the international community in a timely and effective manner to address capacity gaps within government structures. In particular, the necessary resources for the implementation of the key Poverty Reduction Strategy must be found.

ENFORCED OF INVOLUNTARY DISAPPEARANCES

WORKING GROUP VISITS ARGENTINA

The Working Group on Enforced or Involuntary Disappearances visited Argentina from 21 to 24 July 2008. In a press statement issued on 24 July 2008, the Working Group declared that major constitutional, legal and institutional progresses have been made to clarify the fate of victims of enforced and involuntary disappearances and to bring the responsables of these crimes before justice.

The Working Group was pleased to note that major constitutional, legal and institutional progresses have been made since the restoration of democracy. The 1994 Con-



Members of the working group paying respect to the disappeared in a former detention center in Buenos Aires



Members of the working group at a former detention center in Buenos Aires

stitution provides that the international human rights treaties to which Argentina is party enjoy constitutional rank. The impunity laws, such as the Due Obedience Act and the Full Stop Act enacted in 1987, and the 1990s pardons granted to persons accused or processed in cases relating to grave human rights violations, including enforced disappearances, were abolished. Moreover, according to a 1994 legislation, where remains of victims of enforced or involuntary disappearances had not been found or identified, a declaration of absence as a result of enforced disappearances can be issued, which enables civil rights to be exercised, while leaving open the possibility of investigating and prosecuting those responsible.

Several cases of grave human rights violations have been judicially processed: more than 20 judgments have been issued to the perpetrators

of these crimes and currently there are close to 1,000 criminal proceedings open. The Working Group highlighted that during 2007, the fate of 55 victims of enforced disappearances was clarified thanks to the information provided by the Government. However, the Working Group received frequent signs of concern and even frustration because of the delay in the processes and reported that both State and non-official sources expressed the need to create a comprehensive protection programme regarding the safety of witnesses.

EDUCATION

SPECIAL RAPPORTEUR VISITS GUATEMALA

On 28 July 2008, the Special Rapporteur on the right to education, Vernor Muñoz Villalobos, issued a press statement at the end of his visit to Guatemala. The Special Rapporteur expressed his concern on the limited education budget in Guatemala which only amounts to 2 percent of the GDP (the lowest rate in the region). He welcomed the Government's decision to allocate more resources to education and hoped that the funds would contribute to revert centuries of discrimination and racism against indigenous people and, in particular, women and rural people living in poverty.



Mr. Muñoz Villalobos (center) at his press conference in Guatemala City

The Special Rapporteur regretted that the education of indigenous people has been limited to bilingual curricula for primary school students, thereby leaving aside subjects relating to indigenous cultures arts and traditions. According to the expert, this constitutes a threat to the existence of the indigenous population of Guatemala. With a very low percentage of enrolled indigenous students, the limited number of indigenous teacher in secondary schools and the State failure to create a Maya University, the Special Rapporteur expressed concerns that the right to education of the Maya, Garifuna, Xinka people and the mixed race communities living in rural areas could be seriously hampered.



Special Rapporteur visiting a rural school in Quezaltenango

The Special Rapporteur also welcomed the regularization by Government of Guatemala of the labor situation of a significant number of teachers which contributes to strengthening education in rural areas and indigenous communities.



Special Rapporteur visiting a rural school

MINORITIES

VISIT TO GUYANA BY THE INDEPENDENT EXPERT

The Independent Expert on minority issues visited Guyana between 28 July and 1st August 2008 to promote, inter alia, the implementation of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (hereafter “the 1992 Declaration on Minorities”). She conducted extensive consultations with senior government representatives, including the State President, numerous ministers responsible for issues related to her mandate, and other senior public officials. She consulted civil society organizations, political parties, religious leaders, academics, and media representatives. The Independent Expert visited



Ms. Gay McDougall meeting human rights defenders

Georgetown and its surroundings, where she consulted community members, and held open fora in order to gain their views and hear their concerns. She also held a forum for women and met with representatives of Indigenous Peoples and consulted directly with the Minister for Amerindian Affairs.

UNITED NATIONS AND AFRICAN UNION HUMAN RIGHTS DEFENDERS SPECIAL RAPORTEURS

JOINT VISIT TO TOGO

On 4 August 2008, the United Nations Special Rapporteur on the situation of human rights defenders, Mrs. Margaret Sekaggya, and the African Union Special Rapporteur on human rights defenders in Africa of the African Commission on Human and Peoples' Rights, Mrs. Reine Alapini-Gansou, issued a joint statement at the end of their visit to the Republic of Togo.

Following the death of President Eyadema Gnassingbe in February 2005 and the subsequent series of acts of violence that marred the country, the Special Rapporteurs acknowledged that Togo is now experiencing a positive environment in which human rights defenders can operate. While past human rights violations are being addressed by the government, the experts noted with satisfaction that attacks and acts of intimidation against human rights defenders have significantly reduced in number.

In addition, the experts welcomed the new National Human Rights Commission and the reform and modernization of the judicial system. However, human rights defenders are still faced with a series of challenges that impedes their legitimate activities. They are often stigmatized by governmental authorities as belonging to the political opposition, which generates a climate of mistrust between the State authorities and human rights defenders. Other problems faced by human rights defenders include the administrative delays to get their legal personality, State censorship of journalists who criticize the Government, or the criticisms against women human rights defenders within their communities. The experts called on the Government to remove those obstacles in order to uplift the work accomplished by human rights defenders.



Mrs. Margaret Sekaggya and Mrs. Reine Alapini-Gansou



Mrs. Margaret Sekaggya and Mrs. Reine Alapini-Gansou meeting human rights defenders

MYANMAR

VISIT BY THE SPECIAL RAPORTEUR

On 7 August 2008, the United Nations Special Rapporteur on the situation of Human Rights in Myanmar, Tomás Ojea Quintana issued a press statement at the end of his four-day mission to Myanmar. Mr. Quintana mainly detailed the places he visited and the authorities and members of the civil society he met with.

The Special Rapporteur mentioned that he has already discussed with the Myanmar authorities the possibility of a second mission to the country before he reports to the Human Rights Council in March 2009. Prior to this, his findings and recommendations will be presented in his forthcoming report to the General Assembly.

TOXIC AND DANGEROUS PRODUCTS AND WASTES

SPECIAL RAPPORTEUR VISITS COTE D'IVOIRE

The Special Rapporteur on the adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights, Mr. Okechukwu Ibeanu, visited Abidjan, Cote d'Ivoire, from 3 to 8 August 2008. In his press release issued on 8 August 2008, he explained that the purpose of his visit was to gather first-hand information about the toxic waste dumping around the district of Abidjan that happened in August 2006, which resulted in at least 16 deaths and contaminated at least 100,000 persons. While declaring that the priorities should be to decontaminate the dumpsite and to offer compensation to the victims, he called on the international community to urgently provide more technical assistance to Cote d'Ivoire.

In his preliminary observations, the Special Rapporteur acknowledged that the Government did not have the capacity and was not prepared to handle a crisis of this magnitude. He recommended Government bodies to

create greater synergies, to include civil society and victim associations in the follow-up of the crisis and to intensify the pursuit of pending criminal proceedings against individuals and corporate bodies implicated. He highlighted that the sites have still not been decontaminated and continue to threaten the lives and health of tens of thousands of residents in Abidjan, causing headaches, skin lesions, nose, throat, lung and digestive problems as well as an increase in premature births, early menopause and miscarriages. In addition to health concerns, he reported that many of the victims have left their homes and businesses while others continue to live and work next to the toxic waste dumps. He appealed the Government and especially the Ministry of Health to mobilise all available resources to provide medical assistance to the victims, to carry out appropriate health survey, to follow-up and to monitor toxic waste dumps.



Mr. Ibeanu visiting dumping site near Abidjan

Concerning the issue of compensation, the Special Rapporteur acknowledged the Government attempts to take steps to register the victims. However, he mentioned that the procedure should be improved. Mr. Ibeanu further informed that, at the end of this year, he would undertake a mission to the Netherlands to meet with Trafigura, the company involved, and with various stakeholders to get a more comprehensive view of the disaster and to ascertain responsibility.

INDIGENOUS PEOPLE

SPECIAL RAPPORTEUR VISITS BRAZIL

The Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, S. James Anaya, visited Brazil from 14 to 25 August 2008. In his press release issued on 26 August 2008, he declared that despite advances, exercise of the right to self-determination for indigenous peoples still was a major challenge for Brazil.

The purpose of his visit was to investigate and report on the human rights concerns of indigenous peoples as well as to engage in a constructive dialogue with the Government of Brazil. The Special Rapporteur noted with satisfaction the expressed commitment of the Government of Brazil to advance the rights of indigenous peoples in accordance with the United Nations Declaration on the Rights of Indigenous Peoples, as well as the existence of constitutional and other legal protections. However, he observed that there is much to do to implement them and that reforms are needed to ensure their right to self-determination, that is to exercise control over their lives and lands, and their right to participate in the decisions affecting them. He noted that the health and educational situation is critical, especially for indigenous women and children. The Special Rapporteur observed a scarcity and lack of efficient use of resources devoted to much-needed programmes.

Mr. Anaya expressed his concern about the persistent discrimination underlying the formation of policies, delivery of services, and administration of justice. He also deplored the reported acts of violence against indigenous individuals, especially their most vocal leaders. According to the Special Rapporteur, there should be a mechanism able to ensure adequate consultation with indigenous communities on major development projects. He further suggested that the Government, in partnership with indigenous people, conduct a national campaign of education relating to indigenous issues and respect for diversity.

FREEDOM OF RELIGION OR BELIEF

SPECIAL RAPPOREUR VISITS TURKMENISTAN

The Special Rapporteur on freedom of religion or belief, Ms. Asma Jahangir, visited Turkmenistan from 4 to 10 September 2008. In her press statement delivered on 10 September 2008, she concluded that although the human rights situation had much improved since 2007, individuals and religious communities still face a number of difficulties. She was the first Special Rapporteur invited to visit Turkmenistan and highlighted the very good cooperation extended to her by the Government.

The Special Rapporteur was concerned that the activities of unregistered religious organisations are prohibited. Although criminal penalties for unregistered religious activity have been removed in 2004, there still remain administrative offenses. Unregistered organisations are often not permitted to congregate, nor are they unable to find facilities for meetings. Any collective observance may also be liable to punishment. Concerning specific legislation on freedom of religion or belief, the Special Rapporteur stated that several provisions of the amended Law on Freedom of Conscience and Religious Organisations still need to be made compatible with international human rights standards; she warned that vague or excessive provisions are susceptible to arbitrary interpretation or misuse. Ms. Jahangir urged the Government to guarantee the independence of the judiciary as it is vital for the interpretation of any legislation on religious issues. Concerning state institutions dealing with religious issues and specially the Presidential Council for Religious Affairs, she emphasized that its orientation should be towards addressing the legitimate grievances of religious communities rather than monitoring them. She called on the Government to reconsider the restrictions and censorship on imports of religious books and literature and also on the restrictions related to the places of worship, such as on the building, opening, renting and use of such facilities. Finally, she expressed her concern that conscientious objection remains a criminal offence and that no alternative civilian service is offered.



Ms Jahangir giving her final press conference in Ashgabat

MINORITIES

INDEPENDENT EXPERT VISITS GREECE

The Independent Expert on Minority Issues, Ms. Gay McDougall, visited Greece from 8 to 16 September 2008. In her press statement issued on 16 September 2008, she declared that the visit enabled her to gather substantial information on legislation and policy and to identify positive practices related to the rights of minorities and disadvantaged groups. She thanked the Government of Greece for the assistance provided during the preparation and the conduct of her visit.



Ms Gay McDougall meeting with senior officials of Greek Ministry of Interior

The Independent Expert visited the cities of Athens and Thessaloniki, the region of Western Thrace and the Prefecture of Florine. She consulted with senior government officials, civil society representatives and community members, including Roma, Muslims and representatives of other religions.

FORTHCOMING VISITS

FORTHCOMING VISITS BETWEEN OCTOBER AND DECEMBER 2008

Belarus, SR on trafficking in persons, tbc
Colombia, RSG on internally displaced persons, November 2008
Ecuador, IE on extreme poverty, November 2008
Equatorial Guinea, SR on torture, November 2008
Italy, WG on arbitrary detention, November 2008
Maldives, SR on freedom of opinion, November 2008
South Africa, SR on contemporary forms of racism, November 2008 tbc
Tunisia, SR on counter- terrorism, October 2008, tbc
Turkey, SR on violence against women, Oct-November 2008
Ukraine, WG on arbitrary detention, Oct-November 2008
Uzbekistan, SR on contemporary forms of slavery, tbc

REQUESTED VISITS

REQUESTS INITIATED BETWEEN JULY AND SEPTEMBER 2008

Argentina, IE on human rights and extreme poverty
Bangladesh, SR on contemporary forms of racism,
SR on contemporary forms of slavery,
Benin, SR on the right to food
Bolivia, SR on contemporary forms of racism
Bosnia and Herzegovina, SR on contemporary forms of racism
Brazil, IE on human rights and extreme poverty, SR on contemporary forms of slavery
Colombia, IE on human rights and extreme poverty
Ecuador, IE on human rights and extreme poverty
Georgia, RSG on internally displaced persons
Germany, SR on contemporary forms of racism
India, SR on contemporary forms of racism
Israel, SR on contemporary forms of racism
Malaysia, SR on contemporary forms of racism
Maldives, SR on adequate housing
Mexico, SR on contemporary forms of racism
Nepal, SR on contemporary forms of racism
Nicaragua, IE on human rights and extreme poverty
Philippines, SR on the right to food
South Africa, SR on contemporary forms of racism
Sudan, SR on contemporary forms of racism
United Arab Emirates, SR on contemporary forms of racism
Uzbekistan, SR on contemporary forms of slavery
Viet Nam, SR on the right to food
Yemen, SR on the right to food
Zambia, IE on human rights and extreme poverty, SR on contemporary forms of racism

REMINDERS

VISITS' REMINDERS SENT BETWEEN JULY AND SEPTEMBER 2008

Bangladesh, SR on adequate housing
Madagascar, SR on the right to food
Pakistan, SR on adequate housing

ACCEPTED VISITS

Angola, SR on adequate housing

POSITIVE DEVELOPMENTS

On 26 August 2008, **the Chinese authorities released a long-term political prisoner** and veteran democracy advocate, after serving sixteen out of a twenty year sentence for “carrying out counter revolutionary propaganda and incitement” and “organizing a counter revolutionary group.” In November 2005, the Working Group on Arbitrary Detention had determined that his detention was arbitrary.

On 25 August 2008, **two men have been liberated after three years of detention in Lebanon in relation to the Hariri case**, without any charges having brought against them. The Working Group on Arbitrary Detention had previously declared that their detention, as well as the detention of six other persons, was arbitrary.

On 8 July 2008, **the Ontario Human Rights Commission**, an independent agency that reports to the provincial legislature, **released a report entitled “Right at Home” that incorporates**, inter alia, **a notable number of the recommendations formulated by the former Special Rapporteur on adequate housing, Mr. Miloon Kothari**. The report, qualified as “historic and groundbreaking” by some observers, draws powerful links between international housing rights and Ontario’s crisis of housing, insecurity and homelessness. It sets out a framework of action starting with a call for a national housing strategy.

An agronomist and human rights defender arrested on 29 July 2008 by the Syrian Military Intelligence was released on 13 August 2008. The Working Group on Arbitrary Detention sent an urgent appeal on 4 August 2008 in relation to his case.

On 8 October 2008, **the German, Austrian and Swiss Governments announced that they would pull out of a project to build the Ilisu Dam** and Hydro-Electric Power Plant Project on the River Tigris if the Turkish authorities do not solve within 60 days the social and environmental problems that such dam would involve. **All Governments concerned had received a communication from the Special Rapporteur on the right to food in October 2006** which warned that the building of the Ilisu Dam in Turkey would displace and impoverish more than 50,000 Kurdish people and inundate the 10,000-year-old town of Hasankeyf.

Click [here](#) for a list of all country visits by special procedures mandate holders (undertaken, forthcoming, accepted by the Government or requested by the mandate holder).

HIGHLIGHTS

9th HRC session continued from page 1...

Council concludes its process of Review, Rationalization and Improvement of mandates (RRI).

The ninth session of the Council marked the end of the Review, Rationalization and Improvement of mandates (RRI) which started in September 2007. The last three mandates under review were the Working Group on African Descent, the Special Representative of the Secretary-General for human rights in Cambodia and the Special Rapporteur on the adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights.

Of particular importance is the fact that, thanks to the review, the latter mandate has been expanded to include the adverse effects of **all** movements and dumping of toxic and dangerous products and wastes.

The review, rationalization and improvement of mandates has resulted in the extension of all thematic mandates. It also resulted in the creation of two new mandates in areas where protection gaps were identified (slavery, access to water and sanitation). Overall, the review process has legitimized existing mandates while strengthening them.

Appointment of four new mandate holders:

The Council approved the appointment of four new mandate holders. They will take up their function on 1st November 2008:

Ms. **Monorama Biswas**, (as representative from the Asian Group) and Ms. **Mirjana Najcevska**, (as representative from the Eastern European Group) as members of the **Working Group on people of African Descent**;

Mr. **Olivier de Frouville**, (as representative from Western European and other States Group) as a member of the **Working Group on Enforced or Involuntary Disappearances**

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

Annual discussion on the integration of a gender perspective

On Friday 12 September, the Human Rights Council held a panel discussion on the extent to which a gender perspective was being integrated into its work by identifying progress made since the Council's last discussion on gender integration (20-21 September 2007) and current challenges. The meeting offered a background for focused initiatives (HRC resolution 6/30), and commenced the regular assessment of the extent to which the HRC has fulfilled its responsibility in this area. The presence of the Special Rapporteur on contemporary forms of slavery, its causes and consequences, Ms. Gulnara Shahinian, the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, Mr. James Anaya, and the Special Rapporteur on the sale of children, child prostitution and child pornography, Ms. Najat M'jid Maalla, enabled focus on the integration of a gender perspective in the work of the UN Special Procedures.

LINKS TO REVIEW OF SPECIAL PROCEDURES MANDATES

Working Group on African Descent

[15 September 2008](#)

Special Rapporteur on Cambodia

[15 September 2008](#)

Special Rapporteur on toxic wastes

[12 September 2008](#)

Renewal of mandates:

The mandate of the Independent Expert on the situation of human rights in Haiti was renewed for one year. (resolution adopted by consensus)

The mandate of the Special Rapporteur on the situation on human rights in the Sudan was renewed until June 2009, "without prejudice to the relevant provisions of Human Rights Council resolution 5/1". (resolution adopted by consensus)

The Special Rapporteur on the situation of human rights in Cambodia was appointed for one year thereby replacing the Special Representative to the Secretary-General

The mandate of the Independent Expert on the situation of human rights in Burundi was extended for one year.

Mandates discontinued:

Independent Expert on the situation of human rights in Liberia (resolution adopted by consensus)

[Links to Interactive Dialogues with Special Procedures mandate holders:](#)

The Council held interactive dialogues with the following mandate holders:

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

[9 September 2008](#)

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

[9 September 2008](#)

Independent Expert on human rights and international solidarity, Mr. Rudi Rizki,

[10 September 2008](#)

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

[10 September 2008](#)

Special Rapporteur on sale of children, child prostitution and child pornography, Ms. Najat M'jid Maala

[10 September 2008](#)



PRESS RELEASES

[UN Expert calls for durable and sustainable solutions for those displaced by recent floods in Mozambique](#)

On 1st July, the Representative of the UN Secretary-General on the human rights of internally displaced persons, Mr. Walter Kälin, called upon the Government and the international community to increase its measures to relocate those living in disaster-prone areas to safe locations. According to the Representative who was terminating a working visit to Mozambique, even though impressive efforts have been undertaken by the Mozambican Government, including the National Institute for Disaster Management (INGC), complex challenges still exist. Relocation to safe areas is both critical and difficult as it constitutes a dilemma between the Government's duty to protect the life of those displaced and their right to move freely and choose their place of living. While commending the positive aspects of resettlement, the Representative recommended that the Government increase its consultation with displaced communities in relation to their future relocation. In addition, the Representative underlined the importance of providing proper and culturally acceptable solutions to ensure that affected populations can enjoy their rights to adequate housing, health and education, in particular in areas of relocation. In order to avoid the return to living in high-risk areas, the Representative stressed that continued access to livelihoods needs to be guaranteed to allow people to sustain their living. Disaster risk reduction, e.g. the construction and rehabilitation of dykes and dams, should be undertaken to reduce the risks in places of return. Such risk reduction activities should be integrated into the current development strategies. However, the lack of funding for the recovery phase is of great concern to the Representative.

[Independent Expert condemns killing of UN staff member in Somalia](#)

On 8 July, the Independent Expert on the Situation of Human Rights in Somalia, Mr. Shamsul Bari, condemned the killing of Mr. Osman Ali Ahmed, officer in charge of the UN Development Programme office in the Somali capital Mogadishu by unknown people. The Independent Expert expressed his sincere condolences and solidarity with the family of the victim.

The Independent Expert deplored and strongly condemned the persistent threats, notably attacks and kidnappings, against civilians, aid workers, and UN staff in Somalia. He urged the Transitional Federal Government to protect the Somali population and to promptly and impartially investigate these violations and bring those responsible to justice.

[UN expert calls for assistance for persons affected by natural disasters in Madagascar.](#)

On 9 July 2008, the Representative of the UN Secretary-General on the human rights of internally displaced persons, Mr. Walter Kälin, ended his visit to Madagascar, a country that is regularly facing the harsh consequences of natural disasters such as floods, cyclones or droughts. The Representative recalled that national authorities are primarily responsible for assisting the populations affected by natural disasters. He welcomed the reform of the National Bureau in charge of responding to emergencies and natural disasters, and recommended that local and national operational capacities be reinforced in order to better respond to the needs of the most vulnerable persons, i.e. single mothers, children and the elderly.

The UN Representative visited Fenerive in the region of Analanjirofo, an area that was devastated by the cyclone Ivan in February 2008. In Antananarivo, he was able to see the precarious conditions of displaced persons and called on the international community to financially support the Malgache authorities in their effort to revive the economy. Finally, he welcomed the adoption of the legislation reinstating the National Council for Human Rights and hoped that this would help the independent monitoring of populations displaced by natural disasters.

[Experts concerned about measures targeting the Roma community in Italy.](#)

On 15 July, the Special Rapporteur on racism, Mr. Doudou Diene, the Independent Expert on minority issues, Ms. Gay J. McDougall, and the Special Rapporteur on the Human rights of Migrants, Mr. Jorge Bustamante expressed their serious concern about recent actions, declarations and proposed measures targeting the Roma community and migrants in Italy.

The experts said that they were extremely concerned about the proposal made by the Ministry of Interior to fingerprint all Roma individuals, including children, in order to identify those undocumented persons living in Italy. By exclusively targeting the Roma minority, this proposal can be unambiguously classified as discriminatory.

According to the Special Rapporteurs, the use of aggressive and discriminatory rhetoric by political leaders has created an overall environment of hostility, antagonism and stigmatization of the Roma community among the general public. This climate of anti-Roma sentiment has served to mobilize extremist groups, which have recently launched a series of attacks against Roma camps and individuals.

The experts called upon the Italian Government to fully uphold its obligations under international human rights law, particularly under the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Discrimination and the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities.

UN experts express concern about proposed EU Return Directive

On 18 July, ten independent human rights experts of the Special Procedures of the United Nations Human Rights Council have sent a letter to the Presidency of the Council of the European Union (France), expressing their concerns regarding the proposal of a EU Return Directive' that aims to provide common standards and procedures in EU Member States for returning irregularly staying third-country nationals. The Directive was approved by the European Parliament on 18 June 2008 and was to be adopted by the Council of the European Union on 25 July 2008.

One principal concern relates to the set of rules that would allow Member States to detain unaccompanied children, victims of human trafficking, and other vulnerable groups. In this regard, the mandate-holders recalled that irregular immigrants are not criminals and that they should not be subjected to detention. They asked member States to explore the availability of alternatives to detention which can only be for the shortest possible period of time.

The experts also raised their concern regarding the possible length of entry bans of up to five years. They called for the reinforcement of the existing safeguards in the proposed text with a view to facilitate full compliance with the principle of non-refoulement. In addition, they suggested that Member States enhance the protection of victims of rape and other forms of gender-based violence and sought clarification to what extent Member States will take the right to education of children into account.

Finally, the human rights experts highlighted some positive features of the Directive which has the potential to provide for uniform standards concerning the return of undocumented immigrants across the EU.

The ten human rights experts are: **the Chairperson-Rapporteur of the Working Group on Arbitrary Detention, Ms. Manuela Carmena Castrillo; the Special Rapporteur on the sale of children, child prostitution and child pornography, Ms. Najat M'jid Maala; the Special Rapporteur on the right to education, Mr. Vernor Muñoz Villalobos; the Special Rapporteur on freedom of religion or belief, Ms. Asma Jahangir; the Special Rapporteur on the independence of judges and lawyers, Mr. Leandro Despouy;**

Special Rapporteur on the human rights of migrants, Mr. Jorge A. Bustamante; the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Mr. Doudou Diène; the Independent expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of human rights, particularly economic, social and cultural rights, Mr. Cephas Lumina; the Special Rapporteur on violence against women, its causes and consequences, Ms. Yakin Ertürk; and the Independent Expert appointed by the Secretary-General on the situation of human rights in Haiti, Mr. Louis Joinet.

International Day of the World's Indigenous People

On 9 August, the Acting UN High Commissioner for Human Rights Kyung-wha Kang, and the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, James Anaya, issued a press statement to celebrate the International Day of the World's Indigenous People.

They noted that this was the first to take place following the landmark adoption of the UN Declaration on the Rights of Indigenous Peoples by the General Assembly in September 2007.

The Declaration, approved by an overwhelming majority of UN Member States, lays down minimum standards for the survival, dignity and well-being of the world's estimated 5,000 indigenous groups (comprising as many as 370 million individuals). It seeks to address the historical injustices they have faced by re-affirming their right to be different, and to live peacefully on their own lands. It also represents a significant contribution to the guiding principles of justice and dignity championed in the Universal Declaration of Human Rights, which celebrates its 60th anniversary this year.

The Office of the High Commissioner for Human Rights – the principal UN Department responsible for the promotion and protection of human rights – and the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, re-affirmed their commitment to working towards the realization of the rights contained in the Declaration, so that increasing numbers of the world's indigenous peoples can truly live in dignity and peace. In their statement, they called on the political commitment of states, of the international community and of the public at large, to create and implement a range of intensely practical programmes, designed and undertaken in consultation with indigenous peoples themselves.

[Expert on indigenous peoples denounces human rights violations committed against the Charco La Pava Community in Panama](#)

On 8 August 2008, the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, Mr. James Anaya, issued a press statement expressing serious concern about the arbitrary displacement, loss of housing, destruction of agricultural crops, excessive use of force and detention suffered by members of the Charco la Pava community, Panama. According to the expert, the situation seemed to be deteriorating, given the presence of an armed police force in the area.

The Special Rapporteur recalled that in 2007, the AES Changuinola Company initiated the construction of the Hydroelectric Project CHAN 75, which could result in the complete flooding of the indigenous Charco la Pava community and other neighboring indigenous communities. Mr. Anaya stressed that this construction was initiated without obtaining the informed consent of the affected communities, in contravention of international standards, and in particular article 10 of the UN Declaration on the Rights of Indigenous Peoples. Reportedly the company has been moving forward without the control or supervision of government authorities.

The Special Rapporteur stated that he regretted he did not receive an answer from the government of Panama to his urgent appeals of 8 April and 3 June 2008 in which he made a number of specific requests in relation to the reported violations against the Charco la Pava community. Mr. Anaya once again urged Panama to adopt all the necessary measures to: (1) protect the rights and freedoms of the affected indigenous communities, (2) seriously investigate the alleged violations of human rights and punish those responsible, (3) repair any damage caused to the victims, and (4) adopt the necessary measures to prevent the reoccurrence of similar acts.

[Expert on the independence of judges and lawyers welcomes the ratification of a new constitution in the Maldives](#)

On 12 August 2008, the Special Rapporteur on the independence of judges and lawyers, Mr. Leandro Despouy, issued a press statement welcoming the ratification of a new Constitution in The Maldives, on 7 August 2008, which he considered a step towards the democratic principles and the rule of law and, in particular, the independence of the judiciary. He expressed his satisfaction with the adoption of this Constitution since it establishes separation of powers and recognizes the independence of the judiciary. It also provides for the establishment of a Supreme Court and a post of Prosecutor General and a Judicial Service Commission, an independent body which will decide on appointment, dismissal and discipline for judges. All these steps are in line with his recommendations made after his visit in February 2007 to the country.

[Expert on internally displaced persons expresses concern about the situation in Georgia](#)

On 14 August 2008, the Representative of the Secretary General on the Human Rights of Internally Displaced Persons, Mr. Walter Kälin, issued a press statement expressing his deep concern about the growing number of civilians displaced in Georgia -estimated at close to 100.000-, the continuing dangers to which many of them are still exposed and the difficulties in providing them with shelter, medical care and food. The expert also stated that he was concerned about the fact that humanitarian access was reportedly blocked.

Mr. Kälin reminded each party to the conflict of their obligation to respect the rights of internally displaced persons: he urged them to adhere to the provisions contained in the UN Guiding Principles on Internal Displacement and to grant full access to humanitarian organizations. While welcoming the signing of a cease-fire and the aid provided by Georgia, he called on both governments to refrain from any action that would cause further displacements. The expert further urged both parties to include provisions in the peace agreement that will allow the displaced to voluntarily return or that will give them the opportunity to integrate elsewhere in the country. Finally, he encouraged international organizations, NGOs and donors to provide aid to alleviate the suffering of the population.

[Expert on education calls for end to impunity for attacks on educators](#)

On 15 August 2008, the Special Rapporteur on the right to education, Mr. Vernor Muñoz Villalobos, issued a press statement condemning the brutal killings of four staff members of the International Rescue Committee by the Taliban in Afghanistan. Mr. Villalobos called for the end of impunity in relation to attacks on educators and for the prompt arrest and prosecution of its perpetrators. He extended his condolences to the victims' families, colleagues and friends and urged the international community to intensify its efforts to put an end to the growing pattern of attacks on educators that have become common in armed conflicts.

[Expert on toxic and dangerous products and wastes calls for further intervention on the 2nd anniversary of the Abidjan dumping](#)

On 19 August 2008, the Special Rapporteur on the adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights, Mr. Okechukwu Ibeanu, issued a press statement on the 2nd anniversary of the extensive dumping of toxic waste in the district of Abidjan calling on the international community to provide assistance to the Government of Cote d'Ivoire to decontaminate the sites and to provide healthcare to the victims. He highlighted that the persons or entities responsible of these trag-

edies must be brought to justice and that compensation must be provided to the victims and their families.

[Expert on the situation of human rights in Somalia welcomes Somali agreement](#)

On 20 August 2008, the **Independent Expert on the situation of human rights in Somalia**, Dr. Shamsul Bari, issued a press statement welcoming the signing of the Djibouti Agreement on 19 August 2008 between the Transitional Federal Government (TFG) and the Alliance for the Re-liberation of Somalia. He also considered as a hopeful sign the joint communiqué in which both sides condemn the ongoing violence against innocent civilians, including targeted attacks, indiscriminate shelling, looting, rape and acts of piracy. However, he expressed his deep concern by the continued escalation of violence and the deterioration of human rights in the country. He finally urged all parties to the conflict to respect international humanitarian law and international human rights.

[Expert on human rights in the Palestinian territories welcomes landing of relief vessels in Gaza](#)

On 25 August 2008, the **Special Rapporteur on the situation of human rights in the Palestinian territories**, Mr. Richard Falk, issued a press statement welcoming the landing of two vessels carrying 46 human rights activists in Gaza. According to the Rapporteur, this constitutes an important symbolic victory.

This initiative of the Free Gaza Movement was intended to focus the attention of the international community on the reality of the 1.5 million residents of Gaza enduring a punitive siege, a form of collective punishment that constitutes a massive violation of Article 33 of the Fourth Geneva Convention, for more than a year. Mr. Falk stated that despite the fact that Israel claimed “disengagement” in 2005, the siege, the coastal blockade and the overflights by Israeli aircraft establish that Gaza remains under Israeli occupation and, as such, Israel remains legally responsible for protecting the human rights of its civilian population. The Special Rapporteur stressed that by severely restricting the entry of food, fuel and medicine, the economic and social rights of the people of Gaza have been systematically violated and there is overwhelming evidence of deteriorating mental and physical health in Gaza, reaching crisis proportions.

The Special Rapporteur strongly urged the international community to take action to uphold human rights in the Gaza Strip and considered that the “responsibility to protect”, a norm endorsed by the Security Council, seemed applicable. He also called on the government

of Israel to grant exit permits to Palestinian winners of a Fulbright Scholarship to study in the United States.

[Working group on enforced disappearances commemorates the 25th anniversary of the international day of the disappeared](#)

On 29 August 2008, the **Working Group on Enforced or Involuntary Disappearances** issued a press statement commemorating the 25th anniversary of the International Day of the Disappeared in which it reiterated its solidarity with all the victims of enforced disappearances and acknowledged the efforts of non-governmental organizations, human rights defenders and all others who work for disappeared persons.

The Working Group expressed its concern about the growing number of cases of enforced disappearances throughout the world and particularly in Chad, Pakistan, the Philippines, Sri Lanka, Sudan and Thailand and about the reports received of disappearances occurred in the past in Algeria and Nepal. It is also concerned about the phenomenon of underreporting, since many disappearances are happening in certain parts of the world but are not being reported. The Working Group called upon all Governments to address all disappearances, regardless of when these began and to ratify the International Convention for the Protection of all Persons from Enforced Disappearance.

[Expert on indigenous people commemorates the first anniversary of the adoption of UN declaration on the rights of indigenous people](#)

On 13 September 2008, the **Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people**, Mr. James Anaya, issued a press statement commemorating the first anniversary of the United Nations Declaration on the Rights of Indigenous Peoples, adopted by the General Assembly on 13 September 2007, and calling upon States and the international community to make operative and to renew their commitment to the Declaration. The Special Rapporteur reaffirmed his commitment to be actively engaged with Governments and other actors to monitor and evaluate violations of the rights of indigenous peoples, to identify the underlying causes of immediate problems, to promote actions that build on advances already made and to provide practical recommendations.

On 9 September 2008, the Special Rapporteur presented his first annual report to the Human Rights Council, which includes an analysis of the Declaration and provides an account of the different measures that States, international bodies, civil society, and indigenous peo-

ples themselves may take in order to contribute to the effective implementation of the human rights standards contained in the Declaration and other instruments.

Expert on indigenous people denounces violence against indigenous people in Bolivia

On 18 September 2008, the Special Rapporteur on human rights and fundamental freedoms of indigenous people, Mr. James Anaya, issued a press statement condemning the recent wave of violence against indigenous communities in the Departments of Beni, Pando, Santa Cruz and Tarija, in Bolivia, which resulted in dozens of deaths, hundreds of injured and in an undetermined number of disappeared. He expressed his concern that these attacks occur in the context of a systematic policy adopted by officials from the mentioned regional Departments to counter initiatives carried out by the Government of Bolivia to guarantee the rights of indigenous peoples.

On 11 September 2008, in Porvenir, Department of Pando, paramilitary groups ambushed and killed members of the Rural Workers Union of Pando and students at the Philadelphia Teachers Training College, the majority of whom are indigenous. These attacks also resulted in the occupation and destruction of some of the offices of indigenous and rural organizations. A number of Government-run and independent broadcasting stations have also been destroyed.

The Special Rapporteur urgently called for an end to the violence and urged State authorities to take all necessary measures to protect the human rights and fundamental freedoms of the affected indigenous and rural groups, to investigate such human rights violations and bring those responsible to justice. He also called upon all actors involved to engage in a dialogue based on tolerance and respect for human rights.

Expert on transnational corporations and other business enterprises announces the creation of a leadership group to advise on business and human rights.

On 22 September 2008, the Special Representative of the Secretary-General on human rights and transnational corporations and other business enterprises, Mr. John Ruggie, issued a press release announcing that he is convening a leadership group to provide him both substantive and strategic advice on how best to ensure that businesses worldwide respect internationally recognized human rights standards.

The panel includes former Secretary-General, Mr. Kofi Annan, former High Commissioner for Human Rights, Mrs. Mary Robinson, and thirteen other leaders from business, diplomacy, and civil society around the world.

Earlier this year, the Special Representative completed the first phase of his mandate by proposing a broad policy framework for business and human rights, based on three core principles: the state's duty to protect against human rights abuses by third parties, including business, the responsibility of corporations to respect human rights and the need for victims of corporate-related human rights abuses to have easier access to more effective remedies.

Expert on Myanmar welcomes the release of seven prisoners of conscience

On 23 September 2008, the Special Rapporteur on the situation of human rights in Myanmar, Mr. Tomás Ojea Quintana, issued a press statement welcoming the reported release of seven prisoners of conscience in Myanmar. The Special Rapporteur stated that this action marked a positive sign of cooperation from the Government with his mandate. The Special Rapporteur proposed to the Government four core human rights elements to help pave the road to democracy. One of these concerned the progressive release of all prisoners of conscience starting with the elderly, those with health limitations and long-serving prisoners.

“Special procedures” refer to the mechanisms established by the former Commission on Human Rights, and assumed by the Human Rights Council, to examine, monitor, advise and publicly report on a human rights situation in a specific country (country mandates) or on a thematic issue (thematic mandates). Currently, there are 38 special procedures, 29 thematic mandates and 9 country mandates, including special rapporteurs, special representatives, independent experts and working groups (all known as “special procedures mandate holders”). Twenty-six thematic mandates are serviced by the OHCHR Special Procedures Division. All country mandates are serviced by the Capacity Building and Field Operations Division and three thematic mandates are serviced by the Research and Right to Development Division. For more information, please visit <http://www.ohchr.org/english/bodies/chr/special/index.htm>