SEVENTEENTH ISSUE: APRIL–JUNE 2010

HIGHLIGHTS

HUMAN RIGHTS COUNCIL 14TH SESSION
The Human Rights Council held its fourteenth regular session from 31 May to 18 June 2010 in Geneva, during which a number of mandate-holders presented reports and held inter-active dialogues.

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APPOINTMENTS OF NEW SPECIAL PROCEDURES MANDATE HOLDERS
At the fourteenth regular session of the Human Rights Council, eight new mandate-holders were appointed.


17TH ANNUAL MEETING OF SPECIAL PROCEDURES MANDATE HOLDERS
The seventeenth annual meeting of special procedures was held from 28 June to 2 July 2010. Mandate holders held exchanges with States, the President of the HRC and members of the Bureau, the former President of the HRC and the Deputy High Commissioner. Discussions were also held with participants in the eleventh Inter-Committee Meeting of treaty bodies, and representatives of United Nations entities, OHCHR field presences, representatives of NGOs and national human rights institutions. Participants elected a new Chair and members of the Coordination Committee.

continued

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

OHCHR SPECIAL PROCEDURES BRANCH
c/o OHCHR-UNOG8-14 Avenue de la Paix
1211 Geneva 10 Switzerland
Fax: +41 22 917 90 06
E-mail: urgent-action@ohchr.org
http://www.ohchr.org/english/bodies/chr/special/index.htm

For general enquiries, or to submit information (other than specific information on alleged human rights violations), please contact: SPBinfo@ohchr.org
Some Special Procedures mechanisms intervene directly with States on specific allegations of human rights violations that fall within their mandates. The intervention can relate to a human rights violation that has already occurred, is ongoing, or which has a high risk of occurring. The process generally involves sending a letter to the concerned States requesting information and comments on the allegation and calling for preventive or investigative action.

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

Between 1 April and 30 June 2010, 139 communications were sent.

- 71% were joint communications.
- The communications concerned 230 individuals.
- 19.6% concerned women.
- 56 countries received communications.

**COUNTRY VISITS**

**ARMENIA**

UN Expert urges Government to address ongoing obstacles faced by human rights defenders

On 18 June 2010, the Special Rapporteur on the situation of human rights defenders, Ms. Margaret Sekaggya, urged the Armenian authorities to acknowledge publicly the role and importance of human rights defenders, and to address the ongoing obstacles.

The Special Rapporteur welcomed Armenia’s commitment to promoting respect for human rights, as demonstrated by its ratification of a wide number of international human rights instruments, and acknowledged the challenges faced by the Government and its law enforcement officials.

At the end of a five-day fact-finding visit, the Special Rapporteur expressed concern at documented cases of ongoing violence, assaults, intimidation, harassment and stigmatization of defenders, in particular journalists.

Ms. Sekaggya noted that “these cases would seem to illustrate an apparent culture of impunity in Armenia which impinges upon the work of human rights defenders and appears to be closely related to the deep-rooted problems within the police system and the shortcomings of the justice system.”

The Special Rapporteur urged the authorities “to undertake prompt, thorough and transparent investigations, in particular attacks against journalists, in order to create a safe and enabling environment in which human rights defenders can carry out their activities.”

Ms. Sekaggya reiterated the request made to the Prime Minister to acknowledge publicly the role and importance of human rights defenders in achieving a flourishing, pluralistic and democratic society.

The Special Rapporteur also drew attention to “the significant constraints imposed on the exercise of freedom of assembly in Armenia,” noting that “in a democratic society, the right to hold peaceful, open and public demonstrations, including indoor assemblies, should be available to all individuals without undue restrictions.”

Ms. Sekaggya also added her voice to “those who have already expressed serious concerns about the amendments to the Law on Television and Radio. If signed into law they will further restrict and seriously hamper the plurality of voices and opinions available to Armenian society”.

Ms. Sekaggya recommended to the Government “to...

**OHCHR WEBSITE PAGE ON SPECIAL PROCEDURES COUNTRY VISITS**

[http://www.ohchr.org/english/bodies/chr/special/visits.htm](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 June 2010, 65 countries had extended standing invitations.

An annual compilation of recommendations of Special Procedures by country is also available on the Special Procedures webpage.
implement a comprehensive programme of reform within the police service, to immediately take steps to address the shortcomings of the justice system.” In her view, “this should be carried out in conjunction with the implementation of an extensive anti-corruption strategy in order to ensure accountability within government structures.”

The Special Rapporteur emphasized the need to fully consult, include and incorporate the views of civil society and human rights defenders in decision-making processes; as well as addressing the specific needs of human rights defenders, including women defenders and lesbian, gay, bisexual and transgender defenders within the National Action Plan on Human Rights.

The Special Rapporteur will present her report to the Human Rights Council at its sixteenth session in March 2011.

AZERBAIJAN

Peace necessary to restore human rights of internally displaced persons in Azerbaijan: UN expert

Mr. Walter Kaelin, Representative of the Secretary-General on the Human Rights of Internally Displaced Persons, upon conducting his follow-up visit to Azerbaijan from 19 to 24 May 2010 stated that “despite efforts to improve conditions, internal displacement in Azerbaijan has lasted too long. It is necessary to come to a peace agreement to restore the human rights of internally displaced persons”. He last visited the country in 2007 and was “pleased to be invited back in order to see the changes that have taken place and the progress made, but also the problems that remain or that have newly emerged”. He had seen very positive measures and progress since his last visit, and welcomed assurances by the Government that internal displacement issues remain their number one national priority.

The RSG noted important achievements in the areas of housing, educational infrastructures, and in improving access to the right to health in the remote rural areas. He commended the authorities for their commitment and encouraged them to continue and reinforce their efforts, with particular focus on improving the very difficult living conditions in urban collective centres. He noted with appreciation that the Government’s next objective will be to address the problem of urban housing for internally displaced persons, including by building new apartments. He expressed concern about the risk of evictions in urban centres, for instance as a consequence of public construction work or privatisation. Mr. Kaelin stated that “it is key that internally displaced persons be provided with adequate notice, housing alternatives and assistance”.

The RSG highlighted that more concerted attention is needed to improve employment and livelihood opportunities for internally displaced persons, both men and women, in new settlements as well as in the cities. Mr. Kaelin stated that “their resilience, dignity and capacity to contribute fully to Azerbaijani society, as well as to rebuild their lives, depends on it”. He emphasised that at the same time, appropriate assistance to vulnerable groups, such as female headed households, persons with disabilities and the elderly, and attention to conditions that may place them at increased risk, is necessary to ensure that their human rights are protected. Mr. Kaelin added that “the contributions that internally displaced persons can make to this country are many and important, and it is vital that they fully participate in decisions that affect their day to day lives as well as their futures”.

With regard to the right to education, Mr. Kaelin recommended undertaking an assessment of the quality and educational needs of internally displaced persons with a view to ensuring that they benefit from the same quality of education as other children, and from the social integration and employment opportunities that schooling should offer.

The RSG noted that access to healthcare continues to be limited for some, but welcomed an Action Program of the Ministry of Health which aims to ensure both more comprehensive health services, including in the area of mental health, and increased deployment of qualified medical staff to rural areas.

Mr. Kaelin appealed to the international community to continue supporting the Government with technical assistance in improving the living conditions of internally displaced persons, and the search for durable solutions. He stressed that “this protracted displacement of more than 18 years, that has now affected several generations and which despite government efforts is continuing to cause much human suffering, has no place in Europe”. He urged the international community to strengthen their efforts to facilitate the speedy adoption of a peace agreement, and to ensure that in this process the human rights of internally displaced persons are addressed, in particular their right to voluntary return in safety and dignity.

BOSNIA AND HERZEGOVINA

Enforced Disappearances: more support needed to bring perpetrators to justice

The Working Group on Enforced or Involuntary Disappearances (WGEID) visited Bosnia and Herzegovina (BiH) from 14 to 21 June 2010. Concluding its mission, the Working Group urged the Government and the international community to further their efforts to bring perpetrators of enforced disappearances to justice and promote reconciliation in the country.

“As far as justice is concerned, many perpetrators are still at large, stated the Working Group’s Chairperson-Rapporteur, Mr. Jeremy Sarkin, and member Mr. Olivier de Frouville. “Even though there have been a number of trials by both the International Criminal Tribunal for the former Yugoslavia and by national courts, to prosecute the huge number of perpetrators that remain would require substantial additional financial resources”.

The Working Group highlighted that during the conflict in the mid 1990s, Bosnia and Herzegovina suffered severe and massive human rights violations. More than 100,000 people were killed and more than two million people were displaced. It is thought that between 28,000 and 30,000 persons disappeared during the conflict; of these, about one
The Working Group noted major developments and advances to find the truth about the fate and the whereabouts of missing persons, like the adoption of the Law on Missing Persons, and the creation of the Missing Persons Institute; and the significant number of exhumations and identifications carried out, and a number of criminal cases at state and entity level.

To build upon these achievements, the Working Group called for the completion of the Central Record of the Missing Persons, provided by the Law on Missing Persons. “This should be done as soon as possible and be made public with the listing of the ethnic origin of those classified as missing.” It added that “this will promote transparency, accuracy and certainty about who went missing, and will reduce the politicisation.”

The Working Group warned that the process to determine where mass graves can be found is becoming more difficult with the passage of time. “To encourage more people to

The Working Group also stated that “much more ought to be done to promote reconciliation. A national law on the issue of memorials should be enacted.” The Working Group added that “to commemorate the issue of missing persons, without choosing a day that is acceptable to one community only, 30 August –International Day of the Disappeared– should be declared as the national day for commemorating the memory of all missing persons in Bosnia and Herzegovina.”

BRAZIL

“Contemporary forms of slavery in Brazil are crimes that must be punished,” says UN expert on slavery

The Special Rapporteur on Contemporary Forms of Slavery, including its causes and consequences, Ms. Gulnara Shahinian, stated at the end of her visit from 17 to 28 May 2010 that “the Government has put in place exemplary policies to combat contemporary forms of slavery in Brazil. However, some landowners, businesses and intermediaries such as the ‘gatos’ have found a way to avoid criminal prosecution by taking advantage of legal loopholes that delay justice and foster impunity”. She stated that slavery is a crime that should not go unpunished. She noted that “Brazil has the potential of becoming the world’s fifth largest economy but this should not be at the expense of people’s rights. Forced labour in the rural areas, a slavery-like practice, is most prevalent in the cattle ranching industry followed by the sugar cane industry from which ethanol is produced. The victims are predominantly men and boys aged 15 and older. In urban centres forced labour features in the garment industry. These sectors are in need of urgent reform to prevent slavery like practices such as forced labour from being used. In all these situations the victims work long hours, with little or no pay. They are threatened with, or subjected to physical, psychological and sometimes sexual violence.”

The Special Rapporteur stated that “comprehensive and sustainable programmes should be adopted to ensure that those most vulnerable enjoy basic human rights such as food, water, health and education and to ensure the sustainable rehabilitation of victims and their integration into economic life and social protection networks. Education should include vocational training and adult literacy programmes. This should be complemented by Government action safeguarding the right for vulnerable groups such as afro descendants and indigenous Brazilians to work without having to succumb to forced labour.”

The Special Rapporteur recognized that those who defend the rights of victims have been threatened, harmed and killed. “Measures should be strengthened and enforced to guarantee the safety of human rights defenders in Brazil. These measures should include the protection of individuals working with civil society and government institutions who
inform, rescue, release and reintegrate victims of contemporary forms of slavery.”

She congratulated Brazil for openly discussing and addressing forced labour: “The Government has led the way in combating forced labour. It established the Mobile Inspection Group and publishes the ‘Dirty List’ showing all farms and companies that use slave labour. Companies that feature on this list are also prohibited from accessing public funds. The Government has also established a multi-stakeholder national commission, put in place a well resourced National Plan to combat Forced Labour, and formed the National Pact with the private sector to combat forced labour across the entire supply chain.”

“These exemplary actions threaten to be overshadowed by the impunity enjoyed by some land owners and companies.” Whereas civil penalties have been successfully applied, criminal penalties are yet to be enforced. Jurisdictional conflicts and delays in the judiciary system often cause the statute of limitation to lapse and the perpetrators enjoy impunity. Although forced labour is a serious crime, first time offenders might only face house arrest or community service.

The Special Rapporteur commended the recent ruling by the Supreme Court that confirms that the Federal Courts have the competency to try criminal forced labour cases. Furthermore, the Special Rapporteur recommended increasing the minimum penalty for the crime of forced labour to five years.

“The strongest message that the Government can send to Brazilians to show that the crime of slavery will not go unpunished is to pass the constitutional amendment known as PEC No. 438/01, which would allow for the expropriation of land where forced labour is used. This would occur without compensation and the land would be re-distributed, with priority being given to those workers previously held in conditions analogous to slavery.”

“The Congress began debating this constitutional amendment nine years ago. Yet, little progress has been made on this excellent proposal. Passing this amendment will show that Brazil is indeed strongly committed to fighting slavery”, concluded Ms. Shahinian.

**BURUNDI**

**UN Independent Expert warns on human rights violations in run-up to presidential elections in Burundi**

On the eve of the presidential elections in Burundi, the UN Independent Expert on the situation of human rights in Burundi, Mr. Akich Okola, conducted a visit from 23 to 29 May 2010. He called for “a constructive dialogue between the Government and all political parties to ensure that the elections are held peacefully and democratically.”

“I noted with concern increasing reports of human rights violations and security concerns since my last visit, during the local elections of 24 May 2010, with a number of arbitrary arrests, detention and harassment of opposition politicians and their supporters. I further note that the security situation has deteriorated with grenades attacks in the country, which have resulted in loss of life and destruction of property,” said the Independent Expert.

“I am concerned that this situation may lead to further violence and human rights violations.” Mr. Okola warned. Since May 2010, Burundi has embarked on general elections, the second since the Arusha Peace Accords of 2000, with Presidential elections scheduled for 28 June 2010.

“I regret the fact that, as announced earlier during my last mission to Burundi, political parties decided to boycott Presidential and other elections in protest to perceived irregularities during the local elections of 24 May 2010.”

The Independent Expert appealed to political parties to continue participating in the electoral process, particularly the legislative elections of 23 July 2010. “Boycotting them will impede the democratic process which was launched with the successful elections of 2005 and may increase the risk of violence and insecurity in the country,” he stressed.

Mr. Okola appealed to the international community to urgently intercede in order to prevent these developments from derailing the peace process.

**CAMBODIA**

**UN Special Rapporteur says judiciary faces tremendous challenges in delivering justice for all**

The Special Rapporteur on the situation of human rights in Cambodia, Mr. Surya Prasad Subedi, issued a press statement at the end of his mission from 8 to 17 June 2010, on the functioning of the judiciary. “The judiciary in Cambodia is facing tremendous challenges in delivering justice for the people of the country, especially the poor and marginalized.”

“There is an alarmingly high number of people in detention due to various shortcomings in the criminal justice system, and the instances of miscarriage of justice are far too numerous,” warned the Special Rapporteur.

While welcoming the adoption of new laws designed to strengthen the system of justice, Mr. Subedi warned that “a combination of a lack of adequate resources, organisational and institutional shortcomings, a lack of full awareness of human rights standards, and external interference, in the work of the judiciary, has resulted in an institution that does not command the confidence of people.”

The Special Rapporteur raised specific concerns relating to the judiciary’s role in protecting freedom of expression, and the narrowing of political space for critical debate in society, “due to the disproportionate use of defamation, disinformation and incitement lawsuits against journalists, human rights activists and political opponents.”

Mr. Subedi also expressed his preoccupation regarding cases involving land-related rights: “I am troubled by the impact of land disputes, land concessions and resettlements on the lives of ordinary people, both in rural and urban areas”.

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I call on the Royal Government of Cambodia to introduce appropriate measures to enhance the independence and capacity of the judiciary to enable it to function as an institution capable of providing justice to all in Cambodia,” the Special Rapporteur stated. “If you are poor, weak and dispossessed of your land, you seem to have limited chance to obtain redress either through existing administrative land management systems, or through the courts.”

The Special Rapporteur noted the achievements made, and encouraged the Government to push ahead with its programme of action to enhance and strengthen the judiciary and to improve the situation of human rights.

“Cambodia is one of very few countries which have accepted all recommendations of the UN Human Rights Council under the Universal Periodic Review mechanism. The time has come for the Government to come up with a strict time-table to implement these recommendations” noted Mr. Subedi while offering his assistance in this regard.

EGYPT

Egypt faces growing threats of human trafficking, warns UN expert

The Special Rapporteur on Trafficking in Persons, Ms. Joy Ngozi Ezeilo, carried out an official mission to Egypt from 11 to 21 April 2010. She issued a press release warning that Egypt faces growing trends of trafficking, despite commendable efforts by the Government, and urged the Egyptian authorities to step up its efforts in the fight against human trafficking. “There is a growing trend of sexual and economic exploitation of young Egyptian girls by their families and brokers, who execute marriages known as ‘seasonal or temporary’ marriage,” said the Special Rapporteur, noting other forms of sexual exploitation and prostitution, as well as child labour and domestic servitude.

Ms. Ezeilo found “indications that trafficking for forced marriages, forced labour, transplantation of human organs and body tissues may be much more than current estimates.” She noted that the incidence of internal trafficking is much higher than transnational trafficking and warned that the absence of accurate data has made it impossible to measure the magnitude of human trafficking.

The Special Rapporteur reminded the Government of the dynamic nature of human trafficking: “Trafficking in persons knows no borders and every country is affected either as a source, transit and/or destination,” she said, noting that Egypt has been variously described as a transit country, but it may also be a source and a destination country.

The Special Rapporteur, who visited Cairo, Alexandria, Hawamdia and Sharm el-Sheikh, added there is a “general lack of awareness and knowledge” about human trafficking, and that its forms and manifestation are not well understood.

Ms. Ezeilo also noted the lack of infrastructure and services specifically designed for assisting and rehabilitating trafficking victims, such as shelters and hotlines, and limited participation of and consultation with civil society organizations in formulating anti-trafficking policies and programmes.

The Special Rapporteur made a number of preliminary recommendations, including programmes to enhance knowledge and awareness of human trafficking, developing a comprehensive national action plan, and tackling the root causes such as poverty, unemployment, and gender discrimination. Ms. Ezeilo congratulated the Government on the adoption of the Law on Combating Trafficking in Persons and called for its full implementation, voicing her hope that the law “will contribute in particular to the eradication of trafficking in persons for the purposes of temporary or seasonal marriages.”

FINLAND

United Nations Expert on Indigenous people supports restart of negotiations on Nordic Sami Convention

On 16 April 2010, the United Nations Special Rapporteur on indigenous people, James Anaya, issued a statement welcoming the agreement in principle of the European Nordic Governments to restart negotiations on a Nordic Sami convention with the participation of Sami leaders. The Sami of north-western Europe are the indigenous people in the northern parts of Norway, Sweden, Finland and the Russian Federation. "The proposed convention has the potential to strengthen Sami self-determination and protections for their rights to lands, natural resources and culture, in the face of ongoing human rights challenges”, Mr. Anaya said after a three-day encounter with representatives of the Sami parliaments and non-governmental organizations, as well as State officials from the Nordic countries in which Sami people live. “The challenges ahead in Sápmi are no doubt significant, and to meet them requires serious commitment, political will, and hard work.” “However, I am encouraged by the commitment of all parts and the progress that has already been made in advancing the human rights of indigenous peoples within the region.”

Mr. Anaya met with indigenous and State representatives to discuss key issues affecting Sami people, including their right to self-determination; rights to land, water, and natural resources; and issues involving children and youth, specifically education and language. “I hope that this visit will be regarded as a good practice for addressing the human rights concerns of indigenous peoples that continue to live within their traditional territories spanning the formal boundaries of several States.” “I am grateful to the Sami Parliaments of Norway, Sweden and Finland and to the Nordic Governments for their participation in this important conference”, said Mr. Anaya, who also expressed his gratitude to the Sami Parliamentary Council for their help organizing the visit and to the Government of Finland for hosting it. Mr. Anaya intends to draft a report with his observations and recommendations on central issues, which he hopes will help advance solutions to ongoing challenges, while building on relevant progress and good practices.
GUATEMALA

Right to Health: "A long way to go in Guatemala" – UN expert

The Special Rapporteur on right to health, Mr. Anand Grover, visited Guatemala from 12 to 18 May 2010. He called for greater political commitment and will in realising the right to health and noted that “while some progress is being made, there remains a long way to go.” “A comprehensive national health plan is required as a matter of urgency to fulfil the international obligations of the Government.”

The Special Rapporteur noted that Guatemala’s health indicators are amongst the lowest in the region. “Given that the indicators are so dire,” “this situation also requires long-term structural changes to be implemented in a targeted and coherent manner, concerning food security, education, social security, employment, and land reform - all of which are relevant to health.” “All of these changes are feasible, given that some progress has already been made,” he stressed, noting a number of initiatives launched. He also commended the Government’s recognition of its shortcomings on the key issues of indigenous people and women’s health -including sexual and reproductive issues-, and access to medicines.

Regarding indigenous people’s health, the Special Rapporteur urged the authorities to implement short-term measures to allow for better communication with the communities and better representation. He also recommended long-term strategies in the fields of education, food security and nutrition, land reform and outreach services, in order to ensure access to health services for indigenous peoples.

Mr. Grover also monitored women’s health issues, with a focus on sexual and reproductive health. “The incidence of violent crime directed against women is increasing annually, unlike maternal mortality,” he said. “These numbers suggest the existence of deep-seated gender inequities and hatred that clearly affect the rights to health and life of women in Guatemala.”

The Special Rapporteur called on the Government to increase investment in primary health care, since “violence against women does not just include physical violence, but also structural violence, resulting in preventable deaths during pregnancy, a problem that disproportionately impacts indigenous communities.”

HAITI

Independent Expert visits Haiti

The Independent Expert on the situation of human rights in Haiti, Mr. Michel Forst, conducted his fifth country visit, from 16 to 26 April 2010. The purpose of the mission was to evaluate the impact of the humanitarian crises on human rights and to promote human rights in the process of reconstruction. The Independent Expert noted that displaced persons, women, children, the elderly, and those who have suffered trauma or injuries were especially affected, requiring extra protection. The loss of hundreds of thousands of lives could not be linked only to fate or natural features. He noted that “we must not forget that the country has lived too long in a situation of extreme poverty which no doubt contributed significantly to amplifying the consequences of the disaster. The Government has to guarantee the right to property, protect the right to education and the right to lead a decent life. The reconstruction must not recreate the same factors that perpetuate inequality, poverty and lead to human rights violations. Hundreds of thousands of people were forced to leave, sometimes going to their relatives’ house, sometimes far from their city. Allegedly, this reinforced their situation of poverty, without resources, becoming more vulnerable, in a very difficult economic situation. The Independent Expert stated that these people should be protected against illegal evictions.

In his meeting with the Haitian authorities and with the MINUSTAH, the Independent Expert also reiterated the importance to consider reconstruction with a human rights based approach. He stated making sanitation or water supply from the stand point of enjoying human rights, even regarding the construction of schools, colleges and hospitals. He stated that this approach can be applied to transport, waste management, food security, housing, public buildings, courts and prisons. "The rights approach starts from the point of view of the rights of beneficiaries."

The Independent Expert stated that the overcrowding of prisons remains a problem and constitutes cruel, inhuman, and degrading treatment. He spoke about the wish of the President and the Government to put elements necessary for a good reconstruction. Prisons deprive human beings from liberty, but respect for human rights has to be guaranteed. The Independent Expert went to Leogane, Caves and the border with the Dominican Republic, where he met locals authorities, displaced persons and NGO representatives. He met also the MINUSTAH and humanitarian people staff. He thanked the authorities and MINUSTAH for their work. "I am like them, worried, but at the same time, confident in the ability of the people of Haiti..."
Arbitrary Detention: Preventive Laws should be repealed or amended in Malaysia

The Working Group on Arbitrary Detention conducted a mission to Malaysia from 7 to 18 June 2010. The delegation headed by the Chair-Rapporteur, Mr. El Hadji Malick Sow, met with high-level Government representatives to study the institutional and legal framework regarding deprivation of liberty. Meetings were also held with representatives of the bar association, civil society and representatives of United Nations agencies and other international organizations. Various places of detention, including penitentiaries, prisons, immigration holding facilities, police stations, psychiatric hospitals, and a drug rehabilitation centre, were visited.

The Working Group urged the Government to repeal or amend four Preventive Laws in force in the country that allow detention without trial, in some cases indefinitely. “These laws deny the detainee the right to a fair and public hearing by an independent and impartial tribunal, consecrated in the Universal Declaration of Human Rights and other principles of international customary law.”

According to the Working Group’s findings, the Internal Security Act (ISA) 1960, the Emergency (Public Order and Prevention of Crime) Ordinance, the Dangerous Drugs (Special Preventive Measures) Act, and the Restricted Residence Act “allow State institutions, particularly the Police and the Attorney General’s Office, to elude the normal penal procedure for common crimes and offences.” These laws, that establish investigative detention to prevent a suspect from fleeing, destroying evidence or preventing him or her from committing a future crime, “also give the Minister of Home Affairs excessive powers to keep people in detention indefinitely, without the need to sustain evidence in court or to prove criminal responsibility.”

The Government justifies the need for these laws based on its obligation to guarantee national security and the security of its citizens. The Working Group’s Chairperson noted, “detention without trial and without charges, for flexible and extendable term limits, affects not only the rights to personal freedom, free trial and presumption of innocence, but also the right to security of person, which guarantees the right to liberty for persons who have not committed any crime.”

In its preliminary findings, the Working Group highlighted “the good conditions in all the prisons visited, including the recent construction and renovation, as well as the good rapport between the detainees and the guards.” The Working Group did not receive any complaints concerning the treatment by the guards in prisons and detention centers.

However, the experts observed a different situation at immigration detention centers, with overcrowding, poor sanitation and inadequate medical care. Allegations were received of inadequate food and a lack of ventilation. The unsanitary and overcrowded facilities have led to the transmission of communicable diseases, particularly skin diseases.

The Working Group’s experts described as “proportional and adequate” the ratio in prisons between people in pre-trial detention and those convicted, with nearly a third of detainees on remand. However, the interviews with detainees showed that pre-trial detention is considerably long, mainly due to a large backlog of cases in the courts. Most of the prisoners and detainees interviewed said that they did not have defence lawyers, mostly as a result of the lack of financial resources.

“The situation of detention in Malaysia,” “would improve if the judiciary were fully independent, based on the principle of separation of powers, and composed of independent and impartial judges and magistrates.

PAPUA NEW GUINEA

UN Special Rapporteur on Torture concludes visit to Papua New Guinea

The Special Rapporteur on torture, Mr. Manfred Nowak, conducted a mission to Papua New Guinea from 14 to 25 May 2010. “Thanks to the full cooperation of the Commissioners of Police and Correctional Services, I was able to conduct unannounced visits to places of detention and interview detainees in private.”

“My main concerns are systematic beatings of detainees by the police upon arrest and within the first hours of detention including during interrogation. This regular practice of police violence, corroborated by medical evidence, often reaches the level of torture,” the Special Rapporteur said.

The Special Rapporteur found appalling conditions of detention in police lock-ups, where detainees are often kept for many months, amounting to cruel, inhuman and degrading treatment and punishment. “Detainees are locked-up in overcrowded and filthy cells, without proper ventilation, natural light, access to sufficient food and water for drinking, washing and using the toilets. In all police stations, including in the Highlands, detainees were forced to build the country of their dream”, he added.
to sleep on the floor, usually without any blankets. At Mount Hagen Police Station, the hygienic conditions were beyond description, and detainees were forced to urinate and defecate in bottles and plastic bags, which were then picked up by female detainees and piled up in the small common space,” noted Mr. Nowak.

Mr. Nowak found that the conditions of detention in correctional institutions and remand centres varied from best practices. He expressed concern over common overcrowding, particularly in high-risk and remand sections. Detainees on remand are not separated from convicted prisoners. Most prisoners do not have sufficient beds, mosquito nets or blankets. In addition, he was particularly concerned that “prisoners who escape are subjected to severe punishment, amounting to torture, including through brutal beatings with bush knives and gun butts, shooting detainees at close range and cutting their tendons with axes and bush knives after they are apprehended, with the intent of disabling them. The victims are usually kept in punishment cells, without any medical treatment, which sometimes even led to their death.”

“The Police Juvenile Policy and Protocols, developed jointly by the Royal Papua New Guinea Constabulary and UNICEF constitutes an excellent tool for dealing with juveniles in conflict with the law. Unfortunately for the most part they are not implemented,” noted the Special Rapporteur. The Juvenile Reception Centre in Boroko, constructed with UNICEF funds and opened in 2009, was not even in use. This led to juveniles being held in police custody together with adults, in contravention of international standards. On the other hand, the Hohola Remand Centre, run by the Brothers of the Sacred Heart, constitutes a best practice aimed at reintegrating juveniles into society.

With regard to women, the Special Rapporteur expressed his concern that “they hold a very low status in society, placing them at very high risk of abuse, both in the domestic and in the public sphere. In police stations, I found cases of women being subjected to sexual abuse and exploited for slavery-like services by police officers and male detainees.”

S I N G A P O R E

UN Special Rapporteur on racism and xenophobia concludes visit

The Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Mr. Githu Muigai, conducted a mission to Singapore from 21 to 28 April 2010. He noted that “the authorities have continuously and actively promoted social cohesion, religious tolerance and what they refer to as racial harmony, through a number of commendable policies and measures emphasizing tolerance, understanding and respect among the diverse ethnic and religious groups living in Singapore”. “While there may be no institutionalized racial discrimination in Singapore, several policies have further marginalized certain ethnic groups.” “This is a situation that must be acknowledged and acted upon in order to safeguard the stability, sustainability and prosperity.”

Acknowledging that the peaceful coexistence of the diverse communities in Singapore was a remarkable achievement in itself, the Special Rapporteur raised various issues of concern relating to some blind spots in the policies and measures pursued by the Government in its quest for racial harmony. These include restrictions on public debate and discourse on the issue of ethnicity, and the importance of ethnic identity in daily life. Other matters in the fields of housing, education, employment, as well as the question of recent migrants and the living and working conditions of migrant workers, including domestic workers, were also raised.

The Special Rapporteur stressed the need for a robust and solid legal and institutional framework to combat racism, racial discrimination, xenophobia and related intolerance.

Mr. Muigai appreciated that the Government was acutely aware of the threats posed by racism, racial discrimination, xenophobia and related intolerance and that it had endeavoured to put in place laws, policies and institutions that seek to combat these scourges. He emphasized that his country report to the Human Rights Council will be drafted in the spirit of contributing positively towards the reforms already undertaken by the Government.
THE REPUBLIC OF KOREA

UN expert: space for freedom of expression diminishing in the Republic of Korea

The Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Mr. Frank La Rue, visited the Republic of Korea from 6 to 17 May 2010. He noted that the country has come a long way since the restoration in 1987 of a multi-party political system. However, he expressed concern that “since the candlelight demonstrations, the full respect for human rights, and in particular the right to freedom of opinion and expression, has been diminishing.” Mr. La Rue indicated that this situation is “primarily due to new and more restrictive interpretations and application of existing laws.”

While welcoming that the courts in the Republic of Korea have played an important role in upholding the right to freedom of expression, he cautioned that “the increasing number of prosecutions creates a chilling effect in respect of the exercise of the right to freedom of expression, regardless of the outcomes of the decisions of the courts”. Recognizing that the Republic of Korea has one of the highest levels of Internet connectivity in the region and the world and will host the G20 summit in November 2010, he stated that “for the Republic of Korea to be a leader internationally, it must show its commitment to a truly democratic model of governance with full respect for human rights.”

The Special Rapporteur highlighted six main areas of concern and made preliminary recommendations regarding: restrictions and regulations of freedom of expression on the Internet, defamation, freedom of assembly, freedom of expression prior to elections, the National Security Act, public broadcasting, the National Human Rights Commission of Korea, and the right to freedom of opinion and expression of public officials.

On the issue of freedom of expression on the Internet, Mr. La Rue highlighted prohibition of the spread of false information punishable by imprisonment, the role of the Korea Communications Standards Commission to delete or block online process through an opaque process, and the real-name identification system, which "has the potential to undermine an individual’s right to express opinions and the right to privacy."

Mr. La Rue also highlighted defamation cases and recommended to remove the crime of defamation from the Criminal Code, and promote a culture of tolerance regarding criticism. He also emphasized that “public officials of all kinds should be prohibited altogether from bringing defamation actions”, adding that “public office entails public scrutiny, as part of checks and balances of any democratic system”.

He also expressed concerns that while the right to freedom of assembly is guaranteed by article 21 of the Constitution and explicitly prohibits a license system for assemblies, “there is a de facto license system whereby assemblies may be banned and deemed illegal in advance for fear of traffic disruption and probable violence”.

The Special Rapporteur also drew attention to the rights of Government officials, including teachers, to express their opinions both individually and collectively, and reiterated the recommendations of his predecessor and the Human Rights Committee relating to the amendment of the National Security Act. He stressed that the principle of diversity and pluralism is essential in any public broadcasting system. Mr. La Rue also emphasized the importance of a strong and independent National Human Rights Commission of Korea, whose members he was unable to meet collectively, through the improvement of the appointment process of the Commissioners.

The Special Rapporteur went to Seoul and Gwang-ju. In Gwang-ju, he stressed that “international human rights standards serve as a yardstick to measure whether the country is advancing or regressing in its human rights record.”

Mr. La Rue met with 16 State institutions; however, he was deeply disappointed that he could not meet with the President, the Prime Minister, nor a single Minister of Government. “Despite my requests, I was unable to meet with the Prosecutor-General nor members of the National Intelligence Service, despite the fact that I came to the country on an official invitation.”

Finally, noting that many of the debates surrounding human rights are highly politicized in the country, Mr. La Rue stressed that “human rights, like justice, have no ideology. Human rights transcend political ideologies, and its respect should constitute a common aspiration for all individuals in Republic of Korea. I hope that I can continue to engage constructively and openly with the Government, and my mandate stands ready to provide any assistance as may be required.”

POSITIVE DEVELOPMENTS

Iran: Ms. Clothilde Reiss, a French national and French lecturer at Isfahan University in central Iran, returned to France on 16 May 2010. She had been arrested on 1 July 2009 and was accused of “damaging Iran’s national security” for gathering information about opposition demonstrations in Isfahan on 15 and 17 June 2009. She was released on bail in August 2009 and placed under house arrest at the French Embassy in Tehran. Two five-year prison sentences against her were replaced on 15 May 2010 by a fine of 285,000 Euros. Her case had been subject to a Joint Urgent Appeal by the Working Group on arbitrary detention, the Special Rapporteur on the right to education and the Special Rapporteur on the protection and promotion of the right to freedom of opinion and expression on 13 July 2009.

Malawi: After five months in detention, a young Malawian couple jailed as a result of their gay relationship were pardoned by the President. Mr. Tiwonge Chimbalanga and Mr. Steven Monjeza were arrested on 29 December 2009 following a public traditional engagement ceremony, on charges of ‘gross public indecency’ and ‘unnatural offences’. During their imprisonment, they were forced to undergo medical examinations to prove that they had sex with each other. A Joint Urgent Appeal addressing the incident was
sent by the Working Group on Arbitrary detention and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment on 13 January 2010.

**Peru:** On 25 May 2010, the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, Mr. James Anaya, issued a press statement congratulating the Government for its adoption of the "Law on the right to previous consultation of indigenous and tribal peoples as defined by the ILO Convention 169 concerning Indigenous and Tribal Peoples in Independent Countries. The ratification represents a significant advance for the national legislation in matters relating to the human rights of indigenous peoples, which could set an important precedent as ‘good practice’ for other countries in the region and in the world.”

**Russian Federation:** On 31 March 2010, the public prosecutor withdrew the case against human rights defender Ms. Anastasia Denisova, acknowledging serious discrepancies in the investigation and the evidence against her. Ms. Denisova, a member of several human rights oriented NGOs and a youth organization, was summoned to the Krasnodar Police Department on 12 January 2010. She was informed that criminal proceedings had been initiated against her in December 2009 for possessing unlicensed computer software that was confiscated during a police raid on her house two months earlier. Before this incident, she had experienced harassment from custom officials. The Special Rapporteur on the situation of human rights defenders, Ms. Margaret Sekaggya, send an Urgent Appeal on 22 October 2009 and a follow-up Appeal on 15 January 2010.

**Sri Lanka:** A Tamil journalist, columnist and editor who had been given a 20-year prison sentence for “supporting terrorism” and inciting “communal harm” in August 2009, has been pardoned by the President. In January 2010 Mr. Tissainayagam, had been released from prison on bail pending appeal. He was the first journalist to be charged under the Prevention of Terrorism Act, in connection with articles he wrote which criticized government tactics used in the assault on the Tamil Tigers. In relation to the arrest of Mr. Tissainayagam and several other journalists, a Joint Urgent Appeal was send by the Working Group on Arbitrary Detention, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, and the Special Rapporteur on the situation of human rights defenders on 12 May 2010.

**Vanuatu:** On 12 May 2010, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Mr. Manfred Nowak, attended a high-level meeting on the prevention of torture in Port Villa jointly organized by the Vanuatu Ministry of Justice and the OHCHR Regional Office for the Pacific. During the meeting the Vanuatu Minister of Justice and Social Welfare announced that the country will ratify the Convention against Torture by the end of 2010. The country will become the first Pacific Island nation to ratify the Convention.

**VISITS BETWEEN JULY AND SEPTEMBER 2010**

**Argentina:** Special Rapporteur on trafficking in persons, especially women and children, from 6 to 12 September 2010.

**Armenia:** Working Group on Arbitrary Detention, from 6 to 15 September 2010.

**Croatia:** Special Rapporteur on adequate housing as a component of the right to an adequate standard of living and on the right to non-discrimination in this context, from 5 to 13 July 2010.

**Ecuador:** Special Rapporteur on extrajudicial, summary or arbitrary executions, from 5 to 15 July 2010.

**Equatorial Guinea:** Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the rights of people to self-determination, from 16 to 20 August 2010.

**El Salvador:** Special Rapporteur on the sale of children, child prostitution and child pornography, from 22 to 31 August 2010.

**Haiti:** Independent Expert on the situation of human rights in Haiti, from 3 to 12 September 2010.

**Iran:** Special Rapporteur on freedom of expression, from 6 to 9 September 2010.

**Japan:** Independent Expert on the issue of human rights obligations related to access to safe drinking water and sanitation, from 20 to 28 July 2010.

**Kazakhstan:** Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, from 6 to 13 September 2010.

**Mexico:** Special Rapporteur on freedom of expression, from 9 to 24 August 2010.

**Mozambique:** Special Rapporteur on the independence of judges and lawyers, from 23 August to 1 September 2010.

**New Zealand:** Special Rapporteur on the situation of
human rights and fundamental freedoms of indigenous people, from 18 to 23 July 2010.

Peru: Special Rapporteur on the promotion and protection of human rights and fundamental freedom while countering terrorism, from 1 to 8 September 2010.


The Syrian Arab Republic: Special Rapporteur on the right to food, from 29 August to 7 September 2010.

Uruguay: Special Rapporteur on trafficking in persons, especially women and children, from 13 to 17 September 2010.


Viet Nam: Independent Expert on minority issues, from 5 to 15 July 2010.

ACCEPTED VISITS

REQUESTS FOR VISITS ACCEPTED BY STATES AND VISITS PLANNED AFTER SEPTEMBER 2010

Algeria: The Special Rapporteur on violence against women, its causes and consequences, proposed 1 to 10 November 2010 as dates for the visit.

China: On 9 March 2010, the Government of China extended an invitation to the Special Rapporteur on the Right to Food, Mr. Olivier De Schutter, to conduct a visit in 2010.

El Salvador: the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people. Final dates need to be agreed upon.

Greece: the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, to conduct a country visit from 10 to 20 October 2010.

Mexico: The Government of Mexico extended an invitation to the Special Rapporteur on the independence of judges and lawyers, Ms. Gabriela Knaul de Albuquerque e Silva, to conduct a visit in the second half of 2010 took place. The Government of Bulgaria also agreed to a visit of the Special Rapporteur in 2011.

The United States of America: the Special Rapporteur on the sale of children, child prostitution and child pornography, 12 to 27 October 2010.

REQUESTED VISITS

REQUESTS INITIATED BETWEEN APRIL AND JUNE 2010


Special Rapporteur on the independence of judges and lawyers, sent request on 5 March 2010.

Guinea Bissau: Special Rapporteur on the independence of judges and lawyers, sent request on 5 March 2010.

France - French Polynesia: Special Rapporteur on the adverse effects of the movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights, sent request on 27 April 2010.

Iraq: Representative of the Secretary-General on the human rights of internally displaced persons, sent request on 9 April 2010.

Liberia: Special Rapporteur on the independence of judges and lawyers, sent request on 4 March 2010.


Marshall Islands: Special Rapporteur on the adverse effects of the movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights, sent request on 26 April 2010.


Mozambique: Special Rapporteur on the independence of judges and lawyers, sent request on 2 March 2010.

Syria: Special Rapporteur on the right to food sent a request on 7 May 2010.

The Russian Federation: Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, sent a request on 5 April 2010.

Special Rapporteur on the adverse effects of the movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights, sent a request on 26 April 2010.


Zambia: Special Rapporteur on violence against women, its causes and consequences, request sent on 6 April 2010.

REMINDERS

REMINDERS SENT BETWEEN APRIL AND JUNE 2010
Cuba: Special Rapporteur on the question of torture and other cruel, inhuman or degrading treatment, sent on 6 April 2010.

Jordan: Special Rapporteur on violence against women, its causes and consequences, sent on 6 April 2010.

Somalia: Special Rapporteur on violence against women, its causes and consequences, sent on 6 April 2010.

Turkmenistan: Special Rapporteur on violence against women, its causes and consequences, sent on 6 April 2010.

United States of America: Special Rapporteur on violence against women, its causes and consequences, sent on 6 April 2010.

Uzbekistan: The Special Rapporteur on violence against women, its causes and consequences, sent on 6 April 2010.

HIGHLIGHTS

HUMAN RIGHTS COUNCIL 14TH REGULAR SESSION

continuation from p. 1

Up-date by the High Commissioner for Human Rights
The fourteenth regular session of the Human Rights Council was opened by an update of the High Commissioner for Human Rights, who focused on the Millennium Development Goals Summit in September 2010 and developments in Sri Lanka, Thailand, Nepal, Pakistan and India, Nigeria, Burundi, Chad, the Democratic Republic of the Congo, Guinea, Haiti, Colombia and the occupied Palestinian territory.

Reporting by Special Procedures
Among the reports that the HRC had before it during the fourteenth regular session, were the annual reports of the Independent Expert in the field of cultural rights, the Special Rapporteur on the human rights of migrants, the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises, the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of human rights, particularly economic, social and cultural rights, the Special Rapporteur on the right to education, the Special Rapporteur on human rights and fundamental freedoms while countering terrorism, the Special Rapporteur on the independence of judges and lawyers, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on trafficking in persons, especially in women and children, the Independent Expert on the question of human rights and extreme poverty, the Special Rapporteur on the highest attainable standard of physical and mental health, the Special Rapporteur on violence against women, its causes and consequences. Inter-active dialogues were also held with the Special Rapporteur on the situation of human rights on Palestinian territories occupied since 1967, the Special Rapporteur on contemporary forms of racism and racial discrimination, the Chair-Rapporteur of the Working Group on People of African Descent and the Independent Expert on the situation of human rights in Haiti.

The Independent Expert on the situation of human rights in the Sudan was unable to present his report to the HRC in person, for medical reasons. The Council decided, without prejudice to the relevant provisions (on the length of terms of mandates), given the exceptional nature of the circumstances and without setting a precedent, to proceed with a technical extension of the mandate until the end of the 15th session to enable the HRC to hold an interactive dialogue with him. The interactive dialogue with the Independent Expert on the situation of human rights in Burundi was deferred to the 15th session and will take place in the presence of the newly appointed mandate holder.

The Joint study on Secret Detention was presented to the HRC by the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment and the Vice-Chair on the Working Group on arbitrary detention.

Urgent Debate
The HRC held an Urgent Debate on the raid on a humanitarian flotilla by Israel on 1 June 2010. HRC resolution 14/1 considering ‘The Grave Attacks by Israeli Forces against the Humanitarian Boat Convoy’ was adopted by vote on 2 June 2010.

High-level discussions, panels and statements
On 2 June 2010, the HRC held a panel discussion entitled ‘Give voice to victims of trafficking’. The meeting was attended by the Special Rapporteur on trafficking in persons. It was the first time that victims were able to give their personal testimonies in front of the Council in this format.

On 4 June 2010, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, participated in the panel discussion on ‘Protection of Journalists in Armed Conflict’.

On 7 June 2010, the HRC held an annual event, a full-day discussion on Women’s Human Rights. This year’s theme was “Empowering Women through Education”. The event was opened by the Deputy High Commissioner, followed by statements from the Special Rapporteur on the Right to Education, the Independent Expert on the issue of human rights obligations related to access to safe drinking water and sanitation and the Special Rapporteur on violence against women, its causes and consequences.

The HRC held a panel discussion on maternal mortality on 14 June 2010, where an opening statement was made on behalf of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.

Under an item when the follow-up to the Special Session on
Haiti was addressed, the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, read out a joint statement of all special procedures mandate holders regarding the reconstruction of Haiti.

**Item V**

Under item V (Human Rights bodies and mechanisms), the special procedures, including their role, independence and working methods, were discussed. The EU emphasized their importance, regretted the increasing attacks on their integrity and expressing the hope that the Council will strive to maximize the utility of the interactive dialogue with mandate holders. China and the Russian Federation expressed the view that the forthcoming review of the Council should envisage the creation of a control mechanism to ensure compliance with the Code of Conduct.

Full texts of the adopted resolutions are available at: http://www2.ohchr.org/english/bodies/hrcouncil/14session/resolutions.htm

All documents are posted on the OHCHR website at: http://www2.ohchr.org/english/bodies/hrcouncil/14session/documentation.htm

All meetings of the 14th regular HRC session can be found in the UN webcast archives at: http://www.un.org/webcast/unhrc/archive.asp?go=013

**APPOINTMENTS OF NEW SPECIAL PROCEDURES MANDATE HOLDERS**

On 18 June 2010, the HRC Council appointed eight new mandate holders:
- Working Group on Enforced or Involuntary Disappearances (LAC member): Mr. Ariel Dulitzky (Argentina/United States of America)
- Working Group on the use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination (Asia member): Ms. Faiza Patel (Pakistan)
- Special Rapporteur on extrajudicial, summary or arbitrary executions, Mr. Christof Heyns (South Africa)
- Special Rapporteur on freedom of religion or belief, Mr. Heiner Bielefeldt (Germany)
- Special Rapporteur on the right to education, Mr. Kishore Singh (India)
- Special Rapporteur on the adverse effects of the movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights, Mr. Calin Georgescu (Romania)
- Independent Expert on the situation of human rights in Burundi, Mr. Fatsah Ouguergouz (Algeria)
- Special Rapporteur on the situation of human rights in the Democratic People’s Republic of Korea, Mr. Marzuki Darusman (Indonesia)

**PRESS RELEASES**

**MERCENARIES: UNITED NATIONS EXPERTS FINAL GO AT NEW INTERNATIONAL CONVENTION DRAFT**

On 9 April 2010, the Working Group on the use of mercenaries issued a press statement indicating that it will hold its last meeting on the ongoing process towards the elaboration of a possible new international convention on the regulation of activities of private military and security companies. The group of independent experts met in Geneva from 12 to 19 April 2010 before submitting its final report on the progress achieved in the elaboration of this draft legal instrument for consideration and action by the Human Rights Council, in September 2010. Earlier this year, the Working Group shared with all Member States elements of the regulation of activities of private military and security companies, urging Governments to support this new legal instrument and set up an intergovernmental mechanism to draft and adopt a new convention. The Working Group has been monitoring the impact on human rights of the activities of mercenaries and private military and security companies and their lack of accountability, while advocating for the development of stronger regulation, oversight and monitoring at both national and international levels. The five experts also reviewed allegations regarding the activities of mercenaries and private military and security companies and their impact on human rights. On 14 April 2010, the Working Group held its fifth and last regional consultation on the regulation and
monitoring of the activities of private military and security companies with the Western European and Others Group.

**ISRAELI MILITARY ORDERS “IN BREACH OF INTERNATIONAL HUMAN RIGHTS LAW,” WARNS UN SPECIAL RAPPORTEUR**

On 19 April 2010, the Special Rapporteur on the situation of human rights in Palestinian territories occupied since 1967, Mr. Richard Falk, issued a statement warning that two Israeli Defense Forces Military Orders may be in breach of the fourth Geneva Convention and violate the International Covenant on Civil and Political Rights. He noted that “a wide range of violations of international human rights and international humanitarian law could be linked to actions carried out by the Government, with particular gravity in the event that young persons become victims of their application.” “The Orders appear to enable Israel to detain, prosecute, imprison and/or deport any and all persons present in the West Bank,” noted the Special Rapporteur, basing his concern on Israel’s new definition of the term ‘infiltrator.’ “A person who entered the Area unlawfully following the effective date, or a person who is present in the Area and does not lawfully hold a permit.” “Even if this open-ended definition is not used to imprison or deport vast numbers of people, it causes unacceptable distress,” the independent expert said. Mr. Falk further noted that “it is not at all clear what permit, if any, will satisfy this Order.” 

“Illustrative of the potential for cruel abuse,” he said, “is a provision of the Order requiring the person deported to pay the costs of his or her deportation, and suffer confiscations of property if unable to pay.” Mr. Falk warned that deportations under the two new Orders could take place without judicial review, and that detained persons can be imprisoned for seven years, unless able to prove that their entry was lawful, in which case they would be imprisoned for three years. The Special Rapporteur recalled that Israel is party to the fourth Geneva Convention, which outlines its obligations as the Occupying Power in the West Bank. Article 49 of this Convention states that “individual or mass forcible transfers, as well as deportations of protected persons from occupied territory to the territory of the Occupying Power or to that of any other country, occupied or not, are prohibited, regardless of their motive.” Mr. Falk also noted that, despite the fact that Israel is party to the International Covenant on Civil and Political Rights, “the Orders establish a system that allows Israel to deport people without having their right to judicial review properly fulfilled, or possibly not reviewed at all.” He stressed that “the Orders do not even ensure that detainees will be informed in their own language that a deportation order has been issued against them.”

**“VULTURE FUNDS” – UNITED NATIONS EXPERT ON FOREIGN DEBT WELCOMES LANDMARK LAW TO ADDRESS PROFITEERING**

On 20 April 2010, the United Nations expert on foreign debt and human rights, Mr. Cephas Lumina, issued a statement welcoming the passage of the landmark Debt Relief (Developing Countries) Act in the United Kingdom on 8 April 2010. “This law marks the first occasion on which a country has banned profiteering by ‘vulture funds’”, he said. “I commend the United Kingdom for taking a critical step to halt the profiteering of vulture funds at the expense of both the citizens of distressed debtor countries and the taxpayers of countries that have supported international debt relief efforts.” “Vulture funds have exploited the voluntary nature of international debt relief schemes by acquiring defaulted sovereign debt at deeply discounted prices and then seeking repayment of the full value of the debt through litigation, seizure of assets or political pressure.” “While debts held by these private investment firms represent a small fraction of poor countries’ debt, awards in vulture fund litigation represent a substantial burden on their budgets”, the Independent Expert explained. Since the 1990s, the United Kingdom and other creditor countries have provided or committed billions of dollars in debt relief for the world’s poorest countries through internationally agreed schemes. However, vulture funds have been trying to force heavily indebted poor countries, often through litigation, to divert precious financial resources saved from debt cancellation. “It is critical to put a halt to such unconscionable profiteering”, noted Dr. Lumina. “Awards to vulture funds diminish the impact of debt relief for these countries and undermine the core objectives of internationally agreed debt relief measures.”

“From a human rights perspective, the settlement of excessive vulture fund claims by poor countries with unsustainable debt levels has a direct negative effect on the capacity of Governments of these countries to fulfil their human rights obligations, especially economic, social and cultural rights, such as the rights to health, water and sanitation, food, housing and education”, stressed the Independent Expert. Dr. Lumina stated, “I am pleased to note that, with the passage of the Debt Relief Bill into law, it is expected that the 26 November 2009 ruling of London’s High Court awarding $20 million to two vulture funds will make the verdict unenforceable in full.”

“I call upon the international community and, in particular, the countries, which are preferred jurisdictions for many vulture funds, to follow the example of the United Kingdom and enact legislation to prevent vulture fund activity within their jurisdiction as a clear indication of their commitment to find a durable solution to the debt problem.” The Independent Expert strongly supports measures to ban profiteering by speculative investors on distressed sovereign debt, and said he hopes that the United Kingdom example will produce a positive ripple effect.

**UN EXPERT BODY ON MERCENARIES: “IT’S HIGH TIME TO CLOSE THE LEGAL GAP FOR PRIVATE MILITARY AND SECURITY CONTRACTORS”**

On 30 April 2010, the UN Working Group on the use of mercenaries issued a statement appealing for broader support towards the creation of a new international convention to regulate the activities of private military and security companies. The group of experts is currently drafting a possible new binding legal instrument, after sharing its core elements with all UN Member States.

“It’s high time to close the legal gap for private security contractors,” said Mr. José Luis Gómez del Prado, who currently chairs the Working Group. “Minimum international standards must be established to regulate the
The right to seek, receive and impart information and ideas of all kind, regardless of frontiers, and through any media of his or her choice, set forth in article 19 of the Universal Declaration of Human Rights, and reiterated in article 19(2) of the International Covenant on Civil and Political Rights, is not merely a corollary of freedom of opinion and expression: it is a right in and of itself, upon which free and democratic societies depend and gives meaning to the right to participate, which has been acknowledged as fundamental to the realization of all human rights. It is equally important to recognize the ‘right to truth’ in relation to human rights violations: victims not only have the right to access current or historical archives and documents in order to hold the perpetrators accountable, they are also entitled to make this information public if they so wish, to pay tribute to the memory to those whose right to life was violated. The Special Rapporteur wished to emphasize his continuing concern about the tendency of Governments and their institutions to withhold from the people information that is rightly theirs, in that decisions, and the implementation of policies by public institutions, have a direct and often immediate impact on their lives and may not be undertaken without their informed consent.

The Special Rapporteur commended the decision taken by an increasing number of countries to adopt laws recognizing a right to access information. He urged all States to review existing legislation or adopt new legislation on access to information in conformity with international standards. He further urged all States to establish mechanisms and institutions to give full effect to the right to access information, and to develop widespread awareness campaigns in this regard.

UN SPECIAL RAPPORTEUR ON MYANMAR: “IT IS NOT TOO LATE FOR THE GOVERNMENT TO KEEP ITS PROMISES”

On 5 May 2010, on the eve of a key deadline for party registration, the UN Special Rapporteur on the Human Rights Situation in Myanmar, Mr. Tomás Ojea Quintana, issued a press statement urging the Government “to take affirmative action to move closer to the promise of peaceful transition and national reconciliation that would allow the people of Myanmar greater enjoyment of human rights.”

“The Government of Myanmar has not yet responded to pleas from inside and outside the country for conditions that allow credible elections. Now is the time that the Government could show its sincerity in achieving peace and
progress by freeing all prisoners of conscience, including Daw Aung San Suu Kyi, to take part in these momentous elections. Such a release would allow political parties that have decided against participation to reconsider, and would facilitate the active participation of all citizens in this landmark process.

On 9 March, the Government of Myanmar issued long-anticipated election laws. The UN Secretary General stated that these laws do not seem to measure up to the international community’s expectations of what is needed for an inclusive political process. This view has been repeated by many actors and States including by ASEAN members. Elections are important for the people of Myanmar and provide an opportunity for real improvement in the human rights situation. However, the Government needs to ensure that these elections are credible—open to full participation, transparent, and they must be conducted in a manner that allows for free and fair choice by the people of Myanmar. A more inclusive process could still be possible under the current election laws, despite their inherent flaws, if all prisoners of conscience are released immediately and unconditionally. Some provisions in the election laws for fair polls are in place, such as the counting of votes in each polling station in the presence of the candidates or their nominated agents and members of the public. However, the powers granted to the Electoral Commission could impede the activities of political parties. It is possible that such practices could be mitigated if the Government made guarantees to allow full freedom of expression and assembly. In the context of preparations for these national elections, there have been disturbing reports of increasing tension between Myanmar’s military forces and ceasefire groups. National reconciliation must include all the people of Myanmar. It is not too late for the Government to take affirmative action to move closer to the promise of peaceful transition and national reconciliation that would allow the people greater enjoyment of human rights.”

VIOLENCE AGAINST JOURNALISTS: UNITED NATIONS EXPERTS CALL UPON HONDURAS TO PROTECT MEDIA STAFF

On 10 May 2010, a group of United Nations human rights experts, comprising Frank La Rue, Special Rapporteur on the promotion and protection of the rights to freedom of opinion and expression; Philip Alston, Special Rapporteur on summary, extrajudicial or arbitrary executions; and Margaret Sekagya, Special Rapporteur on the situation of human rights defenders, called upon the Honduran Government to urgently address the increasing vulnerability of journalists. Seven journalists have been killed, and several others have been threatened, reportedly for their activities in defence of human rights in Honduras.

“We urge the Government to take all necessary measures to thoroughly investigate these killings and threats, prosecute those responsible, and ensure the physical and psychological integrity of all journalists under threat”, the independent experts said. “We call upon the Government to establish an independent inquiry aimed at shedding lights on these issues, as well as at identifying measures that could be taken to better protect journalists and prevent the occurrence of such acts in the future”. Journalists Mr. José Bayardo Mr. Mairena Ramírez, Mr. Manuel Juárez, Mr. Nahun Palacios Arteaga, Mr. David Meza Motesinos, Mr. Joseph Hernández Ochoa, Mr. Luis Antonio Chévez Hernández and Mr. Jorge Orellana “recently lost their lives while exercising their legitimate right to freedom of opinion and expression.” Several journalists continue to receive death threats, despite precautionary measures ordered by the Inter-American Commission for Human Rights to protect journalists in Honduras. “Journalists play a critical role in strengthening human rights through their work”, the independent experts said. “Silencing them not only curtails freedom of opinion and expression, but also jeopardizes the enjoyment of all rights and freedoms of society as a whole.” “We call on the authorities to take all necessary steps to protect the right to life and secure the right to freedom of opinion and expression of all persons, including journalists and human rights activists, in accordance with articles 6 and 19 of ICCPR.” “The international community will closely scrutinize the response of the Government to this tragic situation.”

UN EXPERTS WARN AGAINST “A DISTURBING LEGAL PATTERN HOSTILE TO ETHNIC MINORITIES AND IMMIGRANTS” IN ARIZONA

On 11 May 2010, a group of UN human rights experts, comprising the Special Rapporteur on the human rights of migrants, Jorge Bustamante; the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Githu Muigai; the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, James Anaya; the Independent Expert in the field of cultural rights, Farida Shaheed; the Special Rapporteur on the right to education, Vernor Muñoz Villalobos; and the Independent Expert on minority issues, Gay McDougall, expressed serious concern over laws recently enacted by the state of Arizona, United States, that affect minorities, indigenous people and immigrants and potentially subject them to discriminatory treatment.

“A disturbing pattern of legislative activity hostile to ethnic minorities and immigrants has been established with the adoption of an immigration law that may allow for police action targeting individuals on the basis of their perceived ethnic origin, and a law that suppresses school programs featuring the histories and cultures of ethnic minorities.” The Arizona immigration law requires state law enforcement officers to determine the immigration status of individuals based just on a “reasonable suspicion” that they are in the country illegally, and to arrest a person, without a warrant, if the officer has “probable cause” to believe the person is an illegal alien.

It also makes it a crime to be in the country illegally, punishable by up to six months in jail, and dictates that undocumented persons are guilty of trespassing. The immigration law specifically targets day laborers, making it a crime for an undocumented migrant to solicit work, and for any person to hire or seek to hire an undocumented migrant.

“The law may lead to detaining and subjecting to interrogation persons primarily on the basis of their perceived ethnic characteristics,” the UN independent
experts noted. “In Arizona, persons who appear to be of Mexican, Latin American, or indigenous origin are especially at risk of being targeted under the law,”

“Legal experts differ on the potential effects of recent amendments to the immigration law that relate to the conditions for the official detention of suspected illegal aliens,” The experts expressed concern about the “vague standards and sweeping language of Arizona’s immigration law, which raise serious doubts about the law’s compatibility with relevant international human rights treaties to which the United States is a party.”

“States are required to respect and ensure the human rights of all persons subject to their jurisdiction, without discrimination.” “Additionally, relevant international standards require that detention be used only as an exceptional measure, justified, narrowly tailored and proportional in each individual case, and that it be subject to judicial review.”

The immigration law was adopted around the same time as the enactment of a law prohibiting Arizona school programs that “are designed primarily for pupils of a particular ethnic group” or that “advocate ethnic solidarity instead of the treatment of pupils as individuals.”

The state superintendent of schools, the primary state official who promoted this legislation, has repeatedly stated that the law is aimed at eradicating particular existing ethnic studies programs that provide instruction featuring the history, social dynamics, and cultural patterns of Mexican-Americans in the United States.

The independent experts noted that “such law and attitude are at odds with the State’s responsibility to respect the right of everyone to have access to his or her own cultural and linguistic heritage and to participate in cultural life.”

While the independent experts recognized the prerogatives of States to control immigration and to take appropriate measures to protect their borders, “these actions must be taken in accordance with fundamental principles of non-discrimination and humane treatment.” Furthermore, “States are obligated to not only eradicate racial discrimination, but also to promote a social and political environment conducive to respect for ethnic and cultural diversity”

The UN human rights experts urged the State of Arizona and the United States Government “to take all measures necessary to ensure that the immigration law is in line with international human rights standards and to devise and carry out any mechanism to control migration with due regard of the rights of people to be free from discrimination and to have access to their cultural heritage”

“Every measure must be taken to promote maximum tolerance and appreciation for ethnic and cultural diversity in the educational system, to allow it to remain free from racial discrimination in any form,” stressed the independent experts.

HUMAN RIGHTS DEFENDERS CONTINUE TO PAY WITH THEIR LIVES IN MEXICO, UN EXPERTS WARN

On 12 May 2010, a group of UN independent experts, comprising Margaret Sekaggya, Special Rapporteur on the situation of human rights defenders; Philip Alston, Special Rapporteur on summary, extrajudicial or arbitrary executions; James Anaya, Special Rapporteur on the human rights and fundamental freedoms of indigenous people; and Frank la Rue, Special Rapporteur on the promotion and protection of the rights to freedom of opinion and expression, warned about the deteriorating situation for human rights defenders in Mexico, strongly condemning the recent killing of human rights defender Ms. Beatriz Alberta (Bety) Carriño Trujillo and the international observer Mr. Tyri Antero Jaakkola in Oaxaca, south east Mexico.

“Defenders continue to face significant threats to their lives in Mexico as a result of their work,” said Special Rapporteur on the situation of human rights defenders.

“We are deeply concerned about the deteriorating situation for human rights defenders in the country, including women and human rights defenders working on issues related to indigenous communities.”

On 27 April 2010, Bety Carriño and Tyri Antero Jaakkola were part of a mission to monitor human rights in Oaxaca when they were ambushed by paramilitaries and killed. Several other human rights defenders and journalists suffered injuries. Four other members of the mission, including two journalists of the magazine Contralinea, spent two days in a forest following the attack, before being rescued by the police on 30 April.

“The situation in Mexico is extremely complex and no-one could doubt the gravity of the challenges confronting the Government in its fight against the drug cartels,” added Mr. Philip Alston, Special Rapporteur on extrajudicial, summary or arbitrary executions. “But there is no justification for failing to take strong steps when human rights defenders, journalists and others are killed. Human rights must not be permitted to be a casualty in the fight against drugs and crime.”

“The increase of armed clashes and violence in the community of San Juan Copala over the past few months is affecting not only the armed groups involved but also the population of the district, most of them women and children belonging to the Triqui indigenous community,” stated with concern the UN Special Rapporteur on the human rights and fundamental freedoms of indigenous people, Mr. James Anaya.

Special Rapporteur on freedom of expression and opinion, urged the authorities to protect the right to life and guarantee the right to freedom of opinion and expression. “The role of journalists is crucial in reinforcing human rights as well as the enjoyment of all rights and freedoms of all persons.”

The group of UN experts called on the Government “to take all necessary steps to protect the right to life and security of human rights defenders in the country against any violence and any other arbitrary action which may be a consequence of the legitimate exercise of their activities.”

“We urge the authorities to initiate a prompt and impartial
inquiry into the mentioned events so that perpetrators are identified, brought to justice and appropriate penalties are imposed.” “The international community will closely follow the response of the Government regarding such events.”

Ms. Sekaggya had met with Bety Cariño in February 2010, at the Fifth Dublin Platform, a meeting of over 100 human rights defenders from around the world. The UN independent expert praised the defender for her tireless work campaigning on indigenous, environmental and women's rights. Bety Cariño was Director of the Centro de Apoyo Comunitario Trabajando Unidos CACTUS (Centre for Community Support Working Together).

"RIGHT TO FOOD GAINS GROUND, BUT THERE'S STILL MUCH TO BE DONE", SAYS SPECIAL RAPPORTEUR ON THE RIGHT TO FOOD

On 14 May 2010, the Special Rapporteur on the right to food, Mr. Olivier De Schutter, presented a review of the progress made in implementing the human right to food at the national level. “Countries tackling hunger with a right to food approach. Significant progress in implementing the right to food at national scale in Africa, Latin America and South Asia”, is the title of the briefing note published at a time when UN agencies prepared themselves to update the ‘Comprehensive Framework of Action’ which was adopted in July 2008 as an immediate reaction to the global food price crisis. “Boosting food production should not be confused with realizing the human right to food”, warned the UN expert. “If the international community is willing to reinvest in agriculture, the real question today is not ‘how much’, but ‘how’. We tend to forget that in the fight against hunger, processes and institutions are as vital as new seeds; legal frameworks as necessary as agricultural investments; and participatory institutions as impactful in the long term as bags of fertilizers.”

The review highlights recent examples of institutional initiatives that are decisive in the realization of the right to food. “There has been very significant progress in a number of countries. The right to food is now alive in 24 national constitutions. It has been given concrete meaning through national framework laws, courts, and participatory bodies. It has an influence on some land or fishing policies, on coordination among ministries, and the use of public resources. These are key steps for lasting progress, and they are totally different from the classic recipe of increasing food production.”

The review highlights a number of examples: In South Africa, traditional fishermen went to court after they lost their fishing rights due to new governmental fisheries policies, and in 2007 the South African Equality Court agreed to develop a new policy and legislative framework that will accommodate and recognise the socio-economic rights and the right to equitable marine resources of traditional fishermen.

In Brazil, continuous progress is being done made the launch of the Zero Hunger strategy in 2003. Since 2009, a minimum of 30 per cent of the food purchased under the school-feeding programme should come, by law, from small family farms and indigenous communities, and more than 313 million € was budgeted for purchases from family farms including assentamentos, indigenous communities and quilombolas. This strategy has also helped to achieve significant reductions in child mortality, which dropped 73% since 2002. The strategy is supported by the adoption of the 2006 Law establishing a National Food and Nutritional Security System (SISAN), ensuring a strong participation of civil society in the formulation of recommendations. In India, following a case filed in 2001 before the Supreme Court, mid-day meal schemes have almost universal coverage, now benefiting more than 118 million Indian children who attend primary school. The supervision by courts of social programmes have helped improve their effectiveness and accountability.

“These institutional developments are crucial in the fight against hunger, since they transform victims who are to be helped into rights-holders to whom governments are accountable”, stated Mr. De Schutter. “However, much progress still needs to be made. Interesting practices have now been identified, and they should be pursued and scaled up, including via international cooperation. In this review, I make seven recommendations to strengthen these developments. The ball is now in the court of decision-makers.”

“HUMAN RIGHTS AND CULTURAL DIVERSITY GO HAND IN HAND”, SAY UN EXPERTS

On 20 May 2010, a statement was issued by a group of UN independent experts to mark World Day for Cultural Diversity for Dialogue and Development, on 21 May 2010: Ms. Farida Shaheed, Independent Expert in the field of cultural rights; Mr. Frank La Rue, Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Ms. Githu Muigai, Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance; Mr. James Anaya, Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people; Ms. Rashida Manjoo, Special Rapporteur on violence against women, its causes and consequences; Mr. Vernor Muñoz Villalobos, Special Rapporteur on the right to education; and Ms. Asma Jahangir, Special Rapporteur on freedom of religion or belief.

“Cultural diversity can only thrive in an environment that safeguards fundamental freedoms and human rights” stressing that defending diversity goes hand in hand with the respect for the dignity of the individual. “Cultural diversity,” “can be protected and promoted only if human rights and fundamental freedoms, such as the freedom of expression, information and communication, the freedom from discrimination of any kind, as well as the ability of individuals to choose cultural expressions, and their right to participate or not to participate in the cultural life of given communities are guaranteed.”

At the same time, the experts noted that an environment conducive to cultural diversity will contribute in a significant manner to the full respect of human rights. “However, no one may invoke cultural diversity as an excuse to infringe on human rights or limit their scope,” they said, stressing that cultural diversity should not be used “to support segregation and harmful traditional practices which, seek to sanctify differences that run counter
to the universality, indivisibility and interdependence of human rights.” “Universal values of human rights should serve as a bridge among all cultures and should not be subservient to social, cultural or religious norms,” the human rights experts said on the World Day for Cultural Diversity, noting that “cultural rights include the right to question the existing parameters of culture,” to opt in or out of particular cultural entities, and to continuously create new culture.”

The group also reminded States of their responsibility under international law to create an environment conducive to cultural diversity and the enjoyment of cultural rights, in which “all persons, including national or ethnic, religious and linguistic minorities and those based on other attributes, as well as indigenous peoples, have the right to express themselves and to create and disseminate their work in the language of their choice, and particularly in their mother tongue; receive quality education and training that fully respect their cultural identity; and to participate in the cultural life of their choice and conduct their own cultural practices, subject to respect for human rights and fundamental freedoms.”

UN EXPERT BODY NOTES WITH CONCERN SUSPENSION OF JUDGE GARZÓN FOR INVESTIGATING ENFORCED DISAPPEARANCES

On 26 May 2010, the Working Group on enforced or involuntary disappearances issued a press release noting with concern the suspension of Judge Mr. Baltasar Garzon of Spain by the General Council of the Judiciary.

Judge Garzón, an investigative judge, has been subject to a criminal investigation by the Second Chamber of the Spanish Supreme Court that is competent to prosecute judges. The suspension is a step in a criminal process against judges. He might be sanctioned for knowingly exceeding his jurisdiction by admitting and investigating a series of complaints submitted in 2006 regarding more than 100,000 cases of enforced disappearances which reportedly occurred during the Spanish civil war and the Franco regime. These are allegedly inadmissible because of Spain’s 1977 Amnesty Law and the expiration of the statute of limitations.

Referring to the Declaration on the Protection of All Persons from Enforced Disappearance, the Working Group reminds States that they should refrain from making or enacting amnesty laws that would exempt the perpetrators of enforced disappearance from criminal proceedings and sanctions, and also prevent the proper application and implementation of other provisions of the Declaration.

“An amnesty law goes against the provisions of the Declaration when the State ends its obligations to investigate, prosecute and punish those responsible for disappearances, even where endorsed by a referendum or similar consultation procedure,” the experts stressed, recalling the Working Group’s General Comment on article 18 of the Declaration.

The Working Group also emphasizes the right to truth which should be enjoyed by the families of the victims of enforced disappearances. Reconciliation between the State and the victims of enforced disappearances cannot happen without the clarification of each individual case.

The Working Group has also made it clear that an enforced disappearance is a continuing offence and a continuous human rights violation for as long as the fate or whereabouts of the victim remains unclarified. The State has the obligation to uncover the truth of the fate and whereabouts of persons who remain disappeared. Enforced Disappearance as a Continuous Crime, the Working Group noted that “Enforced disappearances are prototypical continuous acts. The act begins at the time of the abduction and extends for the whole period of time that the crime is not complete, that is to say until the State acknowledges the detention or releases information pertaining to the fate or whereabouts of the individual.” “As far as possible, tribunals and other institutions ought to give effect to enforced disappearance as a continuing crime or human right violation for as long as all elements of the crime or the violation are not complete.”

BRAZIL: REGRESSION IN QUILombo COMMUNITIES’ RIGHTS COULD BREACH INTERNATIONAL LAWS, SAYS UN EXPERT

On 26 May 2010, the Special Rapporteur on the right to adequate housing, Ms. Raquel Rolnik stated that a decline in the rights afforded to communities founded by former slaves to control and benefit from their traditional lands may infringe Brazil’s international human rights obligations.

The Supreme Court will soon release a judgment on the constitutionality of a decree that regulates the granting of land titles to Quilombo communities. “This decree is part of a number of measures aiming to compensate for the historical debt of the Nation to communities affected by centuries of domination and violation of rights,” Ms. Rolnik said.

The constitutionality of Decree No. 4887/2003 of 2003 was challenged in the Supreme Federal Tribunal of Brazil by the Democratic Party (DEM), with the support of the National Confederation of Industry, the National Confederation of Livestock Producers and the Brazilian Rural Society.

“If the decree were to be declared unconstitutional, this would undermine the right of the Quilombo communities to have access to land and natural resources” Ms. Rolnik stressed. “This may contravene Brazil’s international obligations, particularly under the International Covenant on Economic, Social and Cultural Rights.”

Although recognized in domestic legislation, the property rights of the Quilombo communities have been secured slowly, leaving them extremely vulnerable to forced evictions and threats by land owners, mining companies and development seeking to take possession of their lands and natural resources.

“The relationship with land and natural resources is at the center of the lives of Quilombo communities,” the UN independent expert said. “The spiritual and material foundations of their cultural identities are sustained through their unique relationship to the lands they
traditionally occupy. Thus land is more than a mere source of subsistence; it is the basis of the continuation of their life and cultural identity.” Nowadays, there are 1.408 quilombo communities officially registered. The decree regulates the procedure for granting titles to lands occupied by the Quilombolas.

**UN EXPERT FINDS PROGRESS, BUT ALSO A PATTERN OF UNLAWFUL KILLINGS AND ONGOING “SERIOUS PROBLEMS” WITH COLOMBIA’S SECURITY POLICIES**

On 27 May 2010, Mr. Philip Alston, the Special Rapporteur on extrajudicial executions, stated that “Colombia has made important security gains after decades of armed conflict and gross human rights violations, but serious problems with its security policies have undermined the very goals the Government seeks to achieve”.

“My investigations found that members of Colombia’s security forces committed a significant number of unlawful killings in a pattern that was repeated around the country. Although these killings were not committed as part of an official policy, I found that many military units engaged in so-called “false positives” or falsos positivos in which victims were murdered by the military, often for soldiers’ personal benefit or profit. Victims were generally lured under false pretenses by a “recruiter” to a remote location and then killed by soldiers who report that there was a “death in combat”, and takes steps to manipulate and cover-up the crime scene,” Mr. Alston reported. “Within the military, success was equated with “kill counts” of guerrillas, and promoted by an environment in which there was little or no accountability. Soldiers simply knew that they could get away with murder.”

Mr. Alston noted steps Colombia has taken to reduce the killings, including dismissing senior military officers and permitting UN and International Committee of the Red Cross monitoring, but expressed concern about continuing impunity. “The current rate of impunity for alleged killings by the security forces, up to 98.5 per cent by some credible estimates, is way too high.” “Unless the Government ensures effective investigation and prosecution of killings by security forces, it will not be able to turn the page on the falsos positivos scandal. Victims and family members deserve justice. Colombian society and the international community need to know that security operations are lawful, or they will not be considered legitimate.”

The Special Rapporteur also found “an alarming level of impunity.” According to Mr. Alston, “Colombia’s effort to end and provide accountability for paramilitary violence is floundering. The vast majority of paramilitaries responsible for human rights violations were demobilized without investigation, and many were effectively granted amnesties. Today, the failure in accountability is clear from the dramatic rise in killings by illegal armed groups composed largely of former paramilitaries.”

Mr. Alston added that “The Justice and Peace Law that was intended to provide accountability for paramilitary crimes has not been an effective tool for justice or truth. There must be significant substantive and procedural changes to the law. But given Colombia’s record so far, a focus on this law alone is not enough. There is no substitute for prosecution of human rights abuses, but the Government should also consider establishing an independent truth commission to conduct a systematic investigation into the abuses committed by all sides.”

Mr. Alston emphasized that “The FARC and ELN both carry out unlawful killings and often target or victimize the very populations on whose behalf they claim to fight. Guerrilla groups cause instability in many parts of the country. The Government’s strategy has focused on military defeat, but it should also consider humanitarian accords and negotiation to end the conflict once and for all.”

The expert called attention to groups that are especially vulnerable to violence in Colombia. “All parties to Colombia’s conflict have targeted indigenous and Afro-Colombian communities, human rights defenders, trade unionists, and other rights activists. Colombia must vigorously investigate and prosecute violence and threats against these groups.” Mr. Alston also emphasized that, “Indigenous and Afro-Colombian communities in conflict zones are especially vulnerable to massacres and other abuses, and Colombia must ensure its security policies and military operations prioritize their protection.”

Mr. Alston commended the Government for the high level of cooperation, “The Government’s willingness to open itself to international scrutiny of its security policies sets an example for other states. Government officials repeatedly told me they welcomed suggestions for reform. As Colombia addresses its security challenges, continued transparency about the content and effect of its policies and a focus on accountability for wrongdoing will benefit victims, family members and society at large, and will also have a strongly positive effect on the legitimacy of the Government and its policies.”

**UN EXPERTS STRONGLY CONDEMN ATTACKS AGAINST AHMADIS IN PAKISTAN**

Ms. Asma Jahangir, Special Rapporteur on freedom of religion or belief; Ms. Gay McDougall, Independent Expert on minority issues; and Mr. Philip Alston, Special Rapporteur on extrajudicial, summary or arbitrary executions stated on 28 May that they were “appalled by and strongly condemn the targeted killings of at least 70 members of the Ahmadiyyah community in Pakistan.”

During Friday prayers, gunmen armed with grenades attacked two mosques of this religious minority in the city of Lahore in Pakistan. While the police responded to the attacks, the gunmen took control of one mosque and reportedly held hundreds of Ahmadi worshippers hostage.

“Members of this religious community have faced continuous threats, discrimination and violent attacks in Pakistan.” While noting the expressions of condemnation by senior leadership of Pakistan, the Special Rapporteurs emphasized that “the Government must take every step to ensure the security of members of all religious minorities and their places of worship so as to prevent any recurrence of today’s dreadful incident.” This is all the more important since there have been numerous early warning signs which have not been properly heeded, they said.

In Pakistan and elsewhere, Ahmadis have been declared
non-Muslims and have been subject to a number of undue restrictions and in many instances institutionalized discrimination. This emboldens opinion makers who wish to fuel hatred and perpetrators of attacks against religious minorities.

“There is a real risk that similar violence might happen again unless advocacy of religious hatred that constitutes incitement to discrimination, hostility or violence is adequately addressed.” The Government must ensure thorough, prompt and impartial investigation, followed by effective prosecutions of all those responsible for the killings.

UN EXPERT ON GAZA AID CONVOY KILLINGS: “THOSE RESPONSIBLE MUST BE HELD CRIMINALLY ACCOUNTABLE”

The UN Special Rapporteur for the Occupied Palestinian Territories, Mr. Richard Falk, issued a press statement on 31 May 2010 urging the international community to bring to justice those responsible for the killing of some 16 unarmed peace activist, when Israeli armed commandos stormed a convoy of ships carrying aid to Gaza.

“Israel is guilty of shocking behavior by using deadly weapons against unarmed civilians on ships that were situated in the high seas where freedom of navigation exists, according to the law of the seas,” Mr. Falk said. “It is essential that those Israelis responsible for this lawless and murderous behavior, including political leaders who issued the orders, be held criminally accountable for their wrongful acts.”

There are confirmed reports of lethal interference by Israeli military units on the high seas with the Freedom Flotilla of six ships carrying some 10,000 tons of medicine, food, and building materials to the civilian population of Gaza. Preliminary reports suggest as many as 16 unarmed activists were killed, and dozens more wounded.

“This peaceful humanitarian initiative by citizens from 50 countries is an urgent response to the continuation of an unlawful blockade that has been maintained for almost three years causing great physical and mental harm to the whole of the 1.5 million people entrapped within Gaza,” the UN independent expert said. “Such a massive form of collective punishment is a crime against humanity, as well as a gross violation of the prohibition on collective punishment in Article 33 of the Fourth Geneva Convention.”

“As Special Rapporteur for the Occupied Palestinian Territories, familiar with the suffering of the people of Gaza, I find this latest instance of Israeli military lawlessness to create a situation of regional and global emergency. Unless prompt and decisive action is taken, all of us will be complicit in criminal policies that are challenging the survival of an entire beleaguered community.”

UN SPECIAL RAPPORTEUR FINDS THAT KILLINGS BY BRAZILIAN POLICE CONTINUE AT ALARMING RATES, GOVERNMENT HAS FAILED TO TAKE ALL NECESSARY ACTION

“Daily life for too many Brazilians, especially those living in favelas, is still lived in the shadow of killings and violence by gangs, militias, death squads and the police, despite important reforms by the Government,” said Mr. Philip Alston, the Special Rapporteur on extrajudicial executions on 1 June 2010, as he released a follow-up report on the progress Brazil has made in reducing police killings since his 2007 visit.

“When I visited the country two and a half years ago, I found that the police executed suspected criminals and innocent citizens during poorly planned and counter-productive war-style operations into favelas. Off-duty police, operating in death squads and militias, also killed civilians, either as ‘vigilantes’ or for profit”, the UN Special Rapporteur said.

“Today, the situation on the ground has not changed dramatically. The police continue to commit extrajudicial executions at alarming rates.”

Reviewing federal and state Government actions over the past two years, the expert’s report singled out Brazil for noteworthy improvements in certain areas. “Rio de Janeiro, São Paulo and Pernambuco have investigated militias and death squads and the fact that some police have been arrested is very positive.” “In addition, new efforts at community policing in a handful of Rio de Janeiro’s favelas are very welcome, as is the federal Government’s promise to increased salaries to improve security in anticipation of the World Cup in 2014 and the Olympic Games in 2016. But these efforts will require a much greater push.”

In other key areas, he noted that far too little has been done. “Resistance killings continue at a great rate,” he said, referring to police killings which are then reported as having occurred in self-defence. “There were at least 11,000 killings in São Paulo and Rio de Janeiro between 2003 and 2009. The evidence clearly shows that many of these killings were actually executions and are almost never seriously investigated. The Government has not yet stopped this abusive practice.” Resistance killings have increased in São Paulo since 2007. He called on Brazil to, “abolish this category which gives a shooting licence to the police, and investigate such killings like any other deaths.”

He welcomed Rio’s new UPP (Pacifying Police Units) experimental approach which replaces violent short-term interventions in favelas with a long-term police presence and social services provision. “The UPP concept is a very welcome step forward because it brings the prospect of real and sustained security,” he said. “But there are also increasing reports of harassment of favela residents by the UPPs, and the promised social services have not always been delivered.” The main challenge is to greatly expand the program since “hundreds of favelas continue either to be untouched or to be still subject to the old mentality that occasional violent invasions can bring security.”

UN EXPERT CRITICIZES “ILLEGAL” TARGETED KILLING POLICIES AND CALLS ON THE UNITED STATES TO HALT CIA DRONE KILLINGS

On 2 June 2010, Mr. Philip Alston, the Special Rapporteur on extrajudicial executions issued a press statement stating that targeted killings pose a rapidly growing challenge to the international rule of law. They are increasingly used in circumstances which violate the relevant rules of international
The international community needs to be more forceful in demanding accountability.

“The most prolific user of targeted killings today is the United States, which primarily uses drones for attacks. Some 40 States already possess drone technology, and some already have, or are seeking, the capacity to fire missiles from them,” said the expert. “The result is that the rules being set today are going to govern the conduct of many States tomorrow. I’m particularly concerned that the United States seems oblivious to this fact when it asserts an ever-expanding entitlement for itself to target individuals across the globe. But this strongly asserted but ill-defined licence to kill without accountability is not an entitlement without doing grave damage to the rules designed to protect the right to life and prevent extrajudicial executions.”

This report identifies two major problems: the excessively broad circumstances in which targeted killings are alleged to be legal, and the absence of essential accountability mechanisms in situations where they are used.

“There are indeed circumstances in which targeted killings may be legal”, Mr. Alston noted. “They are permitted in armed conflict situations when used against combatants or fighters, or civilians who directly engage in combat-like activities. But they are increasingly being used far from any battle zone. The United States, in particular, has put forward a novel theory that there is a ‘law of 9/11’ that enables it to legally use force in the territory of other States as part of its inherent right to self-defence on the basis that it is in an armed conflict with al-Qaeda, the Taliban and ‘associated forces’. This expansive and open-ended interpretation of the right to self-defence goes a long way towards destroying the prohibition on the use of armed force contained in the United Nations Charter. If invoked by other States, in pursuit of those they deem to be terrorists and to have attacked them, it would cause chaos.”

Mr. Alston emphasized that “I do not for a moment question the seriousness of the challenges posed by terrorism. I condemn wholeheartedly the actions of al-Qaeda and all other groups that kill innocent civilians, as well as any groups that increase the danger of attacks on civilians by hiding in their midst. These actions unequivocally violate international law. But the fact that such enemies do not play by the rules does not mean that a Government can cast those rules aside or unilaterally re-interpret them. The credibility of any government’s claim that it is fighting to uphold the rule of law depends on its willingness to disclose how it interprets and applies the law – and the actions it takes when the law is broken.”

Mr. Alston observed that “it is an essential requirement of international law that States using targeted killings demonstrate that they are complying with the various rules governing their use in situations of armed conflict. The clearest challenge to this principle today comes from the programme operated by the United States’ Central Intelligence Agency in which targeted killings are carried out from unmanned aerial vehicles or drones. It is clear that many hundreds of people have been killed as a result, and that this number includes some innocent civilians. Because this programme remains shrouded in official secrecy, the international community does not know when and where the CIA is authorized to kill, the criteria for individuals who may be killed, how it ensures killings are legal, and what follow-up there is when civilians are illegally killed. In this situation the legal principle of international accountability is, by definition, comprehensively violated.”

He noted that “the easiest contrast to draw is with the well-established practice of the United States Department of Defense. While it is by no means perfect, the United States military has a relatively public accountability process, as demonstrated earlier this week by its report on the incident in Uruzgan, Afghanistan, in which at least 23 civilians were killed based on erroneous intelligence from surveillance drone operators. Intelligence agencies, which by definition are determined to remain unaccountable except to their own paymasters, have no place in running programs that kill people in other countries.”

FIGHTING TRAFFICKING, ONE OF THE FASTEST GROWING CRIMINAL ACTIVITIES IN THE WORLD

On 2 June 2010, the Special Rapporteur on trafficking in persons, especially in women and children, Ms. Joy Ngozi Ezeilo, stated that “trafficking in persons remains one of the fastest growing criminal activities in the world, and the role of regional organizations fighting against it cannot be underestimated”.

“While better cooperation among countries of origin, transit and destination is key to address this scourge,” the independent expert said, “the role of regional and sub-regional organizations in catalyzing the action of States in combating trafficking in a specific region has not received sufficient attention and support. “I am convinced that they play a key role in providing a response that is both multilateral and sufficiently close to countries’ realities and specificities within a certain region.”

The Special Rapporteur’s 2010 report focuses on the role and added-value of these cooperation mechanisms in the fight against trafficking with a number of good practices that could positively be reproduced in other areas of the world and highlighted the most pressing challenges that these organizations face, including the growing use of new information technologies by traffickers around the world.

Noting that the majority of regional and sub-regional organizations still tend to focus almost exclusively on the criminalization of traffickers, the Special Rapporteur urged them to adopt a human rights and victim-centred perspective in the action: “In order to be effective, they should put the rights of the victim at the core of their strategies and actions. By doing so, they will succeed both in protecting victims and prosecuting traffickers.” “Only by properly protecting and assisting victims that can effectively prosecute traffickers”.

The Special Rapporteur plans to hold a consultation on the topic of her report, inviting representatives from regional and sub-regional organizations and other relevant partners.

DEMOCRATIC REPUBLIC OF THE CONGO: UN EXPERT
On 2 June 2010, Mr. Philip Alston, the Special Rapporteur on extrajudicial executions stated that the human rights situation in key parts of the Democratic Republic of the Congo remains extremely serious. He warned that killings, rapes, mutilation, village burnings, and displacement would continue to take place unless civilian protection measures are urgently improved. He noted an increase in 2010 of attacks on civilians by the Lord’s Resistance Army (LRA) rebel group, continued reprisal attacks by the Forces Démocratiques de Libération du Rwanda (FDLR) rebel group, as well as abuses by the Congolese army itself. Mr. Alston conducted a fact-finding mission to the Democratic Republic of the Congo in October 2009.


“It is clear that the major human rights violations which I identified in October have continued to plague the country in the intervening period”, Mr. Alston said. “The alarm that I sounded at the time and the warnings made by non-governmental organizations and humanitarian organizations have been largely ignored. We have continued to see poorly planned and under-resourced military operations, reprisal attacks by rebel groups on unprotected civilians, the failure to arrest war criminals serving in the Congolese army, many hundreds of civilians killed, and many more displaced and gravely injured.”

“During my mission, the Government told me that it had essentially run the Lord’s Resistance Army out of the country. This was not at all the case, and that the risk of further violence remained high. Subsequently, Lord’s Resistance Army attacks had risen: at least 400 have been killed, and hundreds have been abducted or had their lips or ears chopped off. This is a crisis, and it is still not receiving the urgent attention that is required. The Government and the United Nations must strengthen their military presence in Province Orientale. And the international community and especially the countries in which the Lord’s Resistance Army continues to operate – Uganda, the Central African Republic, the Democratic Republic of the Congo, and the Sudan – need to develop a strong regional military strategy.”

In the Kivus, Mr. Alston said that NGOs and the United Nations have documented extensive abuses by senior commanders currently serving in the Congolese army. “Their names have been provided to the Government which still refuses to investigate and arrest them. This is a travesty.” Mr. Alston singled out the failure to arrest senior military commanders Innocent Ntiramugira and Bosco Ntaganda (who is wanted by the International Criminal Court), as “ emblematic of the failures in accountability that permit extrajudicial executions and other gross human rights violations to continue.”

Mr. Alston also called upon the United Nations Mission in the Democratic Republic of the Congo to make public its “conditionality policy”, which sets out the terms on which it provides support to the Congolese army. During 2009, many concerns were expressed by NGOs and others that the United Nations was supporting Congolese troops who were in turn abusing civilians. Mr. Alston noted that the conditionality policy appears to have only been developed in late 2009, many months after United Nations military operations started. He said that the policy “must be based on sustained and credible monitoring and investigation of allegations of human rights abuses against the Congolese army.” “The ability of the United Nations to monitor rights violations in accordance with the principles of impartiality, effectiveness and credibility would be greatly enhanced with the creation of an independent mechanism to conduct such investigations. Detailed information should be reported to the Security Council.”

“The many challenges facing the Government of the Democratic Republic of the Congo and the international community require both concerted and well-planned large-scale military action that prioritizes civilian protection, as well as key reforms which are more immediately achievable. I have made recommendations for a number of reforms targeted at ending impunity, for example, including that United Nations assistance be preconditioned on the Government providing uniforms to soldiers that identify their name and rank, as well as the indictment of senior commanders accused of war crimes. The will of the Government and the international community to protect Congolese citizens and to achieve greater security for them can be measured by whether, and how quickly, these recommendations are implemented.”

Mr. Alston’s investigations and his report (A/HRC/14/24/Add.3) also focus on political killings in Kinshasa and Bas Congo; deaths in prisons; killings of accused “witches”; killings of human rights defenders and journalists; and vigilante killings.

UN EXPERT ON EXTREME POVERTY: “ZAMBIA’S POOR DESERVE A LARGER SHARE OF THE NATIONAL BUDGET”

On 4 June 2010, the Independent Expert on the question of human rights and extreme poverty, Ms. Magdalena Sepúlveda, stated that “resources are scarce, but the Zambian Government can and must do more”. “The authorities have recognized social protection as a key tool to tackle the high levels of poverty and vulnerability, but commitments to support social protection must be translated into adequate budgetary allocations,” noted Ms. Sepúlveda.

In her report, the Independent Expert draws attention to a number of initiatives: “The positive experience with pilot social cash transfers schemes which benefit households unable to undertake any income generating activity must be recognized and strongly supported by the authorities.” “Even small cash transfers can make a significant
difference to the lives of people living in poverty,” she says. “Without cash transfers, many older people, women and children would be virtually abandoned to their fate.” Ms. Sepúlveda urges the Zambian authorities to ensure the sustainable expansion of these initiatives.

The expert’s reports also highlights that the Constitution review in the country offers a unique opportunity to consolidate human rights. “The Government must seize the chance to improve the Bill of Rights by placing economic, social and cultural rights on an equal basis with civil and political rights.” “However, laws are not sufficient if there is no firm commitment to secure public investment in social policies.” “More resources need to be allocated for strategic sectors such as social protection. Ms. Sepúlveda urged the Government to take the lead and ensure a more coordinated strategy of social protection in the country, highlighting the need for external support: “Donors agencies should enhance and improve coordination of international support to these initiatives.”

“The prevalence of corruption is another important obstacle in the fight against poverty in Zambia.” “The Government must strengthen the Anti-Corruption Commission and other important mechanisms that ensure transparency and accountability.”

“An independent and active civil society is another indispensable component for the daily fight against corruption and to ensure that public policies are reaching the extremely poor,” added Ms. Sepúlveda, noting that “any regulatory framework for NGOs must actively preserve the independence of the sector and avoid unwarranted controls and restrictions to the freedom of association.”

**UNITED NATIONS INDEPENDENT EXPERT WARNS: “EXTREME POVERTY AROUND THE CORNER FOR OLDER PERSONS EVERYWHERE”**

On 4 June 2010, “Societies are abandoning traditional care practices for older persons, who are left stranded in rapidly increasing numbers,” warned United Nations Independent Expert Magdalena Sepúlveda. “Nowadays, investment in social pensions is crucial to protect the rights of the elderly.” “Conventional family structures cannot cope with the pace at which the world population is ageing without more support from States,” Ms. Sepúlveda said, noting that the elderly population is one of the fastest growing segments of society – the number of persons over 60 is likely to double by 2050. “What is not changing is that older persons leave or are pushed out of the workforce, that people become frailer as they age and that their need for health care services increases. It is essential that States take older persons into account during policy-making.”

“Traditionally, States have approached the social protection of elderly populations through contributory insurance schemes. Yet, this strategy failed as only one in five persons today is protected by social security.” “Setting up universal non-contributory old-age pensions is the most appropriate measure that States need to take in order to respect the rights of older persons.”

“Universal pensions play a key role in protecting older persons against poverty, and in many countries they contribute to the welfare of entire families, especially children.”

Women, who live longer than men worldwide, are all the more vulnerable because “they are more likely to outlive their partners and yet less likely to receive a pension that allows them to live a dignified life,” added Ms Sepúlveda. “Non-contributory pensions are the most efficient way of ensuring protection for older women and compensating them for their years of unpaid or inadequately paid work.”

“It is also clear that States can afford basic universal pensions, despite a common myth to the contrary,” said Ms Sepúlveda, stressing that there are success stories in all regions, including developing countries, such as Bolivia, East Timor, Namibia and Nepal.

In her report, Ms Sepúlveda makes recommendations to States on ways to upgrade their social protection systems while protecting the rights of older persons, including against poverty. States must prioritize the creation of universal pensions to ensure everyone’s access to social security; they must take special measures for women, and ensure participation, transparency and accountability.

**EXPERT SAYS DIALOGUE IS THE KEY TO HARMONIZING ORDINARY AND INDIGENOUS JUSTICE SYSTEMS**

On 8 June 2010, Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, Mr. James Anaya, called for dialogue and understanding between political actors and indigenous organizations in Ecuador in order to build, through consultation and participatory processes, the mechanisms of coordination and cooperation between ordinary and indigenous justice. “The key lies in dialogue based on the principles of tolerance and respect for human rights.” “It is counterproductive for the construction of an intercultural and multinational State as declared in the new constitution of Ecuador,” Mr. Anaya said, “to describe as wild and as polarized atmosphere that seems to have emerged from the media in relation to a case that took place on May 9, 2010 in the Cocha community, Cotopaxi province.”

The Special Rapporteur expressed deep concern at the polarized atmosphere that seems to have emerged from comments in the media and statements by government officials in Ecuador, that “go beyond the reasonable and measured critique of a concrete case of indigenous justice implementation, and run the risk of being perceived as encouraging racist and discriminatory views against all indigenous peoples of Ecuador.”

Indigenous peoples’ rights, and in particular the right to enjoy their own laws, are recognized in the 2008 Constitution and in international treaties signed by the country. The Constitution recognizes the equality between indigenous and ordinary jurisdiction, and that cooperation and coordination are at the heart of their relationship.

“The constitutional proviso is not only consistent with
international standards on the subject” “but it recognizes
the undeniable reality of the existence and effective
operation for hundreds of years of several indigenous
devices corresponding to different nationalities and
teeth.” The Special Rapporteur urged the society and the
authorities to recognize the effective and peaceful
application of ancestral justice systems in the vast majority
of cases, but also to not confuse cases of vigilante and
riots with the genuine expressions of
indigenous justice.

“This requires a process of further dialogue with the
indigenous authorities and knowledge of ancestral justices,
as well as the support of legal and anthropological analysis,
especially in relation to human rights issues.”

“In order to guarantee the right to justice for all,” the
Special Rapporteur said, “the authorities must redouble
their efforts to strengthen the capacity of both ordinary and
indigenous justice, so both become effective instruments to
fight impunity while respecting human rights.”

UN SPECIAL RAPPOREUR ON TORTURE SAYS HE IS DISAPPOINTED THAT VISIT TO CUBA WILL NOT TAKE PLACE

On 9 June 2010, the Special Rapporteur on torture, Mr.
Manfred Nowak, expressed deep disappointment after being informed by the Government of Cuba that it was
unable to accommodate a fact-finding mission to the
country before the end of his mandate on 31 October 2010.

“I regret that in spite of its clear invitation, the Government
of Cuba has not allowed me to objectively assess the
situation of torture and ill-treatment in the country by
collecting first-hand evidence from all available sources.”

The Government issued an invitation to the Special
Rapporteur in February 2009 to conduct a fact-finding
mission to the country before the end of 2009. Despite
several attempts to propose mutually acceptable dates, no
agreement was reached with the Government.

This visit was to be the first mission to Cuba by an
independent expert mandated by the Human Rights
Council to specifically monitor torture and other cruel,
inhuman or degrading treatment or punishment.

Previous visits by the Human Rights Commission and
Council envoys to Cuba have included the Special
Rapporteur on the use of mercenaries (1999), the Special
Rapporteur on violence against women (1999) and the
Special Rapporteur on the right to food (2007).

UN EXPERTS CALL FOR REINFORCEMENT OF DEMOCRATIC REPUBLIC OF CONGO’S INVESTIGATION INTO KILLING OF PROMINENT CONGOLESE HUMAN RIGHTS DEFENDER

On 9 June 2010, a group of UN independent experts,
comprising The Special Procedures mandate-holders are
Philip Alston, Special Rapporteur on extrajudicial,
summary or arbitrary executions; Frank La Rue, Special
Rapporteur on the promotion and protection of the right to
freedom of opinion and expression; and Margaret
Sekaggya, Special Rapporteur on the situation of human
rights defenders, welcomed the announced suspension of
the chief of the Congolese National Police, General
Inspector John Numbi, and the arrest of several police
officers in the investigation of the killing late last week of
human rights defender Floribert Chebeya Bahizire in the
Democratic Republic of the Congo, and the disappearance
of his driver, Fidele Bazana Edadi.

“This killing not only deprives the Democratic Republic of
the Congo of one of its most vocal and effective human
rights defenders, but also sends a message of intimidation
and brutality to the entire human rights community”, said
the experts. “Failure to identify and prosecute the
perpetrators would constitute a huge step backwards, and
risks undermining many of the Government’s other
efforts.” “Urgent efforts should also be deployed to locate
Mr. Edadi, whose whereabouts are still unknown.”

While welcoming the arrests that have been made, the
experts urged the authorities to invite independent forensic
experts to assist in the investigation and ensure that any
prosecutions that are brought are solidly supported by all
available forensic and other evidence.

The experts welcomed the call by the United Nations
Secretary-General for a thorough, transparent and
independent investigation, and the commitment by the
Minister of Interior in relation to the investigation.
“Bringing in international expertise to reinforce the
domestic investigation would show clearly and
unmistakably the Government’s commitment to solving
this terrible crime.”

In addition, the experts recalled the previous
recommendation contained in reports of several Special
Procedures mandate-holders to adopt national and
provincial laws on the protection of human rights
defenders, developed in consultation with civil society.
Such laws would certainly enhance and give legitimacy to
the work of defenders. In the ongoing context of attacks
and threats against defenders and journalists, and the
prevailing impunity in most cases, there can be no
democracy without human rights defenders, including
journalists. “The Government has the prime responsibility
under international human rights law to ensure the
protection of human rights defenders against any violence,
threats, retaliation, pressure or any other arbitrary action as
a result of their human rights work.”

UNIVERSAL EXPERTS ON GAZA FLOTILLA INVESTIGATION: “TO BE CREDIBLE, ISRAELI INQUIRY MUST BE GIVEN THE CAPACITY TO FIND FACTS”

On 11 June 2010, the Special Rapporteur on extrajudicial
executions, Mr. Philip Alston said that “Any inquiry set up
by Israel to investigate the Gaza flotilla incident must be
given a genuine capacity to find the facts”. “Without that
capacity, an inquiry will simply not be considered
credible.”

“There are several indispensable requirements for any such
“Minority rights, non-discrimination and the rule of law are all key components of long-term stability and conflict prevention.”

UN EXPERT CALLS ON VENEZUELAN AUTHORITIES TO WITHDRAW ARREST WARRANT OF TV CHANNEL PRESIDENT AND SECURE THE RIGHT TO FREEDOM OF EXPRESSION

On 17 June 2010, the Special Rapporteur on freedom of opinion and expression, Mr. Frank LaRue, urged the Venezuelan authorities to withdraw the arrest warrants against Mr. Guillermo Zuloaga, president of the private TV news channel Globovisión, and his son. “No Government in the world has the right to silence critics or those who oppose the State with criminal proceedings.”

“This latest act of harassment against Mr. Zuloaga is symptomatic of the continuous deterioration of freedom of the press in the country.” The Special Rapporteur said that he is troubled by the arrest warrants issued on 11 June 2010 allegedly for business irregularities. It is feared that these warrants are politically motivated, aimed solely at silencing Mr. Zuloaga who has been critical of President Hugo Chavez.

“This is not the first time that staff members of Globovisión, including Mr. Zuloaga, are criminally prosecuted because of the exercise of their right to freedom of expression.” Since 2001, Globovisión’s personnel have been subject to acts of harassment and intimidation, which in 2008 led the Inter-American Court of Human Rights to order provisional measures to protect its employees.

“I urge the Venezuelan Government to take all necessary steps to secure the right to freedom of opinion and expression of all persons, in accordance with fundamental principles as set forth in article 19 of the Universal Declaration of Human Rights, and article 19 of the International Covenant on Civil and Political Rights**, to which Venezuela is a party.”

“I would like to reiterate my request to visit Venezuela in...
order to make an in-depth assessment on the ground of the state of freedom of expression and freedom of the press in the country,” “This request regrettably remains unanswered.”

**UN SPECIAL RAPPORTEUR ON MYANMAR CALLS FOR IMMEDIATE RELEASE OF AUNG SAN SUU KYI**

On 17 June 2010, the Special Rapporteur on the situation of human rights in Myanmar, Mr. Tomás Ojea Quintana, urged “the Government of Myanmar to heed the call of an independent United Nations human rights body to immediately release Daw Aung San Suu Kyi”. The United Nations Working Group on Arbitrary Detention recently adopted its sixth ‘Opinion’ on Daw Aung San Suu Kyi, which has been made public.

As in its previous five ‘Opinions’, the Working Group has found that the continuous deprivation of Daw Aung San Suu Kyi’s liberty is arbitrary, and has requested the Government of Myanmar to implement its previous recommendations and to remedy the situation in order for Myanmar to be in conformity with the norms and principles set forth in the Universal Declaration of Human Rights.

The Special Rapporteur also called upon the Government to release all prisoners of conscience in order to create the conditions for an inclusive election process and to demonstrate that it intends to take a more serious and sincere approach to its international obligations to uphold human rights.”

**“AGROECOLOGY OUTPERFORMS LARGE-SCALE INDUSTRIAL FARMING FOR GLOBAL FOOD SECURITY,” SAYS UN EXPERT**

On 22 June 2010, “Governments and international agencies urgently need to boost ecological farming techniques to increase food production and save the climate,” said UN Special Rapporteur on the right to food, Mr. Olivier De Schutter, while presenting the findings at an international meeting on agroecology held in Brussels on 21 and 22 June.

Along with 25 of the world’s most renowned experts on agroecology, the UN expert urged the international community to re-think current agricultural policies and build on the potential of agroecology.

“One year ago, Heads of States at the G20 gathering in Italy committed to mobilizing $22 billion over a period of three years to improve global food security. This was welcome news, but the most pressing issue regarding reinvestment in agriculture is not how much, but how.”

“Today, most efforts are made towards large-scale investments in land – including many instances of land grabbing – and towards a ‘Green Revolution’ model to boost food production: improved seeds, chemical fertilisers and machines.” “But scant attention has been paid to agroecological methods that have been shown to improve food production and farmers’ incomes, while at the same time protecting the soil, water, and climate.” Concrete examples of ‘agroecological success stories’ abound in Africa.

In Tanzania, the Western provinces of Shinyanga and Tabora used to be known as the ‘Desert of Tanzania’. However, the use of agroforestry techniques and participatory processes allowed some 350,000 hectares of land to be rehabilitated in two decades. Profits per household rose by as much as USD 500 a year. Similar techniques are used in Malawi, where some 100,000 smallholders in 2005 benefited to some degree from the use of fertilizer trees.

“The experts gathering in Brussels identified the policies that could develop agroecological approaches to the scale needed to feed the world in 2050. They based their work on the experiences of countries that have pro-agroecology policies – such as Cuba or Brazil – as well as on the successful experiences from international research centres such as the World Agroforestry Center in Nairobi, and on the programmes of La Via Campesina, the transnational peasant movement, which runs agroecology training programmes.

“We can scale up these sustainable models of agriculture, and ensure that they work for the benefit of the poorest farmers. What is needed now is political will to move from successful pilot projects to nation-wide policies,” the Special Rapporteur said. In conclusion, he announced that he would ask the Committee on World Food Security to work during its October session on the policy levers to scale agroecology. “This is the best option we have today. We can’t afford not to use it.”

**UN EXPERT PANEL STUDIES 170 DISAPPEARANCE CASES – TEN UNDER ITS URGENT ACTION PROCEDURE**

On 25 June 2010, the UN Working Group on Enforced or Involuntary Disappearances examined 10 reported cases under its urgent action procedure during its 91st, held from 22 to 25 June 2010, in Bosnia and Herzegovina. The UN expert body also studied 170 newly-submitted cases of enforced disappearances and information on previously accepted cases.

The cases concern Bahrain, Bangladesh, Chile, China, Colombia, Democratic People’s Republic of Korea, Dominican Republic, Ecuador, Egypt, Georgia, Greece, India, Iraq, Libyan Arab Jamahiriya, Morocco, Myanmar, Pakistan, Russian Federation, Rwanda, Sudan, Syrian Arab Republic, United Arab Emirates, Ukraine, Uruguay, Venezuela and Yemen.

Responses from the Government of Algeria to prompt intervention letters were also reviewed.

“Enforced disappearances remain a global problem,” said Mr. Jeremy Sarkin, head of the UN Working Group. “Cases continue to be reported from all corners of the world. The fact that so many cases are reported under our urgent action procedure, that allows cases to be dealt with swiftly where they have occurred within 90 days of being reported, indicates that more needs to be done by all stakeholders to
Since its creation, the Working Group has dealt with more than 50,000 cases in 80 countries. The Group establishes a channel of communication between the families and the Governments concerned, to ensure that individual cases are investigated in order to clarifying the whereabouts of persons who, having disappeared, are placed outside the protection of the law. The Group continues to address cases of disappearances until they are resolved.

During its session in Bosnia and Herzegovina, the UN expert body also held meetings with representatives of the Governments of Chad and Japan as well as consultations with non-governmental organizations and family members of disappeared persons, including from the region, to exchange views on individual cases under consideration and on the phenomenon of enforced disappearances in general.

The Working Group also examined allegations submitted by non-governmental organizations regarding obstacles encountered in the implementation of the Declaration on the Protection of All Persons from Enforced Disappearance and decided to transmit general allegations to the concerned Governments.

"In its 30th year since the establishment of the Working Group the Group reiterates its call on the UN to proclaim 30 August as the International Day of the Disappeared," noting that 18 of the necessary 20 state ratifications needed for the International Convention on the Protection of All Persons from Enforced Disappearances have occurred. "We call on all other states to ratify the Convention and accept the state and individual complaint process under the Convention."

"We are pleased to welcome a new member, Ms. Jasminka Dzumhur, from Bosnia and Herzegovina, who was appointed as its first female member in the 30th anniversary year of the establishment of the Working Group."

**ISRAEL MUST AVOID FURTHER VIOLATIONS OF INTERNATIONAL LAW IN EAST JERUSALEM**

On 29 June 2010, Special Rapporteur on the situation of human rights in Palestinian territories occupied since 1967, Mr. Richard Falk, has urged Israel to prevent further violations of international law in East Jerusalem, most urgently in relation to the situation of four Palestinians threatened with the loss of their right of residence and the Mayor of Jerusalem’s plan to demolish 22 buildings, representing 89 Palestinian homes, in the Silwan area of East Jerusalem.

“These actions, if carried out, would violate international law, with certain actions potentially amounting to war crimes under international humanitarian law,” warned the independent expert.

“It is disturbing that Israel is considering revoking the residency permits of Muhammad Abu-Teir, Ahmad Attoun, Muhammad Totah, and Khaled Abu Arafeh, all current or former members of the Palestinian Legislative Council and long-time residents of East Jerusalem, especially since the Israeli High Court of Justice is scheduled to consider their

“What is particularly shocking is that Israel appears ready to forcibly transfer these individuals based on their supposed lack of loyalty to the State of Israel,” Mr. Falk said. “Israel, as an occupying Power, is prohibited from transferring civilian persons from East Jerusalem, and is prohibited from forcing Palestinians to swear allegiance or otherwise affirm their loyalty to the State of Israel.”

The United Nations independent expert warned that population transfers in or from occupied territory are war crimes under both the Rome Statute of the International Criminal Court and customary international law. “Those responsible could be liable for war crimes for forcibly transferring these persons, as well as for violations of a wide range of international human rights, rights that protect the family and family life, freedom of expression, freedom of assembly and association, non-discrimination, and political participation.”

“Forcibly transferring these individuals would constitute serious violations of Israel’s legal obligations. At the same time, the current threats should be viewed as part of a larger, extremely worrying pattern of Israeli efforts to drive Palestinians out of East Jerusalem – all of which are illegal under international law,” stated the Special Rapporteur.

The situation in the Silwan area of East Jerusalem warrants urgent action by the Government of Israel, in order to prevent the occurrence of serious violations of international law, according to the Special Rapporteur. “East Jerusalem is occupied territory under international law,” he recalled. “International law does not allow Israel to bulldoze Palestinian homes to make space for the Mayor’s project to build a garden, or anything else.”

“This situation should be seen within the context of Israel’s persistent, systematic approach to driving Palestinians out of East Jerusalem,” Mr. Falk added, “including by denying them permission to construct homes, declaring their homes illegal, forcibly removing families, and then destroying their homes – all to make way for Israeli settlements.”