

SPECIAL PROCEDURES BULLETIN



ELEVENTH ISSUE: OCTOBER-DECEMBER 2008

HIGHLIGHTS

8TH SPECIAL SESSION OF THE HUMAN RIGHTS COUNCIL

The Eight Special Session of the Human Rights Council on the situation of human rights in the East of the Democratic Republic of the Congo, which took place from 28 November to 1 December 2008, adopted by consensus resolution S-8/1 that invited seven Special Procedures mandate holders -namely the Special Rapporteur on violence against women, the Representative of the Secretary-General on the human rights of internally displaced

STANDING INVITATION

On 22 October 2008, Monaco issued a standing invitation to all thematic procedures, bringing to 63 the number of countries that have issued a standing invitation

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](http://www2.ohchr.org/english/bodies/chr/special/index.htm). 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.

persons, the Special Rapporteur on the independence of judges and lawyers, the Special Rapporteur on the right to health, the Special

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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 January-March 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](http://www.ohchr.org/english/bodies/chr/special/index.htm), 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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For further information, or to submit information (other than specific information on alleged human rights violations), please contact: SPDINFO@OHCHR.ORG

COMMUNICATIONS

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

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

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

| 2008 COMMUNICATIONS | JULY TO SEPTEMBER 2008 |
|---|--|
| 911 Total number of communications | 175 Total number of communications |
| 65% Joint Communications | 64% Joint Communications |
| 2206 Individual cases covered; 20% of these involved women | 289 Individual cases covered; 20% of these involved women |
| 118 Countries received communications | 71 Countries received communications |

COUNTRY VISITS

INTERNALLY DISPLACED PERSONS

REPRESENTATIVE OF THE SECRETARY-GENERAL VISITS GEORGIA

The Representative of the Secretary General on the Human Rights of Internally Displaced Persons Walter Kälin, issued a press statement at the end of his visit to Georgia from 1 to 4 October 2008. Mr. Kälin welcomed the Government's prompt response to the crisis of displacement in the aftermath of hostilities, and its plans to find durable solutions for all internally displaced persons – including those in protracted displacement since the early 1990s – who cannot return to their homes in the near future. However, he deplored the lack of unimpeded humanitarian access to Tskhinvali and conflict-affected areas. The Representative stressed that “the continuing lack of effective protection of the population against violence committed by armed elements and widespread looting of property in the buffer zone north of Gori

is unacceptable and should cease immediately.” Referring to the crisis of displacement following the hostilities in August, the Representative welcomed the rapid response of the Government of Georgia and the international community to address the immediate humanitarian needs of thousands of displaced. He also welcomed steps taken by the Government to provide durable solutions for up to 30,000 persons among the displaced who are unlikely to be able to return in the foreseeable future, including by initiating the construction of new houses. Mr. Kälin also stressed that the time had come to integrate the more than 200,000 persons displaced in the early 1990s, many of whom still lived in collective shelters in unacceptable conditions. He urged the Government to start implementation of the Action Plan for Internally Displaced Persons adopted in July 2008 and encouraged the donor community, international organizations and NGOs to provide support for this endeavour that would restore hope and dignity for a part of the Georgian pop-

OHCHR WEBSITE PAGE ON SPECIAL PROCEDURES COUNTRY VISITS

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

Links to alphabetical tables of country visits by Special Procedures mandate holders since 1998 are available at this link as well as a list of all countries having extended standing invitations to all the thematic procedures. As of August 2008, 62 countries have extended standing invitations.

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

ulation that has been marginalized for too long.

ARBITRARY DETENTION

WORKING GROUP VISITS COLOMBIA

The Working Group on Arbitrary Detention carried out a visit to Colombia from 1 to 10 October 2008. In a press statement issued at the end of its visit, the Working Group welcomed the new legal and administrative measures put in place in Colombia that provide that persons detained by the police must appear before a judge within 36 hours. The Working Group also valued the initiative to create judicial services which bring together in one place the judicial police, the prosecutor, the courts for the control of guarantees and the ombudsman's office. According to the Working Group, this obviously facilitates the compliance with the term of 36 hours established through the above mentioned legislations. However, the experts regretted that the power to carry out administrative detentions given to agents of the National Police has not been determined with precision and rigor. The Working Group declared that it would be important to have a new, precise legal norm which clarifies the power of police officers to detain in these cases, specifying that police agents are not authorized to detain persons with the goal of verifying their identity or for the detainee's own protection. The Working Group identified other weaknesses in the observance of procedures for the deprivation of liberty which require vigilance by judges and courts, who should guarantee compliance with all guarantees established in the legal ordinances. The experts further expressed concerns about the judicial strike, which prevents the judiciary from developing in the manner required by its institutional duties. Finally, in the framework of the Dignity and Justice for Detainees Week, the Working Group highlighted some positive considerations relating to the centers it visited, such as the absence of reported ill-treatment. However, the experts regretted poor conditions of detention in many facilities.

SALE OF CHILDREN

SPECIAL RAPPORTEUR VISITS ESTONIA

On 24 October 2008, the Special Rapporteur on the sale of children, child prostitution and child pornography, Ms. Najat M'jid Maala, delivered a press statement at the end of her visit to Estonia, which took place from 20 to 24 October 2008. According to Special Rapporteur, there are a few concerns relating to the magnitude of sale of children, child prostitution and child pornography in Estonia as several reforms had been adopted at the legislative level in order to harmonize national laws with the international and regional instruments ratified by Estonia. In particular, she mentioned that the Penal Code was being amended and several measures adopted to ensure an efficient application of the law, such as complaints mechanisms for children or free medical and legal assistance, among others. The Special Rapporteur recommended that these measures be made available to all the regions of the country. She also took note of the information campaigns organized to increase the knowledge of children's rights or to increase awareness on issues such as drug addiction or HIV/AIDS. Ms M'jid Maala further regretted that many relevant NGO projects lacked sufficient funding. In conclusion, the expert welcomed the fact that the protection of children was one of the priorities of the Estonian Government, as evidenced by programs and reforms adopted. While recommending greater focus on prevention, she warned that the risk of sexual exploitation was increasing, because of the development of tourism, the increased access of children to new information technologies, the rise of demand in the sex industry or the development of more structured traffickers' networks.

ARBITRARY DETENTION

WORKING GROUP VISITS UKRAINE

The Working Group on Arbitrary Detention carried out a mission to Ukraine from 22 October to 5 November. In a press statement issued at the end of its visit, the Working Group recognized the challenges faced in addressing matters related to detention and noted the progress the Government is making in this regard. The Working Group was allowed unfettered access to all places where people are deprived of their liberty – prisons, pre-trial, immigration, police, military, juvenile, and in relation to psychiatric patients.



Members of the Working Group, Mr. Malick Sow (Vice Chairperson) and Ms. Shaheen Sardar Ali, giving a press conference in Kiev

The Working Group welcomed the monitoring committees and the Public Councils established under the Ministry of Interior as well as the posts in each oblast of human rights advisors to the Minister of Interior. The Working Group encouraged the State to determine the National Preventive Mechanism(s) as called for under the Optional Protocol to the United Nations Convention against Torture, taking into consideration the existing proto-types already utilized at the national level. Notwithstanding the positive steps taken, the Working Group expressed a number of concerns relating to: the access to justice by detainees; the right to a fair trial; the lack of independence, and therefore confidence, in lawyers and the judiciary; the perceived subjective approach to decisions of the Prosecutor General's Office and the fact that it has both prosecution and oversight powers; and the repeated reports of abuse and torture in particular at the crucial stage of initial arrest and detention. While acknowledging the economic challenges faced by the Government of Ukraine, the Working Group called on the authorities to respect their international human rights obligations.

SALE OF CHILDREN

SPECIAL RAPPORTEUR VISITS LATVIA

On 30 October 2008, the Special Rapporteur on sale of children, child prostitution and child pornography, Ms. Najat M'jid Maala, delivered a press statement at the end of her visit to Latvia, which took place from 25 to 30 October 2008. Ms. M'jid Maala reported that the Government and several organizations had expressed their deep concern about the phenomenon of sexual exploitation of children, despite the fact that very few cases were reported. According to the expert, assessing the magnitude of the problem is therefore difficult; yet, she stressed that an increasing number of families were encountering difficulties, which makes children more vulnerable to any form of abuse, violence or exploitation. The expert further welcomed all the reforms made in order to harmonize national laws with the international and regional instruments ratified as well as the measures adopted to efficiently implement the law, such as hotlines, complaint mechanisms, information campaigns, training sessions for judges and the police, among others. She reported that in order to diminish the number of children in centers, several measures had been adopted to reinforce fostering and national adoption. The expert recommended that more human resources be allocated to programs relating to the improvement of the situation of children and families and to prevention and information campaigns on the rights of children, drug addiction, HIV/AIDS, reproductive health, etc. She noted that there was a need to complete the ongoing legislative reforms relating to the protection of children. While recommending greater focus on prevention, she warned that the risk of sexual exploitation was increasing, because of the development of tourism, the increased access of children to the new information technologies, the rise of demand in the sex industry, or the development of more structured traffickers' networks.

DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA

SPECIAL RAPPORTEUR VISITS REPUBLIC OF KOREA

From 27 to 31 October 2008, the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea, Mr. Vitit Muntarbhorn, visited the Republic of Korea. The purpose of the visit was to assess the impact of the human rights situation of the Democratic People's Republic of Korea ("The North") on the Republic of Korea ("The South"). This visit was the latest of a series of visits carried out by the Special Rapporteur, now in the fifth year of the mandate established by the United Nations. In a press statement issued at the end of his visit, the Special Rapporteur emphasised the need for a constructive dialogue between the North and the South to promote an amicable atmosphere conducive to resolving outstanding issues, such as the consequences of the Korean War, including the question of family reunion and missing persons, on the basis of international law. Mr. Muntarbhorn further welcomed the possibility - from the Republic of Korea and other countries - of offering humanitarian aid to the Democratic People's Republic of Korea on the basis of "no access, no aid", with adequate monitoring to ensure transparency and accountability. The Special Rapporteur underscored the need to encourage more measures to help prevent, prepare for and mitigate natural disasters and food-related deprivations by means of actions to promote food security through sustainable agriculture and environmental protection, with broad-based people's participation. The expert invited support from all countries to assist and protect those who seek refuge from the country of origin, with due respect for the international law principle of "non-refoulement" and humane treatment of all who seek refuge. The Special Rapporteur noted that the Universal Periodic Review of the Democratic People's Republic of Korea would take place in the United Nations Human Rights Council in 2009; he invited stakeholders and other concerned entities working on the human rights situation in the Democratic People's Republic of Korea to engage well with that process by providing credible and balanced information, bearing in mind the work and recommendations of the Special Rap-

porteur. The Special Rapporteur called upon the Democratic People's Republic of Korea to implement effectively the human rights obligations under the treaties to which it is a party and encouraged the Democratic People's Republic of Korea to cooperate with him and to give him access to the country in order to assess the human rights situation and provide advice for needed improvements.

VIOLENCE AGAINST WOMEN

SPECIAL RAPPORTEUR VISITS TURKEY

In one of the first joint initiatives of its kind, the Special Rapporteur on Violence against women, its causes and consequences, Ms. Yakin Ertürk, and the Dutch Member of the European Parliament and Parliamentary Rapporteur on Women's Rights in Turkey, Ms. Emine Bozkurt, conducted a joint official visit to Turkey (Ankara and Istanbul) from 31 October to 1 November 2008, at the invitation of the Government. The main objective of this joint visit was to assess the quality of assistance and support provided by shelters for women who have been subjected to violence, including victims of trafficking. The experts held several meetings with Government authorities and civil society members with a view to gathering information on the situation of women within their respective mandates.

INTERNALLY DISPLACED PERSONS

REPRESENTATIVE OF SECRETARY-GENERAL VISITS COLOMBIA

The Representative of Secretary-General visited Colombia from 9 to 15 November 2008. In the press statement issued at the end of his visit, Mr. Kälén acknowledged that important developments have taken place since his earlier mission to Colombia in 2006, noting especially the constructive role of the Constitutional Court in shaping the national response to forced displacement. The Representative also acknowledged the significant increase in State budgetary resources, as well as programming efforts that have resulted in better access to education and health care for the displaced.

Despite these advances, the Representative remained concerned about the scope of forced displacement in Colombia, especially on the Pacific Coast. The expert said that he was particularly worried about the serious human rights violations against IDP leaders and the lack of adequate protection for their physical safety; he called on the Government to establish comprehensive strategies, focusing on prevention and protection, as well as socio-economic stabilisation. Mr. Kälén urged the Government to strengthen Colombia's sophisticated Early Warning System by allocating it the necessary resources and to make maximum use of its potential through systematic implementation of the warnings. The Representative acknowledged the efforts undertaken by the State and the international community to protect the human rights of internally displaced persons and to provide them with humanitarian assistance. He underlined that all human rights, including the right to reparation, must be respected for all victims of forced displacement regardless of the cause or agent of displacement. The Representative also encouraged the expansion of socio-economic stabilization programmes to help displaced persons to rebuild a normal life. Finally, Mr. Kälén emphasized the need for continued support of the international community to Colombia's efforts to resolve the displacement crisis as an essential step towards building stable peace.

TORTURE

SPECIAL RAPPORTEUR VISITS EQUATORIAL GUINEA

The Special Rapporteur on torture, Mr. Manfred Nowak, visited Equatorial Guinea from 9 to 18 November 2008, at the invitation of the Government. In the press statement issued at the end of his visit, the Special Rapporteur deplored the fact that he did not have access to places of detention under the authority of the military and others facilities. He reported that torture is systematically used by police forces against those who refuse to "cooperate" and received allegations that corporal punishment is routinely applied by prisons guards. The Special Rapporteur expressed concerns regarding the possible reprisals against detainees who provided him with testimony and regarding the situation of the immigrants detained pending deportation. He declared that



The Special Rapporteur on torture, Manfred Nowak, meeting Ms. Eulalia Envo Bela, Minister for Social Affairs and the Promotion of Women.



The Special Rapporteur on Torture, Manfred Nowak, in a police station in Equatorial Guinea

conditions of police and gendarmerie detention were very bad: police and gendarmerie cells are generally in a dilapidated state; there is a lack of sanitation or sleeping facilities; food is only provided by the detainees' family or by fellow prisoners; access to water is severely restricted and there is no access to medical care. With regards to the situation in prisons, the expert received numerous complaints about the food and reported that some political prisoners have been held in solitary confinement for periods up to 4 years. The Special Rapporteur also expressed his concern about the factors that allow torture to continue unabatedly, including the absence of the rule of law, the absence of an independent judiciary and the endemic corruption, among others. The expert recommended that the Government establish a comprehensive institutional and legal plan creating law enforcement bodies based on the rule of law, including an independent judiciary and effective monitoring and accountability mechanisms, and called upon the international community, including transnational corporations, to ensure that, in their development cooperation and business practices, they are not complicit in violations of human rights by State authorities.

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EXTREME POVERTY

INDEPENDENT EXPERT VISITS ECUADOR

The Independent Expert on the question of human rights and extreme poverty, Ms. Magdalena Sepúlveda, visited Ecuador from 10 to 14 November 2008. In her press release issued at the end of her visit, the expert welcomed the incorporation of a wide range of human rights into the new Ecuadorian Constitution as well as several constitutional guarantees to ensure their protection; she also acknowledged all the efforts made to implement those rights. The expert also welcomed the adoption and the implementation of the National Development Plan 2007-2010, which promotes, in particular, universal and free access to public education and health services, and access to adequate housing. However, the expert was concerned about the fact that close to 38% of the population in Ecuador, one of the countries with fewer social expenses per person in Latin America, live in a situation of poverty and 12% in extreme poverty. Ms. Sepúlveda took note of the Human Development Programme adopted by the Government and welcomed the efforts of the authorities to improve it through the gradual incorporation of social benefits. While recognizing that the State is facing several challenges in the context of the global economic crisis, she urged the Government to provide all the necessary resources to the social programmes and strategies adopted to eradicate poverty and inequalities, to ensure that public participation is guaranteed at every stage of their implementation and to focus on the most vulnerable and disadvantaged groups.

ARBITRARY DETENTION

WORKING GROUP VISITS ITALY

The Working Group on Arbitrary Detention carried out a two-day official visit to Italy from 12 to 14 November 2008. The Working Group was granted access to all places of detention without any restriction.

The main reason for the Working Group's visit to Italy was to obtain first hand information on the deprivation of freedom for persons detained in centres for irregular migrants and asylum seekers. According to the experts, "In many respects, the answer of the Italian authorities and of civil society to the massive influx of human beings escaping from situations of never ending war, persecution or desperate poverty in search of a better life is admirable". The experts, however, highlighted "significant human rights concerns with regard to the centres in which migrants and asylum seekers are kept", in particular with regard to the legal basis for the detention of those



Members of the Working Group, Roberto Garreton and Mr. Aslan Abashidze giving a press conference in Rome

deprived of their freedom. The experts also acknowledged the strength of due process guarantees and safeguards against arbitrary detention in Italy's criminal justice system, which is put to test as the authorities are currently facing three types of emergencies: the fight against mafia crimes, an alleged alarming rise of common criminality by foreigners living in Italy without permit, and the post 11 September 2001 threat of international terrorism. In facing these emergencies the authorities have recourse to extraordinary measures involving deprivation of liberty, some of which raised concerns. The Working Group noted, for instance, a recent amendment to the criminal code making the status of irregularly present foreigner an aggravating circumstance for any offence.

As is its practice, the Working Group paid particular attention to the situation of detainees belonging to vulnerable groups, among them not only immigrants, but also juvenile offenders and persons living with a mental disability. The UN experts declared that they were very impressed with Italy's juvenile justice system which could serve as a model to many other countries in this respect.

HAITI

EXPERT VISITS HAITI

From 17 to 28 November 2008, the Independent Expert on the situation of human rights in Haiti, Mr. Michel Forst, visited Haiti. The purpose of the visit was to examine the implementation of the recommendations made by his predecessor, Mr. Louis Joinet. During the press conference held at Port-au-Prince at the end of his mission, the expert emphasized that economic exclusion constitutes a threat for the political stability of the country, as well as for a sustainable development. Mr. Forst observed with satisfaction the much remained to be done before a penal system respecting the rule of law is established. The expert noted that the security situation had improved, although it remained precarious, and stressed that the reform of the National Police and the vetting process could provide an important signal to the population of the will to restore the rule of law. The expert visited several prisons in Port-au-Prince, Fort Liberté and Mirebalais and highlighted that the main problem of the penitentiary system in Haiti is the overcrowding of the prisons, which, he said, amounted to ill-treatment. The expert encouraged the application of the action plans of the Minister of Justice to tackle corruption and acknowledged the will of the Government to cooperate with his mandate. The expert encouraged Haiti to ratify the International Covenant on Economic, Social and Cultural Rights.



The Independent Expert on Haiti, Mr Michel Forst, meeting representatives of Haitian NGOs dealing with the protection of migrants, in Ouananthe

SOMALIA

INDEPENDENT EXPERT VISITS SOMALIA

The Independent Expert on the situation of human rights in Somalia, Dr. Shamsul Bari, visited the Horn of Africa and the Middle East from 22 November to 2 December 2008. During this second field visit, the expert was not able to visit Somalia due to security constraints but focused on the neighboring States, Djibouti, Kenya and Yemen. In Djibouti, the Independent Expert met with the Somali Prime Minister to whom he reiterated his concerns about the deteriorating situation of human rights, especially the stoning to death of a young girl in Kismaayo and the targeting and recent assassination of women human rights defenders, UN staff and journalists. He also participated in the preparatory conference on Justice and Reconciliation organized by the Special Representative of the Secretary General of the UN Political Office for Somalia with the expertise of the OHCHR and met with members of the High Level Committee from both the Transitional Federal Government (TFG) and the opposition Alliance for the Re-Liberation of Somalia (ARS) as well as members of Somali civil society. In his press statement issued on 3 December 2008, the Independent Expert welcomed the decisions of the High Level Committee concerning a power sharing agreement between the TFG and the ARS, in particular the establishment of a Unity

Government and an enlarged inclusive Parliament. He also noted with satisfaction the decisions of the two parties to establish a Commission of Inquiry and an International Tribunal with a view to address gross violations of human rights and of international humanitarian law. In Kenya, the expert visited the Dadaab refugee camp and talked to a number of refugees, who expressed their wish to be involved in the Djibouti peace process. In Yemen, he met with the Vice Minister of Foreign Affairs and the Deputy Minister of Human Rights. The Yemeni Government reiterated its commitment to host the Somali refugees and others as best as they could with support from the international community. Dr. Bari expressed his gratitude to the Yemeni and Kenyan Governments for their commitment and generosity to hosting large numbers of Somali refugees. He further congratulated the Government of Djibouti and the SRSG of UNPOS for their determination to move forward on the peace process and urged the international community to take appropriate measures on the alarming situation of human rights of Somali people in and outside Somalia.

INDIGENOUS

SPECIAL RAPPORTEUR VISITS NEPAL

The Special Rapporteur on indigenous peoples, Mr. James Anaya, visited Nepal from 24 November to 2 December 2008. In the press statement delivered at the end of his visit, the expert observed with satisfaction the Government of Nepal's commitment to international standards upholding the rights of indigenous peoples, in particular, the fact that Nepal is the first Asian country to ratify the ILO Convention 169 on Indigenous and Tribal Peoples. The expert was also encouraged to learn that the long history conditions of oppression and marginalization of indigenous peoples were being addressed in the ongoing constitution-making process. He noted, however, that these measures needed to be consolidated and better focused to not just uplift the economic and social conditions of indigenous peoples but also to secure their survival as distinct communities. He further emphasized that it is a critical moment to develop additional mechanisms to consult directly with indigenous peoples in order to ensure their inclusive participation in the discussions regarding the country's new political order. The expert noted that the securing of rights to land for indigenous communities and the consideration of additional groups to be included in the official listing of indigenous nationalities should be addressed immediately.



The Special Rapporteur on indigenous peoples, Mr. James Anaya, meeting with members of indigenous communities living in the Chitwan district

TOXIC WASTE

SPECIAL RAPPORTEUR VISITS THE NETHERLANDS

The Special Rapporteur on the adverse effects of the movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights, Mr. Okechukwu Ibeanu, visited the Kingdom of the Netherlands from 26 to 28 November 2008, at the invitation of the Government, with the purpose of continuing the investigation into the Probo Koala case. Although he was unable to receive all the relevant information required for his investigation due to the pending legal proceedings on this case before the Dutch Courts, the expert declared in the press statement issued at the end of his mission that the visit enabled him to get a clearer picture of the chronology of events regarding this case. The Special Rapporteur noted that the Dutch authorities desired implement all relevant procedures while the Probo Koala was docked in the Port of Amsterdam and reported that due to the imprecise nature of regulations and the possibility of damage claims against the Municipality of Amsterdam, the Port Authorities allowed it to leave the Port. In this regard, the expert recommended strengthening the

Prevention of Marine Pollution Act to allow relevant authorities to detain a vessel when required. He also called upon the Government of the Netherlands to provide more technical support to Cote d'Ivoire for the monitoring of the long-term human health and environmental effects of the incident. The expert reminded the Government of the Netherlands of its "duty to protect", which entails, among other issues, pursuing legal proceedings against both individuals and corporate bodies implicated in the Probo Koala case to the extent that they have violated regulations. The expert also encouraged increased cooperation among human rights and environmental NGOs and governmental agencies in raising public awareness about the adverse effects on human rights of toxic and dangerous products and wastes.

INTERNALLY DISPLACED PEOPLE

REPRESENTATIVE OF THE SECRETARY-GENERAL VISITS TIMOR-LESTE

The Representative of the Secretary-General on the human rights of internally displaced persons, Mr. Walter Kälin, issued a press release on 12 December 2008 at the end of his six-day working visit to Timor-Leste. Mr. Kälin declared that at a time when many of Timor-Leste's IDPs have been able to return home, it is crucial to see this success not as the conclusion but rather as a milestone in the process of supporting durable solutions for displaced people. He acknowledged the commitment and the achievements made in protecting and assisting IDPs, in particular, the closing of IDPs camps and the holistic response to displacement adopted through the National Recovery Strategy. However, the expert stated that there were three main concerns that the Government, with the support of the international community, should address in order to contribute to peacebuilding and nationbuilding in Timor-Leste. The first one was to address the underlying causes of violence in 2006 since the lack of justice for serious crimes undermines the IDPs confidence in the State and may pave the way for future violence. The second was to strengthen the sustainability of the returns, by adopting a broader focus on stabilizing local communities. Finally, the Representative encouraged renewed attention to the specific needs of particularly vulnerable IDPs, including female-headed households and poor families.

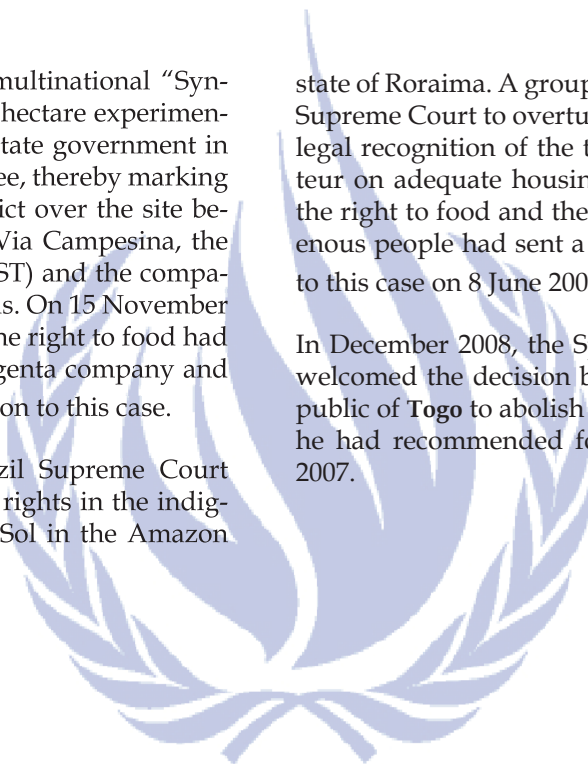
POSITIVE DEVELOPMENTS

On 14 October 2008, the Swiss multinational "Syngenta seeds" handed over its 127 hectare experimental farm to the Brazilian Paraná state government in accordance with a 2007 State decree, thereby marking a welcome end to a violent conflict over the site between the farmer activists from Via Campesina, the Landless Workers Movement (MST) and the company's private armed security guards. On 15 November 2007, the Special Rapporteur on the right to food had sent an urgent appeal to the Syngenta company and the Government of Brazil in relation to this case.

On 10 December 2008, the Brazil Supreme Court ruled to uphold indigenous land rights in the indigenous territory Raposa-Serra do Sol in the Amazon

state of Roraima. A group of farmers had petitioned the Supreme Court to overturn the Brazilian government's legal recognition of the territory. The Special Rapporteur on adequate housing, the Special Rapporteur on the right to food and the Special Rapporteur on indigenous people had sent a letter of allegation in relation to this case on 8 June 2007.

In December 2008, the Special Rapporteur on Torture welcomed the decision by the Government of the Republic of Togo to abolish the death penalty - a step that he had recommended following his visit to Togo in 2007.



FORTHCOMING VISITS

FORTHCOMING VISITS BETWEEN JANUARY AND MARCH 2009

Afghanistan, Working Group on mercenaries, March-April 2009, TBC
Benin, SR on the right to food, March/April 2009.
Botswana, SR on indigenous people, TBC
Burundi, IE on Burundi, from 19 to 31 January 2009.
Central African Republic and Chad, RSG on internally displaced persons, from 2 to 14 February 2009, TBC
Democratic Republic of the Congo, RSG on internally displaced persons, January 2009
Egypt, SR on human rights and counter terrorism, pending specific dates TBC
Guatemala, SR on independence of judges and lawyers, from 26 January to 2 February 2009
Kenya, SR on extrajudicial, summary or arbitrary executions, from 16 to 25 February 2009
Malta, WG on Arbitrary Detention, from 19 to 23 January 2009
Maldives, SR on housing, 2nd half of February 2009; SR on freedom of expression, 1 -5 March 2009
Panama, SR on indigenous peoples, working visit organized by OHCHR Panama, from 28 to 30 January 2009.
Tunisia, SR on human rights and counter terrorism, pending specific dates TBC.
Zambia/South Africa, IE on the question of human rights and extreme poverty, from 2 to 7 February 2009, TBC.

REQUESTED VISITS

REQUESTS INITIATED BETWEEN OCTOBER AND DECEMBER 2008

Albania, SR on summary, extrajudicial or arbitrary executions
Argentina, IE on water and sanitation, SR on foreign debt
Bangladesh, IE on water and sanitation
Brazil, IE on foreign debt
Bolivia, IE on foreign debt
Cambodia, IE on water and sanitation
Chad, SR on summary, extrajudicial or arbitrary executions
China, SR on the right to food
Colombia, SR on summary, extrajudicial or arbitrary executions
Costa Rica, IE on water and sanitation
Democratic Republic of the Congo, SR on indigenous people, IE on foreign debt, RSG on internally displaced persons
Dominican Republic, SR on summary, extrajudicial or arbitrary executions
Ecuador, IE on foreign debt
Egypt, IE on water and sanitation; SR on summary, extrajudicial or arbitrary executions
Ethiopia, SR on summary, extrajudicial or arbitrary executions
Guatemala, IE on foreign debt

Honduras, SR on the right to food
India, SR on adequate housing, SR on indigenous people
Indonesia, SR on adequate housing, IE on water and sanitation, SR on indigenous people, IE on foreign debt
Israel, SR on adequate housing
Jamaica, IE on foreign debt
Kazakhstan, SR on adequate housing
Kyrgyzstan, SR on adequate housing; SR on summary, extrajudicial or arbitrary executions
Liberia, IE on foreign debt
Maldives, SR on violence against women
Mozambique, SR on adequate housing; IE on water and sanitation; SR on summary, extrajudicial or arbitrary executions
Nepal, SR on the right to food
Norway, IE on foreign debt
Nicaragua, SR on the right to food
Peru, SR on indigenous people
Seychelles, SR on adequate housing
South Africa, SR on summary, extrajudicial or arbitrary executions
Tajikistan, SR on adequate housing
Tanzania, SR on summary, extrajudicial or arbitrary executions, IE on foreign debt
Thailand, SR on adequate housing
Vietnam, IE on water and sanitation, IE on foreign debt

REMINDERS

SENT BETWEEN OCTOBER AND DECEMBER 2008

Bangladesh, SR on summary, extrajudicial or arbitrary executions, SR on contemporary forms of slavery,
Brazil, SR on contemporary forms of slavery, its causes and consequences
China, SR on summary, extrajudicial or arbitrary executions
India, SR on summary, extrajudicial or arbitrary executions
Indonesia, SR on summary, extrajudicial or arbitrary executions
Iran, SR on summary, extrajudicial or arbitrary executions
Israel, SR on summary, extrajudicial or arbitrary executions
Pakistan, SR on summary, extrajudicial or arbitrary executions
Russian Federation, SR on summary, extrajudicial or arbitrary executions
Saudi Arabia, SR on summary, extrajudicial or arbitrary executions
Thailand, SR on summary, extrajudicial or arbitrary executions
Uzbekistan, SR on summary, extrajudicial or arbitrary executions, SR on contemporary forms of slavery,
Venezuela, SR on summary, extrajudicial or arbitrary executions
Yemen, SR on summary, extrajudicial or arbitrary executions

ACCEPTED VISITS

Australia, SR on indigenous people, August 2009, TBC
Armenia, SR on human rights defenders
Belarus, SR on trafficking in persons, 2nd half of May 2009, TBC
Brazil, SR on contemporary forms of slavery, June 2009
Cameroon, SR Freedom of expression, 2nd half of 2009 (TBC)

Colombia, Representative of the Secretary-General on the Human Rights of IDPs

Democratic Republic of the Congo, Working Group on mercenaries, TBC

Germany, SR on racism, June 2009

Honduras, SR on the right to food

Japan, SR on trafficking in persons

Kazakhstan, Special Rapporteur on torture

Kyrgyzstan, SR on violence against women, 1 to 10 April 2009.

Madagascar, SR on the right to food

Mexico, SR on the right to education

Russian Federation, SR on indigenous people, October 2009, TBC

United States of America, Working Group on mercenaries, July-August 2009, TBC

OTHERS

Senegal: The mission of the Special Rapporteur on the human rights of migrants planned from 8 to 16 December 2008 has been postponed.

Indonesia: As indicated by the Government, the Special Rapporteur on adequate housing will not be able to visit the country before 2010.

Sri Lanka: The request for a visit of the Special Rapporteur on human rights defenders, will be considered by the Government at a later date.

Bangladesh: The request for a visit of the Special Rapporteur on contemporary forms of slavery, will be considered by the Government at a later date.



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

8th HRC special session continued from page 1...

Representative of the Secretary-General on the situation of human rights defenders, the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises and the Special Representative of the Secretary-General for children in armed conflict- to further urgently examine the current situation in the Eastern part of the Democratic Republic of the Congo and to report on their findings to the Council's 10th session.

REGIONAL CONSULTATIONS ON VIOLENCE AGAINST WOMEN IN THE CONTEXT OF CONFLICT IN THE GREAT LAKES AND HORN OF AFRICA REGION, NAIROBI, KENYA, 5-6 DECEMBER 2008

The consultations which brought together Women Human Rights activists and advocates, regional networks, policy makers and research, were organised by the Urgent Action Fund in collaboration with the the Special Rapporteur on Violence against Women, its Causes and Consequences, Ms. Yakin Erturk, and the Special Rapporteur on the Situation of Human Rights Defenders, Ms. Margaret Sekaggaya. The consultations provided an opportunity for participants from conflict and post conflict countries to share experiences and lay strategies for more effective networking and

Ms. Margaret Sekaggaya and Ms Yakin Erturk (center) with participants to the regional consultation on violence against women



partnership with the Special Procedures mandate holders, and to work together on themes of common interest in the region, namely: violence against women in conflict situations; access to justice mechanisms and reparations; and the situation of women Human Rights Defenders.

SECOND REGIONAL CONSULTATION OF THE WG ON MERCENARIES

The Working Group on mercenaries held its second regional consultation in Moscow, Russian Federation. The meeting was convened for countries from Eastern Europe and Central Asia. Government officials, academics, representatives of international and regional organizations such as the Collective Security Treaty Organization, members of the civil society, and a private military and security company attended the consultation which mainly focused on the activities of private military and security companies in the region. The Working Group gained a regional perspective regarding the practices of private security companies registered, recruiting or operating in the region. It also examined existing national and regional legislation and shared information on the steps taken by States from the region to introduce legislation and/or other measures to regulate and monitor the activities of those companies. The Working Group further considered three analytical reports on the situation of private military and security industries in Western Europe, Eastern Europe and Central Asia, and Latin America and the Caribbean, as part of the process of establishing a shared understanding of standards, guidelines and principles for regulating the private military and security industry. During the regional consultation, the Working Group also discussed drafts of potential new legal instruments – a draft International Convention on the regulation and oversight of private military and security companies and a draft Model Law for regulation at the national level – which had been prepared and introduced by experts at the request of the Working Group. A full report of the conclusions and recommendations reached during the consultation will be presented to Member States at the 10th session of the Human Rights Council. The Working Group held its first regional consultation for Latin America and the Caribbean in Panama City, Panama in December 2007. In accordance with General Assembly and Human Rights Council resolutions, the Working Group plans to hold regional consultations for the Asian, African and Western Europe and others regions.

FIRST FORUM ON MINORITY ISSUES FOCUSSING ON MINORITIES AND THE RIGHT TO EDUCATION

On 15 and 16 December 2008 the inaugural session of the Forum on Minority Issues, organized under the guidance of the Independent Expert on minority issues, Ms. Gay McDougall, was held in Geneva. The Forum was opened with remarks by the High Commissioner for Human Rights and the President of the Human Rights Council. It benefited from over 350 accredited participants from Member States, UN mechanisms, bodies and specialized agencies, inter-governmental and regional organizations, non-governmental



Ms. McDougall (left) and participants at the Forum on Minorities

organizations, academic institutions and other experts belonging to minority groups. For this first session, the Forum focused on the issue of minorities and the right to education. It provided a unique opportunity for engagement and dialogue with a wide range of stakeholders on this important minority issue. Minority children continue to suffer disproportionately from unequal access to quality education. As a result, they are disadvantaged in all walks of life and cannot contribute fully to their own communities, and to wider society, perpetuating the cycle of disadvantage and poverty for persons belonging to minorities. Ensuring equality in regard to the right to education is one of the most serious challenges for minorities and States alike, and offers at the same time one of the greatest opportunities for the advancement of the full rights and freedoms of persons belonging to minorities. The Special Rapporteur on the right to education, Mr. Vernor Muñoz, and representatives of the human rights treaty bodies were among the many experts who participated substantively in the Forum. The Independent Expert is to report the recommendations of the Forum to the Council in her annual report in March 2009.

INFORMATION SESSION FOR NEWLY APPOINTED MANDATE HOLDERS

From 7 to 8 October 2008, the Special Procedures Division organized a two-day Information session in Geneva for eleven newly appointed mandate holders. The High Commissioner, Ms. Navi Pillay, opened the session and a number of OHCHR staff members from all divisions made brief presentations on the OHCHR mandate, activities and structure. The presentations covered a wide range of topics, such as the Human Rights Council, including the Universal Periodic Review, the Durban Review Conference; the Special Procedures' working methods; interaction with treaty bodies; cooperation with OHCHR field presences and UN country teams; national human rights institutions; civil society organizations, media and other thematic, administrative and logistical issues.



New mandate holders attending induction briefing at OHCHR Geneva, on 7 and 8 October 2008



PRESS RELEASES

WORLD HABITAT DAY

The Special Rapporteur on adequate housing, Ms. Raquel Rolnik, issued a press statement on 6 October 2008 on the occasion of World Habitat Day, which this year focused on the theme of “harmonious cities”. The expert highlighted that the growth of slums in the last 15 years had been unprecedented. Today there are approximately 998 million slum dwellers in the world. Living in slums means being deprived of access to adequate sanitation, education, health care or other services and opportunities, or being excluded from full participation in civic life, said the Special Rapporteur. She further criticized the urban and housing policies which seek to bring “harmony” to the city by evicting the poor from the better-resourced urban areas and stressed that mass evictions from slums and squatter settlements suggest that security of tenure is becoming increasingly precarious. According to the expert, these evictions do not recognize the right to adequate housing; they also fail to recognize that harmony without inclusiveness is deceptive and cannot be sustained. Ms. Rolnik reported that the global observance of World Habitat Day was led from the Angolan capital, Luanda, around which 3.5 million displaced persons found refuge in slums during the civil war. For Angola, the Habitat Day was an opportunity to affirm the commitment of the Government to integrate and implement the right to adequate housing; for the world, it should serve to reflect how much an exclusionary pattern of urban development negatively impacts harmony, peace and human rights, concluded the expert.

UN EXPERTS CALL FOR RESPECT OF DETAINEES' RIGHTS

On 6 October 2008, the Special Rapporteur on extrajudicial, summary or arbitrary executions, Mr. Philip Alston; the Special Rapporteur on the human rights of migrants, Mr. Jorge Bustamante; the Special Rapporteur on the right to food, Mr. Olivier de Schutter; the Special Rapporteur on the independence of judges and lawyers, Mr. Leandro Despouy; the Special Rapporteur on violence against women, its causes and consequences, Ms. Yakin Ertürk; 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 right to education, Mr. Vernor Muñoz; the Special Rapporteur on torture and cruel, inhuman and degrading treatment or punishment, Mr. Manfred Nowak; the Special Rapporteur on the promotion and protection of human rights while countering terrorism, Mr. Martin Scheinin; the Special Rapporteur on contemporary forms of slavery, its causes and consequences, Ms. Gulnara Shahinian; the Chairpersons of the Working Group on Arbitrary Detention, Ms. Manuela Carmena Castrillo, and of the Working Group on Enforced or

Involuntary Disappearances, Mr. Santiago Corcuera Cabezut, and the Independent Expert on the question of human rights and extreme poverty, Ms. Magdalena Sepúlveda issued a joint statement at the start of the “Dignity and Justice for Detainees Week”, a global initiative launched by the High Commissioner for Human Rights, which took place from 6 to 12 October 2008. The experts stressed that detention often places undue restrictions on detainees, including access to health care or food, education, privacy, or family life. They expressed their concern regarding secret places of detention and the lack of proper records of people deprived of liberty, who run an increased risk of arbitrary detention. Since the violations of detainees’ rights take place behind closed doors, and often no effective channels exist to denounce them, they all too often remain unknown and unaccounted for, said the experts. They warned that discrimination is exacerbated when people are deprived of their liberty and called on all States to do their utmost to ensure that detainees are treated with respect and dignity and to provide for effective complaints and monitoring mechanisms in places of detention, including efficient avenues to challenge the legality of detention, and access to legal counsel.

INTERNATIONAL DAY FOR THE ERADICATION OF POVERTY

The Independent Expert on the question of human rights and extreme poverty, Magdalena Sepúlveda, released a press statement on the occasion of the International Day for the Eradication of Poverty on 17 October. The statement noted that there are currently 1.4 billion people around the globe living in extreme poverty. One in every five persons routinely suffer violations of basic human rights such as the right to housing, food, water, health and to an adequate standard of living – those living in poverty are stripped of their human dignity and regularly experience discrimination or violence, and they are also denied access to justice. Usually, this disproportionately affects vulnerable groups such as women, children, persons with disabilities, and those living in counties torn apart by war.

On the occasion of the International Day for the Eradication of Poverty and in times of economic recession, Ms. Sepúlveda reminded world leaders of the commitments that they have made to reducing and eliminating poverty and of their obligations under human rights law to protect the rights of the poor. According to the expert, it is crucial that the eradication of poverty remains high on the agenda and immediate action is taken to alleviate suffering and prevent many more people being pushed into a life of deprivation and misery. To be effective, every initiative must be founded upon the core human rights principles of equality and non-discrimination, participation, transparency and accountability.

EXPERT ON FOREIGN DEBT ASKS INTERNATIONAL CONFERENCE ON FINANCING FOR DEVELOPMENT TO PRIORITIZE HUMAN RIGHTS

On 11 November 2008, the Independent Expert on foreign debt and human rights, Mr. Cephass Lumina, issued a statement as a contribution to the International Conference on Financing for Development, held in Doha from 29 November to 2 December 2008, in which he emphasized priorities for the Conference, and the negotiations leading up to it. Mr. Lumina reminded that human rights must occupy a central place in the Doha discussions and called for expanded debt relief measures, human rights analysis in assessing acceptable levels of debt, and shared responsibility of creditor and borrower countries. The expert also called for the establishment of “impartial, independent decision-making bodies” to hear disputes over debt issues. He further highlighted the problem of illegitimate debt, which should be clearly addressed in the Doha outcome document. According to the independent expert, the Doha Conference represented a unique opportunity, in the midst of the most serious financial crisis in decades, for a renewed global pledge to meet the previously agreed commitments of international cooperation and to enhance the development of all countries.

UN EXPERTS CONCERNED ABOUT TRIALS IN MYANMAR

On 18 November 2008, the Special Rapporteur on the situation of human rights in Myanmar, Mr. Tomas Ojea Quintana, the Special Rapporteur on the independence of judges and lawyers, Mr. Leandro Despouy, the Special Rapporteur on freedom of opinion and expression, Mr. Frank La Rue, the Special Rapporteur on the situation of human rights defenders, Mrs. Margaret Sekaggya, and the Special Rapporteur on freedom of religion or belief, Ms. Asma Jahangir, issued a joint press release strongly condemning the severe conditions and unfair trials of peaceful demonstrators who were tried after one year of arbitrary detention by courts which, according to the experts, lacked independence and impartiality. Dozens of detainees were sentenced to 65-years imprisonment, more than twenty were given sentences of up to 24 years, and some defense lawyers were also sentenced to several months’ imprisonment or were barred from representing their clients. The experts strongly urged the Myanmar authorities to cease all acts of harassment and detention against individuals who were exercising their internationally recognized human rights. They demanded that all the detainees be retried respecting fair trial guarantees and that all the defense counsels be released. The experts reiterated previous calls to initiate reforms for a transition to a multiparty democratic government as envisaged by the new constitution.

WORLD TOILET DAY

On 18 November 2008, the Independent Expert on water and sanitation, Ms. Catarina de Albuquerque, issued a press release on the occasion of World Toilet Day expressing her concern about the lack of access to sanitation for 40% of the world’s population. The expert declared that the scale of the crisis was enormous and recalled that, according to the UN, 2.5 billion people do not have access to improved sanitation. She emphasized that investing in sanitation is investing in human rights since evidence shows that sanitation brings the single greatest return on investment of any development intervention (roughly \$9 for every \$1 spent). The expert stressed that access to sanitation goes hand in hand with human rights and human dignity and that poor sanitation has not only profound effects on the right to health, but has also impacts on the right to food and access to safe drinking water, the right to education and the right to adequate housing. It is the poorest and the more marginalized groups who suffer from the worst sanitation conditions, said the expert. She highlighted that infant deaths, lost work days and missed school are estimated to have an economic cost of around USD 38 billion per year. She further stressed that although universal sanitation is achievable, the Millennium Development Goal target of halving the number of people without access to basic sanitation, which remains the most neglected and most off-track of the Millennium Development targets, will not be met unless considerable efforts are made to continue the focus on sanitation. The expert called upon Governments to prioritize sanitation and to increase the percentage of their respective national budgets (including of Overseas Development Aid) to sanitation.

EXPERTS CONCERNED ABOUT MINORITY ISSUES AND RACISM IN EUROPE

On 20 November 2008, the Independent Expert on minority issues, Ms. Gay McDougall, and the Special Rapporteur on racism, racial discrimination, xenophobia and related intolerance, Mr. Githu Muigai, issued a joint press statement expressing their concern over the recent rise in anti-Roma sentiment and violent incidents in several European countries. The experts urged European governments to take wide action to stop violence against Roma. Mr. Muigai declared that those incidents revealed serious and deep-rooted problems of racism at the heart of modern Europe that must be addressed vigorously through the rule of law. According to the experts, the policies and actions of numerous States have been, at best, inadequate to resolve intolerable conditions of poverty, marginalization and exclusion experienced by the Roma minority in Europe. Policies

such as finger-printing of Roma, abuse by police, and racist statements by senior public officials contribute to creating a climate in which societal discrimination and racism are sustained and enhanced. The experts noted that if governments deliver the message that Roma are a problem, extremist may feel that they have license for attacking them. They urged Governments to denounce hate speech, prosecute racist and violent actions and strengthen their anti-racist actions through leadership and education. The experts stated their belief that the growing number of anti-Roma sentiment and violent incidents in several European countries require both a national and Europe-wide response based on international law, European directives and national policies that must address the root-causes of these problems as well as their violent symptoms.

INTERNATIONAL DAY FOR THE ELIMINATION OF VIOLENCE AGAINST WOMEN AND WOMEN IN IRAQ

On 25 November 2008, the Special Rapporteur on Violence against Women, its causes and consequences, Ms. Yakin Ertürk, issued a press statement on the occasion of the International Day on the Elimination of Violence against Women focusing on the situation of women in Iraq. The expert warned that violence against Iraqi women continued unabated and that their rights had eroded in all areas of life. Women's vulnerability to all forms of violence committed by militia groups, insurgents, Islamic extremists, law enforcement personnel, family and community members, has increased as a result of the ongoing conflict, high levels of insecurity, widespread impunity and collapsing economic conditions. Women are victims of rape, sex trafficking, forced and early marriages, murder and abduction for sectarian or criminal reasons; many are driven or forced into prostitution and are also victims of disproportionate use of force by members of Iraqi and multinational forces. To escape the cycle of violence many of them turn to suicide. The expert expressed her concern regarding the increase of cases of violence within the family and the so-called "honour killings". These are among the primary causes of unnatural deaths among women in the Kurdish region of Northern Iraq for which perpetrators are rarely arrested or charged. A number of reports, said the Special Rapporteur, also documented the increasing practice of female genital mutilation and incidents of self-immolation. The expert urged the Iraqi government and the international community to prevent women and girls from being the "soft targets of violence and the invisible victims of the conflict".

EXPERT ON SOMALIA WELCOMES AGREEMENT BETWEEN TRANSITIONAL FEDERAL GOVERNMENT AND ALLIANCE FOR THE RE-LIBERATION OF SOMALIA

On 27 November 2008, the Independent Expert on the situation of human rights in Somalia, Dr. Shamsul

Bari, issued a press statement welcoming the signing of a power sharing decision between the Transitional Federal Government and the Alliance for the Re-Liberation of Somalia in Djibouti on 26 November 2008. The parties decided, among others, to establish a Unity Government and an enlarged inclusive Parliament. The expert also applauded the decision to establish a Commission of Inquiry and an International Court to address gross violations of human rights and international humanitarian law. According to the expert, both decisions are strong signals towards accountability and the end of impunity.

INTERNATIONAL SLAVERY DAY

On 27 November 2008, the Special Rapporteur on contemporary forms of slavery, its causes and consequences, Ms. Gulnara Shahinian, issued a press statement on the occasion of the International Slavery Day, celebrated on 2 December 2008. Although the previous year the world had celebrated 200 years of the abolition of slave trade, the expert warned that slavery is not history but the reality of modern life, affecting rich and poor countries. The expert declared that slavery has evolved into many diverse and cruel forms. Today, there are more than 27 million people who live in slavery or slavery-like conditions, which go hand in hand with poverty, social exclusion, marginalization, discrimination, lack of access to education, weak law enforcement and corruption. The expert underlined that slavery flourishes as a result of demand; she further stressed that there are 12.3 million forced labourers serving as domestic workers or in the construction, food and garment industry. Ms. Shahinian warned that the current economic crisis may make the situation worse, in particular for the most vulnerable, the poorest, women and children. While highlighting that stronger political will is required, the Special Rapporteur underlined the necessity of addressing slavery issues in international and national poverty reduction strategies and education programs. The expert called upon governments, civil society, development organizations, businesses and UN agencies to develop policies to promote human rights and eradicate poverty. She also urged countries to ratify and to fully implement UN and regional documents related to the fight against slavery.

UN EXPERTS CONCERNED ABOUT ONGOING CRACKDOWN ON WOMEN'S RIGHTS DEFENDERS IN THE ISLAMIC REPUBLIC OF IRAN

On 27 November 2008, the Special Rapporteur on the situation of human rights defenders, Mrs. Margaret Sekaggya, and the Special Rapporteur on violence against women, its causes and consequences, Ms. Yakin Ertürk, issued a joint press statement expressing deep concern regarding the ongoing crackdown of women's rights defenders in the Islamic Republic of Iran. The experts reported that women and men involved in the

'One Million Signatures Demanding Changes to Discriminatory Laws' campaign, aimed at promoting full equality between women and men in Iranian law, had been particularly targeted, and faced serious repression from the authorities. Peaceful demonstrators were arrested, detained and persecuted with prison sentences; some were prevented from traveling. Several joint communications were sent by the Special Procedures to the Iranian authorities concerning violations committed against over 70 human rights defenders involved in the campaign. The experts underlined the need to promote and encourage women's participation in public life, as a means to build a stronger and healthier society, and urged the Government of the Islamic Republic of Iran to abide by its obligations under IC-CPR and CEDAW.

UN EXPERTS CONCERNED ABOUT DEMOCRATIC REPUBLIC OF THE CONGO

On 28 November, the Special Rapporteur on the situation of human rights defenders, Mrs. Margaret Sekaggya; the Special Rapporteur on extrajudicial, summary and arbitrary executions, Mr. Philip Alston; the Special Rapporteur on violence against women, its causes and consequences, Ms. Yakin Ertürk; and the Representative of the Secretary-General on the human rights of internally displaced persons, Mr. Walter Kälin, issued a joint statement expressing their concern about the serious human rights violations in the East of the Democratic Republic of the Congo. The experts had received several reports of extrajudicial executions, killings of civilians and of an apparent surge in rapes as an instrument of war. They reported that at least 250,000 people had been newly displaced and further expressed concern regarding the threats, attacks and arbitrary detention against human rights defenders, journalists and representatives of civil society. The independent experts stressed that pillaging of a town or of a place as well as rape and murder committed during armed conflict amount to war crimes. They added that "military and armed group commanders who are aware that their subordinates are committing such crimes but do nothing to stop them, incur personal criminal responsibility and have to be brought to justice." The experts urged the parties to respect human rights and international humanitarian law and called upon the international community to provide MONUC with the necessary capacity to protect civilians at risk.

UN EXPERT CONCERNED ABOUT DETERIORATING SITUATION OF FREEDOM OF EXPRESSION IN BURUNDI

On 1 December 2008, the Independent Expert on the situation of human rights in Burundi, Mr. Akich Okola, issued a press statement expressing his deep concern over the deteriorating situation of freedom of expression and association currently prevailing in Burundi. The expert declared that such developments, which are particularly worrying in the context of the approaching elections in 2010, pose an obstacle to the firm rooting of the rule of law, peace and security in Burundi, as well as in the entire region. The expert urged the Government to restore a calm political climate, to take all necessary measures to end the harassment and intimidation of journalists and representatives of civil society, trade unions and political parties, and to proceed without delay with the release of all people detained for having expressed their opinion.

UN EXPERT ON FOREIGN DEBT DEPLORES MISSED OPPORTUNITY AT DOHA CONFERENCE ON FINANCING FOR DEVELOPMENT

On 4 December 2008, the Independent Expert on foreign debt and human rights, Dr. Cephass Lumina, issued a press statement after participating in the Doha follow-up Conference on Financing for Development in which he expressed his concern over the lack of progress on issues related to debt. According to Mr. Lumina, the way development and macro-economic policies are formulated and implemented have a serious impact on the enjoyment of human rights. The expert further declared that the international community missed a crucial opportunity to reform the international framework on debt for the benefit of the people on the ground. While regretting that human rights received marginal attention in the Conference discussions, Mr. Lumina advocated for the adoption of a holistic approach to debt and development, emphasizing that economic-policy making and the enjoyment of human rights must be seen as profoundly interconnected issues. According to the expert, although the Doha outcome document recognizes the need to resolve the current debt problems, it is weak in terms of identifying new political commitments. In particular, the expert drew attention to the following issues: the absence of commitment to expand debt relief; the lack of will to reform the debt sustainability framework to better take account of human rights obligations and of the Millennium Development Goals; the unwillingness to eliminate inappropriate conditionalities in lending or to address the issue of illegitimate debt. Mr. Lumina

pointed out that the problem is not one of resources, but of political will and expressed hope that despite the lack of progress at Doha, it does not signal the end of discussions on reforming the financial architecture regarding debt, aid, and other issues of central importance to developing countries.

WORKING GROUP ON ENFORCED OR INVOLUNTARY DISAPPEARANCES HELD 86TH SESSION IN GENEVA

The Working Group on Enforced or Involuntary Disappearances held its 86th session, from 26 November to 4 December 2008 in Geneva. 505 newly-reported cases of enforced disappearances were reviewed and 21 reported cases were examined under its urgent action procedure. The Group also studied government responses to general allegations and information recently submitted on previously accepted cases from 35 countries. Several meetings were held with NGOs and family members of the disappeared, with representatives of the Governments of Iraq, Japan, Montenegro and Nepal and with the Asian and Latin American and Caribbean Groups. The Working Group decided to transmit three general allegations to governments in Africa and Asia regarding an escalating number of disappearances, the obligation to investigate all cases of enforced disappearances and the lack of effective legislative, judicial and administrative measures to end enforced disappearances. The Group also adopted a revised version of its methods of work and finalized and approved its 2008 annual report, including chapters on 82 States. In the press statement issued on 5 December 2008 at the end of its session, the Working Group expressed its concern about the high number of recent cases of disappearances in Sri Lanka during 2008.

UN EXPERT CONDEMNS GAZA SIEGE BY ISRAEL

On 9 December 2008, the Special Rapporteur on the situation of human rights on Palestinian territories occupied since 1967, Mr. Richard Falk, issued a press statement condemning the Gaza siege imposed by Israel. The expert qualified this form of collective punishment as a continuing flagrant and massive violation of international humanitarian law. The Special Rapporteur declared that firing rockets at Israeli towns is a criminal violation of international law. However, he stressed that this did not legalize Israel's imposition of a collective punishment of a life and health threatening character on the people of Gaza. The Special Rapporteur reminded that over the past few weeks, several high level UN representatives had reported on the desperate plight of the civilian population of Gaza. According to Mr. Falk, such a flurry of denunciations by UN officials had not occurred on a global level since the heyday of South African apartheid. The expert warned that the siege may create a situation where radicalism and

extremism easily take root; he added that certain governments were complicit by continuing their economic or political support to Israel's punitive approach. The Special Rapporteur reminded the international community of its responsibility to protect, and urged to immediately take protective action to offset the persisting and wide-ranging violations of the fundamental right to life. According to the expert, it would seem mandatory for the International Criminal Court to investigate the situation and determine whether the Israeli leaders should be indicted and prosecuted for violations of international criminal law.

TENTH ANNIVERSARY OF ADOPTION OF THE DECLARATION ON HUMAN RIGHTS DEFENDERS

On 9 December 2008, five UN and regional human rights mechanisms and representatives launched a joint warning about the persistent challenges facing human rights defenders on the tenth anniversary of the adoption of the Declaration on Human Rights Defenders. The UN Special Rapporteur on the situation of human rights defenders, Mrs. Margaret Sekaggya, the Special Rapporteur on human rights defenders of the African Commission on Human and Peoples' Rights, Mrs. Reine Alapini-Gansou, the Commissioner for Human Rights of the Council of Europe, Mr. Thomas Hammarberg, the Director of the OSCE Office for Democratic Institutions and Human Rights, Ambassador Janez Lenarčič, and the Executive Secretary of the Inter-American Commission on Human Rights, Dr. Santiago A. Canton, stressed that the Declaration has offered new possibilities for the support and protection of defenders and of their activities. They acknowledged the work done by the UN mandate on human rights defenders along with several regional mechanisms established in Africa, Europe and the Americas, to closely monitor the situation of human rights defenders. However, the experts regretted that human rights activists continue to be subjected to threats, killings, disappearances, torture and ill-treatment, arbitrary detention, surveillance, administrative and judicial harassment, defamation and stigmatization by State authorities and non-State actors. In numerous countries there is a climate of impunity for violations committed against defenders who, due to the sensitivity of their work, are most exposed to attacks and abuses. This is particularly the case for defenders working on economic, social and cultural rights, on rights of lesbian, gay, bisexual and transgender persons, on rights of indigenous peoples and minorities, those fighting impunity for serious crimes and corruption, as well as youth defenders. The experts stressed that the primary responsibility to protect human rights defenders lies with governments. They called on States and other stakeholders to take proactive measures and ensure the removal of all obstacles to support their work.

INTERNATIONAL ANTI CORRUPTION DAY

On 9 December 2008, the Independent Expert on the question of human rights and extreme poverty, Ms. Magdalena Sepúlveda, issued a press statement on the occasion of International Anti-Corruption Day. The expert highlighted that corruption is a major hindrance to efforts made towards poverty reduction, as it affects economic growth, discourages investment, reduces the net income of those living in poverty, distorts policies and programmes, and diverts public resources from investments in infrastructure that are crucial for the poor to meet their basic needs. The expert stressed that the capacity of the international community to reach the Millennium Development Goal to eradicate extreme poverty by 2015 is severely reduced unless corruption is tackled as an integral part of poverty reduction strategies. She further pointed out that corruption impacts men and women differently and reinforces existing gender inequalities. Ms. Sepúlveda called on all stakeholders to place considerations on gender and other forms of discrimination at the heart of the anti-corruption programmes and to pay particular attention to vulnerable groups, including women, indigenous peoples, migrant workers, persons with disabilities, persons with HIV/AIDS, refugees and prisoners.

60TH ANNIVERSARY OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS

On 8 December 2008, Special Procedures mandate holders issued a joint press statement to commemorate the 60th anniversary of the Universal Declaration of Human Rights. The experts stated that the Declaration, which emerged from a period of unprecedented global crisis and tragedy to bring a message of hope and a new vision of humanity, had set in motion an unstoppable process towards the goal of human rights for all, although there has been both progress and setback during these sixty years. The experts agreed that there is no better single articulation of all human rights inherently belonging to all people than the Universal Declaration. They stressed that in this new era of complex global challenges such as global access to food, climate change and financial crisis, which have potentially massive human rights and development implications, the international community must renew its commitment to strive for common understanding. The experts called upon all to intensify efforts to realize the promise of dignity, justice and equality for all made in 1948.

GROUP OF MANDATE HOLDERS WELCOME ADOPTION OF OPTIONAL PROTOCOL TO THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

On 10 December 2008, 36 Special Rapporteurs and Independent Experts issued a joint press statement wel-

coming the adoption by the General Assembly of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights enabling, through a combination of a petitions mechanism, an inquiry procedure and the possibility of interim measures, those whose rights have been violated to seek remedies and to hold those responsible to account for their actions. According to the experts, this decisive action makes it clear that economic, social and cultural rights are not a matter of charity. Moreover, it constitutes an essential step towards the establishment of a long-awaited mechanism that reinforces the universality, indivisibility, interdependence and interrelatedness of all human rights and the guarantee of dignity and justice for all. The experts pointed out that the new complaint and inquiry mechanism will play a role enhancing the protection of other human rights and called upon all States to sign and ratify the instrument swiftly.

EXPERTS ON FREEDOM OF OPINION AND EXPRESSION ADOPT A JOINT DECLARATION ON DEFAMATION OF RELIGIONS, ANTI-TERRORISM AND ANTI-EXTREMISM LEGISLATION

The Special Rapporteur on freedom of opinion and expression, Mr. Frank La Rue, the OSCE Representative on freedom of the media, Mr. Miklos Haraszti, the OAS Special Rapporteur on freedom of expression, Ms. Catalina Botero, and the ACHPR Special Rapporteur on freedom of expression and access to information, Ms. Faith Pansy Tlakula, adopted on 10 December 2008, marking the 60th anniversary of the Universal Declaration of Human Rights, a joint declaration on defamation of religions, and anti-terrorism and anti-extremism legislation. The Declaration states, among others, that the concept of “defamation of religions” does not accord with international standards regarding defamation, which refers to the protection of the reputation of individuals, and provides that restrictions on freedom of expression should be limited in scope and should never be used to protect particular institutions, including concepts, notions or beliefs. It further encourages international organizations to desist from adopting statements supporting the idea of “defamation of religions”. Regarding anti-terrorism legislation, the Declaration provides that criminalization of speech relating to terrorism should be restricted to instances of intentional incitement to terrorism. Vague notions of glorification or promotion of terrorism or extremism should not be criminalized, says the Declaration. Moreover, it states that the role of the media as a key vehicle for realizing freedom of expression should be respected and that normal rules on the protection of confidentiality of journalists’ sources of information should apply in the context of anti-terrorist actions as at other times.

WORKING GROUP ON THE USE OF MERCENARIES HELD FIFTH SESSION IN GENEVA

From 15 to 19 December 2009, the Working Group on the use of mercenaries held its fifth session in Geneva. In its press statement issued prior to the session, the Working Group announced that it was engaged in the elaboration of new legal instruments for the regulation of private military/security companies. This session would be an occasion to debate with relevant actors key principles for a system of regulation. The Group would hold discussions with Member States, the International Committee of the Red Cross, civil society, including non-governmental organizations and academics, and representatives of Private Military/Security Companies. It would also be preparing its upcoming visits to Afghanistan and the United States. The Working Group would continue to monitor the phenomenon of mercenaries and private military/security companies at its sixth session in Geneva from 30 March to 3 April 2009.

UN EXPERT WELCOMES CONFIRMATION OF LAND OWNERSHIP OF THE NICARAGUAN AWAS TINGNI COMMUNITY

The Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, Mr. James Anaya, issued a press statement on 17 December 2008 congratulating the Government of Nicaragua for formally confirming land ownership of the Awas Tingni community over some 74,000 hectares of lands. In a long-awaited ceremony celebrated on 14 December 2008, the Government of Nicaragua gave the title of its ancestral territory to the Awas Tingni community. This event marked the culmination of a decades-long struggle to gain recognition and protection of its ancestral lands. On 2001, the Inter-American Court of Human Rights issued a historic decision in the case of *Awas Tingni v. Nicaragua* finding that Nicaragua had violated the rights of the community for failing to recognize their property rights in those lands. It was the first case in which an international tribunal found a government in violation of the collective land rights of an indigenous group. The Special Rapporteur attended the ceremony and qualified it as an "important advancement in the rights of indigenous peoples worldwide".

UN EXPERT PRESENTS CONCLUSIONS OF HIS REPORT ON MISSION TO WORLD TRADE ORGANIZATION

The Special Rapporteur on the right to food, Mr. Olivier de Schutter, issued a press statement on 17 December 2008 to present the conclusions of his report on the World Trade Organization, which will be submitted at the March 2009 session of the Human Rights Council.

The report, which is the outcome of a mission to the WTO and broad consultations with a range of actors, examines whether the current path of trade liberalization in agriculture complies with WTO Members' obligations to respect the right to food. The Special Rapporteur also analyzes controversial issues such as safeguards mechanisms and the "specificity" of agricultural products. According to the expert, both the food crisis and the emerging threat of climate change are vastly underestimated in the current WTO negotiations. He recommended adopting the perspective of the right to food to shed a new light on trade issues and to guide current and future negotiations. The expert encouraged States not to accept any undertakings under the WTO which would be incompatible with their obligations under international human rights law.

COORDINATION COMMITTEE OF SPECIAL PROCEDURES REGRETS OBSTRUCTION BY THE GOVERNMENT OF ISRAEL OF A PLANNED MISSION

On 17 December, Ms. Asma Jahangir issued a press statement as Chairperson of the Coordination Committee of Special Procedures whereby she declared that the Committee was deeply alarmed that the Special Rapporteur on the human rights situation of the Palestinian territories occupied since 1967, Professor Richard Falk, was prevented by the Israeli authorities from undertaking a mission, in accordance with the mandate entrusted to him by the Human Rights Council. Upon invitation from the Palestinian Authority, the Special Rapporteur intended to carry out an official visit to the occupied Palestinian territory from 14 to 20 December 2008. However, the Israeli authorities denied him transit through Israel in order to access the occupied Palestinian territory, held him overnight at Ben Gurion international airport, and subsequently sent him back to the United States of America on 15 December 2008. According to Ms. Jahangir, such actions risk undermining the effectiveness of the system of Special Procedures. Fact-finding missions are an essential means for mandate holders to investigate human rights violations, promote fundamental freedoms, and engage in a constructive dialogue with Governments. It is therefore vital for States to cooperate with and assist the Special Procedures in the performance of their tasks. Noting that several other mandate holders had recently visited Israel and the occupied Palestinian territory and enjoyed the cooperation of the relevant authorities, Ms. Jahangir, on behalf of the Coordination Committee, urged the Israeli authorities to extend full cooperation to the Special Rapporteur on the human rights situation of the Palestinian territories occupied since 1967 so that he can fulfill his mandate.

WORKING GROUP ON ENFORCED OR INVOLUNTARY DISAPPEARANCES WELCOMES OHCHR REPORT ON

ENFORCED DISAPPEARANCES IN NEPAL

The Working Group on Enforced or Involuntary Disappearances issued a press statement on 19 December 2008 welcoming the report on conflict-related disappearances in Bardiya District presented by the Office of the High Commissioner for Human Rights in Nepal, which documents the patterns of enforced disappearances in this region between 2001 and 2003, characterized mainly by the arrest of men and women by the Royal Nepalese Army. It also addresses the socio-economic impact of disappearances on the families as well as state responses regarding truth, justice and reparations. The Working Group acknowledged the positive steps taken by the Government of Nepal since its country visit in December 2004, such as the creation of a national registry of persons held in detention centers, and commended the 2007 decision of the Supreme Court calling the Government to ensure justice and redress for victims of enforced disappearances. The Group added that there was still work to be done, in particular regarding the criminalization of enforced disappearances in domestic law. The Group also reiterated its request for a follow-up visit to the country.

GROUP OF EXPERTS WELCOME FUTURE CLOSURE OF GUANTANAMO BAY DETENTION CENTER

The Special Rapporteur on the independence of judges and lawyers, Mr. Leandro Despouy; the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Mr. Manfred Nowak; the Special Rapporteur on the promotion and protection of human rights while countering terrorism, Mr. Martin Scheinin; and the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, Mr. Anand Grover, issued a joint press statement on 22 December 2008 welcoming the announcement by President-elect Obama to close the Guantanamo Bay detention center and to strengthen the fight against torture. The experts declared that detention there was illegal and ineffective in criminal procedure terms and that the regime applied at Guantanamo Bay, which opened the door for serious human rights violations, neither allowed the guilty to be condemned nor secured that the innocent be released. They further emphasized that the decision to close Guantanamo Bay is a strong symbol which will help to repair the image of the country and called upon the Government of the United States to fully respect its international human rights obligations, notably the principle of non-refoulement, to close all secret detention places, to give due process to the persons detained therein, and not to transfer individuals to third countries for continued detention at its behest. The experts also called on third countries to facilitate the closure through their full cooperation in resettling those detainees that cannot be sent back to their countries of origin.

GROUP OF EXPERTS CONCERNED BY THE SITUATION IN ZIMBABWE

The Independent Expert on the issue of human rights obligations related to safe drinking water and sanitation, Ms. Catarina de Albuquerque; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of health, Mr. Anand Grover; the Special Rapporteur on the right to food, Mr. Olivier de Schutter; and the Special Rapporteur on the situation of human rights defenders, Mrs. Margaret Sekaggya, issued a joint press statement on 22 December 2008 urging the Government of Zimbabwe and the international community to do more to tackle the severe crisis affecting Zimbabwe, which is threatening the enjoyment of economic, social and cultural rights by the population and in particular by the most disadvantaged groups. The experts underlined the necessity to rebuild the health system, to stop the cholera epidemic and to ensure adequate food for all. The experts reported that the health system had completely collapsed, being unable to control the cholera outbreak spreading throughout the country. They expressed their particular concern regarding the closure of the main public hospitals due to lack of health professionals and medical supplies, including a shortage of anti-retroviral therapies and essential medicines to treat acute diseases. The expert on water and sanitation stressed that there is no access to clean water sources and that the country is facing poor sanitation and meager waste disposal and management infrastructure, exacerbating the incidence of the disease. The expert on food highlighted that food and agricultural production had decreased dramatically and that an estimated 5.5 million people may need food assistance. According to mandate holders, this crisis is compounded by the use of unjustified force by the authorities in response to peaceful demonstrations. Several abductions of human rights defenders were reported, said the Special Rapporteur on the situation of human rights defenders. The experts noted that Zimbabwe used to have one of the best public health systems in sub-Saharan Africa and called for the restoration of stable systems for providing access to health, water, sanitation and food and for the respect for civil, cultural, economic, political and social rights.

UN EXPERTS ON HUMAN RIGHTS OF MIGRANTS AND CHAIRPERSON OF COMMITTEE ON MIGRANT WORKERS ISSUE STATEMENT ON INTERNATIONAL MIGRANTS' DAY

The Special Rapporteur on the human rights of migrants, Mr. Jorge Bustamante, and the Chairperson of the Committee on Migrant Workers, Mr. Abdelhamid El Jamri, issued a joint press statement on 18 December 2008, on the occasion of International Migrants Day, in which they focused on the situation of children whose lives are affected by migration. The experts expressed their particular concern regarding the situation of un-

accompanied children, who migrate on their own, facing thus greater risks of becoming victims of trafficking or of various forms of exploitation, including sexual and economic exploitation. Within this group, girls are at particular risk of sexual exploitation or of being exploited in domestic work in servitude-like situations. Another issue of concern was the situation of children of migrants who move with their parents and who may face many obstacles, including social stigma and discrimination. The experts stressed that each child of a migrant worker, irrespective of the status of their parents, has the right of access to education and urgent medical care. They noted that the emotional, psychological and practical problems of children who are left behind by their parents who migrate is often neglected; they invited States to consider in a positive and expeditious manner all applications for the purpose of family reunification. Finally, the experts urged all States to sign up to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

REPRESENTATIVE ON IDPS CONCERNED ABOUT SITUATION IN SRI LANKA

The Representative of the United Nations Secretary-General for the human rights of internally displaced persons, Mr. Walter Kälin, issued a press statement on 23 December 2008 expressing his increasing concern about the situation of Sri Lankan civilians in the northern Vanni region. The Representative acknowledged the Government's efforts to enable humanitarian convoys to reach the estimated 200,000-300,000 internally displaced persons in the region but stressed that supplies of food, medicine, emergency shelter and sanitation materials were inadequate to meet their severe and increasing needs. While accepting that there might be a legitimate need for screening of armed elements from the civilian population, the Representative stressed that such screening should be concluded promptly and following clearly established and transparent criteria. The expert was concerned by reports stating that the Liberation Tigers of Tamil Eelam (LTTE) was restricting IDPs' freedom of movement and ability to seek safety in another part of the country. The Representative urged the parties to the conflict to agree on a mechanism allowing safe and adequate access for humanitarian personnel and assistance to all civilians in need in the Vanni region and reminded them on their obligation to scrupulously respect international humanitarian law, including the duty to take precautionary measures and the prohibition of the use of human shields.

UN EXPERT CONDEMNS ISRAELI AIRSTIKES ON GAZA STRIPS

The Special Rapporteur on the situation of human rights in the occupied Palestinian territories, Mr. Richard Falk, issued a press statement on 27 December 2008

stating that the Israeli airstrikes on the Gaza Strip constitute severe and massive violations of international humanitarian law, both in regard to the obligations of an Occupying Power and in the requirements of the laws of war. The violations include the collective punishment of 1.5 million people living in the Gaza Strip, the targeting of civilians and the disproportionate military response. He recalled that earlier Israeli actions, and in particular the complete sealing off of entry and exit to and from the Gaza Strip, had led to severe shortages of medicine and fuel resulting in the inability of hospitals and medical workers to provide adequate medical treatment to the victims. Mr. Falk stressed that although the rocket attacks against civilian targets in Israel are unlawful, this illegality does not give rise to any Israeli right to violate international humanitarian law and commit war crimes or crimes against humanity in its response. He reminded that Israel had ignored recent Hamas' diplomatic initiatives to reestablish the truce or ceasefire since its expiration on 26 December. The Special Rapporteur warned that the Israeli airstrikes challenge those countries that have been and remain complicit, either directly or indirectly, in Israel's violations of international law. The expert reminded all Member States of the United Nations of their obligation to protect any civilian population facing massive violations of international humanitarian law and called on them not only to condemn Israel's attacks but to develop new approaches to providing real protection for the Palestinian people.

"Special procedures" refer to the mechanisms established by the former Commission on Human Rights, and of 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, 30 thematic mandates and 8 country mandates, including special rapporteurs, special representatives, independent experts and working groups (all known as "special procedures mandate holders"). Twenty-seven thematic mandates are serviced by the OHCHR Special Procedures Division. All country mandates are serviced by the Capacity Building and Field Operations Division and three thematic mandates are serviced by the Research and Right to Development Division. For more information, please visit <http://www.ohchr.org/english/bodies/chr/special/index.htm>

