

SPECIAL PROCEDURES BULLETIN



EIGHTEENTH ISSUE: JULY– SEPTEMBER 2010

HIGHLIGHTS

HUMAN RIGHTS COUNCIL 15TH SESSION

The Human Rights Council held its fifteenth regular session from 13 September to 1 October 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 fifteenth regular session of the Human Rights Council, two new mandate-holders were appointed. On 29 September 2010, Mr. Juan Ernesto Mendez (Argentina) was appointed Special Rapporteur on torture and other cruel, inhuman and degrading treatment or punishment, and Mr. Chaloka Beyani (Zambia) Special Rapporteur on the human rights of internally displaced persons. The terms of the mandate holders commenced on 1 November 2010.

HOW TO FIND INFORMATION ON SPECIAL PRO- CEDURES

The OHCHR website (<http://www.ohchr.org>) provides information on the system of Special Procedures under Human Rights Bodies/ Special Procedures, including details on each mandate and the Coordination Committee. It also contains details of country visits, links to reports and press statements. To learn more about Special Procedures, consult Fact Sheet 27 and Seventeen Frequently Asked Questions about United Nations Special Rapporteurs, available at: <http://www.ohchr.org/Documents/Publications/FactSheet27en.pdf>

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The Special Procedures Bulletin provides a general overview of the main activities of the 39 Special Procedures mandates. The Bulletin is produced by the Information, Coordination and Management Unit of

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.

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For general enquiries, or to submit information (other than specific information on alleged human rights violations), please contact: SPBinfo@ohchr.org

COMMUNICATIONS

Some Special Procedures mechanisms intervene directly with 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. Mandates 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 databases and statistics updated.

Between **1 July** and **30 September 2010**, **136** communications were sent.

62,5 % were joint communications.

The communications concerned **248** individuals.

24 cases concerned women.

60 countries received communications.

COUNTRY VISITS

ARGENTINA

Expert on trafficking in persons concludes fact-finding mission to Argentina

The Special Rapporteur on human trafficking, especially women and children, Ms. Joy Ngozi Ezeilo, visited Argentina from 6 to 11 September 2010. The Special Rapporteur welcomed, inter alia, the adoption of the Law on the Prevention and Punishment of Trafficking in Persons, which amends the Criminal Code and prohibits and punishes all forms of trafficking in persons; the creation, within the Office of the National Prosecutor, of a Special Unit assisting with the investigation of crimes of kidnapping and trafficking in persons and a Special Office, under the Ministry of Justice, for the rescue and assistance of victims of trafficking. She commended the adoption of the Comprehensive Law on the Prevention, Punishment and Elimination of Violence against Women in their Interpersonal Relations. She noted the steps taken in terms of international cooperation with neighbouring countries to combat trafficking in the region.

The Special Rapporteur observed a number of challenges that the Government must address to effectively combat trafficking in persons and to protect the human rights of trafficked victims. Trafficking in persons in Argentina is growing in scale and repercussions. It is complex, dynamic and hugely underestimated, especially internal trafficking. Children, women, and men are trafficked for the purpose of sexual exploitation, forced labour, slavery or practices similar to slavery. Argentina has become a destination

country, and to a limited extent a transit and source country.

The Special Rapporteur was concerned about the impunity with which human trafficking is carried out and the horrendous abuses meted out to victims. It has become a modern-day slavery reaping huge profits for many businesses and others implicated in the human trafficking chain. Victims are hidden in the community, and the unregulated sectors of the economy engage in particular with sex work, agricultural labour including fishery, textile, shoe and construction industries. There is low capacity to address human trafficking and corruption of police and other members of the security forces. The Special Rapporteur made some preliminary recommendations to

OHCHR WEB PAGE ON SPECIAL PROCEDURES COUNTRY VISITS

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

Links to alphabetical tables of country visits by Special Procedures mandate holders since 1998 are available at this link as well as a list of all countries having extended standing invitations to all the thematic procedures. As of September 2010, 73 countries had extended standing invitations.

An annual compilation of recommendations of Special Procedures by country is also available on the Special Procedures webpage.

the Government including: urgently reform the federal anti-trafficking law to strengthen the legal framework for protection and assistance to victims as well as prosecution and punishment of traffickers; allocate adequate resources to existing anti-trafficking offices and units within the Government to ensure that protection and assistance measures are carried out throughout the country.; provide holistic, re-integrative and rehabilitative assistance to victims of trafficking without discrimination on grounds of sex, gender and/or sexual orientation; establish a federal central agency in order to enhance coordination, not only among federal offices and units but also between them and authorities at provincial and municipal levels; take all appropriate steps to eradicate child prostitution, penalize persons and businesses involved as well as ensure effective social recovery and reintegration of child victims of sexual abuse and exploitation; allocate an adequate budget to enhance financial support to civil society organizations that provide assistance to victims of trafficking; establish a zero tolerance policy in respect of corruption to ensure that any State agents involved in the crime of trafficking are duly prosecuted and severely punished; develop a comprehensive, holistic and integrative national plan of action on combating trafficking in persons; consider the establishment of a special fund for compensation of victims of trafficking; and raise public awareness on this issue.

The full statement is available at:

<http://www2.ohchr.org/english/issues/trafficking/docs/PressStatementSRTIPArgentina.doc>

ARMENIA

An independent judiciary is fundamental in protecting citizens from arbitrary detention, Working Group tells Armenia

The Working Group on arbitrary detention visited Armenia from 6 to 15 September 2010. It urged the Government to ensure that its judiciary's independence is rigorously protected to guarantee the administration of justice, fair trial and due process in order to ensure citizens are protected from arbitrary detention. "The principle of equality of arms between the prosecution and defense is one of the basic prerequisites of a fair trial. Magistrates and judges grant requests in favour of the prosecutor whilst rarely giving consideration to those of the defence lawyers", said the Chair-Rapporteur, Mr. [El Nadji Malik Sow](#).

During its mission the Working Group noted a number of concerns including the excessive powers provided to the police, national security services and border guards in arresting and detaining many individuals without an arrest warrant. Grave concerns were expressed concerning detainees and prisoners who have been subjected to ill-treatment or beatings at police stations and the use of pressure to obtain confessions during investigations. The lack of use of detention alternatives such as bail along with a failure to use early provisional release in situations of good behavior and justified reintegration to society were

also a recurrent issue raised by persons in detention. Despite ample existing legislation conforming to international standards in relation to the rights of persons in detention, the Working Group considered that it was a lack of effective implementation of those standards and practices that presented situations where violations occurred. The Chair-Rapporteur, Mr. Sow, commended the Government for its progressive efforts to carry out reforms, particularly the Criminal Procedure Code. He also highlighted, inter alia, the attempt to improve physical conditions in the prisons and detention centers visited.

The Working Group's preliminary recommendations called for the Government to, inter alia, reform the law and practice on remand, in relation to sentencing as this has resulted in lengthy detentions that are disproportionate to the crimes a person is convicted of. The need to take into consideration the granting of early provisional release and the criteria for granting bail or remanding suspects in detention require tightening up with concomitant changes in practice. Asylum seekers must not be turned away at the border or after detention without an opportunity to make claims in accordance with the international conventions, and other migrants should not be criminalized by the use of border crossing and similar offences.

Full press release is available on:

<http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=10338&LangID=E>

More must be done to improve the lives of internally displaced persons in Armenia, says UN Expert

"Internally displaced persons in Armenia have been forgotten for too long, more should be done to improve the lives of these people who have been displaced for two decades, and this needs a concerted effort by the Government and the international community," said the Representative of the Secretary-General on the Human Rights of Internally Displaced Persons, Walter Kaelin, at the end of his visit to the country on 17 and 18 September 2010.

The Representative met with internally displaced persons from Artsvashen in the Dprabak village and the Chambarak town in the Gegharkunik region. He noted with great concern that the displaced populations still face great problems in the area of their economic and social rights, suffering, in particular, from the lack of adequate housing and limited economic opportunities. Mr. Kaelin noted with appreciation that many internally displaced persons in Armenia have well integrated in the communities where they have been displaced to. Nevertheless, a considerable number still live in difficult circumstances after two decades of displacement, while others have not been able to return to their homes in the border regions because of lack of shelter and livelihoods opportunities.

The full press release is available at:

<http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=10354&LangID=E>

CENTRAL AFRICAN REPUBLIC

Protect the displaced and help them return to build peace in Central Africa, Expert says

“Respect for the rights of the 200,000 remaining internally displaced persons, and sustainable solutions to their displacement, are an integral part of the peace building process in the Central African Republic» Walter Kaelin, Representative of the Secretary-General on the Human Rights of Internally Displaced Persons (IDPs), said at the end of his visit to the country from 9 to 17 July 2010. The Representative underscored that “Efforts to build sustainable peace will be weakened as long as entire communities remain displaced and in despair. The return and reintegration of internally displaced persons, whose rights have been violated, are crucial factors for a sustainable peace.” He also underscored the importance of disarmament, demobilization and reintegration (DDR) of combatants in order to achieve sustainable solutions for displaced persons. This is Mr. Kaelin’s third visit to the country since 2007.

The Representative visited displacement-affected areas in the north of the country. “The humanitarian situation has stabilized compared to 2007, and there have been a substantial number of returns that need to be supported. However, those who remain displaced still face a humanitarian crisis, and their children have now remained without any access to education for years. Large numbers of displaced persons are exposed to insecurity caused, notably, by banditry.” He was particularly preoccupied with the situation around Ndélé, where Government security forces and a politico-military movement, the *Convention des patriotes pour la justice et la paix*, have clashed. “Many people have fled into the bush where they remain without any humanitarian assistance, suffering from a shortage of food, drinking water and the total absence of health services. I have also received reliable reports about acts of grave violence committed against civilian populations.” The Representative called on all parties to the conflict to scrupulously respect their obligations under international humanitarian law and human rights law. He was also alarmed about the situation in the southeast of the country: “Several thousands of people have been newly displaced, because the Lord’s Resistance Army has committed ruthless and atrocious attacks against the civilian population.” He called on the Government to ensure, with the support of the international community, the protection of the civilian population, and in this context to reinforce the presence of security forces in the region. He was deeply concerned that humanitarian access to several regions in the country is severely restricted due to security reasons.

The Representative participated in a workshop on 15 and 16 July, in which the Government and other stakeholders developed a vision for legislation on internal displacement. “With a law on internal displacement, the Central African Republic would set an example for the Great Lakes Region and create the legal and institutional framework necessary

to address the serious challenges on the ground and take on its responsibilities to protect and assist IDPs.”

The full press release is available at:

<http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=10217&LangID=E>

CROATIA

Expert on right to housing: problems from the past and challenges for the future in post conflict Croatia

The Special Rapporteur on adequate housing, Raquel Rolnik, visited Croatia from 5 to 13 July 2010. She urged the authorities to keep moving forward on housing rights issues in the context of the transition and post-conflict recovery, and adopt clear policies to face housing challenges. “The current housing situation in Croatia is strongly shaped by the effects of the armed conflict on housing, and the transition from a socially-owned housing concept to a private market oriented model. To face the present and upcoming housing challenges the Government must adopt comprehensive housing policies to be implemented without discrimination and particularly addressed to vulnerable groups, particularly Roma communities.”

The Special Rapporteur acknowledged “the immense efforts” by the Croatian authorities to reconstruct damaged houses, return occupied private property, attract new settlers in depopulated areas, and more recently open ground for the return of Croat refugees from abroad. However, she warned that the process is still to be completed. “During my mission, I have encountered on numerous occasions problems created by cumbersome and complex administrative procedures and regulations, which have resulted in a slow, non-transparent and unaccountable processes,” she said, noting that most of the official efforts in recent years have sought to solve the problems of the past. “However,” the Special Rapporteur said, “Croatia is now facing the challenges of the present and the future, and the economic recession in the country has posed additional challenges to the already difficult housing situation.” In her view, “the private market in the country will never offer an adequate housing solution for the entire population.

“Recovery in areas affected by the conflict, especially in deprived regions, requires a holistic strategy, including economic and social policies as well as a significant investment in a culture of non-discrimination, peace and tolerance.” The Special Rapporteur drew special attention to the more than 70,000 Croatian Serbs who are still refugees after 15 years. “The full integration in the country in which they currently reside, or their return to Croatia, needs to be addressed jointly by the governments in the region, especially those of Croatia and Serbia.”

The full press release is available at:

<http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=10207&LangID=E>

ECUADOR**Expert finds “astonishingly high rates of impunity for killings in Ecuador”**

The Special Rapporteur on extrajudicial summary executions, Philip Alston, visited Ecuador from 5 to 15 July 2010. He stated that the level of impunity for killings is astonishingly high. “The number of murders carried out by hired killers, criminal gangs and others is rising steadily, but at the same time fewer and fewer are being caught. Because of this vicious circle of impunity, Ecuadoreans feel increasingly insecure. Hired killers are paid as little as US\$ 20 to ‘solve’ a problem, but they can confidently expect to get away with murder because the criminal justice system functions so badly.” “It consists of a police service that all too rarely undertakes serious and sustained investigations of killings, a prosecution service which seems more concerned with public relations than with convicting major criminals, and a judicial system which is almost universally condemned for its inefficiency and mismanagement. These problems are compounded by allegations of corruption at most levels.”

Mr. Alston applauded the Government for many far-reaching reforms in the constitutional and human rights areas. He noted, however, that the homicide rate in Ecuador has doubled since 1990 – to 20 killings per 100,000 inhabitants. In some areas, the rate is five times higher.

The Special Rapporteur also expressed concern about the situation along the northern border with Colombia. “The conflict in Colombia has increasingly spilled over to Ecuador and civilians are trapped between the FARC, ex-paramilitaries, drug-traffickers, and the Colombian and Ecuadorean armed forces. Citizens are forced to cooperate with one armed group; and then abused and killed by a competing group for doing so.”

“The level of impunity for all types of killings in Ecuador is shocking. For every 100 killings, only one perpetrator is actually convicted. In addition to the shortcomings of the police investigative process, it seems that the police often don’t bother to pursue an investigation seriously once they have decided that the killing was part of a ‘settling of accounts’, defined as inter-gang or other criminal violence.” “This category seems largely designed to provide a justification for the police not to bother too much with investigating a large proportion of the killings that take place. The analysis is often wrong, but more importantly it leaves killers free to murder again, and prevents the capture of organized criminal groups. It also creates an easy cover for police who are themselves implicated in killings.”

In Mr. Alston’s assessment, the recently published report of Ecuador’s Truth Commission is an important step towards accountability for many past killings. He called on the Government to ensure that the cases documented by are now the subject of effective criminal investigations and that the family members of victims are provided with

appropriate forms of compensation. He noted no evidence that indigenous justice had led to extrajudicial executions and stressed that it was entirely inappropriate to confuse mob lynching with indigenous justice.

The full press release is available at:

<http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=10213&LangID=E>

EQUATORIAL GUINEA**Experts express serious concern at the execution of four men after concluding mission to Equatorial Guinea**

Two members of the UN Working Group on the use of mercenaries, Amada Benavides de Pérez, Chair, and José-Luis Gomez del Prado, concluded a visit to Equatorial Guinea from 20 to 25 August 2010. It focused in particular on the investigations and prosecutions related to the armed attack on the Presidential palace by alleged mercenaries on 17 February 2009, as well as on the 2004 coup attempt and its aftermath. The Working Group also inquired about the activities of private military and security companies operating in Equatorial Guinea.

Concerning the 17 February 2009 attack on the presidential palace by alleged mercenaries, the Working Group received information that the Government arrested seven Nigerians and nine equato-guineans in relation to this attack. The Working Group regretted the lack of transparency on the part of the authorities, in particular that it did not have access to the judicial decisions, nor to those who stood trial and are still in detention. It was particularly concerned at the information that on 21 August 2010, three former military officers and one civilian were executed after a summary military trial in which they were found guilty on treason and terrorism charges. The Working Group strongly condemned this execution, which follows a summary trial that severely lacked due process and the fact that the sentence was carried out the same day denying the defendants all possibility of appeal. The Group could not obtain information on how the four men, who had taken refuge in Benin, were brought back into the country. They appear not to have been subjected to formal extradition procedures. Two other civilians were sentenced in the same military trial to 20 years imprisonment. It was concerned that the guarantees to due process were not respected in this case, in particular that these civilians were tried by a military court after having been acquitted on 5 April 2010 by a civilian court in a first instance. The Working Group has received information that among the 7 Nigerians arrested, two have died in detention while the five others have been sentenced to 12 years’ imprisonment. It has also received information that the Nigerian Embassy has not been granted access to them, nor officially been informed of their arrests, the charges held against them, the status of proceedings and the death of two of them. Several sources also raised doubts regarding their involvement in the attack and the lack of evidence presented at the trial. The lack of transparency regarding these trials, despite the repeated requests by the Working Group to access judicial decisions

as well as visit the detainees, points to severe shortcomings in the implementation of international human rights standards in the administration of justice.

In relation to the attempted coup of 2004, the Working Group considers that this is a clear example of the link between the phenomenon of mercenaries and private military and security companies as a means of violating the sovereignty of the State. In this case, the mercenaries involved were mostly former personnel of private military and security companies and some were still employed by private military and security companies.

The Working Group received information regarding the 2004 and 2008 trials of those arrested in connection with this coup attempt, including of the British citizen Simon Mann and the South African Nick du Toit. The Group noted that all foreigners linked to this coup attempt were pardoned in November 2009 by the President. Nonetheless, a number of reports indicated that trials failed to comply with international human rights standards and that some of the accused had been subjected to torture and ill-treatment. It also noted that officially there is only one US-based private military and security company currently contracted by the Government to *inter alia* conduct training of the armed forces and the police, as well as one local security company.

The Working Group stated that the Government would reduce its vulnerability to mercenary attacks by promoting and strengthening democracy, economic, social and cultural rights and development. It presented the following preliminary recommendations: It requested the authorities to provide full information in a transparent manner regarding the 17 February 2009 incident, and in particular, that all judgments rendered in the criminal cases related to the attack be made available to the public; explanations be given as to how the four ex-militaries refugees in Benin were brought back to Equatorial Guinea to face a military trial and on the due process guarantees they were given; information regarding their summary execution immediately after being sentenced, without a possibility to appeal the decision. It called upon the Government to grant the Nigerian Embassy access without delay to the five Nigerians currently in detention and to inform it without delay of any case of death of its nationals. It should also grant the ICRC access to the detainees. It requested the Government to reply to communication of 2006 related to allegations of torture and ill-treatment related to the mercenaries tried regarding the 2004 failed coup.

The full press release is available at:
<http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=10293&LangID=E>

EL SALVADOR
Expert on sale of children, child prostitution and child pornography visit to El Salvador

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

visited El Salvador from 23 to 31 August 2010. The objective of the visit was to examine the situation of sale of children, child prostitution and child pornography, and to provide assistance in the implementation of recent recommendations made by the Committee on the Rights of the Child and in the Universal Periodic Review.

Due to the nature of these phenomena, it is difficult to assess the true scope of these practices, but all actors agreed that they are on the increase. The Special Rapporteur welcomed numerous initiatives undertaken to combat and prevent these phenomena, including the adoption of the Law on the Comprehensive Protection of Children and Adolescents, the ongoing elaboration of numerous human rights policies, including the National Policy on the Comprehensive Protection of Children. The Special Rapporteur also had the opportunity to meet and share with child victims, and children vulnerable to these practices. She called for sufficient human and financial resources to ensure effective implementation of laws and policies, particularly as regards the creation of shelters and programmes that provide holistic and multi-disciplinary assistance and care to child victims of commercial sexual exploitation.

GEORGIA

Expert on internally displaced persons supports efforts to find durable solutions for the internally displaced in Georgia

“The search for durable solutions for all internally displaced persons in Georgia, whether they were displaced in the early 1990s or 2008, must remain a top priority” said Mr. Walter Kaelin, Representative of the Secretary-General on the human rights of internally displaced persons, who visited the country from 13 to 18 September 2010. “I was pleased to be invited to come once again to Georgia in order to assess the progress made over the last few years to improve the lives of 350,000 internally displaced persons and identify the remaining and new challenges faced by the authorities.”

Mr. Kaelin noted with appreciation good progress in the implementation of the Action Plan for internally displaced persons. “I commend the authorities for their commitment and encourage them to pursue their efforts. However, renewed emphasis on employment and livelihood opportunities for internally displaced persons is essential - neglecting this dimension may ultimately jeopardize attempts to improve the situation of the displaced.” He also called for better information of the displaced on envisaged measures and stronger involvement of civil society.

While he welcomed the closing of collective centers where some internally displaced persons had been living since the early 1990s, he also expressed concerns about how evictions were carried out in the last few months in Tbilisi. He encouraged the authorities to proceed carefully and to put in place clear procedures in order to ensure that such evictions are carried out in accordance with international

standards. “Internally displaced persons must be treated with dignity, which means they should be given adequate notice of plans to close a collective centre and offered reasonable options for alternative accommodation. Evictions must not mean that people lose their livelihoods and access to quality education or health services.”

Mr. Kaelin was concerned to see that the prospects to return for those displaced from the Gali district in Abkhazia almost twenty years ago remain low. This situation of protracted displacement should not be allowed to continue and the search for durable solutions cannot be hampered by the current political deadlock. He reminded all parties that all internally displaced persons have the right to voluntarily return to their homes and to have their property returned to them or to receive compensation where restitution is not possible. Those who do not want to return should be given the opportunity to integrate where they have been displaced to or in another part of the country.

The full press release is available on:

<http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=10337&LangID=E>

HAITI

Visit of the Independent Expert on the situation of human rights in Haiti

The Independent Expert on the situation of human rights in Haiti, Michel Forst, visited Haiti from 3 to 12 September 2010. The objectives of the mission were to: assess progress in reforming the rule of law, justice, police and prisons; continue to evaluate the impact of the humanitarian crisis on human rights; and alert to the need to put human rights at the heart of the reconstruction process.

Concerning the reform of the rule of law, the Independent Expert noted encouraging signs in the functioning of some courts, police and prisons, including in Jacmel, and welcomed the cooperation between institutions concerned. He commended the Office de la Protection du Citoyen for the efforts to expand its presence in other departments and called for rapid adoption of the law which will set out the responsibilities and powers of this institution to ensure the protection of the rights of every citizen.

The Independent Expert welcomed the fact that the report of the Independent Commission of Inquiry into the events of 19 January at the prison in Les Cayes has been submitted to the Prime Minister, and awaits the publication of the report, and the trial and sentencing to follow, to establish responsibilities and send a clear signal for the end of impunity in Haiti. In this regard, he called that all resources be made available to the court that will deal with this emblematic case, including the means of forensic medicine. Nevertheless, he regretted the lack of structural changes at the national level, in particular the failure to appoint the five members of the Court of Cassation and its President. This was part of the recommendations that he had

repeatedly made in the past and remains a fundamental step in order to move towards the rule of law in Haiti.

The Independent Expert was concerned about the protection needs and conditions of vulnerable groups in IDP camps. He called on the Government to deploy all possible means to impose a moratorium on forced evictions. Moreover, despite the efforts of MINUSTAH and the National Police, the prevalence of violence against women remains a serious concern. He called on the entire society to mobilise and to combat these infringements of rights.

The Independent Expert also noted that Haitians must know that the purpose of reconstruction is to enable them to enjoy the rights they have been too long been denied: the right to housing, access to health care and basic services, education for all and participation in democratic life. The Independent Expert said that the vision, expressed by the Prime Minister at the conference of donors should now be embodied in a social contract, a shared vision, a roadmap for the country in which human rights, respect, dignity, non-discrimination are enshrined as the foundation on which the country will be rebuilt.

The full press release is available at:

<http://minustah.org/?p=26584>

Haiti still in crisis, says Expert on Displaced

The Representative of the Secretary-General on the Human Rights of Internally Displaced Persons, Mr. Walter Kaelin, visited Haiti from 11 to 16 September 2010. “Haiti is still living through a profound humanitarian crisis that affects the human rights of those displaced by the disaster. According to estimates, 1.3 million people – people who lost their homes during the earthquake, joined by others who fled extreme poverty exacerbated by the earthquake of 12 January – live in spontaneously formed ‘camps’ in and around Port-au-Prince. Visiting some of the capital’s worst slum areas, I also met many others outside camps, whose plight was less visible, but not less grave.”

“People in the camps have specific needs, especially relating to shelter, which need to be addressed at the camp level,” said Mr. Kaelin calling for a shift in the focus of humanitarian operations. “However, other urgent needs such as access to health, water, sanitation and education faced not only by the camp population but also by Haiti’s poor should be addressed through a neighbourhood approach.” The Representative also called for more urgency in launching the reconstruction process: “This is a humanitarian crisis that needs a development solution. The Government needs to endorse and communicate publicly a plan on how to provide durable solutions for those in the camps and to inform and consult with the displaced on its implementation. The SRG urged humanitarian donors to continue funding humanitarian assistance and protection activities as long as no substantial progress towards durable solutions is made. He underlined the importance of a rights-based approach that builds on the Guiding Principles on

Internal Displacement: “The right of the displaced to return and reclaim legitimate occupancy rights is a key principle.” Regarding the increasing number of forced evictions from private land, Mr. Kaelin stressed that “there must not be any forced eviction without due process and reasonable alternative. The Government should publicly stand up for this principle.”

Mr. Kaelin expressed concern that pre-existing high levels of violence against women and children were being replicated in the camps: “Rape is a serious concern – in and outside the camps. “The Government needs to send a clear signal to the police and the justice system that ending widespread impunity for the perpetrators is a priority,” said the Representative, calling for a more integrated approach to assisting victims and protecting those who report the crime from reprisals.

The full press release is available at:

<http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=10460&LangID=E>

IRAQ

Expert says finding durable solutions for and helping internally displaced persons are key aspects of peace building in Iraq

“The complexity of the internal displacement situation in Iraq requires stronger efforts by the Government and the international community to protect the human rights of displaced persons, address their immediate needs and find durable solutions to end their displacement,” said the Representative of the Secretary-General on the Human Rights of Internally Displaced Persons, Walter Kaelin. “This can only be done on the basis of an inclusive and comprehensive strategy that takes into account all



Mr. Kaelin visiting an informal settlement in the outskirts of Baghdad. Approximately 200 000 persons, most of them IDPs, live in informal settlements around Baghdad.

communities affected by displacement, including host communities and communities in areas of return.”

“I am encouraged by the progress to date, and in particular by the cooperation between the Iraqi authorities and the international community to address the humanitarian and human rights situation of displaced persons.” Significant achievements to date have included the national policy on displacement of July 2008 and special measures introduced to facilitate return, reintegration and restitution of property. In addition, he commended the important commitments made in relation to displaced persons during the Human Rights Council’s Universal Periodic Review in February 2010. “I believe that this visit is an opportunity to build upon and carry forward these recommendations, which were agreed to by the Iraqi Government.”



The RSG on internally displaced persons with colleagues of the UNAMI Human Rights Office in Baghdad.

Iraq has suffered many waves of internal displacement throughout its recent past as a result of conflict, sectarian violence, and forced population movements associated with policies of the former regime. According to Government figures, an estimated 1.55 million persons have remained in displacement since 2006, while a significant number of people were also displaced prior to 2006. Some 500,000 Iraqis, a majority of whom are believed to be internally displaced persons, currently live in informal settlements in Baghdad and other cities on land or in public buildings which they do not own and face potential eviction. “I am calling on authorities to declare a moratorium on evictions until the envisaged new strategy on internal displacement provides a clear plan and viable alternatives for these persons that are in line with international standards.”

Suffering severe over-crowding and inadequate shelters, internally displaced people in these irregular settlements have limited or no access to water and other essential services such as sanitation facilities and garbage collection. This creates serious health hazards, particularly among children and the elderly. “Measures should be immediately taken to address the dire living conditions in these settlements, and efforts must be strengthened to find

alternative housing and long term solutions, including allocation of land plots. Immediate humanitarian needs and human rights must be addressed for all displacement-affected communities, including equitable access to basic services, registration as internally displaced persons, and provision of personal documentation for those who may have lost it." He welcomed the Government's willingness to re-open registration to internally displaced persons, to better assist them with their displacement-specific needs.

"I was pleased to learn that the Government is currently in the process of developing a strategy on durable solutions to displacement in Iraq. It is important that such a strategy be comprehensive in its scope and include the full range of durable solutions, including return, local integration or settlement in a different location." He encouraged a process of consultation with displacement-affected communities as an essential element to securing a long lasting solution. Mr. Kaelin also noted efforts to address a broad range of property restitution needs, as well as measures taken to simplify and facilitate procedures to establish ownership of land or houses. This has enabled the restitution of some 3,800 properties to date. "

The Representative called on the Government and the international community to provide sufficient resources to address the great human rights and social challenges created by displacement. Finally, he highlighted the importance of specifically including displacement issues into all relevant development plans and programmes.

The full press release available at:
<http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=10389&LangID=E>

JAPAN

Expert on the issue of human rights obligations related to access to safe drinking water and sanitation Ms. Catarina de Albuquerque, on her Mission to Japan

The Independent Expert on the issue of human rights obligations related to access to safe drinking water and sanitation, Ms. Catarina de Albuquerque, visited Japan from 20 to 28 July 2010. She was pleased that the establishment of an independent national human rights institution is a priority for Japan and encouraged all political parties to support these plans without delay. She noted that Japan does not have an overarching law prohibiting discrimination and urged Japan to prohibit discrimination in law and in practice with regard to the enjoyment of economic, social and cultural rights. "Japan has made extraordinary progress in relatively little time to ensure nearly universal access to water and sanitation. Tap water is potable everywhere. I also learned about important efforts to recycle wastewater, as well as re-use of sludge. I was also particularly impressed by the efforts to ensure emergency preparedness with regard to water and sanitation, especially in the event of earthquakes. Japan must continue

these efforts to ensure that everyone has safe access to water and sanitation in all spheres of their lives and at all times."

"Japan faces particular challenges with an ageing and decreasing population. Maintaining water and wastewater systems is closely related to the level of consumption, and the availability of funds, while the decreasing population implies less consumption and a shrinking tax and user fee base for maintenance of these facilities. Particular emphasis will be needed on encouraging water conservation, designing small-scale systems which use water efficiently, and establishing a tariff system which does not put these basic rights out of reach for the poorest people." "To a certain extent, people living in parks have access to water and sanitation through public facilities. However, the authorities concerned were sometimes unresponsive to requests to have such facilities repaired or maintained. I am also concerned about homeless people's access to personal hygiene, including showers and baths. For women living in parks, the situation is more difficult because of their different privacy needs."



The independent expert together with a Korean community representative.

The Independent Expert was concerned that water and sanitation are extremely expensive for some people living in Utoro." She learned that persons with disabilities face serious problems in obtaining housing. Furthermore, she was informed that, in some cases, children with disabilities may only attend school if their mothers agree to make themselves permanently available to take care of the children's toilet needs while at school.

The full press statement is available at:
<http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=10233&LangID=E>

KAZAKHSTAN

Special Rapporteur warns about the impact of forced evictions on the right to housing in Kazakhstan

The Special Rapporteur on the right to adequate housing, Raquel Rolnik, visited Kazakhstan, from 6 to 13 September 2010, warned about the high rate of forced evictions carried out to make way for large-scale development projects aimed at promoting economic and social development. “Forced evictions can only be justified in the most exceptional of circumstances, and in accordance with the relevant principles and procedures established under international human rights law.”

The independent expert noted that “since independence, Kazakhstan has been making enormous efforts to promote economic and social development. An important component of this strategy has been the promotion of urban renewal and city beautification programmes, which include the construction of what has been described as a modern, world-class capital city.” She noted that the Government has promoted access to mortgage-based credit to facilitate access to adequate housing for its citizens. The realization of large-scale development projects has attracted a large number of individuals and families from the poorest areas as well as from abroad in search of employment opportunities and a better standard of living. However, it has also resulted in many people being deprived of their homes and land. “I am extremely concerned about the high rate of forced evictions carried out in the country.”

The Special Rapporteur also noted that when the financial crisis hit the country, many households were evicted as a result of their inability to pay back their mortgages, while others were deceived by private construction companies who were unable to complete the work. “I cannot but note the efforts made for the completion of constructions which had been slowed down or halted as a result of the crisis. Nevertheless, many families are still waiting for their homes, and I encourage the Government to strengthen its efforts to find a long-term solution for affected households.”

The full press release is available at:
<http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=10316&LangID=E>

MEXICO

UN and OAS Rapporteurs for freedom of expression conclude joint visit to Mexico

The Special Rapporteur for Freedom of Expression of the Inter-American Commission on Human Rights (IACHR), Catalina Botero Marino, and the United Nations Special Rapporteur on Freedom of Expression and Opinion, Frank La Rue concluded their official joint visit to Mexico from 9 to 24 August, 2010 to observe the status of freedom of expression in the country. They stated that the situation of freedom of expression in Mexico requires urgent attention. “The full enjoyment of freedom of expression in Mexico is up against serious and diverse obstacles, including most notably the murder of journalists and other very serious acts of violence against those who disseminate information, ideas and opinions, and the widespread impunity.”

In a preliminary report published immediately after their mission the experts described a situation in which 64 journalists have been murdered in the last ten years and 11 have disappeared, making Mexico the most dangerous country in the Americas in which to practice journalism. The Special Rapporteurs were able to verify that most of the recent murders, disappearances and kidnappings of journalists have occurred in States where organized crime has a strong presence. They expressed great concern at criminal laws which penalize expression at the federal level, and in a significant number of states. They also noted that the diversity and pluralism of ideas in democratic speech is limited because of the highly concentrated ownership and control of the media, because of the absence of an equitable legal framework for the allocation of frequencies, and because of a lack of regulation of government advertising. Finally, they observed with concern an emerging trend toward the restriction of the right to access public information.

The full press release is available at:
<http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=10296&LangID=E>

MOZAMBIQUE

Access to Justice and independence of the judiciary still a challenge in Mozambique - Expert on judges and lawyers

The Special Rapporteur on the independence of judges and lawyers, Gabriela Knaul, visited Mozambique from 26 August to 4 September 2010. She underlined that despite the progress made, the consolidation of an independent and impartial judiciary and an independent legal profession continue to pose profound challenges. “I was also encouraged to learn of a number of positive initiatives adopted with the support of UN agencies, funds and programmes and the donor community. A robust and independent judiciary is a pre-requisite for any well-functioning democracy”. Among other things, she praised on-going efforts to reform and improve prisons; the establishment of the Central Office for Combating Corruption; continuing efforts to establish Justice Centers aimed at making justice more accessible for people living in rural communities; the work carried out by the Maputo-based Center for Legal and Judicial Training. However, she also listened to concerns expressed by various interlocutors over cases involving a lack of respect for the principle of presumption of innocence, the need to ensure legal assistance and the right to a lawyer, prolonged and de facto indefinite detention, lengthy trials occasionally obstructed by undue external interference, the excessive use of preventive detention and the inadequate implementation of the principle of equality before the law. Ms. Knaul found that many challenges remain before justice achieves universal coverage in Mozambique, becoming accessible to all; not least among these the consolidation of a truly independent judiciary, free from undue interference. The expert encouraged the international community, including

the UN and other major donors, to increase its efforts to accompany Mozambique in this important process.

The full press release is available at:

<http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=10321&LangID=E>

NEW ZEALAND

More to be done to improve indigenous people's rights, says Expert

The Special Rapporteur on indigenous people, James Anaya, conducted a follow-up visit to New Zealand from 18 to 23 July 2010. He called on the Government to keep on moving forward to find adequate solutions to the challenges still faced by the Maori population. "I have observed several positive aspects of New Zealand's legal and policy landscape, as well as ongoing challenges, in relation to Maori issues. I cannot help but note the extreme disadvantage in the social and economic conditions of Maori people, which are dramatically manifested in the continued and persistent high levels of incarceration of Maori individuals. These troubling conditions undoubtedly result from the historical and ongoing denial of the human rights of Maori, which must continue to be addressed as a matter of upmost priority." Mr. Anaya welcomed the recent endorsement of the UN Declaration on the Rights of Indigenous Peoples and described a number of initiatives underway in the country as "important steps" towards advancing its purpose and objectives.

The Rapporteur drew special attention to the process for settling historical and contemporary claims based on the Treaty of Waitangi of 1840, one of the country's founding instruments. The principles of the Treaty provide a foundation for Maori self-determination based on a real partnership between Maori and the New Zealand State. The treaty settlement process is clearly one of the most important examples in the world of an effort to address historical and ongoing grievances of indigenous peoples. "However, I have heard complaints about the treaty settlement process, including the inherent lack of bargaining power on the part of Maori in the settlement negotiations." He called for an adequate dialogue with Maori people, as well as a new legislative arrangement that "avoids any discriminatory effects and establishes measures to recognize."

The full press release is available on:

<http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=10229&LangID=E>

PERU

Special Rapporteur on human rights and counter-terrorism concludes fact-finding mission to Peru

From 1 to 8 September 2010, the Special Rapporteur on the promotion and protection of human rights and fundamental

freedoms while countering terrorism, Mr. Martin Scheinin, conducted an official country visit to Peru. The purpose of his mission was to learn about the Peruvian legislative and institutional framework and policies in the fight against terrorism and whether they are in compliance with international human rights law. In his earlier thematic and country specific work on the right to a fair trial in the fight against terrorism, the Special Rapporteur has emphasized the importance of the principle of normalcy, i.e. his strong preference for dealing with terrorism as a serious crime, subject to ordinary proceedings before ordinary courts. Peru provides important lessons in that respect through its abandonment of "faceless courts". A matter of concern for the Special Rapporteur, however, is that Peru is one of the few countries that have repeatedly resorted to declaring a state of emergency and to derogating from some of its human rights obligations because of terrorism.

The Special Rapporteur was concerned that prosecution and punishment of State officials for human rights violations, including killings of civilians, are progressing very slowly and may be subject to old and new legal obstacles. The already existing perception of a climate of impunity has recently been enhanced by the Legislative Decree No. 1097.

The Special Rapporteur welcomed the adoption of Law No. 28592 on the Comprehensive Reparations Programme, which provides for individual and collective reparations to victims of the internal armed conflict. He identified as an element of best practice that the compensation schemes do not differentiate between victims of terrorist violence and victims of abuses by military and police authorities of the State but seek to bring justice equally to all victims of the violence.

Regarding terrorist crimes, committed between 1980 and 2000, the Special Rapporteur considered of utmost importance that the implementation of collective reparation programmes is carried out through effective participation by their beneficiaries. This concerns in particular indigenous peoples and women who often found themselves in the crossfire of the violent conflict.

The Special Rapporteur sought information on current forms and threats of terrorism in Peru. He was informed that remnants of the terrorist organization "Sendero Luminoso" ("Shining Path"), the main perpetrator of atrocities against the civilian population and other terrorist crimes between 1980-2000, are now operating mainly in the VRAE region in an alliance with organized crime groups engaged in drug trafficking.

The Special Rapporteur was concerned at the broad formulation of the basic definition of the crime of terrorism in Article 2 of Decree Law No. 25475. He reiterated his position that terrorism should be defined through the unjustifiable means it resorts to, namely lethal or otherwise serious physical violence against members of the civilian population or segments of it, or the taking of hostages. He recommended the review of Articles 2 and 4 of Decree Law

No. 25475 and other provisions that define terrorist crimes, in order to secure strict compliance with the requirement of legality. During the mission he learned that an expert commission has prepared a draft new counter-terrorism law that would replace this Decree Law. The new law would also take into account the framework of Peru's international obligations under various conventions and protocols against terrorism and Security Council resolutions. He welcomed this plan and the offer made to him during the mission to be consulted on the draft law in the near future.

The full statement is available at:

<http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=10320&LangID=E>

SYRIA

"Two to three million Syrians face food insecurity," according to the food expert

The Special Rapporteur on the right to food, Olivier De Schutter, visited Syria from 29 August to 7 September 2010. The Special Rapporteur estimates that between two to three million people may be considered food insecure in Syria following four years of severe drought in the north-eastern part of the country. "Syria faces huge challenges, both because of climate change and the large influx of Iraqi refugees and the occupation of the Golan," said the independent expert, while acknowledging the efforts of the Government of Syria in seeking to provide food security to its population by subsidizing basic food items and supporting its agricultural sector.

At the end of the first mission of a United Nations Special Rapporteur to Syria, Mr. De Schutter stressed that a rights-based approach should be integrated into the Government's policies and programmes to tackle hunger and malnutrition. "No appropriate mapping of food insecurity and vulnerability exists in Syria. This presents obstacles in targeting policies to reach the poorest and most vulnerable in society." Mr. De Schutter noted that Syria, together with the international community, has undertaken a number of measures to address the successive droughts. It is estimated that some 600,000 people have migrated from the affected regions to urban centres on both a seasonal and semi-permanent basis.

Regarding the Iraqi refugees, the Special Rapporteur commended Syria for its generosity in hosting those seeking refuge within its borders, although the high number of refugees has resulted in significant stress on the public education and health services. Mr. De Schutter noted however that "the absence of legal status for Iraqi refugees remains a concern." In this regard, he urged the authorities to recognize the rights of Iraqi refugees to be employed in the formal sector. "I call upon international donors to increase their level of support in order to allow both the Syrian government and the UN agencies working in the field to provide vital support at this critical moment."

The Special Rapporteur was encouraged by the current plans of the Government to introduce a conditional cash-transfer programme, the National Social Aid Fund. "This programme would dramatically improve the food security of 548,000 targeted families. It would be particularly effective if women were made the direct beneficiaries, rather than men as heads of households, and if human rights principles were taken into account in implementing the programme." Mr. De Schutter also noted the vital role played by the public distribution of subsidized food commodities, although he added that coverage could be expanded to include a greater range of food items, such as fruits and vegetables, in order to improve the nutritional intake of the population.

An additional issue examined by the Special Rapporteur was food insecurity among the Kurdish minorities in Syria. "The situation of the 250,000 to 300,000 stateless Kurds is of particular concern to me, as their lack of legal status presents a major obstacle in enjoying the full range of their human rights, including their right to food."

The full press release is available at:

<http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=10311&LangID=E>

URUGUAY

Expert on human trafficking finalizes country visit to Uruguay

Following an invitation the Special Rapporteur on human trafficking, especially women and children, Ms. Joy Ngozi Ezeilo conducted a mission to Uruguay from 13 to 17 September 2010. The Special Rapporteur welcomed some positive measures, including enacted domestic legislation against human trafficking, including the Immigration Law which establishes penalties against both human smuggling and human trafficking and the Law on sexual violence against children, adolescents and the disabled. These two laws cover the definitions put forward both by the Palermo Protocol and by the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.

Nevertheless, the Special Rapporteur encountered the following issues of concern: although adequate legislation is in place, sexual exploitation of children, especially girls, is extremely common, socially and culturally tolerated in the country; human trafficking is a pervasive phenomenon in the country, yet it remains invisible due to the low number of cases that have been filed through judicial complaints; although special prosecutors have been appointed, there have been very few convictions related to trafficking in persons; although Law 18.250 penalizes human trafficking, it does not provide for assistance and redress to victims. The lack of adequate services, such as shelters, medical, psychological and legal services, and the right to an effective remedy places victims at an increased risk of falling once again into the prey of traffickers; trafficking for

labour exploitation is an unrecognised phenomenon in the country; there is a prevalence of violence against women and girls and a lack of appropriate shelters for victims of domestic violence and also victims of trafficking, including hotlines and absence of rapid response.

Some preliminary recommendations to the Government include: widespread campaigns should be launched to raise public awareness on this issue; as a matter of urgency to take decisive action to eradicate child prostitution and exploitation; a comprehensive, holistic and integrative national plan of action on combating trafficking in persons should be designed; the government should consider the establishment of a national agency to address human trafficking which will enhance coordination, not only amongst governmental institutions, but also between them and authorities at departmental levels; training and capacity building to all State authorities particularly law enforcement officials, including the police, judiciary, prosecutors, immigration, and labour inspectors. There should also be training for Consular officials, especially in Spain and Italy and other main countries of destination countries; increase the number of personnel of the specialized court on organized crime, which is also in charge of dealing with trafficking cases, and scale up the resources, including training, required to enhance its effectiveness; the judiciary should establish adequate mechanisms for witness protection and access to justice for victims, their families; the government should strengthen its efforts to tackle the root causes that make potential victims more vulnerable to human trafficking; the Ministry of Tourism should monitor the compliance by hotels, agencies and other tourist operators of the agreements it has signed with them regarding the prohibition of Child Sex Tourism.

The full press release is available at:

<http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=10361&LangID=E>

VIET NAM

UN Expert says bilingual education is key for Viet Nam’s minorities

“Most ethnic minority groups remain the poorest of Viet Nam’s poor,” said the UN Independent Expert on minority issues, Gay McDougall, on returning from her mission to the country from 5 to 15 July 2010. “Persistent problems remain for many of those belonging to Viet Nam’s minority groups, despite a period of economic growth, progress towards the UN Millennium Development Goals and positive results in poverty alleviation and economic development in general.”

The Independent Expert highlighted the issue of education for minority communities and the key role of education in closing the poverty gap experienced by many minorities. “Access to quality and appropriate education is a gateway to development and poverty eradication for minorities, and it is equally essential for the preservation and promotion of minority cultures, languages and identities.” The expert

singled out bilingual education as an area of “high priority. In Viet Nam there are 54 recognized distinct ethnic groups with unique religious, linguistic and cultural characteristics and identities. Despite significant progress in the provision of education infrastructure minorities are achieving poor results relative to majority students and much needs to be done to address this fact. “Minorities lack adequate opportunities to be taught in their own minority languages from the earliest years of education and struggle with being taught only in Vietnamese. Bilingual education helps minority children to make better early progress and provides a strong and culturally appropriate foundation for their future schooling,” the expert said, highlighting a pilot project for bilingual education implemented by the Ministry of Education and Training and UNICEF, which has demonstrated positive results for minority students.

The Independent Expert also emphasized that the rights of minorities include freedom to practice their religions without restriction, freedom of association and expression, the right of peaceful assembly, the equal right to own and use land and the right to participate fully and effectively in decision-making regarding issues that affect them.

The full press release is available at:

<http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=10225&LangID=E>

VIET NAM

“As Viet Nam develops, new efforts are needed to ensure no one is left behind; says Expert on extreme poverty”

“While Viet Nam has made impressive progress in reducing poverty over the past two decades, additional efforts are required to ensure the inclusion of vulnerable groups and the sustainability of progress made” said the Independent Expert on human rights and extreme poverty, Magdalena Sepúlveda, at the end of her visit to the country from 23 to 31 August 2010.

Ms. Sepúlveda stressed that poverty should not be understood purely as an economic issue that can be solved solely by increasing the income of households. “Poverty is a multidimensional phenomenon and its eradication requires a holistic approach in which compliance with human rights instruments plays a key role. Effective poverty reduction strategies must be always framed by the overall premise that everyone in Viet Nam must enjoy the full range of civil, cultural, economic, political, and social rights.” Moreover, she noted that under a human rights framework the State must ensure that growth remains inclusive and that no groups or regions are left behind.

“Despite important economic gains, poverty remains pervasive among minority groups, and great regional disparities persist”, said Ms. Sepulveda at a press conference in Ha Noi. “The Government needs to employ innovative strategies to reach those still to benefit from Viet Nam’s economic progress because of cultural, physical or

administrative barriers."Ms. Sepulveda was particularly concerned about the high levels of poverty among ethnic minorities. "Because they live in isolated rural areas, ethnic minorities face serious difficulties accessing social services. While there have been improvements in the infrastructure in these areas, parallel efforts are also needed to ensure that policy measures recognize and support cultural differences, and are specifically designed to address the social and cultural barriers to minority groups' inclusion – without which, poverty will persist", she said.

The Independent Expert welcomed the development of Viet Nam's new social protection strategy for 2011-2020. She noted that "to be effective, this strategy must be comprehensive, integrated with other social policies and well funded." She also called on the Government to increase its support of social assistance measures: "Today, the level of benefits is so low that it is insufficient to help people escape their situations of extreme poverty. Despite commendable efforts to expand the coverage of free health insurance cards and subsidies to education, most of the benefits people receive are taken away again through user fees on health or education."

The Independent Expert also emphasized the need to ensure participation, transparency, and accountability as key components of a rights-based approach to social protection. "The participation of persons living in extreme poverty in the design, implementation and evaluation of public policies that affect them is key to these policies' effectiveness and sustainability", she said, adding that people need to be fully aware of both their rights and the channels they can use to assert and claim them. "Corruption has a particularly devastating impact on persons living in extreme poverty. The Government must immediately strengthen and implement effective and accessible mechanisms for complaints and adopt appropriate legislation to guarantee access to information, among other mechanisms. This will ensure that problems are detected and addressed in a timely manner and that those responsible for acts of corruption are held fully accountable."

"Climate change is undoubtedly a major challenge for Viet Nam, with those living in poverty suffering most, as they are less able to prepare, adapt or recover from its severe consequences." Ms. Sepulveda called on donors and the international community to enhance their support to Viet Nam to adapt to and mitigate the effects of climate change: "Climate change-related transfers should be additional and complementary to the existing official development assistance that the country receives." She praised Viet Nam's engagement with international mechanisms for the protection of human rights: "The invitation of various human rights experts to the country opens space for a promising dialogue. Viet Nam may further express this commitment through the ratification of human rights treaties such as the Convention against Torture."

The full press release is available at:

<http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=10300&LangID=E>

POSITIVE DEVELOPMENTS

Cuba: Six independent journalists imprisoned since March 2003 have been released. Mr. Julio César Gálvez Rodríguez, Mr. José Luis García Paneque, Mr. Ricardo Severino González Alfonso, Mr. Léster Luis González Pentón, Mr. Pablo Pacheco Ávila and Mr. Omar Moisés Ruíz Hernández were freed on 12 July 2010 and arrived in Madrid, Spain, with their families on the afternoon of 13 July. Their release follows talks between the Cuban Government, the Catholic Church and the Spanish Foreign Minister, during which Cuba reportedly pledged to release 52 prisoners in 2003 over the coming months. There are concerns that the released persons are apparently obliged to leave Cuba as a precondition of their release. Calls continue for the immediate and unconditional release of 19 other writers, journalists and librarians still in prison as a result of their writings.

FORTCOMING VISITS

VISITS BETWEEN OCTOBER AND DECEMBER 2010

Algeria: Special Rapporteur on violence against women, its causes and consequences, from 1 to 10 November 2010.

Brazil: The Independent Expert in the field of cultural rights, to conduct a country visit from 8 to 19 November 2010.

Congo: Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, from 1 to 12 November 2010.

China: Special Rapporteur on the right to food, from 15 to 23 December 2010.

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

Haiti: the Representative of the Secretary-General on the Human Rights of Internally Displaced Persons, from 11 to 16 October 2010.

Iraq: the Representative of the Secretary-General on the Human Rights of Internally Displaced Persons, from 26 September to 3 October 2010.

Syria: Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, from 7 to 14 November 2010.

Timor-Leste: Working Group on enforced or involuntary disappearances may visit the country from 13 to 20 December 2010.

United States of America: Special Rapporteur on the sale of children, child prostitution and child pornography, from 14 to 27 October 2010.

World Bank in Washington, USA: 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 25 October to 1 November 2010.

Zambia: Special Rapporteur on violence against women, its causes and consequences, to visit from 6 to 11 December 2010.

ACCEPTED VISITS

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

Australia: Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights, from 7 to 11 February 2011.

Austria: Independent Expert in the field of cultural rights, from 4 to 15 April 2011.

Belarus: Special Rapporteur on the human rights of migrants. Dates are to be agreed.

Canada: Working Group of Experts on People of African Descent, from 16 to 20 May 2011.

Chile: Working Group on Enforced or Involuntary Disappearances to visit in 2012. Dates are to be agreed.

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

France: Special Rapporteur on the situation of human rights and fundamental freedoms on indigenous people, to **New Caledonia** in the course of 2011.

Greece: Special Rapporteur on the human rights of migrants, from 28 February to 8 March 2011.

Italy: Independent Expert on the question of human rights and poverty. Dates are to be agreed.

Ireland: Independent Expert on the question of human rights and extreme poverty (sent a request on 21 September 2010) visit from 10 to 14 January 2010.

Israel and the Occupied Palestinian Territory: Special Rapporteur on the promotion and protection of the right to

freedom of opinion and expression, to visit from 16 to 31 January 2011.

Mexico: Special Rapporteur on the right to food, to visit in June 2011. Dates to be confirmed.

Morocco: the Independent Expert on human rights, water and sanitation, Catarina de Albuquerque. Dates are to be agreed.

Namibia: the Independent Expert on human rights, water and sanitation, Catarina de Albuquerque. Dates tentatively set for July 2011.

Portugal: Working Group of Experts on People of African Descent to visit the country in 2011. Dates are to be confirmed.

Romania: Special Rapporteur on the independence of judges and lawyers, to visit in May 2011.

Senegal: the Independent Expert on human rights, water and sanitation, Catarina de Albuquerque. Dates are to be agreed.

Switzerland: Independent Expert on the question of human rights and poverty, to visit. Dates are to be agreed.

Timor-Leste: Independent Expert on the question of human rights and extreme poverty, to visit the country in the second half of 2011. Dates are to be agreed.

Timor Leste: Working Group on enforced or involuntary disappearances. Dates are to be agreed.

United States of America, Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, to observe the trial phase of the military commission proceedings against Omar Khadr (a Guantanamo detainee accused of war crimes and supporting terrorism). Dates to be confirmed.

United States of America, the Independent Expert on human rights, water and sanitation, Catarina de Albuquerque, from 22 February to 4 March 2011.

Vietnam: Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights, to visit in March 2011. Dates to be agreed.

REQUESTED VISITS

REQUESTS INITIATED BETWEEN JULY AND SEPTEMBER 2010

Algeria: Special Rapporteur on promotion and protection of the right to freedom of opinion and expression, sent a request on 24 September 2010.

Bangladesh: Special Rapporteur on violence against women, its causes and consequences, sent a request on 27 September 2010.

Chile: Working Group on enforced or involuntary disappearances sent a request on 18 August 2010.

India: Working Group on enforced or involuntary disappearances sent a request on 16 August 2010.

Israel: Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, sent a request on 1 September 2010.

Kyrgyz Republic: Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, sent a request on 24 September 2010,

Nepal: Special Rapporteur on violence against women, its causes and consequences, sent a request on 27 September 2010.

Pakistan: Working Group on enforced or involuntary disappearances sent a request on 29 September 2010.

South Africa: Special Rapporteur on the human rights of migrants, sent a request on 27 August 2010 (for a visit from 17 to 28 January 2011).

Somalia: Independent Expert on Somalia, sent a request to undertake a mission to Kampala, to Nairobi, to Hargeisa in Somaliland, then to Garowe in Puntland from 25 July to 6 August 2010.

Switzerland: Independent Expert on the question of human rights and extreme poverty, sent a request on 21 September 2010.

REMINDERS

REMINDERS SENT BETWEEN JULY AND SEPTEMBER 2010

Cameroon: Independent Expert on the issue of human rights obligations related to access to safe drinking water and sanitation, sent a request on 20 September 2010 (to visit from 22 to 30 November 2010).

Indonesia: Working Group on enforced or involuntary disappearances sent a request on 16 August 2010.

Iran: Working Group on enforced or involuntary disappearances sent a request on 16 August 2010.

Nicaragua: Working Group on enforced or involuntary disappearances sent a request on 16 August 2010.

The Philippines: Working Group on enforced or involuntary disappearances sent a request on 16 August 2010.

Russian Federation: Working Group on enforced or involuntary disappearances sent a request on 16 August 2010.

Sri Lanka: Working Group on enforced or involuntary disappearances sent a request on 16 August 2010.

Sudan: Working Group on enforced or involuntary disappearances sent a request on 16 August 2010.

Zimbabwe: Working Group on enforced or involuntary disappearances sent a request on 16 August 2010.

HIGHLIGHTS

HUMAN RIGHTS COUNCIL 15TH REGULAR SESSION

continuation from p. 1

Up-date by the High Commissioner for Human Rights

The fifteenth regular session of the Human Rights Council was opened on 13 September 2010 by an update of the High Commissioner for Human Rights, Navi Pillay. She stressed the “pressing need” for human rights protection “both in emergencies and chronic human rights situations.” In particular, she addressed the need for protection of human rights defenders and the issue of human rights in electoral environments.

The High Commissioner stressed that “Special procedures mandate holders, press reports and advocates consistently point out that human rights defenders, journalists, and civil society activists in all regions of the world face threats to their lives and security because of their work.” She pointed out that in some countries, “peaceful dissidents, human rights advocates, lawyers, and press representatives have been targeted and violently attacked” and “ad hoc laws or other restrictive measures” have been used to curtail “civil society’s scope of action and social activism.” “I urge the Human Rights Council and the international community to support squarely and vocally human rights defenders. In this context, I would also like to bring to the attention of the Council the vital need to ensure the safety and protection of defenders and other witnesses who cooperate with UN-mandated fact-finding and investigative initiatives. Such protection must span the whole cycle of these missions’ activities and beyond.”

The High Commissioner drew the Council’s attention to reports presented by her Office (OHCHR), such as those on witness protection, discrimination against women, children and migration, and indigenous peoples. She has made promoting and protecting the human rights of all migrants a priority of OHCHR’s work. “I have now assumed the chair of the Global Migration Group, which is composed of leading agencies in this field. And I will be participating in

the Fourth Global Forum on Migration and Development which takes place in November in Mexico.” The High Commissioner also updated the Human Rights Council on specific situations in many parts of the world.

Reporting by Special Procedures

Among the reports that the Human Rights Council had before it during the fifteenth regular session, were the annual reports of:

- ◇ the Working Group of Experts on People of African Descent,
- ◇ the Special Rapporteur on contemporary forms of slavery, including its causes and consequences,
- ◇ the Special Rapporteur on the adverse effects of the movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights,
- ◇ the Working Group on the use of mercenaries as a means of violating human rights and impeding the right of peoples to self-determination,
- ◇ the Independent expert on the issue of human rights obligations related to access to safe drinking water and sanitation,
- ◇ the Independent expert on human rights and international solidarity,
- ◇ the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people,
- ◇ the Independent expert on the question of human rights and extreme poverty,
- ◇ the Special Rapporteur on the situation of human rights in Cambodia,
- ◇ the Independent expert on the situation of human rights in Somalia,
- ◇ the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance.

Inter-active dialogues were also held with these mandate holders.

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Full texts of the adopted resolutions are available at: <http://www2.ohchr.org/english/bodies/hrcouncil/15session/resolutions.htm>

All documents are posted on the OHCHR website at: <http://www2.ohchr.org/english/bodies/hrcouncil/15session/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>

ESTABLISHMENT OF TWO NEW SPs MANDATES

The Human Rights Council, at its fifteenth regular session, adopted 34 resolutions and decisions which included establishing the mandates of a Special Rapporteur on the

rights to freedom of peaceful assembly and of association, a Working Group on the issue of discrimination against women in law and practice, and an Open-ended Working Group to elaborate a legally binding instrument on the regulation of the activities of private military and security companies on the enjoyment of human rights. The Council also renewed for a period of one year the mandates on Cambodia, Haiti, Sudan; extended the mandate in Somalia; extended by three years the mandates on Adequate Housing; Arbitrary Detention; Human Rights and Counter-terrorism; Health; Indigenous people (now: Indigenous peoples); Mercenaries; Slavery; and adopted resolutions and decisions on human rights and unilateral coercive measures, the right to development and racism and racial discrimination.

PRESS RELEASES

“LAW ON PREVIOUS CONSULTATION OF INDIGENOUS PEOPLE AS RECOGNIZED BY THE ILO CONVENTION 169”

On 7 July, the Special Rapporteur on the human rights situation and fundamental freedoms of indigenous people, Mr. James Anaya, made a public statement relating to the “Law on previous consultation of indigenous people as recognized by the ILO Convention 169” that was approved by the Peruvian Congress on 19 May 2010 .The Special Rapporteur expressed his concerns that the Executive did not promulgate the law (as recently approved by the Congress) but decided to send it back to the Congress for further debate, basing itself on the recommendations made by the Special Rapporteur in his country mission report. The Special Rapporteur also clarified his position in relation to the right and implications of the right to consultation of indigenous peoples, with the hope that it would help the Government in promulgating the Law.

The press release is available at:

<http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=10194&LangID=S>

GENERAL COMMENT ON THE RIGHT TO THE TRUTH IN RELATION TO ENFORCED DISAPPEARANCES

The Working Group on Enforced or Involuntary Disappearances adopted a general comment on the right to the truth in relation to enforced disappearances, to focus attention of States more effectively on the relevant obligations deriving from the Declaration on the Protection of All Persons from Enforced Disappearance that flow from the right to the truth. The experts affirm that the right to the truth in relation to enforced disappearances is an absolute right, and has to be clearly distinguished from the right to information. The Working Group recalls that States have an obligation to investigate cases of enforced disappearance and let any interested person know the concrete steps taken

to clarify the fate and whereabouts of the disappeared persons.

The full text of the General Comment on the Right to the Truth in Relation to Enforced Disappearances is available at: http://www2.ohchr.org/english/issues/disappear/docs/GC-right_to_the_truth.pdf

ITALY: DRAFT WIRETAPPING LAW SHOULD BE SCRAPPED OR REVISED, SAYS EXPERT ON FREEDOM OF EXPRESSION

On 13 July, the UN Special Rapporteur on freedom of expression, Frank La Rue, urged the Italian Government to “either abolish or revise draft law 1415 on surveillance and eavesdropping for criminal investigations.” He warned that, “if adopted in its current form, it may undermine the enjoyment of the right to freedom of expression in Italy.”

According to the current draft, anyone who is not accredited as a professional journalist can be sentenced to imprisonment for up to four years for recording any communication or conversation without the consent of the person involved, and publicizing such information.

“Such a severe penalty will seriously undermine all individuals’ right to seek and impart information in contravention of the International Covenant on Civil and Political Rights to which Italy is a party.”

Mr. La Rue also expressed concern regarding the introduction of a penalty for journalists and publishers who publish the content of leaked wiretapped materials before the beginning of a trial. “Such punishment, including up to 30 days in jail and a penalty of up to 10,000 euros for journalists and 450,000 Euros for publishers, is disproportionate to the offence.”

“These provisions may hamper the work of journalists to undertake investigative journalism on matters of public interest, such as corruption, given the excessive length of judicial proceedings in Italy, as highlighted repeatedly by the Council of Europe,” the Special Rapporteur noted.

“I am aware that the draft law has been put forward due to perceived concerns regarding implications of publicizing wiretapped information to the judicial process and the right to privacy,” Mr. La Rue said. “However, the draft law in its current form does not constitute an appropriate response to such concerns, and poses threats to the right to freedom of expression.”

Noting the nationwide demonstrations by journalists and ordinary citizens against the draft law on 9 July 2010, the expert recommended the Government to “refrain from adopting the draft law in its current form, and to engage in meaningful dialogue with all stakeholders, in particular journalists and media organizations, to ensure that their concerns are taken into account.”

“I stand ready to provide technical assistance to ensure that

the draft law is in compliance with international human rights standards on the right to freedom of expression,” Mr. La Rue said. “I look forward to engaging with the Government of Italy regarding a possible fact-finding mission in 2011 to examine the situation of press freedom and the right to freedom of expression in Italy.”

Full press release is available on:

<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=10200&LangID=E>

PANEL DISCUSSION ORGANIZED BY THE OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS, ON THE MARGINS OF ECOSOC - HUMANITARIAN AFFAIRS SEGMENT 2010

The Office of the High Commissioner for Human Rights (OHCHR) organized a panel discussion on 15 July 2010 entitled “**Human rights in humanitarian emergency response: the contribution of the special procedures mechanisms**”. The panel discussion, chaired by the Deputy High Commissioner for Human Rights, addressed the importance of integrating human rights considerations in humanitarian responses and specifically explored ways in which the special procedures mechanisms support humanitarian emergency responses with a view to contributing to durable solutions grounded in human rights. The panel discussion also explored ways to create stronger institutional links between human rights mechanisms and humanitarian actors, and addressed the importance of ensuring attention to the specific protection needs of groups in vulnerable situations in relief efforts, as well as in the recovery and reconstruction planning efforts. Participating in the panel discussion were the Independent Expert on the situation of human rights in Haiti, the Special Rapporteur on violence against women, its causes and consequences, the Director of the New York Office of UNHCR, the Permanent Delegate to the United Nations for CARITAS Internationalis and the Director of Humanitarian Affairs at the International Rescue Committee’s headquarters in New York.

The Deputy High Commissioner highlighted the special procedures’ contribution in the context of humanitarian action and the resulting consequences for humanitarian operations. In this regard, reference was made to the thematic work of the special procedures and the provision of legal, policy and operational guidance for humanitarian actors to ensure the protection of the rights of people affected by emergencies, the provision of timely responses and expertise on such issues as displacement, freedom of movement and the right to life, as well as the provision of critical technical support in emergency situations. Important awareness-raising functions on specific protection concerns during emergencies.

The Independent Expert on the situation of human rights in Haiti highlighted the interrelatedness of human rights and humanitarian crises and the relevance of a human rights-based approach to humanitarian response. He also

highlighted the role of the special procedures in situations of humanitarian emergencies and provided concrete examples related to the recent earthquake in Haiti. Specific reference was made in this regard to his recent country visits and reports following the earthquake and to the work of the Human Rights Council.

The Special Rapporteur on violence against women, its causes and consequences, argued that humanitarian responses can be more efficient when opportunities for positive change in gender roles, created or reinforced by crisis situations, are enhanced and sustained during and after emergencies. In this regard, the violence against women mandate has highlighted the importance of projects that combine protection and relief with an opportunity to collect data on violence against women; provide medical, psychological and legal assistance; and create work and livelihood opportunities for women so that their security and subsistence concerns are addressed. She emphasized the importance of the full participation of women in the management of relief, recovery and reconstruction efforts. Questions and comments from participants addressed the scope for further engagement and dialogue between the special procedures and humanitarian actors, the importance of increasing cooperation and collaboration more generally between human rights and humanitarian actors, and the role of non-state actors; and the need to integrate human rights in humanitarian response from beginning to end. The importance of ensuring attention to vulnerable groups, in particular children and the elderly, was also addressed.

The full press statement is available at:

http://www.un.org/en/ecosoc/julyhls/pdf10/se_ohchr_long.pdf

EXPERTS ON TORTURE AND COUNTER-TERRORISM CONCERNED ABOUT FATE OF GUANTANAMO DETAINEES

On 21 July 2010, the UN Special Rapporteurs on Torture, Manfred Nowak, and on Human Rights and Counter-Terrorism, Martin Scheinin, called on the US administration to ensure that it does not forcibly transfer anyone to another State where the person could be subject to torture.

“We are extremely worried that the lives of two Algerian detainees could be put in danger without a proper assessment of the risks they could face if returned against their will to their country of origin,” the experts said, drawing attention to two recent decisions by the US Supreme Court, which have paved the way for the transfer of two of the Algerian detainees held in Guantánamo Base, Cuba.

“While we appreciate the efforts of the authorities to close the Guantánamo detention facility, the risk assessment should be a meaningful and fair process, and the courts should be part of it,” the experts said. Both detainees fear that, if returned to Algeria, they could be subject to torture or other forms of ill-treatment by the security services or

non-State actors. These two men are part of a group of six Algerian nationals held in Guantánamo, all in a similar situation.

“Diplomatic assurances are unreliable or difficult to monitor and cannot substitute the sending country’s obligation to assess the real risk facing the individual,” the Special Rapporteurs said, recalling reports that the US Government has obtained such assurances from the Algerian authorities. “We have often seen diplomatic assurances used by Governments to circumvent the absolute prohibition of torture as established in article 3 of the UN Convention Against Torture and Other Forms of Cruel, Inhuman or Degrading Treatment or Punishment.” “This could become the first involuntary transfers of Guantánamo detainees of the Obama administration,” the Special Rapporteurs said.

The full press release is available at:

<http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=10224&LangID=E>

EXPERTS ON MERCENARIES PUSH FOR STRONGER REGULATION OF PRIVATE MILITARY AND SECURITY COMPANIES

On 23 July 2010, the Working Group on the Use of Mercenaries informed that it will put forward its proposal for a possible international convention on the regulation of activities of Private Military and Security Companies (PMSCs) during its tenth session meeting at UN headquarters in New York, from 26-30 July 2010.

The group of independent experts briefed Permanent Missions at the UN, NGOs and academics on the content and scope of its proposal aimed at closing the legal gap covering such activities at the international level. Since its creation in 2005, the Working Group has been monitoring the impact on human rights of the activities of mercenaries and PMSCs, and in particular their lack of accountability. They are advocating for more stringent regulations, oversight and monitoring at both national and international levels.

The full press release is available at:

<http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=10227&LangID=E>

SPECIAL RAPPORTEUR ON THE SITUATION OF HUMAN RIGHTS IN CAMBODIA WELCOMES KHMER ROUGE VERDICT

On 27 July 2010, the UN Special Rapporteur on the Situation of Human Rights in Cambodia, Surya Subedi, stated on the Khmer Rouge verdict: “I welcome the verdict delivered today by the Extraordinary Chambers in the Courts of Cambodia, widely known as the Khmer Rouge Tribunal, in the trial of Kaing Guek Eav (alias Duch), who supervised the systematic torture and execution of thousands of prisoners at the S-21 detention centre in Phnom Penh during the Khmer Rouge regime.

Although his prosecution for crimes against humanity and war crimes has come more than three decades after the crimes were committed, the verdict signifies a commitment by the Government of Cambodia to uphold the rule of law and ensure accountability, according to internationally accepted standards of fair trial. It represents a historic milestone in holding those responsible for human rights violations accountable for their actions.

I hope this trial will have a positive impact on the strengthening of the independence of the judiciary. I welcome the conclusion of this first case and encourage all parties to work together in progressing the remaining three cases.

I urge the judges of the Extraordinary Chambers in the Courts for Cambodia to defend their independence, integrity and uphold the highest standards of justice, and to continue to demonstrate by example to the judiciary and the Cambodian people. I hope that this landmark conviction will serve as a catalyst for the Government to address impunity and accelerate its legal and judicial reforms”.

The full press release is available at:

<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=10232&LangID=E>

HONDURAS: RECENT DISMISSAL OF JUDGES SENDS MESSAGE OF INTIMIDATION, WARN SPECIAL RAPORTEURS (available only in Spanish and French)

El de julio de 2010, tres expertos independientes de Naciones Unidas advirtieron que la reciente destitución de tres jueces y una magistrada en Honduras “puede tener el efecto de un mensaje intimidatorio a otros jueces y magistrados para que se abstengan de manifestar opiniones diferentes a aquéllas expresadas por las autoridades actuales”.

“Esto representaría un ataque inadmisibles contra la independencia de los jueces y magistrados hondureños así como contra las libertades de opinión, expresión, reunión y asociación de los individuos, grupos o instituciones que promueven y protegen los derechos humanos y las libertades fundamentales en Honduras”, señalaron los expertos, que siguen con atención el desarrollo de la situación judicial en Honduras. El 18 de junio de 2010, los jueces Guillermo López Lone, Luis Chávez y Ramón Enrique Barrios y la magistrada Tirza Flores fueron notificados de la decisión de destitución de la carrera judicial emitida por la Suprema Corte de Justicia por ‘incumplimiento o violaciones graves de sus deberes’. La decisión fue emitida por la Sala Plena de la Corte el 5 de mayo de 2010 y ratificada en las sesiones de Sala Plena de 12 de mayo y 1 de junio de 2010. “Ninguna de las resoluciones que motivaron la destitución de estos jueces y de la magistrada contiene los fundamentos jurídicos que justifiquen por qué las conductas objeto del procedimiento disciplinario fueron consideradas como graves”, destacaron

los expertos de la ONU. “Las destituciones parecen estar relacionadas a la expresión pública del rechazo de estos profesionales de la judicatura a los acontecimientos ocurridos durante la crisis política de junio de 2009, así como a su participación en algunos actos de protesta contra los mismos”.

“Los jueces sólo pueden ser destituidos por razones graves de mala conducta o incompetencia, de conformidad con procedimientos equitativos que garanticen la objetividad y la imparcialidad”, indicaron los expertos en derechos humanos. “Aceptar una invitación a dictar una conferencia, escribir un artículo, presentar un recurso de hábeas corpus en favor del Presidente destituido o participar en manifestaciones públicas no parece responder a estos criterios”. Se habría también violado el derecho de los jueces destituidos al debido proceso, al haberseles sancionado sin haber sido escuchados y al haberseles impedido participar en las sesiones plenarias en las cuales se acordó o ratificó su destitución. Los tres jueces y la magistrada impugnaron la decisión de la Corte Suprema ante el Consejo de la Carrera Judicial de Honduras, que se espera se pronuncie en breve sobre las apelaciones.

“Esperamos que el Consejo otorgue a los funcionarios despedidos la posibilidad de ser escuchados y presentar pruebas en una nueva audiencia. Confiamos que este conflicto se pueda resolver de manera positiva y conforme a los estándares internacional en la materia”. “Resulta necesario avanzar en la consolidación de la independencia judicial en Honduras, garantía de la democracia y del Estado de Derecho”, concluyeron los expertos.

The full press release available (Only in French and Spanish) at: [http://www.unog.ch/80256EDD006B9C2E/\(httpNewsByYear_en\)/30A8E2595C1F58D7C1257770002EB752?OpenDocument](http://www.unog.ch/80256EDD006B9C2E/(httpNewsByYear_en)/30A8E2595C1F58D7C1257770002EB752?OpenDocument)

EXPERT WELCOMES RECOGNITION OF ACCESS TO SAFE AND CLEAN DRINKING WATER AND SANITATION AS A HUMAN RIGHT

On 2 August 2010, the Independent Expert on human rights, water and sanitation, Catarina de Albuquerque, on the landmark resolution adopted by the General Assembly on 28 July 2010, stated that “Recognizing water and sanitation as a human right, this resolution is a breakthrough for the UN General Assembly.” “With almost a billion people suffering from lack of access to an improved water source, and 2.6 billion without access to improved sanitation, recognition of the human right to water and sanitation is a positive signal from the international community and shows its commitment to tackle these issues,” she said in a statement issued on 30 July. The resolution, an initiative of Bolivia, “recognizes the right to safe and clean drinking water and sanitation as a human right that is essential for the full enjoyment of life and all human rights.” It was supported by 122 States voting in favour, while none voted against and 41 States abstained.

Ms. de Albuquerque underlined that “the fact that the right to water and sanitation was recognized, demonstrates that the General Assembly, instead of creating a new right rather formally acknowledged its existence. Hence the existing human rights framework, in particular the International Covenant on Economic, Social and Cultural Rights, fully applies in this context.” “This is particularly welcome when the world is preparing to meet in New York in September to review progress towards the Millennium Development Goals (MDGs). I hope that the adoption of this resolution will ensure that sanitation and water are not forgotten at the September Summit.”

The resolution reinforces the mandate of the Independent Expert, as she is asked to report to the General Assembly on challenges regarding the realization of the right. “Focusing on the outstanding challenges in the realization of the right highlights that all stakeholders - States, NGOs, International Organizations among others - have to move from words to action and that all face a greater responsibility in making the right a reality for the billions who still do not have access to water and sanitation. This is where we must concentrate our efforts and resources.”

The full statement is available at:

<http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=10240&LangID=E>

Subsequently, at its 15th session in September, the Human Rights Council adopted a resolution which further specified that the right to water and sanitation is derived from the right to an adequate standard of living and inextricably related to the right to the highest attainable standard of physical and mental health, as well as the right to life and human dignity. Significantly, this resolution was adopted by consensus.

IT IS NOT ENOUGH TO SUPPORT THE DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES, SAYS EXPERT

On 9 August 2010, the Special Rapporteur on the situation of the human rights and fundamental freedoms of indigenous people, James Anaya, marked the International Day of the World’s Indigenous Peoples: “The poorest among the poor, indigenous peoples continue to be at the margins of power and, in many cases, disregard of their basic human rights escalates into violence against them. However, they have preserved, generation after generation, an extraordinary wealth of knowledge, culture, and spirituality in the common benefit of humankind, contributing significantly to the world’s diversity and environmental sustainability. These ongoing threats shed light on the need for a stronger commitment to the UN Declaration on the Rights of Indigenous Peoples. It affirms the right of indigenous peoples to self-determination and equality, and to maintain their distinctive cultures within traditional territories. Since its adoption, the very few States that voted against it have changed or are in the process of reassessing their positions. Nevertheless, the human rights

expert warned that a great deal remains to be done to see the objectives of the Declaration become a reality in the everyday lives of indigenous peoples.

The Special Rapporteur expressed his fear that the wide gap between the Declaration and its effective implementation will persist: “This cannot be allowed to happen; the faithful implementation of the Declaration must be the focus of concerted attention by governments worldwide, the UN system, and other actors.” As part of this action, States should engage in comprehensive reviews of their existing legislation and administrative programs to identify where they may be incompatible with the Declaration. On the basis of such review, necessary legal and programmatic reforms should be developed and implemented. Similarly, States should be committed to devoting significant human and financial resources to implement the Declaration.

The full statement is available at:

[http://www.unog.ch/80256EDD006B9C2E/\(httpNewsByYear_en\)/E7F200185D118B4EC125777A002EA814?OpenDocument](http://www.unog.ch/80256EDD006B9C2E/(httpNewsByYear_en)/E7F200185D118B4EC125777A002EA814?OpenDocument)

SOMALIA: UN EXPERT CALLS ON INTERNATIONAL COMMUNITY TO PROTECT CIVILIANS AND PURSUE RIGHTS VIOLATORS

On 10 August 2010, the Independent Expert on the situation of human rights in Somalia, Shamsul Bari, urged the international community to provide due attention to the protection of civilians in Somalia and ensure accountability for perpetrators of gross human rights and international humanitarian law violations. “I am deeply disturbed by the continuing endless reports of civilian casualties - many of them women and children - caused by ongoing fighting in South-Central region and in Mogadishu,” said Mr. Bari, who has just completed his fifth country visits to Kenya, Somalia and Uganda (26 July-6 August). “One Mogadishu hospital alone reported that it had treated 1,400 war-wounded persons in the first six months of the year”, he added.

“Many children and young people risk being recruited by armed groups and used in the front lines and there are generations who have known nothing but violence and conflict,” the Independent Expert warned.

Reports, including from Elman Human Rights Group, say that at least 918 civilians died and 2,555 others were injured in violence since January. “The death toll of the first seven months of 2010 is higher than that of the same period in 2009. Most of the casualties were caused by shelling by the warring groups in Mogadishu”, he added.

“I urge the international community to explore all possible means to stop summary executions, including beheadings of innocent people, amputations, flogging whipping, forcible marriage of young girls to militiamen, use of civilians as human shield, imposition of strictest dress code to women and prohibition of use of public mass medias

and the bans imposed on hearing music and public gathering, all with lack of due process,” the Independent Expert said.

“I have taken note of the legitimate security concerns of the Puntland Authorities, and would at the same time encourage them to continue to provide their fellow Somali sisters and brothers from South-Central regions seeking shelter in Puntland with protection and hospitality in compliance with their obligations under international law,” the Human Rights Council envoy said.

However, Mr. Bari warned that “law, without enforcement, is of little consequence to victims at the hands of the perpetrators” and called on the international community to help make perpetrators accountable. “To be effective in the protection of civilians, the international community, including the United Nations and the African Union must work in unison to provide effective protection to all civilians and to ensure accountability for perpetrators of gross human rights and international humanitarian law violations that may amount to the war crimes and crimes against humanity,” Mr. Bari said.

Full press release is available on:

<http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=10269&LangID=E>

THE INDEPENDENT EXPERT ON SOMALIA CALLS FOR NATION-WIDE, GRASSROOTS ACTION TO PREVENT FURTHER BLOODSHED

On 27 August 2010, the Independent Expert on the situation of human rights in Somalia, Shamsul Bari, appealed to all Somalis, at all levels of society, to condemn in the strongest manner the attack of 24 August on the Muna Hotel in Mogadishu which killed 33 people.

“I urge a grassroots effort to prevent a repetition of this atrocious act,” Mr. Bari said. “The Somali people, both inside and outside the country, are yearning for peace and they must not be denied. This deplorable attack once again demonstrates that the extremists will stop at nothing in their desperate attempt to seize power by force. However, the perpetrators of these desperate acts during the Holy month of Ramadan will never win the hearts and minds of Somali people,” he said.

Four Members of Somalia’s Transitional Federal Parliament died in the attack, along with five members of the security forces and many other innocent people. According to local sources, radio director Barqad Awale was also killed the same day while fixing the transmitter of the radio station as fighting raged in the capital. “I am shocked and greatly saddened by the clearly deliberate, cold-blooded murder of these people,” Mr. Bari said.

“I appeal to the international community, as a matter of urgency, to rethink and renew its commitment to giving the

protection of civilians and their access to humanitarian assistance the highest priority in Somalia,” said Mr. Bari.

The full press release is available at:

<http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=10290&LangID=E>

STATEMENT BY WORKING GROUP ON ENFORCED OR INVOLUNTARY DISAPPEARANCES ON THE INTERNATIONAL DAY OF THE DISAPPEARED

On 30 August 2010, on the International Day of the Disappeared, the international community is urged to continue promoting and supporting the Declaration on the Protection of All Persons from Enforced Disappearance.

Describing disappearances as “a scourge which must be eradicated,” the Chair-Rapporteur of the Working Group, Jeremy Sarkin, said a “much more dedicated effort is needed by all role players to deal with the ongoing nature of enforced disappearances.” “By employing enforced disappearances as a tactic, governments instill fear and terror into the populace. It creates confusion and panic in the society. Victims’ families may not even attempt to seek information about their loved ones out of fear that they will suffer a similar fate,” Mr. Sarkin said.

The Working Group is urging States to define enforced disappearance as a separate and autonomous criminal offence and to bring domestic legislation in line with the Declaration. 83 States have signed and 19 States have ratified the International Convention for the Protection of all Persons from Enforced Disappearance. The ratification or accession of only one more State party is required before the Convention enters into force. It urged States that have not yet signed and/or ratified the Convention to do so as soon as possible.

The full statement is available at:

<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=10294&LangID=E>

EXPERT ON RIGHT TO FOOD SAYS FOOD RIOTS ARE A RESULT OF A PREDICTABLE CRISIS AND UNPREPARED GOVERNMENTS

On 7 September 2010, following food riots in Mozambique and the resulting deaths and injuries, and noting similar social unrest in other countries, the Special Rapporteur on the right to food, Olivier De Schutter, called on governments and the international community to respond promptly to the renewed instability of global food markets.

“The crowds’ anger in Mozambique and other countries was predictable. We know where the food system is failing. We know which measures should be taken. But lack of political will and a lost sense of urgency have unacceptably delayed decisive action.” Mr. De Schutter also called upon donors to significantly increase their support to poor food-deficit countries. In his view, despite the many commitments made,

too little has been achieved since 2008: “Donors have not delivered on their promises. Governments have not reinvested enough in the production of food crops for local production. As a result, most poor countries are still highly vulnerable. They continue to rely for their export revenues on a limited range of commodities, and their food security is excessively dependent on food imports whose prices are increasingly high and volatile.”

Since the global food price crisis of 2008, the Special Rapporteur on the right to food has emphasized “the need for structural measures to address food price increases”. His proposals include (1) the regulation of speculation on international food markets, particularly by profit-driven commodity funds; (2) the creation of a global reinsurance mechanism for poorer countries to invest in social protection and subsidized food, and; (3) improved global governance of international and regional food reserves, including the creation of regional food stocks to allow governments to mitigate price shocks.

The independent expert noted that “food, and fuel, prices are increasing on the international market while poor countries pay for imports in hard currencies, whose values have risen. Populations in poor net-food-importing countries are hardest hit because these governments have few possibilities to mitigate the shock. Price increases are exacerbated by speculation from unregulated traders, and they are transmitted directly to households, who often spend 60 to 70 per cent of their incomes on food.” As a result of the grain export ban announced by the Russian Federation and of speculation on the world cereal markets, food prices on international markets have already increased by five percent since July 2010. Although the world cereal output in 2010 should still be the third highest on record, fears about future supplies have led the prices of wheat to increase 70 percent on international markets since last year.

The full press release is available at:
<http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=10308&LangID=E>

EXPERT URGES SUDANESE GOVERNMENT TO INVESTIGATE RECENT ATTACKS ON CIVILIANS IN NORTHERN DARFUR

On 14 September 2010, the Independent Expert on the situation of human rights in the Sudan, Mohamed Chande Othman, called on the Sudanese Government to conduct “as a matter of urgency a thorough and transparent investigation into the attack on civilians in North Darfur,” which resulted in the killing of dozens of civilians on 2 September. “This incident should be investigated thoroughly and impartially and those responsible should be brought to justice,” Mr. Chande Othman said. He also urged the international community to continue its efforts to assist the African Union United Nations Hybrid Operation (UNAMID) force to provide effective protection to civilians, as mandated by the UN Security Council. Mr. Chande Othman said that new information gathered over the past ten days appears to confirm initial reports that more than

37 people were killed and over 50 injured after a militia group, identified by several witnesses as Janjaweed, attacked civilians gathered in a marketplace in the village of Tabarat in North Darfur. Mr. Chande Othman also expressed concern that UNAMID teams that were dispatched to the area to assess the situation were initially prevented from reaching the village of Tabarat by Sudanese armed forces and an armed group.

The full statement is available at:
[http://www.unog.ch/80256EDD006B9C2E/\(httpNewsByYear_en\)/064A7CC1CCEA9A4BC125779E004638B7?OpenDocument](http://www.unog.ch/80256EDD006B9C2E/(httpNewsByYear_en)/064A7CC1CCEA9A4BC125779E004638B7?OpenDocument)

“WITHOUT HUMAN RIGHTS, MILLENNIUM GOALS WILL FAIL,” SAY HUMAN RIGHTS EXPERTS

On 17 September 2010, 24 Special Procedures mandate holders in anticipation of the High Level Summit on the Millennium Development Goals (MDGs) stated that “the Heads of State gathering in New York next week should bear in mind that, if they really want to eliminate poverty, they must be guided by human rights”.

Key to achieving the Millennium Goals

Compliance with human rights standards is not only an obligation for States, it is also crucial for the achievement of the MDGs. “Meaningful participation and empowerment, equality and non-discrimination, accountability and transparency are central features of the human rights-based approach to development, which emphasizes sustainable progress,” the experts said. “Strong national legal frameworks, built through participatory processes, would remove the stigma of charity and empower the poor to be full actors in development, rather than passive recipients of aid. Accountability mechanisms must allow victims of human rights abuses to hold those responsible to account for their actions, or their failure to act.” “All of the Goals, and especially those on gender equality and maternal mortality, require full realization of women’s human rights, including to justice and protection,” emphasized the experts. “Ensuring the right to social security contributes to progress towards multiple MDGs, by enabling people to access food, healthcare, housing, water, sanitation, and education.”

Going beyond the Goals

The experts pointed out that several MDGs only aim to reduce by half, or by two-thirds, the number of people suffering. “Human rights demand constant efforts to ensure everyone enjoys rights without discrimination, we cannot be satisfied with half measures.” For instance, halving the proportion of people who suffer from hunger by 2015 is the first goal. “There are more people hungry today than when the MDGs were adopted,” the experts warned, “but even if this target were met, over 400 million people would still be undernourished. Progress towards the MDGs should aim to correct discrimination, not reinforce it.”

Filling the gaps

The MDGs also fail to capture improvements urgently needed. The MDGs target on water, for example, measures whether people have access to an improved water source, but does not

measure water quality. “Nearly a billion people still lack access to an improved water source, but 2 to 3 billion may be drinking unsafe water,” noted the experts. Equally, universalizing primary education would be insufficient if quality remains poor. The MDGs also foresee “improving” the lives of slum dwellers, but this is often translated into slum clearance. “Security of tenure for slum dwellers should be the key approach, not forced evictions,” the experts argued.

Human rights, not charity

“Significant progress has been made on the achievement of a number of MDGs, but much more needs to be done. The MDGs are laudable political commitments and have been useful in mobilizing money and energy. But States can achieve these goals sustainably only if they are guided by human rights obligations that define which actions should be taken by whom. Good governance and the rule of law at national and international levels are critical. Those living in poverty as well as those working in support of MDGs implementation and on development problems must be able to speak freely and participate in decision-making without fear.” “Addressing the structural causes of poverty and underdevelopment also improves global security. Placing human rights at the centre of strategies to achieve the MDGs would tackle the conditions that contribute to social unrest and terrorism.”

The full press release is available at:

<http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=10344&LangID=E>

EXPERT WARNS THAT DECREASING SUPPORT TO EDUCATION WILL JEOPARDIZE ADVANCES IN THE MILLENNIUM GOALS

On 23 September 2010, the new Special Rapporteur on the right to education, Kishore Singh, warned that a decline on government domestic expenditure and international aid for education after the recent economic crisis threatens “the impressive progress in access to basic schooling since the turn of the millennium. Progress which still leaves 69 million children unacceptably out of school.” “Reduced financial support to education will have very serious effects in the poorest countries. This not only jeopardizes the achievement of the goal of universal primary education, but may result in denial of the human right to education”, Mr. Singh said during the UN Millennium Summit in New York. “Governments need to ensure additional support for education. Promoting education must be a central concern for all Government agencies involved in social development”. “Investing in education is investing in all MDGs. Evidence from around the world confirms that there is a clear relation between education levels and income, health status, longevity, etc. Thus, reducing educational inequality helps to reduce socio-economic inequality.”

The full press release is available at:

<http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=10366&LangID=E>

STATEMENT BY THE SPECIAL RAPPORTEUR FOR HUMAN RIGHTS IN CAMBODIA, Mr. SURYA P. SUBEDI

On 28 September 2010, Surya P. Subedi, the Special Rapporteur on the situation of human rights in Cambodia, said “there has been a disproportionate use of the law regarding defamation and disinformation against journalists, human rights activists and political leaders. The major areas of concern are those relating to access to land and housing rights, freedom of expression, and the numerous challenges faced by the judiciary and they continue to dominate the legal and political landscape in Cambodia,” he stated. Mr. Subedi recommended in his report a series of measures to be taken to strengthen the independence and capacity of the judiciary and the situation of human rights in Cambodia and expressed his concern about the narrowing of political space in Cambodia for those belonging to the opposition parties and other political activists. Since the submission of his report, he noted the conviction of the leader of the Opposition Party, Sam Rainsy, hoped that it will be subject to appeal and urged that this be conducted with the utmost attention to due process and principles of fair trial.

The full press release available at:

<http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=10387&LangID=E>

EXPERT URGES ACCELERATION OF PROGRESS FOR RUSSIA'S INDIGENOUS PEOPLE

On 24 August 2010, James Anaya, the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, while launching a report on an earlier visit to the Russian Federation (in 2009), stressed that “continuous and focused attention is necessary to accelerate positive trends,” including in such areas as economic development, education and language, and health.” The expert praised the government for showing commitment to improving the living conditions of indigenous peoples. Nonetheless, he said implementation of the existing laws guaranteeing indigenous communities’ rights, at both the federal and regional levels, “remains a challenge that needs to be resolved.”

The report, presented to the HR Council in September 2010, raises particular concerns over indigenous peoples’ rights to land and natural resources and the need to ensure that laws concerning these issues are fully and consistently implemented throughout Russia. The report also points to the need for indigenous peoples to be ensured adequate political representation at the municipal, regional and federal levels of government. “Indigenous people’s right to consultation in decisions affecting them must be fully respected.” He noted that a number of indigenous peoples have access to formal education and health services, are able to pursue traditional economic activities that advance their cultural preservation and economic and social development. The report includes a number of specific recommendations aimed at enhancing the recognition and protection of the rights of indigenous peoples.

The full press release is available at:

<http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=10287&LangID=E>