

SPECIAL PROCEDURES BULLETIN

SIXTH ISSUE: JULY - SEPTEMBER 2007 HIGHLIGHTS



Human Rights Council reviews special procedures mandates at its sixth session (10 - 28 September 2007)

The Council met for the first part of its sixth session from 10-28 September 2007. During the session, the Council addressed pending issues concerning institution building, including the review, rationalization and improvement of special procedures mandates, the adoption of technical criteria for the placement of candidates on the Public List for new mandate holders, the adoption of guidelines for States for the preparation of Universal Periodic Review (UPR) reports, and the selection of the first States to be examined under the UPR. The Council also considered the reports of some special procedures mandate holders and held interactive dialogues with them. The Group of Experts on Darfur presented an interim report to the Council. The sixth session will resume for a week from 10-14 December, when the Council will continue with the review, rationalization and improvement of mandates, consider some special procedures annual reports, and address follow up to Council resolutions.



UNTV GVA/JM FERRE.

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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 2007. The Bulletin is produced by the Information, Coordination and Management Team of the Special Procedures Branch of the OHCHR.

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

SPECIAL PROCEDURES BRANCH

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://www.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.

How to find information on Special Procedures

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

Or contact:

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The OHCHR website (<http://www.ohchr.org>) contains more information on specific mandates under Human Rights Bodies/ Special Procedures, with pages devoted to each Special Procedure, including details on the mandate, country visits, links to reports, press statements, how to submit information, etc.

For further information, or to submit information (other than specific information on alleged human rights violations), please contact: SPBINFO@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 estab-

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

2006 COMMUNICATIONS

1115 Total number of communications

48% Joint Communications; 378 Joint Urgent Actions and 187 Joint Letters of Allegation

63% of all individuals covered by joint communications

3206 Individual cases covered; 17% of these were women

143 Countries received communications

JULY - SEPTEMBER 2007 COMMUNICATIONS

254 Total number of communications

47% Joint Communications; 71 Joint Urgent Actions and 48 Joint Letters of Allegation

56% of all individuals covered by joint communications

569 Individual cases covered; 10% of these were women

78 Countries received communications

COUNTRY VISITS

ARBITRARY DETENTION

VISIT TO EQUATORIAL GUINEA BY THE WORKING GROUP

The Working Group on arbitrary detention, represented by its members Ms. Manuela Carmena Castrillo and Ms. Soledad Villagra de Biedermann, visited Equatorial Guinea from 8 to 13 July 2007. In a press release issued on 13 July 2007, the Working Group recognized that Equatorial Guinea is undertaking efforts to reform laws governing deprivation of liberty and ensure training for the authorities involved. The Group expressed concerns, noting especially that some detainees are political prisoners serving long sentences, and that the practice of secret detention appears to continue. It also highlighted problems associated with fair trial in situations where prisoners are tried by military courts. Concern was raised about overly broad interpretations of police powers, allowing arrests of persons for acts that are not illegal, with impunity. Once detained, many prisoners are not brought before a tribunal before many months, in disregard of a law that provides that they should be brought before a judge within 72 hours. The Working Group also expressed concerns about detainees' access to counsel, ill-treatment in detention, inadequate registration and documentation of detainees, and detention of illegal immigrants.

VISIT TO ANGOLA BY THE WORKING GROUP

The Working Group on arbitrary detention, represented by its Chairperson-Rapporteur, Ms. Leïla Zerrougui, and its member, Mr. Seyed Mohammad Hashemi, visited Angola from 17 to 27 September 2007. In a press release

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 October 2007, 57 countries have extended standing invitations.

An annual compilation of recommendations of Special Procedures by country is also available at this link.

issued on 27 September, the Working Group recognized that the Government has initiated a process of comprehensive justice reform showing a commitment to improve the situation concerning deprivation of liberty, and stressed that this process must be transparent in order to be effective. Numerous reforms were highlighted, including efforts to ensure courts are functioning in all municipalities, increased numbers of prosecutors, visits by the Office of the Ombudsman to prisons and police stations, and training programmes on human rights for the police. Despite these and other initiatives, the Working Group highlighted that the institutional and legal framework governing deprivation of liberty in Angola is flawed. It expressed concern about the criminal justice system, in which judges play a weak role, there is no efficient mechanism to assess the legality of detention, and it is exceedingly difficult to challenge detention orders. The Working

Group also noted that, although Angolan law provides otherwise, detainees are frequently held for more than 24 hours without being presented to a prosecutor, and are often interrogated without the presence of a lawyer or a prosecutor. The Group also called for urgent attention to the lack of qualified defense lawyers and to reforms to the inefficient legal aid system. A shortage of qualified judges has led to a serious backlog of cases, and in some circumstances police officers sit on the bench as assessors, making it difficult to ensure a fair trial. The Supreme Court also functions as the Appellate Court and Constitutional Court, and handles civil and administrative matters, habeas corpus procedures, and electoral matters. These numerous functions limit the ability of the Supreme Court to effectively address all matters that fall within its sphere of competence, which means that appeals have limited prospect of success. The Working Group was also troubled by the situation of minors, as well as impunity for certain actors, including the Angolan Armed Forces. It drew attention to harsh prison conditions and over-crowding as issues that need to be addressed without delay.

COUNTER-TERRORISM AND HUMAN RIGHTS

VISIT TO ISRAEL BY THE SPECIAL RAPPORTEUR

The Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Mr. Martin Scheinin, visited Israel and the Occupied Palestinian Territory from 3 to 10 July 2007. In a press release issued on 10 July 2007, he emphasized that sustainable security can only be achieved through due respect for human rights. He noted with encouragement that Israel is reconsidering its derogation from articles of the International Covenant on Civil and Political Rights under the state of emergency that has been in existence since the establishment of the State. He expressed his readiness to comment on new counter-terrorism legislation, which is in the process of being drafted. The Special Rapporteur noted that the construction of a barrier between Israel and certain towns in the West Bank is a central part of Israel's counter-terrorism strategy. He referred to reports that this barrier has resulted in a higher level of security and protection against terrorist attacks, but also pointed out that it is nevertheless having an enormously negative impact upon the enjoyment of human rights by the Palestinian people. He called for action to reduce the level of hardship to people moving within the Occupied Palestinian Territory and insisted that the practical implementation of all security measures, including at checkpoints and terminals, must also be ensured by professional, transparent, accountable and, to largest possible extent, civilian means. He highlighted that the barrier affects Palestinian people's freedom of movement, right to property, right to work, right to health, right to education, right to private and family life, right to non-discrimination and the human dignity of all persons.

The Special Rapporteur noted that the applicable legal frameworks include both international humanitarian law and international human rights law. He expressed particular concern about Israel's policy of the targeted killing of

persons identified as involved in terrorist conduct. While the Special Rapporteur was encouraged by the Israeli Supreme Court's recognition that the fight against terrorism must be achieved through compliance with the law, including international law, he was troubled by a decision in which the Supreme Court applied an overly broad and vague interpretation of international humanitarian law. The Special Rapporteur expressed concern that the policy of targeted killings may in fact result in cases of extrajudicial execution. He was also troubled by the application of the "necessity defence" to justify unacceptable interrogation techniques, including torture and forms of cruel, inhuman or degrading treatment. He pointed out that, when properly applied, the necessity defence does not absolve the State of the responsibility to secure accountability and provide an effective remedy.

EDUCATION

VISIT TO BOSNIA AND HERZEGOVINA BY THE SPECIAL RAPPORTEUR

The Special Rapporteur on the right to education, Mr. Vernor Muñoz Villalobos, visited Bosnia and Herzegovina from 24 September to 2 October 2007. In a press release issued on 2 October, the Special Rapporteur recognized the complex cultural, political and legal contexts in which the right to education in Bosnia and Herzegovina is realized, including the existence of thirteen ministries dealing with this topic and a decentralized approach to implementation of educational standards. The Special Rapporteur highlighted the considerable progress made in ensuring certain aspects of the right to education, but also noted that there remain challenges. He particularly expressed concern about differing curricula, which create obstacles to the implementation of federal laws on education, hinder compliance with the education obligations laid out in the Convention on the Rights of the Child and the International Covenant on Economic, Social and Cultural Rights, and can allow for the existence of discriminatory educational models. The Special Rapporteur recalled that the international human rights obligations related to education apply at all levels of government and urged the authorities to work towards adopting a single curriculum for all cantons and municipalities. He also highlighted the issues of access to education for disabled persons, the cost of education, and the quality of education at the university level as issues of concern. He recommended that the authorities implement the first stage of the World Program for Human Rights Education and called for the development of indicators in relation to the right to education.

HEALTH

AERIAL SPRAYING ON THE BORDER BETWEEN ECUADOR AND COLOMBIA

The Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, Mr. Paul Hunt, visited Colombia from 20 to 22 September 2007. In a press conference held on 21 September, he explained that the focus of his visit was to discuss issues regarding aerial spraying of illicit coca

crops along the Ecuador-Colombia border. He recalled that he had visited Ecuador to examine this issue in May 2007 and noted his preliminary conclusions from that mission. He observed that there is a sharp difference of opinion between the Governments of Ecuador and Colombia regarding aerial spraying and its effects on the right to health of those living in Ecuador. The Special Rapporteur particularly underlined the importance of conducting an independent, reliable study that would have the confidence of both parties. He remarked that the glyphosate aerial spraying issue has become deeply politicised and that when an issue becomes politicised, human rights are always among the first victims. He cautioned that the health and lives of ordinary people – especially the most disadvantaged and poor – are forgotten or obscured. The Special Rapporteur highlighted the importance of this issue in the context of the right to health and urged the authorities to address the issue while placing priority on the right to health and the well-being of all persons involved. The Special Rapporteur will present a report to the Human Rights Council on his mission to Ecuador that will include details about this visit to Colombia.

HUMAN RIGHTS DEFENDERS

VISIT TO SERBIA BY THE SPECIAL REPRESENTATIVE

The Special Representative of the Secretary-General on the situation of human rights defenders, Ms. Hina Jilani, visited Serbia from 17 to 19 September 2007. In a press release issued on 19 September 2007, she remarked that Serbia has a vibrant and active human rights community whose expertise and knowledge in human rights is unquestioned. However, she expressed regret that the very organizations that have been at the forefront of Serbia's human rights movement are targeted for marginalization and criticism by some quarters of the Government. One of the major concerns of the Special Representative is the hostile attitude against the core group of human rights NGOs and prominent defenders, mostly women, who are under constant attack in the media. This acrimony against defenders appears to be linked to their work on transitional justice and minority rights, issues that some sectors of the political establishment are not willing to address. This stigmatization of defenders, which portrays them as "enemies" of the country, is not countered by supportive statements of State authorities that would legitimize their work. The Special Representative highlighted that a firm stance by the authorities would contribute significantly to recognizing and protecting the defenders' community. Human rights defenders outside the capital are more vulnerable to attacks and harassment as they are more isolated and distant from the protection networks that exist in Belgrade. This situation is particularly concerning for women defenders working in rural areas. Defenders working on lesbian, gay, bisexual, transsexual, and intersex persons' rights are also particularly targeted. The Special Representative recommended that the Government take concrete steps to give political recognition and legitimacy to human rights defenders and their work and adopt a national plan or strategy on human rights with specific measures for the protection of human rights defenders and their activities.

LIBERIA

VISIT BY THE INDEPENDENT EXPERT

The Independent Expert on the situation of human rights, technical cooperation and advisory services in Liberia, Ms. Charlotte Abaka, visited the country from 17 to 28 September 2007. In a press release issued on 28 September 2007, she noted that considerable progress has been made in improving security and fulfilling many aspects of civil, political as well as social, economic and cultural rights of Liberians since she last visited the country in 2006. The lifting of sanctions by the Security Council on the diamond and timber trades has provided more income for the Government to progressively implement economic, social and cultural rights, and also to the private sector. She also noted important progress in protecting the rights of workers. However, the Independent Expert stated that there are still many challenges that impede the promotion and protection of human rights in Liberia. She expressed serious concerns about the rule of law and the judicial system and said that although law reform was one of the President's priority areas in her first 150-day action plan, it was regrettable that the Law Reform Commission has not yet been established. The lack of implementation of the Rape Law is another very serious issue and rape remains one of the most frequently reported crimes in the country. She expressed concern that harmful traditional and customary practices continue to be practiced, including female genital mutilation. She noted that the Minister of Justice and the Solicitor General have publicly stated that the practice of sassywood (trial by ordeal) is illegal.

MERCENARIES

VISIT TO CHILE BY THE WORKING GROUP

The Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination, represented by its Chairperson-Rapporteur

José Luis Gómez del Prado and its member, Amada Benavides de Pérez, undertook a mission to Chile from 9 to 13 July 2007. In a press release issued on 14 July 2007, the Working Group noted that it had considered information concerning the recruitment, training and contracting of Chileans to work with private security companies in Iraq, as well as the circumstances, conditions and situations faced by such recruits. Information from various sources indicates contractual irregularities and poor working conditions, including overcrowding, excessively long working hours, unpaid or partially paid salaries, harassment and isolation, a failure to ensure basic standards such as health and hygiene and lack of attention to serious physical injuries. Despite efforts by the Chilean authorities to respond to this phenomenon through appropriate judicial measures, the Working Group remained concerned that Chilean nationals continue to be recruited to work in Iraq



Working Group on mercenaries holds a press conference at the conclusion of its visit to Chile.

as mercenaries, and that new forms of mercenarism appear to be emerging.

The Working Group called for greater regulation of private security firms, with a view to ensuring respect for international human rights standards. Concern was also expressed about indigenous people in relation to the actions of private security firms contracted by forestry businesses. The Working Group highlighted that these security firms may commit unlawful acts with impunity. Finally, the Working Group encouraged the Chilean Government to accede to the 1989 International Convention against the recruitment, use, financing and training of mercenaries.

MINORITIES

VISIT TO FRANCE BY THE INDEPENDENT EXPERT

The Independent Expert on minority issues, Ms. Gay McDougall, visited France from 19 to 28 September 2007. In a press release issued on 28 September 2007, she called for clear and committed leadership to promote non-discrimination, equality and diversity in France. She found that serious discrimination is experienced by members of minority communities and called on the French Government to respond with policies that effectively address widespread, entrenched and institutionalized discrimination in society. She further observed that racism is alive, insidious and clearly targeted at those “visible” minorities of immigrant heritage, the majority of whom are French citizens. She stated that the Constitutional promise of equality is the vision, but not the reality, and that France’s leaders must live up to that promise. The Independent Expert remarked that, rather than violating the Constitution, affirmative action policies to end this discrimination “should be seen as essential to achieving a true vision of ‘Liberté, Égalité et Fraternité’”. She focused particular attention on the experiences of French citizens of immigrant heritage, settled residents of France, sometimes described as “new” minorities, including those of North African origin, sub-Saharan origin, Muslims, and those from the overseas departments and territories.

RACISM

VISIT TO BALTIC STATES BY THE SPECIAL RAPPORTEUR

The Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Mr. Doudou Diène, undertook an official visit to Lithuania, Latvia and Estonia from 16 to 28 September 2007. His visit to the Baltics was motivated by two main factors. First, he aimed to assess how these countries are dealing with the complex historical heritage that placed different communities and ethnic groups in close contact with each other under difficult and sometimes violent circumstances. Second, the Special Rapporteur tried to examine how the three countries are preparing their societies for the likely arrival of a larger number of non-European migrants, refugees and asylum-seekers following their accession to the European Union and ever-increasing integration in the world economy.

LITHUANIA

The Special Rapporteur visited Lithuania from 16 to 19 September 2007. At the end of the visit, he presented his preliminary conclusions in a press conference. He highlighted the existence of a comprehensive and progressive legal framework that addresses racism and discrimination, calling for further vigilance to combat racism and full implementation of the existing legal instruments. He congratulated the work of a number of State institutions in developing actions to promote a multicultural integration of minority groups. He also highlighted the problems encountered by the Roma community, recognizing that the Government has taken certain steps, but pointing out that further progress is needed. The Special Rapporteur emphasized multiculturalism as a permanent response to racism and discrimination that complements the existing legal strategy, in particular through the promotion of interaction among communities, which creates mutual understanding and tolerance.



Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related forms of intolerance, Mr. Doudou Diène, meets with the Foreign Minister of Lithuania.

LATVIA

The Special Rapporteur visited Latvia from 20 to 24 September 2007. In his preliminary conclusions, he highlighted the historical multicultural tradition of the Latvian society, which provides an important societal basis for efforts to eradicate racism and discrimination. He praised existing laws and mechanisms addressing discrimination, but called for the approval of holistic and comprehensive national legislation to combat all forms of racism and discrimination. He also recommended that Latvia establish an independent institution to investigate allegations of racism and discrimination, whilst reinforcing the office of the Ombudsman. He expressed his concern regarding the question of citizenship, which is seen as problematic by some communities, and he particularly noted the high number of stateless persons. The Special Rapporteur also noted the importance of complementing the legal strategy against discrimination with a cultural strategy that promotes interaction among communities, tolerance and a view of multicultural integration.

ESTONIA

The Special Rapporteur visited Estonia from 25 to 28 September 2007. In his statement at the end of the visit, he praised the political will demonstrated by the Estonian Government to tackle racism and discrimination. He also highlighted the existence of legal mechanisms that address racism and discrimination, but called for the adoption of comprehensive and holistic legislation focusing on all forms of discrimination, and for the establishment of an independent institution empowered to investigate allegations of racism and discrimination. He praised the work of a number of State institutions and their sensitivity

to the issues pertaining to his mandate. The Special Rapporteur highlighted the importance of community initiatives such as that developed in the city of Jöhvi, which fosters interactions between different minorities supporting the concept of multiculturalism. The Special Rapporteur also noted his concerns regarding the issue of citizenship, linguistic requirements and the high number of stateless persons in the country.

SOMALIA

VISIT BY THE INDEPENDENT EXPERT

The Independent Expert on the situation of human rights in Somalia, Mr. Ghanim Alnajjar, visited the country from 17 to 21 September 2007. In a press release issued on 27 September, he expressed deep concern about the extreme violence, attacks and threats against the media, lack of humanitarian access, and the apparent lack of separation of powers in the Transitional Federal Institutions of Somalia. He stated that civilians face severe violations by all parties to the conflict, including killings, disappearances, torture, recruitment of child combatants, and sexual and gender-based violence, as well as continued obstacles to the rights to food, health and education. The humanitarian needs of the civilian population, including more than 700,000 internally displaced persons, and threats and attacks on aid workers, as well as human rights defenders, were also highlighted as concerns. The Independent Expert reported that he was denied entry to Baidoa, and although he was later invited back, he pointed out that this incident reflected the institutional deficiencies. The Independent Expert noted the potential negative effects on Somalia of a conflict between neighbouring countries and expressed his support for calls for the Security Council to establish a United Nations peacekeeping operation for Somalia, in an effort to further stabilise the country and allow for a phased withdrawal of Ethiopian forces. The Independent Expert emphasized that any such peacekeeping operation should have a mandate to assist in the protection of civilians and include a significant human rights component.

SUDAN

VISIT BY THE SPECIAL RAPPOREUR

The Special Rapporteur on the situation of human rights in the Sudan, Ms. Sima Samar, visited the country from 25 July to 2 August 2007. In a press release issued on 6 August 2007, she drew attention to the slow implementation of the Comprehensive Peace Agreement and the need for law reform, ensuring consistency between national laws and international human rights law. She expressed concern about violations of civil and political rights, especially in relation to the killing of four people during a peaceful community protest against the construction of a dam, as well as cases of arbitrary arrest and detention. She highlighted limitations on freedom of expression, especially as evidenced by measures taken against newspapers that criticized the Government. She also noted that the administration of justice is weak and impunity prevails in too many cases.

She also expressed concern about ongoing human rights

violations in Darfur, in particular harassment, extortion, torture, and sexual violence in Tawila and Shangil Tobayi, North Darfur. Noting the steps taken by the Human Rights Council concerning the situation in Darfur, she acknowledged that the Government has committed itself to implementing recommendations related to the protection of human rights, and encouraged the Government to take action on these recommendations without delay. She also urged the international community to support the Government's efforts in the South, as serious work is still needed to reconstruct the region after years of civil war. She drew particular attention to problems related to access to basic services, policing, conditions of detention, and tribal clashes over water, land and cattle.

VIOLENCE AGAINST WOMEN

VISIT TO GHANA BY THE SPECIAL RAPPOREUR

The Special Rapporteur on violence against women, its causes and consequences, Ms. Yakin Ertürk, carried out a visit to Ghana from 7 to 14 July 2007. In a press release, issued on 16 July 2007, she noted that large parts of Ghanaian society regard women as subordinate to men, and that violence against women continues to be committed, often considered as a normal part of a woman's life. While she recognized positive steps taken to adopt laws against domestic violence, she emphasized that these must be followed with appropriate implementation measures. She noted important efforts to ensure equality in access to education, and pointed out that poverty, early marriage and teen pregnancies present serious obstacles to ensuring girls education. She drew attention to the dual legal systems of the State and traditional authorities, and highlighted that traditional leaders must be fully engaged in implementing and enforcing laws and policies against violence against women. She also drew attention to the practice of *trokosi* (whereby young girls are given by their families into ritual servitude at fetish shrines) and witch camps. The Special Rapporteur highlighted the particular situation of girls from the north of the country who migrate to the cities, often to escape poverty and oppression, but are then subjected to violence and exploitation in the urban centers. She also expressed concern about violence against women in refugee camps, eviction of HIV-positive women from their homes, rape and sexual abuse in the family, as well as the situation of young women with children out of wedlock, and widows.

VISIT TO THE DEMOCRATIC REPUBLIC OF THE CONGO BY THE SPECIAL RAPPOREUR

The Special Rapporteur on violence against women, its causes and consequences, Ms. Yakin Ertürk, carried out a visit to the Democratic Republic of the Congo from 16 to 27 July 2007. In a press release issued on 30 July 2007, she explained that, given the circumstances of violence against women in the country, her mission focused primarily on sexual violence, while she recognized that this violence existed along a continuum of violence which manifests itself in various forms in women's homes and communities. She expressed particular alarm about the situation in South Kivu, where 4500 cases of sexual violence have been recorded in the first half of the year and

it is estimated that many more cases go unreported. The Special Rapporteur noted reports that the majority of sexual violence occurring in this region is perpetrated by foreign non-State armed groups, and she expressed alarm at the brutality, which often goes beyond rape and is aimed at the complete physical and psychological destruction of the women and their communities. She called on the Government, and the international community, to become immediately engaged to stop these atrocities.

The Special Rapporteur also drew attention to sexual violence perpetrated by State actors. She noted that civilian communities who are thought to be supporting militia groups are particularly targeted by State security forces, sometimes resulting in pillaging of the towns, gang rape,

and murder. She highlighted that sexual violence is also committed by civilians. She pointed out that the widespread use of sexual violence in the armed conflict seems to have become a generalized aspect of the overall oppression of women in the DRC. The Special Rapporteur cautioned that such behavioural norms will remain a serious problem in the future, regardless of the security situation, unless the Government and society are willing to take action to fundamentally change the prevailing gender relations that subordinate and devalue women. She further expressed concern about impunity, the penitentiary system, and the treatment of victims of sexual violence.

FOLLOW-UP VISITS

HUMAN RIGHTS DEFENDERS

FOLLOW-UP VISIT BY THE SPECIAL REPRESENTATIVE TO THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA

The Special Representative of the Secretary-General on the situation of human rights defenders, Ms. Hina Jilani, carried out a follow-up visit to the Former Yugoslav Republic of Macedonia (FYROM) from 24 to 25 September 2007. In a press release issued on 25 September, she noted that since her visit in 2003, she had observed a considerable number of positive developments and was particularly impressed by the increased level of capacity and professionalism of civil society organizations in terms of expertise in human rights methodologies, clarity about their objectives and strategies to achieve them. Legislation relevant for the work of human rights defenders has been adopted, including laws to strengthen the inspection functions of the Ombudsperson, enable free access to public information, abolish prison sentences for defamation, and establish an independent court budget, among others. However, she observed that the implementation of these laws is often not satisfactory. Enforcement and monitoring mechanisms that defenders can use to report cases of non-compliance and to protect victims are still lacking, insufficient or do not function properly. Another problem is that human rights defenders do not have access to detention centres and police stations, which prevents them from fully performing their monitoring and protection roles. Although the Professional Standards Unit within the Ministry of Interior is tasked with the investigation of abuses committed by the police, the Special Representative expressed concern that an external oversight mechanism to investigate abuses committed by the police is still not in place. She observed that while the coordination and networking among civil society organizations had improved, human rights organizations still do not form a real human rights community that can voice positions of human rights defenders more forcefully and protect defenders.

INTERNALLY DISPLACED PERSONS

FOLLOW-UP VISIT TO CÔTE D'IVOIRE BY THE REPRESENTATIVE OF THE SECRETARY-GENERAL

The Representative of the Secretary-General for the human rights of internally displaced persons (IDPs), Mr. Walter Kälin, undertook a country mission to Côte d'Ivoire from 25 to 29 June 2007. In a press release, issued on 2 July, he welcomed the peace agreement and declared that sustainable peace would only be achieved if the problems of internally displaced persons were addressed through clear actions by the authorities and support from the international community. He noted that the authorities had taken important steps to ensure protection and humanitarian assistance to IDPs and welcomed the efforts to ensure the return of IDPs. He called on all actors to ensure that returns were carried out voluntarily, in secure conditions respecting the dignity of the IDPs. In this context, he noted with interest the use of traditional systems of reconciliation, but emphasized that these systems should ensure respect for minimum standards of non-discrimination, justice and equality. He also pointed out that IDPs who have returned to their communities are still in an extremely vulnerable position and require continued humanitarian assistance during this transitional period, as well as targeted development activities. He particularly expressed concern about the situation of female heads of households, young mothers, and widows. He called on the authorities to ensure the necessary resources for the return of IDPs, and called on the international community to support these efforts.

FORTHCOMING VISITS

Bolivia (SR indigenous) *November-December 2007*
Brazil (SR summary executions) *November 2007*
Cambodia (SRSG Cambodia) *October-November 2007*
Canada (SR right to adequate housing) *October 2007*
Cuba (SR right to food) *October-November 2007*
Dominican Republic (joint visit: IE minorities and SR racism) *October 2007*

Honduras (SR freedom of expression) *November 2007*
India (SR right to health) *November-December 2007*
OPT (SR on OPT) *October 2007*
Sri Lanka (SR torture) *October 2007*
Sri Lanka (RSG internally displaced persons) *December 2007*

REQUESTED AND ACCEPTED VISITS

REQUESTS INITIATED

between July and September 2007

Bangladesh (SR independence of judges and lawyers)
Botswana (SR indigenous)
Cote d'Ivoire (SR toxic waste)
Gabon (SR right to education)
Gambia (SR right to education)
Ghana (SR right to education)

Kenya (IE human rights and extreme poverty)
Myanmar (SR freedom of religion or belief)
Congo (SR indigenous people)
Tanzania (SR toxic waste)
Zambia (SR toxic waste)

REQUESTS ACCEPTED / INVITATIONS EXTENDED

between July and September 2007

Angola (SR freedom of expression, SR right to education)
Central African Republic (SR summary executions, SR right to food)
Estonia (SR sale of children)
Latvia (SR sale of children)

Paraguay (SR right to education)
Senegal (SR right to education)
Uganda (IE human rights and extreme poverty)
United States of America (SR summary executions)

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).

RESOLUTIONS ADOPTED AT THE SIXTH SESSION OF THE HUMAN RIGHTS COUNCIL CONCERNING NEW SPECIAL PROCEDURES MANDATES OR FUNCTIONS

- Resolution 6/14 on contemporary forms of slavery decided to "appoint, for a three-year period, a Special Rapporteur on contemporary forms of slavery, including its causes and its consequences, to replace the Working Group on Contemporary Forms of Slavery." This new mandate is particularly called upon to cooperate with the special procedures mandates on trafficking, violence against women, sale of children, racism, and migrants, as well as the SRSG on Children and Armed Conflict.

- Resolution 6/6 on the promotion of the enjoyment of the cultural rights of everyone and respect for cultural diversity "acknowledges that the process of review, rationalization and improvement of mandates represents momentum towards the establishment of an independent expert in the field of cultural rights, and to this end requests the United Nations High Commissioner for Human Rights to consult States, intergovernmental and non-governmental

organizations on the content and scope of the mandate of the independent expert in the field of cultural rights, [...] and to report on the results of those consultations to the Council."

- Resolution 6/15 on a Forum on minority issues "decides to establish a forum on minority issues to provide a platform for promoting dialogue and cooperation on issues pertaining to persons belonging to national or ethnic, religious and linguistic minorities, which shall provide thematic contributions and expertise to the work of the Independent Expert on minority issues" and "decides that the Independent Expert on minority issues shall guide the work of the Forum and prepare its annual meetings, and invites him/her to include in his/her report thematic recommendations of the Forum and recommendations for future thematic subjects, for consideration by the Human Rights Council."

HIGHLIGHTS

Human Rights Council continued from page 1...

Review of Special Procedures mandates

Beginning the process of reviewing, rationalizing and improving the special procedures mandates, on 14 September, the Council conducted reviews of the mandate on **freedom of religion or belief** as well as the mandate on **arbitrary detention**, which continued on 17 September. On 25 September, the Council reviewed the mandate on the **situation of human rights in Haiti**.

On 26 September, the Council continued with reviews of the mandates on the **right to food**, the **human rights and fundamental freedoms of indigenous people**, and the **human rights situation in Burundi**. Reviews initially scheduled for September on the mandates on **Sudan** and **DRC** were postponed until December and March respectively. Links to the summary records of the discussions held on these mandates are in the box to the right.

In general, States and other stakeholders expressed support for the mandates under review and called for the extension of the relevant mandates. Some States raised concerns about the overall methodology of the review and the need to adopt a holistic approach. The President reiterated that the review was to be a State-driven process, emphasizing that sponsors and interested States are responsible for presenting their recommendations for the mandate. On 27 September, he issued some general guidelines for conducting the review, presented as a non-paper, which stipulate that there should be equal treatment of all mandates in the process, and committed the President to continuing consultations on this matter in the coming months.

Several resolutions were adopted by the Council as a result of the review of mandates. Resolutions on the mandates on the **right to food**, **indigenous people**, and **arbitrary detention** were adopted by consensus and provided for the extension of those mandates for a further three years. Resolutions on the mandates on **Burundi** and **Haiti** extended those mandates, in the case of Burundi specifically for a further year. Most resolutions concerning the review of mandates include references to the Code of Conduct (Human Rights Council Resolution 5/2) in their preambles.

A resolution was also adopted on **human rights and international solidarity**, which called on the Independent Expert to continue his work under the mandate, subject to the review which will be undertaken in the near future. A resolution was tabled concerning the mandate on the



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Independent Expert on the situation of human rights in Haiti, Mr. Louis Joinet, appears before the Human Rights Council in the context of the review of special procedures mandates.

Links to Review of Special Procedures Mandates

Freedom of religion or belief

[14 September](#)

[17 September](#)

Arbitrary detention

[14 September](#)

[17 September](#)

Haiti

[25 September](#)

Right to food

[26 September](#)

Indigenous people

[26 September](#)

[26 September](#)

Burundi

[26 September](#)

Links to Discussion of Special Procedures Reports

Special Rapporteur on freedom of religion or belief

[13 September](#)

[13 September](#)

Special Rapporteur on human rights and international solidarity

[13 September](#)

[13 September](#)

Special Rapporteur on racism, racial discrimination, xenophobia, and related forms of intolerance

[14 September](#)

[14 September](#)

Independent Expert on the situation of human rights in the Democratic Republic of the Congo

[26 September](#)

Democratic Republic of the Congo, proposing to discontinue the mandate, but was deferred until the review is undertaken at the March session of the Council. A resolution was tabled concerning the mandate on **freedom of religion or belief**, proposing to extend the mandate for a further three years, but it will not be considered until the resumed sixth session of the Council in December 2007. The relevant resolutions are available on the webpage of the [Human Rights Council](#), in the report of the first part of the sixth session.

Interactive dialogues

The Council held interactive dialogues with Mr. Rudi Muhammad Rizki, the **Independent Expert on human rights and international solidarity** and Mr. Titinga Frédéric Pacéré, the **Independent Expert on the situation of human rights in the Democratic Republic of the Congo**, on their



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Independent Expert on the situation of human rights in the Democratic Republic of the Congo, Mr. Titinga Frédéric Pacéré presents his annual report to the Human Rights Council.

respective annual reports. The Council also considered reports, specifically mandated by the Council, related to freedom of religion or belief submitted by Ms. Asma Jahangir, **Special Rapporteur on freedom of religion or belief**, and on manifestations of defamation of religions and in particular on the serious implications of Islamophobia on the enjoyment of all rights, submitted by Mr.

Doudou Diène, **Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related forms of intolerance**. Discussions were held with the mandate holders on these reports. The links summary records of the interactive dialogues can be found in the box on the previous page.

Technical criteria

On 27 September, the Council adopted technical criteria for the placement of candidates on the Public List for the selection of mandate holders. In particular, the following technical and objective requirements were outlined:

1. Qualifications: relevant educational qualifications or equivalent professional experience in the field of human rights. Good communication skills in one of the UN languages.
2. Relevant expertise: knowledge of international human rights instruments, norms and principles; as well as knowledge of institutional mandates related to the United Nations or other international or regional organizations work in the area of human rights; proven work experience in the field of human rights.
3. Established competence: nationally, regionally or internationally recognized competence related to human rights.
4. Flexibility/readiness and availability of time to perform effectively the functions of the mandate and to respond to its requirements, including attending Human Rights Council sessions.

The Public List has been established and nominations for candidates may be sent to OHCHR. OHCHR has developed a standard form which is available on the [OHCHR website](#), along with information about where to send nominations.

Universal Periodic Review

On 27 September, the Council adopted guidelines for the preparation of State reports to the Universal Periodic Review (UPR). These guidelines provide a broad outline of the information that States are expected to present when they are considered under the UPR. Resolution 5/1 of the Council provides that OHCHR will prepare a compilation of information from UN human rights mechanisms, and a compilation of information received from other stakeholders, for the UPR. These two compilations should follow the general guidelines for States in terms of content.

FIRST ROUND OF COUNTRIES TO BE CONSIDERED UNDER THE UNIVERSAL PERIODIC REVIEW

- | | |
|-------------------|--------------------|
| 1. Bahrain | 9. Brazil |
| 2. Ecuador | 10. Philippines |
| 3. Tunisia | 11. Algeria |
| 4. Morocco | 12. Poland |
| 5. Indonesia | 13. Netherlands |
| 6. Finland | 14. South Africa |
| 7. United Kingdom | 15. Czech Republic |
| 8. India | 16. Argentina |

During its sixth session, the Council also selected the Member States to be reviewed in UPR sessions from 2008 to 2011. The list of countries to be considered in the first session of the UPR Working Group in April 2007 is below.

Activities of the Coordination Committee

During the sixth session of the Human Rights Council, on 17 and 18 September 2007, the Chair of the Coordination Committee, Ms. Gay McDougall, held meetings with the President of the Human Rights Council, the High Commissioner for Human Rights and the Coordinators or other representatives of the following regional or other groups: African Group; Asian Group, Eastern European Group; Latin American and Caribbean Group, Western European and Other Group; European Union, and the Organization of Islamic Conference. The Chair indicated, inter alia, that the Coordination Committee had presented a letter to the President of the Council on the technical criteria for the placement of candidates on the Public List and that the Coordination Committee would like to engage actively with the Consultative Group, which makes proposals to the President on the selection of mandate holders, once the Group is established. She also informed that the Coordination Committee agreed upon an interim advisory procedure to review practices and working methods of mandate-holders, as mandated during the 14th Annual meeting of Special Procedures. She further noted that a task force of mandate holders is currently engaged in a revision of the Special Procedures Manual to reflect the comments made by various stakeholders and to bring it into consonance with the Code of Conduct. Interlocutors generally welcomed the establishment of the interim advisory procedure, and the ongoing work on the revision of the Manual. Several representatives of regional groups stated that they would welcome interaction between the Coordination Committee and other mandate holders and the Consultative Group.

Group of Experts on Darfur Presents Interim Report to the Council

The Group of Experts on Darfur presented an interim report on 24 September 2007 to the Human Rights Council on the progress achieved by the Government of Sudan in response to the recommendations compiled by the group for improving the human rights situation in Darfur. The Group of Experts noted their appreciation for the excellent cooperation of the Government of the Sudan during the period under review and its endeavours to address relevant recommendations. It notes that while certain recommendations have been partially implemented, and first steps towards implementation of other recommendations have been taken, other recommendations have not yet been implemented. The Group concluded as a result that it was "not in a position to report that a clear impact on the ground has been identified."

The report notes that the Group plans to provide a detailed



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Mr. Walter Kälin, Rapporteur of the Group of Experts on Darfur, presents an interim report to the Human Rights Council.

description and analysis of the status of the implementation of its recommendations when it presents its final report to the Human Rights Council in December 2007. The Group underscored its wish to give the Sudanese authorities the maximum possible time in which to undertake any initiatives and to report back on any progress and on the impact of its measures upon Darfur's civilian population. The Group of Experts also emphasized the need to gather as much additional information as possible from all relevant sources, including United Nations bodies and agencies, so that it can obtain a clearer and more detailed understanding of the current situation in Darfur.

The Group, in accordance with Human Rights Council resolution 4/8 of 30 March 2007, is tasked to ensure the effective follow-up and to foster the implementation of resolutions and recommendations on Darfur, as adopted by the Human Rights Council, the Commission on Human Rights and other United Nations human rights institutions, as well as to promote the implementation of relevant recommendations of other United Nations human rights mechanisms. The Group is chaired by the **Special Rapporteur on the situation of human rights in Sudan**, Ms. Sima Samar, and includes the **Special Representative of the Secretary-General on children and armed conflict**, Ms. Radhika Coomaraswamy; the **Special Rapporteur on extra-judicial, summary or arbitrary executions**, Mr. Philip Alston; the **Special Representative of the Secretary-General on the situation of human rights defenders**, Ms. Hina Jilani; the **Representative of the Secretary-General on the human rights of internally displaced**

persons, Mr. Walter Kälin; the **Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment**, Mr. Manfred Nowak; and the **Special Rapporteur on violence against women, its causes and consequences**, Ms. Yakin Ertürk.

Adoption of the Declaration on the Rights of Indigenous Peoples

The **Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people**, Mr. Rodolfo Stavenhagen, issued a statement on 14 September 2007, welcoming the adoption of the Declaration on the Rights of Indigenous Peoples by the United Nations General Assembly on 13 September 2007. The Special Rapporteur stated that the Declaration constitutes a fundamental landmark for indigenous peoples and represents their important contribution to the international human rights system. He recalled that in recent years, indigenous peoples have become key actors in the defence of human rights and have made their voice heard both within the States in which they live, as well as at the United Nations and other international fora. He pointed out that the Declaration reaffirms that the special circumstances of indigenous peoples as discriminated peoples and long dispossessed of their ancestral resources, demand particular attention by States and by the international community. Indigenous peoples' ancestral lands and territories constitute the bases of their collective existence, cultures and spirituality. He noted that the Declaration affirms this close relationship, in the framework of their right, as peoples, to self-determination in the States where they live.

Council Considers How to Integrate Gender Perspectives into its Work



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Mr. Miloon Kothari, representing special procedures mandate holders in a panel discussion on integration of gender perspectives into the work of the Human Rights Council.

On 20 September 2007, the Human Rights Council held a discussion on the integration of gender perspectives in its work. The Permanent Representative of Kenya, Ambassador Maria Nzomo, moderated the discussion. Panelists included the Deputy High Commissioner for Human Rights, Ms. Kyungwha Kang; a representative of Special Procedures mandate holders, Mr. Miloon Kothari (**Special Rapporteur on the right to adequate housing as a component of the right to an adequate standard of living**, and member of the **Coordination**

Committee); the Special Representative of the Secretary-General on Children in Armed Conflict, Ms. Radhika Coomaraswamy; and a representative of civil society, Ms. Charlotte Bunch, Director of the Center for Women's Global Leadership. Many States intervened expressing great interest in this topic. Several States specifically referred to special procedures, including how to ensure integration of a gender perspective into the long term work of special procedures, how to address gender integration in the review of mandates and in the Special Procedures Manual, ensuring appropriate opportunities to consult with women's groups while on country missions, and the role of the Coordination Committee in integrating gender perspectives.

Mr. Miloon Kothari, as a representative of special procedures, highlighted the important initiatives undertaken by special procedures mandate holders to integrate gender perspectives into

their work, including

- a consultation organized by the **Special Rapporteur on torture and other forms of cruel, inhuman or degrading treatment** on strengthening protection of women from torture and identifying where the mandate may need to change its working methods in order to better meet the needs and concerns of women and girls
- a three year campaign spearheaded by the **Special Representative of the Secretary-General on the situation of human rights defenders** concerning women human rights defenders, highlighting the ways in which they are specifically targeted because of their gender
- the reports of the **Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health**, which regularly address the gendered aspects of this right, including attention to sexual and reproductive health as well as the links between gender based violence and the right to health
- studies undertaken by the **Special Rapporteur on the right to adequate housing as a component of the right to an adequate standard of living**, noting the different ways in which women are affected by denial of the right to adequate housing because of their gender and obstacles they face in realizing this right.

He also made specific recommendations, including: ensuring that every resolution concerning special procedures mandates refers to integration of gender perspectives; following up on this with mandate holders during interactive dialogues; and ensuring gender balance and gender expertise in the selection of mandate holders. He suggested that the new Advisory Committee, the successor of the former Sub-Commission, could play a role in undertaking studies in complementarity with the special procedures mandates. He cited implementation as a major challenge to fully integrating a gender perspective into the work of special procedures.

PRESS RELEASES

SPECIAL RAPPORTEURS EXPRESS GRAVE CONCERN ABOUT THE CRACKDOWN IN MYANMAR

The **Special Rapporteur on extrajudicial, summary or arbitrary executions**, Mr. Philip Alston, the **Special Rapporteur on freedom of religion or belief**, Ms. Asma Jahangir, the **Special Representative of the Secretary-General on the situation of human rights defenders**, Ms. Hina Jilani, the **Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression**, Mr. Ambeyi Ligabo, the **Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment**, Mr. Manfred Nowak; the **Special Rapporteur on the situation of human rights in Myanmar**, Mr. Paulo Sérgio Pinheiro, and the **Chairperson-Rapporteur of the Working Group on arbitrary detention**, Ms. Leila Zerrougui, issued a statement on [28 September 2007](#) expressing their deep concern over the growing number of reported deaths and serious injuries suffered by protesters and bystanders in Yangon, Mandalay and other major cities in Myanmar in recent days. The Experts strongly condemned the use of deadly force by the security forces and called upon the Government of Myanmar to desist from such brutal measures and to cooperate in the efforts launched by the international community designed to prevent the further deterioration of the human rights situation. The experts welcomed the decision to hold a special session of the Human Rights Council on Myanmar and called upon the members of the Council to show strong resolve in taking the steps necessary to restore respect for human rights. In particular, the Experts welcomed the role played by countries in the region and noted that an end to the violence by the police and military is only a beginning to the steps that are urgently needed. They called upon the Government to immediately release those detained, to commence investigations into killings, take action against those responsible, take steps to alleviate the economic hardship of the great majority of the population, and introduce serious reforms.

On [13 September 2007](#), the **Special Rapporteur on the situation of human rights in Myanmar**, Mr. Paulo Sérgio Pinheiro, the **Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression**, Mr. Ambeyi Ligabo, and the **Special Rapporteur on the independence of judges and lawyers**, Mr. Leandro Despouy, issued a press release calling on the authorities of Myanmar to immediately release the peaceful protesters who were detained following demonstrations against the unprecedented increase in fuel prices. The Special Rapporteurs recalled that the brutal arrests of more than 150 people since the beginning of the protests, on 19 August 2007, are in violation of internationally recognized human rights standards and should not be tolerated by the international community. They stated that it was shocking that peaceful demonstrators have received life sentences in trials without any basic guarantee of the due process of law, and that local journalists were prevented from reporting. They further stated that there will be no progress in Myanmar's political transition unless

ordinary people have space to express their views and discontent, peacefully and publicly. The Special Rapporteurs noted that Myanmar and the international community have a responsibility to safeguard the universal right to freedom of expression and association and urged States in the region to assist the Government in upholding the principles of democracy and rule of law. The Special Rapporteurs called on the Human Rights Council to press the authorities for the immediate and unconditional release of the detainees and political prisoners and a relaxation of the current situation.

The **Special Rapporteur on the situation of human rights in Myanmar**, Mr. Paulo Sérgio Pinheiro, issued press releases on [24](#) and [31 August 2007](#), deploring the arrests by the authorities of Myanmar, since 21 August 2007, of peaceful protesters following a series of demonstrations in the country against the drastic increase in fuel prices. He called upon the authorities to immediately release the detainees, and deplored the harsh treatment of citizens peacefully expressing their views. Furthermore, the Special Rapporteur expressed his serious concern regarding a hunger strike launched by a group of detainees, at the Kyaikkasan Detention Center, following the denial of medical treatment by the authorities for a detainee who was severely beaten during the protest. The Special Rapporteur reported that he had received allegations that the detainees have been badly beaten and tortured.

WORKING GROUP ON MERCENARIES CONCERNED BY KILLING OF IRAQI CIVILIANS INVOLVING PRIVATE SECURITY COMPANY

The **Working Group on the use of mercenaries as a means of impeding the right of peoples to self-determination** issued a statement on 25 September 2007 expressing concern about the indiscriminate shooting in a populated neighbourhood of Baghdad, on 16 September 2007, by employees of a foreign private security company and resulting in the killing of over 10 Iraqi civilians, including children. The Working Group welcomed the investigations under way to clarify the facts of this and other prior reported incidents of killings of civilians in Iraq by employees of foreign private security companies. It emphasized that these private security companies should not enjoy impunity, which has resulted on a number of occasions where bilateral Government agreements or decrees grant the companies immunity from prosecution. The Working Group called upon States to ensure that the military assistance, consultancy and security services offered by private companies at the international level do not violate human rights. It recommended that Governments of States from which these private companies are incorporated or registered, as well as States on whose territories these private companies operate, adopt legislation to set up regulatory mechanisms to control and monitor their activities.

SPECIAL RAPPORTEUR LAUNCHES DRAFT HUMAN RIGHTS GUIDELINES FOR PHARMACEUTICAL COMPANIES

The **Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physi-**

cal and mental health, Mr. Paul Hunt, issued a press release on 19 September 2007, announcing the launch of the draft *Human Rights Guidelines for Pharmaceutical Companies* in relation to Access to Medicines, which are now open for public comment. The Special Rapporteur highlighted that access to medicines is a central feature of the right to the highest attainable standard of health and that States have the primary responsibility for enhancing access to medicines. He emphasized that it is time to identify what pharmaceutical companies should do to help the governments realize the human right to medicine. Consisting of some 50 provisions, the draft Guidelines were launched at the University of Toronto and are designed to help pharmaceutical companies, as well as those monitoring their activities.

SPECIAL RAPPOREUR EXPRESSES CONCERN ABOUT SIGMA HUDA'S TRIAL IN BANGLADESH

The **Special Rapporteur on the independence of judges and lawyers**, Mr. Leandro Despouy, issued a statement on 30 August 2007 expressing concern about the proceedings of the trial in Bangladesh of Ms. Sigma Huda, UN Special Rapporteur on trafficking in persons, especially women and children. On 27 August 2007, the Special Anti Corruption Court of Bangladesh sentenced Ms. Huda to three years imprisonment for aiding and abetting extortion found to have been committed by her husband. The Special Rapporteur stated that he has received information indicating that the right to legal representation and the independence of the court were severely affected during her trial and that her defense lawyers felt pressured and could only meet with her at the end of the hearings. He also expressed concern about the access to case files and other relevant information for her lawyers, as well as the reportedly intimidating atmosphere in which the trial was conducted. The Special Rapporteur observed that these alleged irregularities would violate Article 14 of the International Covenant on Civil and Political Rights, which has been ratified by Bangladesh. The Special Rapporteur called on the authorities to ensure the right of Ms. Huda to a fair and public trial during any ensuing appeal process.

INTERNATIONAL DAY OF THE DISAPPEARED

On 29 August 2007, the **Working Group on enforced or involuntary disappearances** issued a statement on the occasion of the International Day of the Disappeared, commemorated on 30 August 2007. The Working Group expressed its concern over the increasing number of cases of enforced disappearances around the world, and reiterated its solidarity with the victims of enforced disappearances and human rights defenders working for the victims. It expressed its regret that in numerous post-conflict situations or democratic transitions following a period of widespread human rights violations, disappearances frequently remain unresolved. The Working Group reminded States of their obligations under the Declaration for the Protection of All Persons against Enforced Disappearances to conduct effective investigations into all cases of disappearances. The Working Group emphasized that States should refrain from enacting amnesty laws that would exempt the perpetrators of enforced disappearance from

criminal proceedings and sanctions. Where such laws are already in place, States should ensure that they are in line with the principles of Article 18 of the Declaration. The Working Group expressed particular concern about the practice of disappearances of short duration in some parts of the world, explaining that these acts are also contrary to international human rights law. The Working Group particularly welcomed the adoption of the International Convention to Protect all Persons from Enforced Disappearances.

SPECIAL RAPPOREUR URGES SUDAN TO RESPECT HUMAN RIGHTS OF COMMUNITIES AFFECTED BY HYDRO-ELECTRIC DAM PROJECTS

The **Special Rapporteur on adequate housing as a component of the right to an adequate standard of living**, Mr. Miloon Kothari, issued a press release on 27 August 2007, expressing concern about the situation of the communities affected by the hydro-electric projects in the Merowe and Kajbar areas in the northern Nile valley in Sudan. He referred to reports that large-scale forced evictions may be imminent in the Merowe area and indicated that rising water levels of the Merowe reservoir have destroyed dozens of houses in the past weeks and may destroy many more. The affected people have claimed that they received no warning that water levels would be raised, and that no assistance from Government authorities has been forthcoming since their houses were destroyed. The Special Rapporteur called upon all States and companies that have invested in the Merowe and Kajbar dams, as well as States where involved companies are headquartered, to ensure that the implementation of the projects does not lead to violations of human rights, including the right to adequate housing of the affected communities. As an immediate step, in view of the reported rise in the water level and the possible flooding in the Merowe area, he urged the Government to take all necessary measures to ensure the safety and adequate housing of persons living in the area. He also called upon the Government to facilitate swift access for United Nations human rights monitors to conduct an independent eviction-impact assessment. Until the results of such impact assessment are made available, he recommended that the Government suspend the hydro-electric dam projects in Merowe and Kajbar.

SPECIAL RAPPOREURS CONCERNED OVER JUDICIAL INDEPENDENCE IN CAMBODIA

The **Special Representative of the Secretary-General for human rights in Cambodia**, Mr. Yash Ghai, and the **Special Rapporteur on the independence of judges and lawyers**, Mr. Leandro Despouy, issued a press release on 23 August 2007 expressing their concern that recent judicial appointments in Cambodia appear not to have been made in accordance with the Constitution, casting doubt on the degree of respect for the principle of judicial independence. They called on the Cambodian authorities to ensure respect for the Constitution and international human rights law, in order to guarantee independence of the Cambodian judiciary. They also associated themselves with the concerns already expressed by the United Nations about the implications of the transfer of the Co-

Investigating Judge at the Extraordinary Chambers in the Courts of Cambodia to the presidency of the Appeal Court. They emphasized that legal and judicial reform is crucially important to the future development of Cambodia but that it should not be undertaken at the expense of the essential protections provided to judges, including guarantees of tenure, that enable judges to administer, and be seen to administer, justice efficiently, impartially and fairly, free of political interference.

SPECIAL RAPporteur CALLS FOR INTERNATIONAL SOLIDARITY FOR EARTHQUAKE VICTIMS IN PERU

The **Special Rapporteur on adequate housing as a component of the right to an adequate standard of living**, Mr. Miloon Kothari, issued a press release on 21 August 2007 expressing his condolences and solidarity to the people of Peru for the loss of human life caused by the earthquake that took place on 15 August 2007. The Special Rapporteur noted that at least 80,000 persons have been affected by the earthquake and 34,000 homes and other buildings are said to have been destroyed. While welcoming the prompt reaction by UN agencies and national authorities, which are already planning for the first phase of delivering humanitarian aid, he expressed concern that obstacles and constraints are limiting the efforts to coordinate relief activities, and aid has not yet reached the victims. In particular, he highlighted that there is an urgent need for securing emergency accommodation for the homeless and access to drinking water for the people of the affected region. He strongly encouraged the international community to intensify its efforts to assist the people of Pisco, Chincha, Ica, Cañete and other affected areas, and the Government to rebuild the affected cities. He also particularly encouraged the international community and qualified professionals and experts to put in practice prevention plans and disaster management plans for the high risk areas. Furthermore, he stated that it is vital that the immediate humanitarian needs be complemented by planning efforts to ensure that human rights, in particular the right to adequate housing, are respected to ensure a safe future for the people of Peru.

UN EXPERT CONCERNED ABOUT GROWING PROBLEM OF INTERNAL DISPLACEMENT IN AFGHANISTAN

The **Representative of the Secretary-General for the human rights of internally displaced persons**, Mr. Walter Kälin, issued a press release on 20 August 2007, observing that that armed conflict in Afghanistan is not only causing large numbers of civilian deaths, but has triggered the displacement of tens of thousands of persons in the last year alone. As a consequence, people lose their houses and livelihoods, displaced children are deprived of their education, and families end up in misery. The Representative called on all parties to the conflict to scrupulously respect international humanitarian law, in particular the requirement to distinguish at all times between civilians and combatants and the need to carry out anti-insurgency operations in a way that avoids disproportionate impact causing civilian death. The Representative encouraged the Government and its neighbours to continue a voluntary and gradual approach to the return of the approximately 3 million Afghan nationals who remain in neighbouring

countries. Any joint plan of return must be based on a realistic assessment of Afghanistan's capacity to absorb the returnees, to ensure that their basic needs for food, shelter and livelihoods are met, and to support the conditions for durable solutions, such as return to their original communities, where possible, or settlement and integration in a new community. This statement came at the conclusion of a week-long working visit undertaken by the Representative of the Secretary-General.

INTERNATIONAL DAY OF THE WORLD'S INDIGENOUS PEOPLES

On the occasion of the International Day of the World's Indigenous Peoples on 9 August 2007, the **Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people**, Mr. Rodolfo Stavenhagen, and the UN High Commissioner for Human Rights, Ms. Louise Arbour, issued a statement calling on the General Assembly to adopt the Declaration on the Rights of Indigenous Peoples. The Declaration establishes international human rights standards for the protection of the rights of indigenous peoples, based on the experiences of thousands of indigenous representatives who have contributed to this process over the past 20 years. It was adopted in June 2006 by the Human Rights Council. The Special Rapporteur and the High Commissioner expressed the hope that Member States of the UN will renew their efforts to address the pressing concerns of the millions of indigenous people around the world, and especially take urgent measures to tackle the problems of poverty and marginalization. They also expressed concern that the needs of indigenous peoples have been overlooked in efforts to fulfill the Millennium Development Goals. See also above under "Adoption of the Declaration on the Rights of Indigenous Peoples."

UN EXPERTS WELCOME REINSTATEMENT OF CHIEF JUSTICE OF PAKISTAN

The **Special Rapporteur on the independence of judges and lawyers**, Mr. Leandro Despouy, and the **Special Representative of the Secretary General on the situation of human rights defenders**, Ms. Hina Jilani, issued a press release on 6 August 2007, welcoming the reinstatement of the Chief Justice of Pakistan, Mr. Iftikhar Chaudhry, after a majority decision of the Supreme Court on 20 July 2007. They noted that this was a significant step towards restoring confidence in the rule of law and stressed the importance of maintaining the independence of the judiciary. On 21 March 2007, the two experts had expressed their concerns regarding the events that took place in Pakistan after 9 March 2007, when President Pervez Musharraf suspended the Chief Justice over unspecified allegations of 'misuse of office'.

UN EXPERT WELCOMES LIFTING OF TRAVEL BANS ON FIJIAN HUMAN RIGHTS DEFENDERS

On 25 July 2007, the **Special Representative of the Secretary General on the situation of human rights defenders**, Ms. Hina Jilani, issued a press release welcoming the lifting of a travel ban on 18 July, imposed on Ms. Shami-ma Ali, Commissioner of the Fiji Human Rights Commis-

sion and Director of the Fiji Women's Crisis Centre, and Mr. Graham Leung, a lawyer and former Fiji Law Society president, two days earlier. She called for respect for the right to freedom of assembly, the right to freedom of expression, and the right to be protected from any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of one's legitimate exercise of the rights referred to the Declaration on Human Rights Defenders. She also called on the authorities to ensure the creation of an environment where the Fiji Human Rights Commission can fulfill its vital role for the promotion and protection of human rights and for safeguarding its independence and impartiality.

SPECIAL RAPPORTEUR WELCOMES APPOINTMENT OF WOMEN JUDGES IN MALDIVES AND AGREEMENT ON NEW DEADLINE FOR ADOPTION OF CONSTITUTION

The **Special Rapporteur on the independence of judges and lawyers**, Mr. Leandro Despouy, issued a statement on 13 July 2007, welcoming the appointment of the first women judges in the Maldives. Two women were appointed judges on 11 July, and a third one was due to be appointed the week after. The Special Rapporteur visited the Maldives in February 2007 to provide advice to the Government on the judicial and constitutional reforms it has embarked upon. In a report presented to the Human Rights Council in June, the Special Rapporteur emphasized the urgent need to end gender discrimination within the Maldivian judiciary and to promptly nominate women judges. The Special Rapporteur congratulated the Maldivian authorities for having promptly implemented this very important recommendation, which is part of the

broader judicial reform. With regard to the constitutional reform, the Special Rapporteur welcomed the decision of the Special Majlis (constitutional assembly) to adopt the new Constitution of the Maldives by 30 November 2007. He expressed concern, however, about delays in the constitutional reform process.

UNITED NATIONS EXPERTS DEEPLY CONCERNED ABOUT DIFFICULTIES IN PROVIDING FOOD AID TO VULNERABLE POPULATIONS IN SOMALIA

The **Special Rapporteur on the right to food**, Mr. Jean Ziegler, and the **Independent Expert on the situation of human rights in Somalia**, Mr. Ghanim Alnajjar, issued a statement on 12 July 2007, expressing deep concern at difficulties faced by humanitarian actors in providing emergency food aid to vulnerable populations in Somalia. The experts stated that these difficulties exacerbate the widespread chronic nutrition crisis that in certain regions has reached emergency levels of global acute malnutrition. The climate of continuing insecurity throughout large parts of Somalia, coupled with massive displacement and the extreme underdevelopment of infrastructure in remote areas, hamper the timely delivery of food aid. The experts also expressed alarm about the difficulties and delays encountered at crossing points on the Kenya-Somalia border, some of which have been closed or operating at a very low level since January 2007, which aggravates the situation of vulnerable populations. The Experts urgently called on the authorities to take all necessary steps to facilitate the transport of food aid, end abusive taxation and ensure security and non-discrimination in the distribution of food aid. The Experts also urged the Government of Kenya to cooperate in facilitating the swift delivery of food assistance.

"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, 28 thematic mandates and 10 country mandates, including special rapporteurs, special representatives, independent experts and working groups (all known as "special procedures mandate holders"). Twenty-five thematic mandates are serviced by the OHCHR Special Procedures Branch. A new mandate on contemporary forms of slavery, including its causes and consequences was created in September 2007 and will be serviced by the Special Procedures Branch once the mandate holder is selected in 2008. All country mandates are serviced by the Capacity Building and Field Operations Branch and three thematic mandates are serviced by the Research and Right to Development Branch. For more information, please visit

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

