

SPECIAL PROCEDURES BULLETIN



TWELFTH ISSUE: JANUARY-MARCH 2009

HIGHLIGHTS

9TH SPECIAL SESSION OF THE HUMAN RIGHTS

COUNCIL:

The Human Rights Council held its Ninth Special Session on 9 and 12 January to address “the grave violations of human rights in the Occupied Palestinian Territory including the recent aggression in the occupied Gaza Strip”. The Special Session was convened following a request by Egypt, on behalf of the Arab Group and the African Group, Pakistan, on behalf of the Organization of the Islamic Conference, and Cuba, on behalf of the Non-Aligned Movement. In her

address to the Human Rights Council during this Special Session, the High Commissioner for Human Rights, Ms. Navi Pillay, declared that the situation was intolerable and that the ceasefire called for by
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NEW SPECIAL PROCEDURE MANDATE

By resolution 10/23, the Human Rights Council established the mandate of an Independent Expert in the field of cultural rights for a period of three years.

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

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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 April-June 2009. The Bulletin is produced by the Information, Coordination and Management Unit of the Special Procedures Division of the OHCHR.

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)

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COMMUNICATIONS

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

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

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

JANUARY TO MARCH 2009

153 Total number of communications

73.2 joint communications

448 individuals covered, 14.3 of these cases involved women

23 Countries received communications

COUNTRY VISITS

ARBITRARY DETENTION

WORKING GROUP VISITS MALTA

On 23 January 2009, the United Nations Working Group on arbitrary detention concluded its mission to the Republic of Malta. While noting a number of positive aspects with respect to the institutions and laws safeguarding against cases of arbitrary detention, the Working Group raised concerns about the detention of irregular immigrants. Immigrants rescued from the sea after a risky passage from the North-African shores are subjected to automatic detention without genuine recourse to a court of law in Malta. In the case of asylum seekers, it is the policy of the Government to release them, at the latest, after 12 months of detention, if their asylum claim is still pending. Those who do not apply or whose applications are rejected may end up spending 18 months in custody under appalling conditions generally in closed centers. The Working Group expressed its disagreement with the administrative detention of immigrants in an irregular situation; it further stressed that, if there had to be detention, its length should at least be clearly defined by law and it should neither be used as a deterrent nor as a sanction.

Recalling that immigrants arriving without proper documentation are not criminals and that Malta is a small country with the highest population density in Europe and limited financial and human resources at hand, the Working Group called on the international community to help the country to tackle its largest arrivals of immigrants since 2002.

Within the criminal justice context, the Working Group noted the relatively long periods accused persons spend in pre-trial detention and the high rate of detainees on remand in comparison to the overall prison population.

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 January 2009, 63 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 this connection, the Working Group stressed the fundamental right of the accused to be presumed innocent until proven guilty and the right to be tried without undue delay, both of which are well-entrenched in international human rights law. The experts further recommended that the Government consider establishing a system of release on parole.

DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA

SPECIAL RAPPORTEUR VISITS JAPAN

The Special Rapporteur on the Situation of Human Rights in the DPRK, Mr. Vitit Muntarbhorn, paid an official visit to Japan from 23 to 28 January 2009. The aim of his visit was to assess the impact of the DPRK's human rights situation on Japan. In a press statement issued at the end of his visit, the Special Rapporteur stressed that there remained key concerns in relation to the DPRK's relations with Japan, particularly the denuclearization of the DPRK and accountability for the abductions committed by the country. The Special Rapporteur mentioned that while the Six-Party Talks (involving the DPRK, China, Russia, United States of America, Republic of Korea and Japan) which seek the verifiable denuclearization of the Korean Peninsula are currently stalled over the concrete framework of verification of the DPRK's nuclear programmes, it is hoped that more concrete progress will be made in the near future, as positive developments on this front can pave the way to possible human rights improvements in the country.

With regard to the abductions issue, while the DPRK has already admitted to committing a number of these crimes, some cases remain unresolved. According to the expert, the Six-Party talks have provided some space for dialogue on these matters under their umbrella, while bilateral tracks have complemented this avenue. Of significance is that working level consultations were held between the two countries in August 2008 where both sides agreed on the concrete modality and related measures to ensure a comprehensive investigation of the abductions issue, to be conducted by the DPRK. These include the need for the DPRK to establish an investigation committee to undertake and conclude investigations effectively and expeditiously, and to cooperate with Japan so that the latter will be able to directly confirm the results of the investigation with relevant sources of information.

The Special Rapporteur reiterated that through various United Nations resolutions, the world community remains highly unsatisfied with the DPRK's response to the issue of abductions. The expert further called upon the DPRK to establish a credible committee to investigate the abductions issue. The investigation by the DPRK must be of a comprehensive nature, with the aim of taking concrete action to settle the issue satisfactorily, namely to find survivors and return them to Japan. The expert further stressed that the DPRK's investigation must encompass the victims identified by the Government of Japan as well as other abductees. Finally, the Special Rapporteur stressed that the DPRK must inform Japan consistently of the progress made and undertake discussions with Japan in a cooperative manner.

INTERNALLY DISPLACED PERSONS

REPRESENTATIVE OF SECRETARY GENERAL VISITS DEMOCRATIC REPUBLIC OF THE CONGO

On 27 January 2009, the Representative of the Secretary-General on the human rights of internally displaced persons, Mr. Walter Kälin, issued a statement following his visit to Kinshasa and Goma, the provincial capital of North Kivu. He was one of the seven independent experts mandated by the Human Rights Council, following a special session of the Council on 1 December 2008, to urgently examine the current situation in the East of the DRC and report to the Council in March 2009 on how best to assist technically the DRC in addressing the situation of human rights, with a view to obtaining tangible improvements on the ground. In his statement, the expert called on all actors involved in the present military operations in the eastern provinces of the Democratic Republic of Congo to scrupulously respect international humanitarian and human rights law.

The operations conducted by the armed forces of the Democratic Republic of the Congo and Rwanda, together with associated non-state armed groups, are directed against the Forces Démocratiques pour la Libération du Rwanda (FDLR), a non-state armed group operating in North and South Kivu provinces. The Representative said that unless a clear distinction was made between fighters and the civilian population, and precautionary measures to protect civilians were taken, these operations would trigger further massive displacement of civilians and deepen the humanitarian crisis in the Kivu region. He added that when launching military operations, the Government of the Democratic Republic of the Congo had a responsibility to protect the civilian population and to organize the necessary humanitarian assistance, which means that information relevant to the humanitarian response and the protection of civilians should be shared in a transparent and timely manner with humanitarian actors and the United Nations Mission in

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Congo (MONUC). All parties to the conflict must facilitate access for humanitarian agencies and supplies. The Representative also recalled that war crimes and crimes against humanity including forced displacement must be investigated, prosecuted and punished.

BURUNDI

INDEPENDENT EXPERT VISITS BURUNDI

On 30 January 2009, the Independent Expert on the situation of human rights in Burundi, Mr. Akich Okola, issued a press statement at the end of his 11th visit to the country. While commending the Government for its commitment made on the occasion of the Universal Periodic Review of Burundi in December 2008 to establish an independent national human rights commission in compliance with the Paris Principles with a strong mandate, the expert warned that the current draft law that was approved by the Council of Ministers in November 2008 fell short of compliance with the Paris Principles.

The Independent Expert further warned that with the impending elections, the human rights situation in Burundi remained of concern and the possibility of the country being plunged again into a cycle of violence could not be ruled out if the necessary conditions for the holding of free and fair elections in 2010 were not met. These, he added, should include the establishment of a credible electoral body to supervise the elections. He also encouraged the Government to consider seeking assistance from the UN in organizing the elections in 2010. The Independent Expert said that he was pleased to see that conditions of detention in the Central Prison of Mpimba had improved since his last visit and commended the international community for its support to the reform of the judiciary and penitentiary. On the issue of transitional justice, the Independent Expert urged the Government of Burundi to take measures to ensure an environment conducive to national consultations on transitional justice, in which victims and witnesses will participate without fear. The Independent Expert also visited the safe house in the Province of Ruyigi in which a population of Albinos from across the country is currently housed in order to protect them from attacks. While expressing deep concern on the security situation of Albinos, the expert called on the Governments of Tanzania and Burundi to strengthen cooperation in order to make sure that perpetrators are brought to justice. Mr. Okola recommended a revision of the Criminal Code in relation to the criminalization of same sex sexual relations, the issue of domestic violence and sexual violence against women and children. The Independent Expert commended the Government for the efforts it had made to bring to justice those responsible for the Musinga massacre. However, he noted that a number of persons suspected to have been involved in the incident have not yet been apprehended and tried for the offence, and urged the government to pursue them so that this matter can be brought to a satisfactory closure. He further urged the Government to pursue the case of the Gatumba massacre with the same determination.

INTERNALLY DISPLACED PERSONS

REPRESENTATIVE OF THE SECRETARY-GENERAL VISITS CHAD

On 9 February 2009, the Representative of the Secretary General on the Human Rights of Internally Displaced People, Mr. Walter Kälin, issued a press statement at the end of his visit to the Republic of Chad. According to Mr. Kälin, more than 160,000 Chadians, having fled their homes and villages, are still displaced stemming from a variety of causes. These include cross-border attacks originating from Darfur; confrontations between the national armed forces and rebel groups; intercommunity tensions; and increased banditry. The displaced are primarily in the Dar Sila and Ouaddai regions, living in a vulnerable situation. While recalling that the Government of Chad is primarily responsible for the protection of displaced persons, the Representative strongly urged the Government to intensify its efforts to assist displaced populations and create an environment which will permit them to enjoy their rights and to be free from human rights violations such as the recruitment of children into different armed groups, gender-based violence suffered by displaced girls and women, and criminality in a climate of prevailing impunity. Noting that some people spontaneously decided to return to their homes despite the precarious security conditions and the lack of access to basic services in their original localities, Mr. Kälin emphasized that IDPs must have complete freedom in deciding whether to return to their homes, remain in their host area, or to move to another location or country. He recalled that the responsibility for guaranteeing this freedom of choice falls on the national authorities who, with the assistance of the international community, need to put into place the preconditions needed to strengthen durable solutions.

The Representative also called for the Chadian authorities to develop a strategic framework with the support of the

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international community for early recovery and to increase the activities for economic reintegration, the creation of basic services, and intercommunity reconciliation. In this context, he stressed that the durable solutions for IDPs are an essential component of any real peace process in Chad.

INDEPENDENCE OF JUDGES AND LAWYERS

SPECIAL RAPPORTEUR VISITS GUATEMALA

On 10 February 2009, the Special Rapporteur on the independence of judges and lawyers issued a press statement at the end of his visit to Guatemala. According to the Rapporteur, “structural factors and the pressure exerted on judges, prosecutors and lawyers are the main causes of impunity in Guatemala”. In order to address the lack of public policies in the area of justice and crime prevention, Mr Despouy recommended the creation of a Ministry of Justice. He also suggested the establishment of a Judicial Council to relieve the Supreme Court of the task of administering and managing the judiciary. This would strengthen the independence of the Court and would allow it to concentrate on its main task which is to impart justice. Mr Despouy further stressed that the imminent election of new Supreme Court judges provides the country with an opportunity to conduct a transparent process on the basis of objective criteria, enabling the election of independent, principled and competent judges. The expert also expressed concern at the obstacles that prevent people from accessing justice, in particular indigenous peoples and the poorest sectors of society. In this respect, he recommended adopting measures in accordance with international human rights standards, in particular ILO Convention 169. The Special Rapporteur also proposed that criminal investigation mechanisms be created within both the Attorney’s General Office and the National Police, and be given adequate funding and resources. In this connection, the Special Rapporteur recommended supporting the reforms undertaken by the current National Police administration. He also recommended strengthening the Institute of Forensic Sciences of Guatemala (INACIF), as well as supporting the work of the International Commission Against Impunity in Guatemala (CICG). The Special Rapporteur called on the Guatemalan Parliament to adopt a law on control of arms and munitions, in order “to prevent Guatemala descending into a war scenario.” He also called on the Government to ratify the Rome Statute of the International Criminal Court, and the International Convention for the Protection of All Persons from Enforced Disappearances.

INTERNALLY DISPLACED PERSONS

VISIT TO THE CENTRAL AFRICAN REPUBLIC BY THE REPRESENTATIVE OF THE SECRETARY-GENERAL ON INTERNALLY DISPLACED PERSONS

On 12 February 2009, the Representative of the Secretary-General on the Human Rights of Internally Displaced Persons, Mr. Walter Kälin, issued a press statement at the end of his visit to the Central African Republic, as a follow-up to his official visit carried out in March 2007. While welcoming the peace accords and the holding of an inclusive political dialogue, the Representative deplored the precarious conditions in which more than 100,000 displaced persons still find themselves as a result of the conflict in the North of the country as well as violent acts committed by criminal elements in total impunity. He recalled that the Central African authorities have the responsibility to take concrete and specific measures that allow the displaced to exercise their right to decide freely to return as well as their rights to security, food, housing, health, education and participation in public life, in particular concerning decisions affecting their own future. Mr. Kälin further emphasized that special emphasis must be given to persons with special needs, especially children. The Representative further declared that only immediate and targeted support by the international community to the efforts of the Central African government and a concrete return strategy which addresses security and development concerns in return areas would permit progress in achieving durable solutions for displaced communities. In this context, efforts aimed at ending the crisis and consolidating the peace have to take into account the protection needs of displaced persons to be sustainable.

MYANMAR

SPECIAL RAPPORTEUR VISITS MYANMAR

The Special Rapporteur for the situation of human rights in Myanmar, Mr. Tomás Ojea Quintana, undertook his second mission to Myanmar from 14 to 19 February 2009. In a press statement issued on 13 February 2009, he announced that the main objectives of his visit were to assess the development of the situation of human rights since his previous mission in summer 2008. He said he would also discuss with relevant officials the implementation of the four core human rights elements that the Special Rapporteur had recommended to be completed before the elections scheduled for 2010. These are: the revision of domestic laws to ensure compliance with international human rights standards

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and provisions of human rights in the new Constitution, the progressive release of all prisoners of conscience, human rights training for and reform of the military, and the independence of the judiciary. The Special Rapporteur also requested to meet in private with a number of prisoners of conscience as well as leaders of political parties. He also intended to travel to Rakhine, Kayin and Kachin States.

EXTRAJUDICIAL EXECUTIONS

SPECIAL RAPPORTEUR VISITS KENYA

On 25 February 2009, the Special Rapporteur on extrajudicial executions, Philip Alston, concluded his fact-finding mission to Kenya. In a press statement issued at the end of his visit, the expert stated that, "Killings by police in Kenya are systematic, widespread and carefully planned. They are committed at will and with utter impunity." He also found that death squads were set up upon the orders of senior police officials to exterminate the Mungiki. He called on the President of Kenya to acknowledge the widespread problem of extrajudicial executions in Kenya and to commit to systemic reform. "Effective leadership on this issue can only come from the very top, and sweeping reforms to the policing sector should begin with the immediate dismissal of the Police Commissioner," concluded the independent expert. "Further, given his role in encouraging the impunity that exists in Kenya, the Attorney-General should resign so that the integrity of the office can be restored." In addition, the Special Rapporteur found compelling evidence that in Mt Elgon, the police and military committed organised torture and extrajudicial executions against civilians during their 2008 operation to flush out the Sabaot Land Defence Force militia. He said that since the security forces had not investigated the allegations in any convincing manner "the Government should immediately act to set up an independent commission for Mount Elgon".

With respect to the accountability for the post-election violence, the Special Rapporteur stated that the setting up of the Special Tribunal for Kenya was "absolutely indispensable to ensure that Kenya does not again descend into chaos during the 2012 elections." He called on civil society and the international community to take a firm line on its establishment. "At the same time, this is an ideal case for the ICC to urgently take up", he added, stressing that the two approaches were not mutually exclusive and a two-track approach should be adopted.

The Special Rapporteur also recommended that an independent civilian police oversight body be established, that records of police killings be centralized, that an independent Department of Public Prosecutions be created, across-the-board vetting of the police be undertaken, an independent witness protection program be set up, the Government issue substantive responses to KNCHR reports, and that compensation for the victims of those unlawfully killed be granted.

HOUSING

SPECIAL RAPPORTEUR VISITS MALDIVES

On 25 February 2009, the Special Rapporteur on adequate housing, Ms. Raquel Rolnik, issued a press statement at the end of her mission to the Maldives in which she stressed that climate change already experienced by the country may pose in the future a serious threat to the very ability of the 300.000 people of Maldives to have a homeland. The expert noted that their more immediate impact can already be seen on the enjoyment of the right to adequate housing, in a country where land is very scarce and overcrowding is an issue in many islands. During her mission, Ms. Rolnik visited the Northern Atolls and some islands that were hit by the December 2004 Tsunami. She commended the achievements of the last four years, and the immediate response from international donors and agencies, which mobilized more than US\$400 million in aid after the disaster. Yet, she also identified a number of concerns, such as allocation of resources by



Special Rapporteur on adequate housing, Ms. Raquel Rolnik, discussing migrants' housing conditions in Hulumale compound

some international donors and their management by the Maldivian authorities, which revealed a lack of participation in the decision making process concerning relocation, the design of new houses, and the infrastructure. As a result,

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the Special Rapporteur stressed that the new structures were not always compatible with the livelihood of the communities. She added that four years after the Tsunami, 3,500 people among those displaced by the disaster, are still living in temporary shelters.

According to Ms. Rolnik, one side effect of the post-disaster reconstruction process was a massive increase in the price of construction materials. Growing rental prices as well as increased migration to the capital – Male – also increased pressure on housing affordability in the Maldives, aggravating overcrowding and inadequate living conditions. The Special Rapporteur further expressed particular concern in regard to housing and living conditions of the more than 80.000 international migrants from Bangladesh and other South Asian countries who live today in the Maldives, half of them working in the construction sector. While expressing high hopes that civil society and non-governmental organizations would be more present and active in the newly established political environment of the Maldives, Ms. Rolnik concluded that there was a need to deepen studies and develop innovative local solutions, based on a human rights-based approach, to the very particular housing situation of the Maldives.

FREEDOM OF OPINION

SPECIAL RAPPOREUR VISITS MALDIVES

In a press statement issued at the end of his visit on 5 March 2009, the Special Rapporteur on freedom of opinion and expression, Frank La Rue, pointed out the importance of the ongoing democratic transition in the Maldives and made preliminary recommendations on how to strengthen this process. While recognising the positive steps taken by the Government to develop a democratic society, particularly its proposal to decentralize state institutions and public services throughout the islands,

the Special Rapporteur made some preliminary recommendations to the Government with a view to strengthening its transition effort. The expert encouraged the Government to further develop mechanisms of communication during the transition period and welcomed the decision to enact legislation on access to information as a guarantee to transparency, noting that the Government should establish the appropriate mechanisms and bodies in order to guarantee that this right is implemented swiftly.

With regard to public broadcasting, the Special Rapporteur stated that “while public enterprises like TV Maldives and Voice of the Maldives reach out to over 90 percent of the population and satisfy a needed public service, given their importance and in order to ensure objectivity, it is essential that the public broadcasting corporation be established by law as an independent state body.” He further stated that “in the process of privatization of media enterprises a special effort should be made to ensure that the diversity and plurality of views and opinions are maintained.” In this regard, he encouraged the Parliament to introduce anti-monopoly legislation, particularly in the area of communications. The Special Rapporteur made a number of additional recommendations, including the adoption of additional legislation on freedom of expression, the need to ensure that cases of defamation are treated as civil and not criminal cases; the improvement of internet services to ensure access for all members of society; and the follow-up and implementation of recommendations formulated through previous visits of Special Rapporteurs.

RIGHT TO FOOD

MISSION TO BENIN

The Special Rapporteur on the right to food, Mr. Olivier De Schutter, issued a press statement at the end of his visit to Benin on 20 March 2009. The objective of his mission was to examine the obstacles which prevent the full



Special Rapporteur on freedom of opinion, Mr. Frank La Rue, meeting with Telecommunications' authorities in Male.

realization of this right in particular in relation to the situation of three vulnerable groups: small farmers, urban poor, and detainees. The first group, the largest in terms of size, deserves particular attention. The Special Rapporteur highlighted that the agricultural revitalization should achieve not only an increase in total production thus allowing the country to be less dependent on imports due to a diversification gained from food crops, but in particular it should lead to an improvement in the enjoyment of the right to food of the most vulnerable, among whom are the small farmers, including farm labourers. The situation of women and their access to productive resources should also be a priority. Land reform will have an important impact on these groups. Their situation should also be taken into account when evaluating Benin's entry into regional and international markets. Finally, the strengthening of the social security net, in order to guarantee the right to food for the urban poor, will likely require assistance from the international community. The Special Rapporteur welcomed the significant efforts by the Government to strengthen food security, particularly in anticipation and reaction to the increase in food prices in early 2008. He welcomed the rapid adoption of plans to revitalize agriculture which began at the end of 2007, and congratulated the decision to place agriculture at the centre of the country's development. He noted that his mission took place during a key period, when a first assessment of the Emergency Food Security Assistance Programme may be conducted, strategies are being devised for the revitalization of the country's agriculture as well as for rural land reform, and when ECOWAS is entering the final phase of negotiation of an Economic Partnership Agreement with the European Union.

INDIGENOUS PEOPLE

MISSION TO BOTSWANA

The Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, Mr. S. James Anaya, issued a press release at the end of his visit to Botswana on 27 March 2009. The objective of the visit was to shed light on the particular challenges some of the many diverse indigenous peoples of Botswana are facing, especially in the areas of recognition and discrimination, land rights, poverty, education and language, and political participation, with a view to creating a dialogue on how to address these challenges.

The Special Rapporteur noted the various efforts on the part of the Government to improve marginalized indigenous peoples' access to crucial services, including health and education, and create opportunities for income-generation. He was conscious of the Government's initiatives to eradicate discrimination in all of its forms and build a society of inclusion. During his consultations, the Special Rapporteur heard that despite these efforts, the design and implementation of these development initiatives did not adequately take into account the language, culture, and heritage of those most affected, perhaps hindering their ultimate success. The Special Rapporteur visited the settlements of Kaudwane and New Xade, where various communities reported struggling with relocation from the Central Kalahari Game Reserve, and the communities of Gugamma and Metsiamaonong, which have remained in the Central Kalahari Game Reserve despite a lack of access to services, including water. He consulted with communities in West Hanahai, Mababe, and Shaikarawe, where Government- and NGO-led development initiatives are underway but regarded as deficient by community members. The Special Rapporteur also visited the remote relocated indigenous people of the Tsodilo Hills renowned heritage site, who expressed concern with having scant access to livelihood opportunities.

TORTURE

MISSION TO URUGUAY

Following his mission to Uruguay, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Mr. Manfred Nowak, issued a press statement on 27 March 2009. During his visit the Special Rapporteur focused on torture and ill-treatment in police stations, prisons and juvenile detention centers and psychiatric institutions. He also examined the situation of women in prisons, the criminalization and prevention of torture, and the way the Government is dealing with crimes committed at the time of the dictatorship. The Special Rapporteur stated that he was encouraged to hear the eagerness of the Government to reform the administration of



Special Rapporteur on Torture, Mr. Manfred Nowak, discussing with a prison Director



Special Rapporteur on Torture, Mr. Manfred Nowak, at a round-table discussion on women's issues

basic necessities, such as water and adequate food, health care, more work opportunities, education and recreational activities; create adequate facilities for imprisoned mothers and their children; criminalize torture in full accordance with the definition contained in article 1 of the UN Convention against Torture; establish an accessible and effective complaint mechanism for victims of torture and ill-treatment; effectively investigate every suspected case of torture and ill-treatment and bring the perpetrators of torture to justice; broaden the mandate of the Parliamentary Commissioner for the Penitentiary System to cover all places of detention and ensure that this National Preventive Mechanism is fully integrated into the National Human Rights Commission to be established in the near future. Finally, the Special Rapporteur invited the international community, including the United Nations system, to support the Government in the implementation of these recommendations.

WATER

SPECIAL RAPPORTEUR VISITS COSTA RICA

On 27 March 2009, the Independent Expert on the issue of human rights obligations related to access to safe drinking water and sanitation, Ms. Catarina de Albuquerque, issued a press statement at the end of her visit to Costa Rica. The expert welcomed the significant progress made by the Government in expanding access to safe drinking water and sanitation. She also welcomed the Government's more integrated vision of all problems and connections between sanitation, water quality and security, environmental protection and health. During the years, Costa Rica has developed a comprehensive legal framework for the protection of access to safe drinking water and sanitation. In particular, the expert noted with appreciation that the national policy in the field of water management recognises that access to safe drinking water constitutes an inalienable human right, and that use of water for personal consumption is prioritised over any other use. Nevertheless, the expert noted that the Water Law (*Ley de Aguas*), which dates from the 1940s, no longer corresponds to the social and economic situation of the country, and requires revision and updating.

Notwithstanding the positive developments related to water and sanitation, Ms. De Albuquerque identified some challenges and made the following recommendations: improve, as a matter of priority, the treatment and disposal of waste water throughout the country, including in rural and coastal areas, with the aim of reducing the pollution of water sources; move as expeditiously as possible towards the adoption of the new Water Law (*Ley de recursos hídrico*) in line with the various decisions adopted by the Constitutional Court on this issue and the General Comment No. 15 on "The Right to Water" of the United Nations Committee on Economic, Social and Cultural Rights; adopt all necessary measures to eliminate any form of indirect discrimination against persons belonging to marginalised and vulnerable groups, and to take the necessary steps to remove the economic, social and geographical barriers that prevent such communities from accessing safe drinking water and improved sanitation; consider streamlining, and possibly simplifying, the organisation of the water sector; improve the capacity of bodies responsible for monitoring and ensuring implementation of legislation on water and sanitation by increasing their human and financial resources; provide information to relevant stakeholders, especially civil society organisations and members of affected communities, and involve them in decision-making processes related to the use and management of water sources; carry out a comprehensive study on the availability and quality of superficial and subterranean waters, with a view to ascertaining the availability of water for different uses.

justice and recommended the Government to:- undertake a fundamental reform of the criminal justice system aimed at the prevention of crime and the resocialization of offenders, rather than punitive measures and a policy of simply locking suspected and convicted criminals away from society; create a Ministry of Justice, responsible for the penitentiary system and encompassed in a comprehensive reform of the criminal justice and penitentiary policy; increase the use of non-custodial measures as a means to reduce the overcrowding of prisons; separate pre-trial detainees from convicted prisoners; limit the maximum time of deprivation of liberty for pre-trial detainees; provide prisoners with

POSITIVE DEVELOPMENTS

On 1 January 2009, two 16 year-old girls were released from administrative detention after having spent seven months in Addamoun prison in Israel on suspicion of being involved in militant activities. The Working Group on Arbitrary Detention and Special Rapporteur on the Independence of the Judiciary had sent an urgent appeal on 31 October 2008 in relation to this case.

On 8 January 2009, the Constitutional Court of Ecuador ruled that the Ministry of Environment must revise the authorization for the Baba dam project and re-formulate the terms of the environmental authorization. It also ordered that an audit be conducted on the processes for the realization and clearance of the environmental impact assessment studies undertaken so far. The ruling was based on the potential impact that this project may have on the human rights of the affected individuals, including the right to water, property, work, food, participation and others. The Court ruling followed a complaint lodged in May 2007 which makes reference to international human rights law and particularly the right to food. The Special Rapporteur on the right to food had sent communications and follow up letters on this case since 2006.

On 11 January 2009, a prominent human rights defender was released in Saudi Arabia after spending 235 days in solitary confinement in prison. The Working Group on Arbitrary Detention, the Special Rapporteur on freedom of opinion and expression, the Special Rapporteur on the situation of human rights defenders, the Special Rapporteur on the independence of the judges and lawyers and the Special Rapporteur on torture sent an urgent appeal in relation to this case on 27 May 2008.

On 13 January 2009, two journalists were provisionally released by the authorities of Gabon, while still facing trial on "propaganda" charges. The Working Group on Arbitrary Detention, the Special Rapporteur on freedom of opinion and expression, and the Special Rapporteur on the situation of human rights defenders had sent an urgent appeal in January 2009 asking the Government to indicate the legal basis for their arrest and detention and how these measures were compatible with the applicable international human rights norms and standards.

On 13 January 2009, it was reported that a female detainee was released on bail by the Iranian authorities in early January 2009 and given 15 days to lodge an appeal. Her five children are now known to have been released in late October 2008. The Working Group on Arbitrary Detention and the Special Rapporteur on freedom of opinion and expression had sent an urgent appeal in October 2008 asking the Government to indicate the legal basis for the arrest and detention of the woman and her five children, and how these measures were compatible with the applicable international human rights norms and standards.

On 30 January 2009, immigration authorities in Panama released Somali nationals from the immigration detention centre and admitted them to the Refugee Status determination procedure. The National Office for the Protection of Refugees (ONPAR) confirmed that the nationals from Ethiopia and Eritrea would also be released from detention and admitted to the procedure. On 27 January 2009, the Special Rapporteur on the human rights of migrants, Mr. Jorge Bustamante, had sent an urgent appeal to the Government regarding the alleged detention of 19 migrants of Ethiopian, Eritrean and Somali origin.

Among the more than 6,000 prisoners reported to have been released by the Government of Myanmar subsequent to the visit of the by the Special Rapporteur on the situation of human rights in Myanmar, Mr. Thomás

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Ojea Quintana, there are at least two who were the subject of an Opinion of the Working Group on Arbitrary Detention. In Opinion No. 7/2008, adopted on 8 May 2008, the Working Group declared arbitrary the detention of Mr. Tin Htay and Than Htun (A/HRC/10/21/Add.1). Several others released, including Thet Wai and Dr. Zaw Myint Maung, had been the subject of urgent appeals sent by several mandate holders. Many others, first and foremost Aung San Suu Kyi, on whom the Working Group has adopted four Opinions, however, remain imprisoned.

Reverend Bienvenido Samba Momesori and Felipe Ondó Obiang were pardoned and released in June 2008 in Equatorial Guinea. The Working Group on Arbitrary Detention interviewed the two prisoners during its mission to the country between 8 and 13 July 2007 and raised concern as to their detention in its mission report. It was also reported that Juan Ondo Abaga was released following the presidential amnesty of 5 June 2008. During its mission the Working Group was denied access by the Government to him and three other persons, believed to still be held at Black Beach prison in Malabo (Florencio Ela Bibang, Antimo Edu Nchama, and Felipe Esono Ntutum). The detention of all four persons was declared arbitrary by Opinion No. 2/2008, adopted on 7 May 2008 (A/HRC/10/21/Add.1).

A journalist and human rights activist was released on 4 March 2009 in Zimbabwe after three months spent in *incomunicado* detention. The Special Rapporteur on freedom of expression, the Special Rapporteur on Human Rights Defenders and the Working Group on Arbitrary Detention had sent an urgent appeal on 4 December 2008 in relation to this case.

An opposition leader who had been imprisoned for having publicly expressed his views in support of cooperation by Sudan with the International Criminal Court was released from detention on 9 March 2009. An urgent appeal was sent in relation to this case by the Working Group on Arbitrary Detention and the Special Rapporteur on freedom of opinion and expression on 4 February 2009.

On 11 March 2008, two men were released by the Libyan authorities after having spent two years in prison. They had been sentenced to 12 years and 15 years after they planned a peaceful demonstration in February 2007 to mark the anniversary of the death of protesters in a clash with the police. The Special Rapporteur on freedom of expression and the Special Rapporteur on torture had sent an urgent appeal in relation to this case on 17 August 2007.

On 11 March 2009, a radio journalist and president of a prominent political party in Burundi was released from prison after the charges against him were dropped, on the orders of the High Court (Tribunal de Grande Instance). The man had been arrested on 3 November 2008 during a party meeting and was subsequently charged with showing "contempt for the Head of State". The Working Group on Arbitrary Detention and the Special Rapporteur on freedom of expression had sent an urgent appeal in relation to this case on 27 November 2008.

On 16 March 2009, the Supreme Administrative Court of Egypt upheld the right of Baha'i Egyptians to obtain mandatory identification documents without stipulating any religious affiliation. The ruling, which is not subject to appeal, permanently revoked Government policy over the past eight years of forcing Baha'i citizens to convert to one of the three state-recognized religions - Islam, Christianity or Judaism - as a prerequisite for obtaining official identification papers. Since 2003, the Special Rapporteur on freedom of religion or belief has intervened on repeated occasions by sending letters of allegations to the Government of Egypt in cases of Baha'i citizens who had been obliged to indicate a state-recognized religion on birth certificates and identity cards.

FORTHCOMING VISITS

FORTHCOMING VISITS BETWEEN APRIL AND JUNE 2009

Afghanistan, Working Group on the use of mercenaries, 4-11 April 2009
Belarus, Special Rapporteur on trafficking in persons, especially in women and children, 18 to 24 May 2009
Bolivia, Special Rapporteur on racism, specific dates to be confirmed.
Brazil, Special Rapporteur on contemporary forms of slavery, June 2009
Democratic Republic of the Congo, Special Rapporteur on human rights defenders, 18- 29 May 2009
Ecuador, Independent expert on the effects of foreign debt, 1-8 May 2009
Egypt, Special Rapporteur on counter-terrorism, 16-21 April
Germany, Special Rapporteur on racism, 22 June-1 July 2009
Kosovo, Special Rapporteur on freedom of religion, 27 April- 8 May 2009
Mauritania, Special Rapporteur on contemporary forms of slavery (dates to be confirmed)
Norway, Independent expert on the effects of foreign debt, 28-30 April 2009
Paraguay, Special Rapporteur on education, 14 to 22 April 2009
Poland, Special Rapporteur on trafficking in persons, especially in women and children, 24-29 May 2009.
Serbia, Special Rapporteur on freedom of religion, 27 April- 8 May 2009
Sri Lanka, Representative of the Secretary-General on the Human Rights of Internally Displaced Persons, 2 -6 April 2009
The Former Yugoslav Republic of Macedonia, Special Rapporteur on freedom of religion, 27 April-8 May 2009

REQUESTED VISITS

REQUEST INITIATED BETWEEN JANUARY AND MARCH 2009

Albania, Special Rapporteur on extrajudicial executions
Bangladesh, request for joint mission by Special Rapporteur on safe drinking water and Independent Expert on extreme poverty
Chad, Special Rapporteur on extrajudicial executions
Dominican Republic, Special Rapporteur on extrajudicial executions
Egypt, Special Rapporteur on extrajudicial executions, Special Rapporteur on the sale of children
Ethiopia, Special Rapporteur on extrajudicial executions
Gambia, Special Rapporteur on the sale of children
India, Independent Expert on safe drinking water, Special Rapporteur on the sale of children
Israel/OPT, Special Rapporteur on violence against women and Special Rapporteur on the right to education
Kyrgyzstan, Special Rapporteur on extrajudicial executions
Mauritius, Special Rapporteur on the sale of children
Mozambique, Special Rapporteur on extrajudicial executions
Myanmar, Special Rapporteur on independence of judges and lawyers
Nigeria, Special Rapporteur on the sale of children

Oman, Special Rapporteur on the sale of children
Peru, Independent Expert on safe drinking water
Philippines, Representative of Secretary General on internally displaced persons
Poland, Special Rapporteur on trafficking in persons
Russian Federation, Special Rapporteur on trafficking in persons
Senegal, Special Rapporteur on sale of children
South Africa, Special Rapporteur on extrajudicial executions
Sudan, Special Rapporteur on the situation of human rights in the Sudan, Representative of the Secretary-General on internally displaced persons
Tanzania, Special Rapporteur on extrajudicial executions
United Arab Emirates, Special Rapporteur on sale of children
United States of America, Special Rapporteur on the sale of children
Uruguay, Independent Expert on safe drinking water

REMINDERS

REMINDERS SENT BETWEEN JANUARY AND MARCH 2009

Bangladesh, Special Rapporteur on extrajudicial executions
Bhutan, Special Rapporteur on freedom of religion
China, Special Rapporteur on extrajudicial executions
India, Special Rapporteur on extrajudicial executions
Lao People's Democratic Republic, Special Rapporteur on freedom of religion
Indonesia, Special Rapporteur on extrajudicial executions
Iran, Special Rapporteur on extrajudicial executions
Israel, Special Rapporteur on extrajudicial executions
Pakistan, Special Rapporteur on extrajudicial executions
Russian Federation, Special Rapporteur on extrajudicial executions, Special Rapporteur on freedom of religion
Saudi Arabia, Special Rapporteur on extrajudicial executions, Special Rapporteur on freedom of religion
Thailand, Special Rapporteur on extrajudicial executions
Uzbekistan, Special Rapporteur on extrajudicial executions
Venezuela, Special Rapporteur on extrajudicial executions
Viet Nam, Special Rapporteur on freedom of religion
Yemen, Special Rapporteur on extrajudicial executions

ACCEPTED VISITS

ACCEPTED BETWEEN JANUARY AND MARCH 2009

Australia, Special Rapporteur on indigenous peoples, 3 to 14 August 2009.
Botswana, Special Rapporteur on indigenous peoples
Chile, Special Rapporteur on freedom of religion, January 2010.
Colombia, Special Rapporteur on Human Rights Defenders, Special Rapporteur on the Independence of Judges and Lawyers, Special Rapporteur on extrajudicial executions, Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples
Chile, Special Rapporteur on counter terrorism, in 2010
Cuba, Special Rapporteur on Torture, some time in 2009

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Democratic Republic of the Congo, Special Rapporteur on Human Rights Defenders, Special Rapporteur on Extrajudicial Executions, Special Rapporteur on indigenous peoples
Georgia, Working Group on Arbitrary Detention, 2009
Germany, Special Rapporteur on racism, 22 June-1 July
Haiti, Special Rapporteur on contemporary forms of racism, 2009 or 2010
Honduras, Special Rapporteur on the right to food, first half of September 2009
Italy, Special Rapporteur on contemporary forms of racism, 2009 or 2010
Kazakhstan, Special Rapporteur on housing, July 2009
Kyrgyzstan, Special Rapporteur on toxic and dangerous products and wastes (initially scheduled from 9 to 19 March 2009) postponed, Special Rapporteur on adequate housing, Special Rapporteur on violence against women
Mongolia, Special Rapporteur on the right to education, late September or early October 2009
Occupied Palestinian Territories, Special Rapporteur on violence against women, its causes and consequences, Special Rapporteur on the right to education
Oman, Special Rapporteur on sale of children
Romania, Special Rapporteur on contemporary forms of racism, 2009 or 2010
Russia, Special Rapporteur on indigenous peoples
Tajikistan, Special Rapporteur on adequate housing
United Arab Emirates, Special Rapporteur on racism, October 2009 (tbc)
Uruguay, Independent Expert on water, 2009 or 2010
Vietnam, Independent Expert on the effects of foreign debt
Yemen, Special Rapporteur on the right to food, January 2010 (tbc).
United States of America, Special Rapporteur on housing



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 special session continued from page 1...

the UN Security Council had to be implemented immediately. In the resolution adopted at the end of the session, the Human Rights Council strongly condemned the ongoing Israeli military operation in the occupied Gaza Strip, which resulted in massive violations of human rights of the Palestinian people and systematic destruction of the Palestinian infrastructure, called for the immediate cessation of Israeli military attacks and the targeting of civilians, demanded to Israel to lift the siege and to immediately withdraw its military forces from the Gaza strip. The Council further called for urgent international action to put an immediate end to the grave violations committed by the occupying power, Israel, and requested to all relevant Special Rapporteurs, in particular the Special Rapporteur on the situation of human rights of the Palestinian people in the Palestinian territories occupied since 1967, the Special Rapporteur on the right to mental and physical health, the Special Representative of the Secretary General on children in armed conflict, the Special Rapporteur on violence against women, the Special Representative of the Secretary General on internally displaced persons, the Special Rapporteur on adequate housing, the Special Rapporteur on the right to food, the Special Rapporteur on extrajudicial, summary, arbitrary executions, the Special Rapporteur to the right to education, and the Special Rapporteur on extreme poverty, to urgently seek and gather information on violation of the human rights of the Palestinian people and submit their reports to the 10th Human Rights Council Session.

10TH SPECIAL SESSION OF THE HUMAN RIGHTS COUNCIL

On 20 February 2009, the Human Rights Council held its 10th Special Session which related to “the impact of the global economic and financial crises on the universal realization and effective enjoyment of human rights”. In resolution S-10/1 which was adopted by a vote of 31 for and 14 abstentions, the Council expressed deep concern that the universal realization and effective enjoyment of human rights were challenged due to multiple and interrelated global economic and financial crises and recognized the severe impacts on the ability of countries, particularly developing countries, to mobilize resources for development and to address the impact of these crises.

The Council underlined the urgent need to establish an equitable, transparent and democratic international system to strengthen and broaden the participation of developing countries in international economic decision-making. It called upon all States to refrain from reducing international financial resources for development and from imposing protectionist measures. The Council invited relevant thematic Special Procedures, building on the deliberations of this Special Session, to consider the impacts of the global economic and financial crises on the realization and effective enjoyment of all human rights and to integrate their findings in their regular reports presented to the Human Rights Council, with special attention to non-discrimination and to ways and means to ensure respect for and protection of the human rights of vulnerable and marginalized groups. It also decided to remain seized with the matter.

The Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights, Mr. Cephias Lumina, and the Independent Expert on the question of human rights and extreme poverty, Ms. Magdalena Sepúlveda, addressed the session. They focussed on the potential impact of the crisis on development aid and debt servicing, as well as the need to revamp the international financial architecture using a human rights based approach. They also stressed the severe impact of the crisis on those living in extreme poverty and the national obligations to address this issue.

LINKS TO INTERACTIVE DIALOGUES WITH SPECIAL PROCEDURES MANDATE HOLDERS

**Ms. Manuela Carmena Castrillo,
Chairperson-Rapporteur of the Working Group on arbitrary detention**

[6 March 2009](#)

**Mr. Alexander Ivanovich Nikitin,
Chairperson-Rapporteur of the Working Group on the use of mercenaries as a means of impeding
the exercise of the right of peoples to self-determination**

[6 March 2009](#)



Mr. Olivier De Schutter, Special Rapporteur on the Right to food, during HRC Interactive dialogue, [9 March 2009](#)



Ms Catarina de Albuquerque, Independent Expert on the issue of human rights obligations related to access to safe drinking water and sanitation, during HRC Interactive dialogue, [9 March 2009](#)

**Ms. 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**

[9 March 2009](#)

**Mr. Manfred Nowak,
Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment**

[11 March 2009](#)



Mr. Martin Scheinin, Special Rapporteur on the promotion and protection of human rights while countering terrorism, during HRC Interactive Dialogue, [11 March 2009](#)



Mr. Santiago Corcuera, Chairperson-Rapporteur of the Working Group on enforced or involuntary disappearances during HRC Interactive Dialogue, [11 March 2009](#)

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

[12 March 2009](#)

**Ms. Margaret Sekkagya,
Special Rapporteur on the situation of human rights defenders**

[12 March 2009](#)

**Mr. Walter Kälin,
Representative of the Secretary-General on the human rights of internally displaced persons**

[13 March 2009](#)

**Ms. Joy Ngozi Ezeilo,
Special Rapporteur on trafficking in persons, especially in women and children**

[13 March 2009](#)

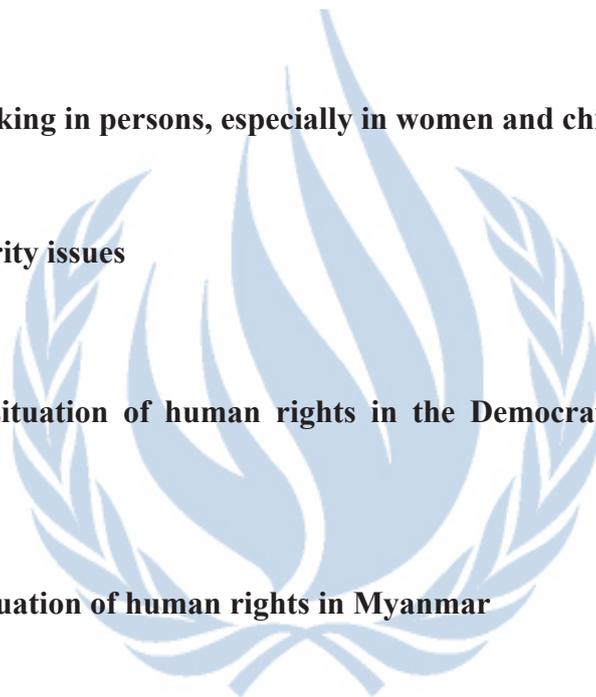
**Ms. Gay McDougall,
Independent Expert on minority issues**

[13 March 2009](#)

**Mr. Vitit Muntarbhorn,
Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea**

[16 March 2009](#)

**Mr. Tomas Ojea Quintana,
Special Rapporteur on the situation of human rights in Myanmar**



ANNUAL MEETING ON THE RIGHTS OF THE CHILD

On 11 March 2009, the Council held its annual full-day meeting on the rights of the child. Ms. Asma Jahangir, representing the Coordination Committee of Special Procedures, underlined in her intervention the importance of discussing how the Council can further integrate a child-rights perspective into its work and the crucial role played by special procedures in this regard. She recalled that a number of mandates pay specific attention to the situation of children and that there are issues of relevance under virtually all mandates. She reaffirmed mandate-holders commitment to promote within their mandates the Convention on the Rights of the Child. The CC Chair also underlined that mandate holders look forward to the appointment of the Special Representative of the Secretary-General on violence against children.

INDEPENDENT EXPERT ON THE QUESTION OF HUMAN RIGHTS AND EXTREME POVERTY CHAIRS EXPERT MEETING ON CASH TRANSFER PROGRAMMES

From 26 to 27 February 2009, the Independent Expert on the question of human rights and extreme poverty, Ms. Magdalena Sepulveda, chaired an expert meeting on cash transfer programmes in Geneva. The expert meeting aimed to analyze both the impact of cash transfer programmes on the human rights of those people living in extreme poverty and the extent to which these programmes conform with and promote the implementation of international human rights standards. The expert meeting brought together 30 experts from governments, international organizations, academic research institutions, donor agencies and non-governmental organizations. Discussions focused on issues such as the progressive realization of the right to social protection, challenges for targeting those living in extreme poverty and the existence of conditionalities attached to the reception of financial aid.

PANEL DISCUSSION ON THE RIGHT TO FOOD

On 9 March 2009, the Council held a panel discussion on the right to food in which the Special Rapporteur on the right to food, Mr. Olivier De Schutter, participated. In his statement, Mr. De Schutter stressed that hunger did not primarily result from a lack of food as it stemmed from a lack of purchasing power for the marginalized and poor. According to the expert, protecting human rights was thus a vital part of the international community's response to the crisis. The right to food improved sustainability, and by adopting national strategies and framework laws, Governments would be under pressure to remain on track in this regard. The right to food increased solidarity - it had an international extraterritorial dimension, requiring that the international environment be shaped towards its realization. The right to land also meant the right to access to land and to productive resources as a part of the right to food - agrarian reform was part of the solutions to eliminating hunger and poverty throughout.

SPECIAL RAPPORTEURS PARTICIPATE IN PANEL DISCUSSION OF 53RD SESSION OF THE COMMISSION ON THE STATUS OF WOMEN

On 6 March 2009, the Special Rapporteur on violence against women and the Special Rapporteur on trafficking in persons participated in a panel discussion during the fifty third session of the Commission on the Status of Women entitled "Special Procedures of the Human Rights Council and Women's Rights". The panel provided a first opportunity for the Special Rapporteur on trafficking to address NGOs involved in the work of the Commission and to exchange with them on the human rights implications of trafficking, her mandate and key areas of work. The Special Rapporteur on Violence against Women gave an overview of the 15 years of the mandate, analyzed in her recent report, and suggested further issues to be addressed in combating violence against women with the involvement of the NGOs.

PRESS RELEASES

UN HUMAN RIGHTS EXPERTS CALL FOR IMMEDIATE PROTECTION OF CIVILIAN IN MIDDLE EAST CRISIS

On 2 January 2009, the Coordination Committee of the Special Procedures declared in a press statement that it was deeply alarmed at the continuing violence in Gaza. The Chairperson of the Committee, Ms. Jahangir, stressed that international human rights law continued to apply and that it imposed binding obligations on all parties in situations of armed conflict. She further called on all parties to immediately cease all actions that result in civilian casualties, or put them at great risk. Both air strikes by Israeli Government forces and rocket attacks from Gaza into Israel are resulting in inexcusable loss of life and placing the civilian populations in the affected areas in extreme danger.

Reminding that the use of disproportionate force by Israel and the lack of regard for the life of civilians on both sides could not be justified by the actions of the other party, Ms. Jahangir mentioned that they constitute clear violations of international human rights and international humanitarian law. Particularly concerned at the impact of the current violence and destruction of vital infrastructure on the already dire humanitarian situation in Gaza, the Coordination Committee called on all parties to immediately ensure full access to humanitarian actors and supplies and enable them to carry out their work of distributing food, treating the sick and injured, and guaranteeing the provision of essential energy and sanitation.

Ms. Jahangir finally mentioned that independent human rights monitoring, including by the various UN Special Procedures, is particularly crucial in these circumstances where an exceptionally broad range of human rights violations were taking place.

TWO UN EXPERTS OFFER TO HELP RESOLVE OUTSTANDING ISSUES RELATED TO THE CLOSURE OF GUANTANAMO

On 23 January 2009, the Special Rapporteur on the independence of judges and lawyers, Leandro Despouy, and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Manfred Nowak, welcomed the signing of executive orders by President Barack Obama, which set a timeline for closure of the Guantanamo Bay detention center and require the Central Intelligence Agency to shut its secret detention facilities. Referring to a joint report issued by several UN independent experts in 2006, the two experts recalled that, in implementing these decisions, the United States Government should fully respect all human rights obligations, including the absolute prohibition of torture and the principle of non-refoulement that prohibits removing persons to countries where they would be at risk of torture. The experts further welcomed that proceedings before the Military Commissions have been halted, and expressed their hope that the persons accused would be prosecuted in accordance with fair trial norms. They also recalled that all persons found to have been detained arbitrarily or ill-treated have the right to reparation under international human rights law. Both experts emphasized that they stand ready to lend their full support in resolving the outstanding legal and practical issues, in particular in relation with the closure of the detention facilities at Guantanamo Bay.

UN EXPERT CONCERNED ABOUT FORCED EVICTIONS IN CAMBODIA.

On 30 January 2009, the Special Rapporteur on the right to adequate housing, Ms. Raquel Rolnik, expressed concerns about the forcible eviction of more than 130 families during the night of 23 and 24 January 2009 from Dey Krahom, in central Phnom Penh to make way for a private company to redevelop the site. The expert stressed that the forced evictions carried out in the middle of the night without prior notice had grave consequences for all the victims, but particularly the women and children. Reports also state that prior to the eviction, the community suffered intimidation and community representatives and members were also subjected to criminal charges. The Rapporteur regretted that the ongoing negotiations with the residents were abandoned, casting aside a valuable opportunity to reach a just and lawful solution to this longstanding dispute. She added that it was now of utmost importance that the rights of the residents to fair compensation for their lost homes and property and the provision of adequate alternative housing were fully respected.

According to Ms. Rolnik, a consistent pattern of violation of rights has been observed in connection with forced evictions in Cambodia: systematic lack of due process and procedural protections; inadequate compensation; lack of effective remedies for communities facing eviction; excessive use of force; and harassment, intimidation and criminalization of NGOs and lawyers working on this issue.

The expert recalled that forced evictions constitute a grave breach of human rights. They can be carried out only in exceptional circumstances and with the full respect of international standards. Given the disastrous humani-

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tarian situation faced by the victims of forced evictions, Ms. Rolnik urged the Cambodian authorities to establish a national moratorium on evictions until their policies and actions in this regard have been brought into full conformity with international human rights obligations.

UN EXPERTS DEEPLY CONCERNED AT SUPPRESSION OF CRITICISM AND UNABATED IMPUNITY IN SRI LANKA

On 9 February 2009, ten independent UN Experts* expressed their deep concern at the deteriorating human rights situation in Sri Lanka, particularly the shrinking space for critical voices and the fear of reprisals against victims and witnesses which – together with a lack of effective investigations and prosecutions – has led to unabated impunity for human rights violations. The experts also unreservedly condemned the suicide attack that took place on 9 February 2009, allegedly by a female Tamil Tiger, which reportedly killed 28 and injured about 90 civilians and soldiers in Mullaitivu district in north-east Sri Lanka.

According to the experts, the safety of human rights defenders had worsened considerably over the past year, most significantly following denunciations of human rights abuses committed by parties to the conflict, of corruption by state officials and of impunity. The experts further expressed concerns over the fighting in the North of the country that resulted in hundreds of thousands of civilians being internally displaced and trapped. They also deplored the restrictions on humanitarian access to conflict areas which exacerbate the ongoing serious violations of the most basic economic and social rights.

Notwithstanding the severity of the abuses in areas of conflict, the experts stressed that the conflict deflects attention from the impunity which has been allowed to go unabated throughout Sri Lanka. They strongly urged the Government to immediately take measures to ensure that effective remedial action can be pursued in support of the victims of human rights abuses and their families. They also highlighted that thorough reforms of the general system of governance were needed to prevent the reoccurrence of further serious human rights violations. To strengthen the rule of law and to help ensure the safety and protection of the human rights of all persons in Sri Lanka, they continued to extend their offer of assistance to the Government.

* The Special Rapporteur on the situation of human rights defenders, Ms. Margaret Sekaggya; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Mr. Frank La Rue; the Chairperson of the Working Group on Enforced or Involuntary Disappearances, Mr. Santiago Corcuera Cabezut; the Chairperson of the Working Group on Arbitrary Detention, Ms. Manuela Carmena Castrillo; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, Mr. Anand Grover; the Special Rapporteur on the independence of judges and lawyers, Mr. Leandro Despouy; the Special Rapporteur on the right to food, Mr. Olivier de Schutter; the Special Rapporteur on extrajudicial, summary or arbitrary executions, Mr. Philip Alston; the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Mr. Manfred Nowak; and the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context Ms. Raquel Rolnik.

LEADING CORPORATE LAW FIRMS TO ADVISE UN SPECIAL REPRESENTATIVE ON BUSINESS AND HUMAN RIGHTS

In a press statement issued on 28 January 2009, the Special Representative of the UN Secretary-General on business and human rights, Mr. John Ruggie, announced that fifteen leading corporate law firms from around the world would participate in a UN-led effort to identify whether and how national corporate law principles and practices currently foster corporate cultures respectful of human rights, Professor John Ruggie.

According to the expert, a total of some 40 jurisdictions would be explored, chosen in order to ensure a broad geographical spread and a mix of common law, civil law and other legal traditions, as well as reflecting the expertise of the law firms involved. The fifteen firms would look at a range of corporate law topics as they relate to the business and human rights context, including incorporation; directors' duties; reporting and listing requirements; and shareholder engagement. Firms would be asked to explore not only what laws currently exist, but also how corporate regulators and courts apply the law to require or facilitate consideration by companies of their human rights impacts and preventative or remedial action where appropriate.

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The Special Representative of the Secretary-General said that, at the end of the mapping project, he would publish a compilation and analysis of the findings. In consultation with relevant stakeholders, he would then consider what recommendations to make to States and businesses. To this end, he declared that he was planning to convene a multi-stakeholder expert consultation in the autumn of 2009, hosted by York University's Osgoode Hall Law School in Toronto.

UN EXPERT ON EXTRAJUDICIAL EXECUTIONS CALLS UPON KENYAN GOVERNMENT TO ESTABLISH AN INDEPENDENT INVESTIGATION INTO THE ASSASSINATION TODAY OF TWO PROMINENT KENYAN HUMAN RIGHTS DEFENDERS

On 5 March 2009, the Special Rapporteur on extrajudicial summary or arbitrary executions, Mr. Philip Alston, issued a press statement calling upon the Kenyan Government to independently investigate the shocking assassination in Nairobi of two prominent Kenyan human rights defenders. The expert reported that at approximately 6.00 pm in Nairobi on 5 March, gunmen killed two members of the Oscar Foundation Free Legal Aid Clinic, a human rights organisation providing free legal aid services to the poor. Those killed were the Founder and CEO of the Oscar Foundation, Mr Oscar Kamau Kingara, and the Communications and Advocacy Director, Mr John Paul Oulu. The Special Rapporteur said that he had met with both men during his February 2009 UN fact-finding mission to Kenya and that they had provided him with testimony on the issue of police killings in Nairobi and Central Province.

Mr. Alston said that it was extremely troubling when those working to defend human rights in Kenya could be assassinated in broad daylight in the middle of Nairobi. This constituted a major threat to the rule of law, regardless of who might be responsible for the killings, he added. The expert noted that "there is an especially strong onus on the Kenyan Government to arrange for an independent investigation into these killings given the circumstances surrounding them. Those circumstances include a statement attributed to a Government spokesman, Mr Alfred Mutua, publicly denouncing the Oscar Foundation for its links to the illegal Mungiki sect, and another statement attributed to Police Spokesman, Mr Eric Kiraithe, that a major security operation was 'definitely going to get' those responsible for recent demonstrations attributable to the Mungiki." In 2007, the Oscar Foundation had published a report titled "License to kill: Extrajudicial execution and police brutality in Kenya", which documented killings by police in Kenya. The Oscar Foundation also testified before parliamentarians on this issue in February and March 2009.

The Special Rapporteur said that it was inevitable under the circumstances for suspicion to fall upon the police in relation to these killings. "It is imperative, if the Kenyan Police are to be exonerated, for an independent team to be called from somewhere like Scotland Yard or the South African Police to investigate", he said. He noted that there is no existing independent unit capable of investigating possible police misconduct in Kenya. He also stated that he had received reports that an eyewitness at the scene was also wounded, and may have been taken away by the police.

INTERNATIONAL WOMEN'S DAY

On the occasion of International Women's Day (8 March), the Special Rapporteur on Violence against Women, its Causes and Consequences, Ms. Yakin Ertürk, issued a press statement in which she said that even though the scale and impact of the current crisis is still largely unknown, it is expected that women and girls in both developed and developing countries will be particularly affected by job cuts, loss of livelihoods, increased responsibilities in all spheres of their life, and an increased risk of societal and domestic violence. She added that a systematic gender analysis of the current economic crisis is critical for developing viable solutions and upholding human rights standards. According to the expert, studies have shown that violence against women intensifies when men experience displacement and dispossession related to economic crises, migration, war, foreign occupation or other situations where masculinities compete and power relations are altered in society. This makes it crucial to challenge norms of masculinity in times of global economic and financial crisis.

The Special Rapporteur stressed that if women are to live a life free of violence, efforts to change attitudes must include strategies to challenge notions of masculinity based on policing women's sexuality and /or on sustaining male supremacy in public and private life. Violence is not only an act of individual men but is embedded in the way manhood is constructed, reinforced and challenged under societal pressures, social approval mechanisms and crisis situations. The struggle for gender equality is not about a battle of the sexes but rather a battle against oppression, which men also have a stake in. Therefore, men and women working together to end violence against women can be a step forward for greater emancipation for all. Appointed by the HRC in August 2003, Ms. Ertürk will be completing her term with the submission of her country mission and thematic reports to the HRC in June

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2009. This year her thematic report will focus on the political economy of women's rights and its implications for violence against women, a subject which The Special Rapporteur believed would prove particularly relevant in the current economic and financial crisis that is affecting people worldwide.

WORKING GROUP ON ENFORCED OR INVOLUNTARY DISAPPEARANCES CONCLUDES 87TH SESSION

The Working Group on Enforced or Involuntary Disappearances concluded its 87th session, which was held from 9 to 13 March 2009 at the Office of the United Nations High Commissioner for Human Rights in Geneva. The Working Group reviewed 326 newly-submitted cases of enforced disappearances and information on previously accepted cases from 32 countries. The Working Group also examined 10 reported cases under its urgent action procedure. Upon initiative by the Working Group, meetings were held with regional groups and with Governments bilaterally. The Working Group also examined allegations submitted by non-governmental organizations regarding obstacles encountered in the implementation of the Declaration on the Protection of All Persons from Enforced Disappearance in their respective countries, and decided to transmit general allegations to the concerned governments.

On 10 March 2009, the Chairperson-Rapporteur of the Working Group, Mr. Santiago Corcuera, presented at the tenth session of the Human Rights Council the annual report of activities for the year 2008 and the report of the country visit to Argentina undertaken in July 2008. The Chairperson highlighted for the Council five major areas of concern, as outlined in the annual report: (i) that measures taken by Member States to address terrorism may relate, or even amount to, enforced disappearances; (ii) that very few States have taken specific measures under their criminal law to define enforced disappearances as a separate criminal offence and to bring their existing legislation in line with the Declaration; (iii) that in too many countries persons who have the right to denounce cases of enforced disappearances to a competent and independent authority, still cannot have their complaint promptly and thoroughly and impartially investigated; (iv) that the question of enforced disappearance has special resonance with women; and (v) that the right to truth should be enjoyed by all victims of enforced disappearance.

UN EXPERTS SAYS WORLD IS NEGLECTING MAJOR INTERNAL DISPLACEMENT CRISES

In a press statement issued shortly after his address to the 10th session of the Human Rights Council on 13 March 2009, the Representative of the Secretary General on internally displaced people, Mr. Walter Kälin, called for more attention to be paid to some of the world's most serious displacement crises, including those caused by natural disasters and by the conflicts in Somalia, Sri Lanka and Sudan. Recalling that more than 26 million people in the world are displaced due to conflicts and violence, the Representative of the Secretary-General said that there is an urgent need for the international community to pay more attention to some of the worst crisis situations. The Representative of the Secretary-General reminded States and armed groups to respect their obligations under human rights law and international humanitarian law, including the obligation not to arbitrarily prevent international humanitarian assistance from being delivered to those in need.

Citing a number of the worst-affected countries, the expert said that more than 1.3 million internally displaced Somalis are struggling to survive in a void created by the absence of functioning State authorities that could protect them, and many find themselves in a life-threatening situation due to lack of water, food and medical assistance. In relation to the 2.7 million internally displaced persons in the Darfur region, the Representative of the Secretary-General expressed concern about the Government of Sudan's recent decision to expel 13 major international humanitarian organizations and revoke the licences of three national non-governmental organisations. The expert added that this decision could lead to a humanitarian catastrophe in the region. On the conflict in Sri Lanka, the Representative of the Secretary-General called upon both parties to do their utmost to prevent civilian casualties and to allow for the safe evacuation of those trapped in the conflict zone. The Representative of the Secretary-General also urged the Sri Lankan Government to provide all internally displaced persons escaping hostilities with all necessary protection and assistance. Finally, he expressed concern about internal displacement resulting from natural disasters: "Climate change is expected to increase the frequency and magnitude of natural disasters. This will also lead to more displacement". "Governments have to make a greater effort to prepare for natural disasters, and in particular to protect disaster-affected populations, including the displaced," he added.

WORLD WATER DAY

On the occasion of World Water Day (22 March), the Independent Expert on the issue of human rights obligations related to access to safe drinking water and sanitation, Ms. Catarina de Albuquerque, issued a press release where

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she expressed her particular concern about access to water and sanitation during emergencies. The chaos and insecurity caused by war and natural disasters frequently block access to water and sanitation, with devastating results," said the Independent Expert. She added that economic, social and cultural rights, including those related to water and sanitation, were always applicable, and States may not excuse themselves from respecting them during times of emergency.

The Independent Expert called upon States and the international community to ensure access to safe drinking water and sanitation for people affected by conflict and natural disasters. They must take immediate action to rebuild appropriate facilities and to ensure access for humanitarian actors. States and the international community also must prevent the spread of disease by prioritizing safe drinking water and sanitation during and in the aftermath of an emergency. According to the expert, 884 million people in the world lack access to safe drinking water, and 2.5 billion do not have access to basic sanitation. "Unfortunately, but unsurprisingly, those who suffer the most from lack of access to water and sanitation, are the poorest, the most marginalized and the most vulnerable," asserted Ms. de Albuquerque, noting in particular the situation of women, children, and persons with disabilities. Globally, 1.6 million people, mostly children, die each year from water and sanitation related causes.

INTERNATIONAL DAY FOR ELIMINATION OF RACIAL DISCRIMINATION

On 21 March 2009, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Mr. Githu Muigai, released a press statement on the occasion of the International Day for the Elimination of Racial Discrimination. According to the expert, in 2009, the International Day came at a timely juncture. Within a month, the Durban Review Conference would take place, marking the largest world gathering to fight racism, racial discrimination, xenophobia and related intolerance since 2001. Day after day we are reminded of the continued relevance of the fight against all forms of racism, said Mr. Muigai. Displays of intolerance abound, from small gestures in interpersonal relations to large-scale violence targeting people of different skin colour or ethnicity. In particular in times of a global financial crisis, intolerance tends to become even more pronounced, fostering racial, ethnic and xenophobic tensions.

The Special Rapporteur stated that time was ripe for a renewed international engagement against racism.. Mr. Muigai added that a successful Review Conference would empower all stakeholders across the world, providing them with yet additional tools to be employed in their daily fight against racism. He called upon on States as well as civil society organizations to participate constructively in the negotiations leading to the Review Conference in April and to devise consensual solutions that can make a positive impact on people's lives".