

# SPECIAL PROCEDURES BULLETIN



## NINETEENTH ISSUE: OCTOBER–DECEMBER 2010

### HIGHLIGHTS

#### HUMAN RIGHTS COUNCIL REVIEW

Since the Council established an open-ended intergovernmental working group on the review of the work and functioning of the Human Rights Council in October 2009, at its 12th session, a number of informal initiatives were convened by Member States and observers to discuss the scope of the review and reflect on various proposals.

*Continued on p. 12.*

#### HUMAN RIGHTS COUNCIL SPECIAL SESSION ON THE SITUATION IN CÔTE D'IVOIRE

The Human Rights Council fourteenth Special Session on 23 December 2010 adopted a resolution in which it strongly condemned human rights violations that had taken place in Côte d'Ivoire, including abductions, enforced or involuntary disappearances, arbitrary detentions, extrajudicial, summary or arbitrary executions, acts of sexual violence, denial of right to peaceful assembly, the loss of lives and the acts of destruction of property that occurred in different parts of Côte d'Ivoire in relation to the conclusion of the 2010 presidential election.

*Continued on p. 13.*

#### HOW TO FIND INFORMATION ON SPECIAL PROCEDURES

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>

or contact: **Publications Unit**

c/o OHCHR-UNOG  
8-14 Avenue de la Paix  
1211 Geneva 10, Switzerland

Tel: +4122 917 92 24

Fax: +4122 917 90 10

E-mail: [publications@ohchr.org](mailto:publications@ohchr.org)

### IN THIS ISSUE:

Communications .....	2
Country visits.....	2
Positive developments .....	8
Country visits.....	9
Requested and accepted visits .....	10
Highlights (continued) .....	12
Press releases.....	14

The Special Procedures Bulletin provides a general overview of the main activities of the 41 Special Procedures mandates. The Bulletin is produced by the Information, Coordination and Management Unit of the Special Procedures Branch of the OHCHR.

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

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

OHCHR SPECIAL PROCEDURES BRANCH

c/o OHCHR-UNOG8-14 Avenue de la Paix

1211 Geneva 10 Switzerland

Fax : +41 22 917 90 06

E-mail : [urgent-action@ohchr.org](mailto:urgent-action@ohchr.org)

<http://www2.ohchr.org/english/bodies/chr/special/index.htm>

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

## COMMUNICATIONS

Many 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. 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 October and 31 December 2010, 155 communications were sent.

75.5 % were joint communications.

The communications concerned 449 individuals.

41 cases concerned 65 women.

69 countries received communications.

## COUNTRY VISITS

### ALGERIA

#### Special Rapporteur on violence against women concludes visit to Algeria

The Special Rapporteur on violence against women, its causes and consequences, Ms. Rashida Manjoo, visited Algeria from 1 to 10 November 2010. "This mission takes place three years after the visit of my predecessor, subsequent to the invitation extended by the Algerian Government to seven special procedures mandate holders in April 2010. The invitation reflects Algeria's commitment to fulfilling its international obligations. My objective in conducting follow-up missions, is to deepen, build continuity and review progress made on situations of violence against women, its causes and consequences, in different countries throughout the world."

This mission was underpinned by the recognition of the historical, sociological and environmental context within which Algerians continue to live today. The deep wounds of the past emanate from numerous sources, including the war of liberation from the long French colonial domination, and the Black Decade. Violence against women is a manifestation of de facto and / or de jure inequality and discrimination and it cannot be addressed in isolation of the historical and current context. My predecessor's report identifies different forms of violence against women including domestic violence, sexual harassment, abuse of women who are living on the streets, and violence in the private sphere which is largely invisible. The invisibility of these manifestations, the lack of reporting, the use of

mediation and conciliation, the absence of effective cooperative and collaborative partnerships between civil society and the State, was confirmed.

Discussions with State officials indicated the Government's commitment to fulfill its due diligence obligations to protect, prevent, punish and provide compensation. Such intentions include institutional mechanisms, such as the National Consultative Commission on the Promotion and Protection of Human Rights, the Delegate Minister responsible for the Family and the Condition of Women, the National Council for the Family and Women, and the National Strategy to Combat Violence against Women. When it comes to law reform, there have been significant developments in the Nationality, the Family and the Penal

#### 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 December 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.

Codes which are aimed at eliminating critical areas of inequality between men and women. Ms. Manjoo was also informed of the forthcoming adoption of a framework law addressing the low level of representation of women in elected bodies, through the establishment of quotas. Despite these achievements, challenges remain, particularly in the areas of interpretation of this law and its implementation. She encouraged wider societal discussions, including on the need to adopt specific legislation as regards domestic violence, sexual violence and sexual harassment.

The full press release is available at:

<http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=10524&LangID=E>

### **BRAZIL**

#### **Important steps taken to promote cultural rights but challenges remain, says UN Expert**

The Independent Expert on cultural rights, Farida Shaheed, visited Brazil from 8 to 19 November 2010. She said that Brazil's adoption, on 9 November, of a National Plan of Culture is a major breakthrough for the promotion and the protection of cultural rights and underscored the need to strengthen efforts to make laws, plans and programmes a reality on the ground. "Brazil has put in place important measures to promote and protect the cultural expressions and heritage of all, including marginalized peoples, as well as disseminating knowledge of such expressions and a rich diverse heritage in a very dynamic process. Steps taken include constitutional recognition of culture as a right, legislation, policies and plans that have been developed through consultative processes from the grassroots to the federal level."

The Independent Expert commended "the tremendous efforts undertaken to ensure the participation of ethnic and religious groups, civil society organizations, academics, artists and the private sector in the formulation of a framework of action that ensures access to culture and the production of cultural expressions and goods. Approaching culture as a means of social mediation and citizenship is a welcome innovative perspective. However, ensuring cultural rights is not only about documenting and promoting cultural manifestations, and facilitating access to libraries, theaters, cultural centers and museums, important as these are. Guaranteeing cultural rights is also about empowering individuals and communities to create culture as continuously evolving ways of life that are all valued. These include enabling communities to be respected for their values and practices, to be able to preserve the elements of their culture that they desire to keep while evolving towards new ways of engaging with and contributing to contemporary Brazilian society."

The full press release is available at:

[http://www.unog.ch/unog/website/news\\_media.nsf/\(httpNewsByYear\\_en\)/A47B2DD0442B01A2C12577E0004E0D1C?OpenDocument](http://www.unog.ch/unog/website/news_media.nsf/(httpNewsByYear_en)/A47B2DD0442B01A2C12577E0004E0D1C?OpenDocument)

### **BURUNDI**

#### **Expert indépendant sur la situation des Droits de l'Homme au Burundi**

L'Expert indépendant des Nations Unies sur la situation des Droits de l'Homme au Burundi, dont le mandat a pris effet le 1er août 2010, a entrepris sa première visite dans le pays, au 8 novembre. Cette visite intervient près de six mois après la dernière en date de son prédécesseur.

M. Ouguerouz a déclaré que sa première mission à Bujumbura était pour lui l'occasion de se faire une idée plus précise de la situation prévalant dans le pays au lendemain des élections, et ce tant au niveau politique qu'à celui des droits de l'homme. A cet effet, il a tenu à rencontrer le plus grand nombre possible de parties prenantes susceptibles de l'informer en la matière. M. Ouguerouz a demandé des éclaircissements à propos d'allégations de neuf cas d'exécutions sommaires ou extrajudiciaires attribuées à des agents de la Police Nationale Burundaise et de la Force de Défense Nationale et qui auraient eu lieu aux mois d'août, septembre et octobre 2010 dans certaines communes des provinces de Bubanza, de Cibitoke, et de Bujumbura rural. Il a également discuté des douze cas de torture qui se seraient produits entre le 23 juin et le 5 juillet 2010 dans les locaux du Service national de renseignement. L'Expert indépendant a demandé aux autorités burundaises des assurances que les auteurs de ces graves violations alléguées du droit à la vie et à l'intégrité physique soient identifiés, poursuivis et jugés.

Concernant en particulier la Commission d'enquête mise sur pied par le Procureur Général de la République le 26 octobre 2010 pour examiner les allégations des neuf cas d'exécutions sommaires ou extrajudiciaires, il a insisté sur l'exigence d'indépendance et l'impartialité de tous ses membres. Il s'est en outre longuement entretenu du suivi des investigations relatives à l'assassinat, en avril 2009, du Vice-président de l'Observatoire de Lutte contre la Corruption et les Malversations Economiques (OLUCOME).

L'Expert indépendant a également évoqué à plusieurs reprises le sort du journaliste Jean-Claude Kavumbagu maintenu en détention préventive du fait de ses déclarations du 12 juillet 2010. Suite à la confirmation en appel de cette mesure de détention, le jeudi 11 novembre 2010, M. Ouguerouz a obtenu des assurances de la Ministre de la Justice que le procès de M. Kavumbagu aurait lieu le plus rapidement possible. L'Expert indépendant a visité la prison de Mpimba et s'est entretenu avec son directeur. Il a pu avoir des entretiens individuels avec M. Kavumbagu, ainsi qu'avec deux membres de partis politiques et deux victimes des tortures alléguées dans les locaux du Service national de renseignement. M. Ouguerouz a par la suite attiré l'attention de la Ministre de la Justice sur la surpopulation de cette prison qui abrite quatre fois plus de détenus que sa capacité d'accueil, ainsi que sur les mauvaises conditions de détention qui y prévalent. La Ministre de la Justice s'est engagée à examiner

la possibilité d'accélérer les procédures et de faire prononcer des peines de substitution à l'emprisonnement pour les infractions mineures.

The full press release is available (only in French) at :  
<http://www.ohchr.org/FR/NewsEvents/Pages/DisplayNews.aspx?NewsID=10547&LangID=F>

## CHINA

### "From food security to the right to food" UN Expert highlights China's next steps

"China has made remarkable economic and social progress over the past three decades, lifting several hundred millions out of poverty, and food security benefited significantly from this overall progress. However, the shrinking of arable land and the massive land degradation threatens the ability of the country to maintain current levels of agricultural production, while the widening gap between rural and urban is an important challenge to the right to food of the Chinese population", said the Special Rapporteur on the right to food, Mr. Olivier De Schutter, who visited the People's Republic of China from 15 to 23 December 2010.

"Within a few decades, China has been able to feed itself and to feed one fifth of the entire world population. That is really impressive. Yet, considering a country's global agricultural output and the progressive realization of the right to food are two different things. The right to food depends on people having incomes that allow them to purchase food. It also requires that food systems are sustainable so that satisfying current needs are not at the expense of the country's ability to meet future needs".

Since 1997, China has lost 8.2 million hectares (20.2 million acres) of arable land due to urbanization or industrialization, forest replanting programmes, and damage caused by natural disasters. "Today, 37 per cent of China's total territory suffers from land degradation, and the country's per capita available land is now 40 per cent of the world average. This shrinking of arable land represents a major threat to the ability of China to maintain its current self-sufficiency in grain, and it fuels competition over land and land evictions."

"The recent food price hikes in China are a harbinger of what may be lying ahead, and the food reserves maintained by China may therefore prove of strategic importance in the future. This situation should encourage China to move towards more sustainable types of farming, as experimented successfully in the Yunnan province, if current levels of production are to be sustained. Climate change will cause agricultural productivity to drop by 5 to 10 per cent by 2030 in the absence of mitigation actions, and a transition to low carbon agriculture is key in this context".

The full end-of-mission statement is available at:  
[http://www2.ohchr.org/english/issues/food/docs/CHINA\\_food\\_preliminary\\_conclusions.doc](http://www2.ohchr.org/english/issues/food/docs/CHINA_food_preliminary_conclusions.doc)

## CONGO

### UN Expert welcomes Congo's plan to introduce Africa's first-ever law on protection of indigenous peoples

The Special Rapporteur on the rights of indigenous peoples, James Anaya, visited the Republic of the Congo, from 2 to 12 November 2010. At the end of his visit he stated "I have learned about the various initiatives and policies put in place by the Government to advance the rights of indigenous peoples. In particular, I welcome the development of a bill for a law on indigenous peoples, and am pleased to have heard from government and parliamentary officials that the bill will very likely be adopted into law before the end of the year. This law will be the first of its kind on the African Continent, and it provides an important example of a good practice in the region for the recognition and protection of the rights of indigenous peoples. With its promotion of this legislation, along with its agreement to a National Action Plan to diminish the disadvantaged conditions of non-dominant indigenous groups, the Government is committing to action that is generally in keeping with international standards.



The Special Rapporteur on the rights of indigenous peoples, James Anaya, visiting indigenous communities in the Likouala Department in the Republic of the Congo.

I encourage the Government to keep in mind the provisions of the UN Declaration on the Rights of Indigenous Peoples, adopted by the UN General Assembly in 2007 with the support of an overwhelming majority of the countries of the world, including the Republic of the Congo. I also urge ratification of the International Labour Organization Convention No.169 concerning Indigenous and Tribal Peoples in Independent Countries, which would complement the law on indigenous peoples and provide a comprehensive legal framework to further advance the rights of the indigenous peoples of Congo. I am pleased that I have received from Government officials positive indications of a willingness to take the necessary steps to ratify this Convention.

I have observed first hand that indigenous peoples in the Congo, which collectively have been known as Pygmies,

live an extremely marginalized existence. Many of them live without adequate housing or access to basic social services such as health and education. They are subjected to deep-seated discriminatory attitudes that manifest themselves in inequitable social arrangements, including in many instances labour relations that amount to forms of serfdom or involuntary servitude. Although chronic underdevelopment and poverty is pervasive throughout the country, I have observed markedly worse conditions of extreme social and economic disadvantage among the indigenous people. Therefore, I call upon the Government to ensure, not just adoption of the proposed law on indigenous peoples, but also its full and meaningful implementation.



The Special Rapporteur on the rights of indigenous peoples, James Anaya, welcomed by the Prefet of the Likouala Department.

The full press release is available at:  
[http://www.unog.ch/unog/website/news\\_media.nsf/\(httpNewsByYear\\_en\)/01705663D5BDB34DC12577D900533531?OpenDocument](http://www.unog.ch/unog/website/news_media.nsf/(httpNewsByYear_en)/01705663D5BDB34DC12577D900533531?OpenDocument)

## GREECE

### UN Expert on torture warns that detention facilities are in crisis in Greece

The Special Rapporteur on torture, Manfred Nowak, warned that “Greek prisons are overcrowded and law enforcement officials are overwhelmed” under the pressure of a constant flow of hundreds of irregular migrants entering via Turkey on a daily basis. “The unprecedented numbers have put the border guard stations, police stations and migrant detention centres into a critical state,” Mr. Nowak said at the end of his mission, from 10 to 20 October.

In his view, the European Union should immediately renegotiate the Dublin II Regulation to ensure a fairer system of burden sharing which also takes into account legitimate concerns of asylum seekers and irregular migrants. “I fully support the recommendation of the UN High Commissioner for Refugees and human rights institutions to halt all returns under Dublin II due to the inadequate protection against refoulement and the inhuman

detention conditions for migrants in Greece,” he said.

Mr. Nowak, who was able to conduct unannounced visits to places of detention and interview detainees in private thanks to the cooperation of the Hellenic Police and the Judicial Services, found detainees locked up for up to six months in overcrowded, filthy cells, with very bad ventilation and lighting. Access to medical care, lawyers and interpreters was also very limited. “In a number of Criminal Investigation Departments (CID), I found more than 40 foreigners held in administrative detention in office space temporarily used as make-shift cells,” the UN independent expert said. “In CID custody, the conditions were particularly appalling. Such conditions of detention clearly amount to inhuman and degrading treatment.” The Special Rapporteur received numerous and consistent allegations of beatings by police officers, however, there is only little forensic evidence and he only came across a few cases of ill-treatment amounting to torture. “An independent and effective police complaints mechanism with monitoring and investigative powers needs to be established” noted Mr. Nowak.

The full press release is available at:  
[http://www.unog.ch/unog/website/news\\_media.nsf/\(httpNewsByYear\\_en\)/9BB1B7B473C751E2C12577C200535060?OpenDocument](http://www.unog.ch/unog/website/news_media.nsf/(httpNewsByYear_en)/9BB1B7B473C751E2C12577C200535060?OpenDocument)

## MEXICO

### Growing violence will be overcome only with a strong and independent justice system, warns UN Expert

“The strengthening of the Rule of Law and an effective fight against violence will be possible only if the justice system in its entirety is strong and independent,” the Special Rapporteur on the independence of judges and lawyers, Gabriela Knaul, said on 15 October at the end of a 15-day mission to Mexico, during which she met with President Felipe Calderón.

Ms. Knaul noted that the 2008 constitutional reform of the criminal justice system could constitute a major step forward in improving access to, and administration of justice in the country. “However, it faces difficulties and obstacles in its implementation and does not appear to enjoy political will in the entire country to advance in an appropriate manner.” Ms. Knaul noted that “there is a lack of access to justice for many Mexicans, especially those who live in poverty, the indigenous population, those who inhabit rural and remote areas, women, and migrants.” Furthermore, she expressed her view that, especially at the federal level, the independence of judges is in danger. “The linking of the magistrates of the High Courts of the States with the Executive of those States is a real hazard to their independence.”

Read the full end-of-mission statement is available at:  
<http://www.ohchr.org/SP/NewsEvents/Pages/DisplayNews.aspx?NewsID=10447&LangID=S>

## **MOZAMBIQUE**

### **Efforts to ensure justice for all through an independent judiciary should be reinforced, says UN Expert**

The Special Rapporteur on the independence of judges and lawyers, also undertook a visit to Mozambique from 6 to 10 December 2010. The visit was a continuation of a prior visit undertaken from August 26 to September 4, which was suspended. Ms. Knaul stated that “The prominent place that the Constitution of Mozambique gives to the independence of the judiciary should be reflected daily in the justice system. The major challenge for the independence of the judiciary is to be fully operational and depoliticized so that judicial decisions be based on facts and in accordance with the law, without undue influences, inducements, pressures, threats or interferences, whether direct or indirect.”

The expert praised a number of encouraging initiatives for the justice sector such as Agenda 2025, the 5-year Plan of Government, the Plan for the reduction of extreme poverty and the Economic and Social Plan. The Special Rapporteur encouraged the Central Office for Combating Corruption to contribute to create a culture of accountability, and called this entity to reinforce its efforts to investigate and bring to justice persons found guilty of corruption.

The full end-of-mission statement is available at:  
<http://www2.ohchr.org/english/issues/judiciary/index.htm>

## **DEMOCRATIC PEOPLE’S REPUBLIC OF KOREA**

### **Statement by the Special Rapporteur on the situation of human rights in the Democratic People’s Republic of Korea**

The Special Rapporteur on the situation of human rights in the Democratic People’s Republic of Korea (DPRK), Mr. Marzuki Darusman, conducted his first visit from 22 to 26 November 2010. “The purpose of my visit was to assess the human rights situation in DPRK, as it impacts on the Republic of Korea (RoK). In October this year, my request to access the DPRK did not receive a favourable response from the DPRK. This paved my decision to travel first to neighbouring countries, such as the RoK and Japan. I was elaborately briefed on a number of issues, such as the issue of abduction, separated families, violations of human rights in the DPRK, trafficking of persons and the abuses that the asylum-seekers go through en route to the RoK, the situation of refugees and the current state of multi party, which have implications on the situation in the DPRK.”

“I recognize the gravity of the recent military actions which have escalated tensions between ROK and DPRK. While these developments will require careful analysis, I join others in expressing sympathy to the victims and calling for restraint. This underscores the importance and need for resumption of multilateral meetings, involving the DPRK. The DPRK should not find itself in isolation at a juncture when it needs the support and cooperation of the

international community the most, both to address the human rights situation and the humanitarian needs.” He noted that DPRK is party to a number of human rights treaties. However, these positive steps are not an end in itself and require further action in implementation of rights guaranteed under these instruments. “In 2009, the country underwent the Universal Periodic Review process and appeared before the Human Rights Council. Irrespective of the stance of the DPRK, I will continue to look into some of the key recommendations and conclusions of the UPR. On the issue of the DPRK asylum seekers, there has been a steady increase in the number of persons seeking refuge in the RoK. While they are happy to be in the RoK, they worry for the safety of their loved ones back at home. They fear that the families of those who flee the country are being identified in the DPRK, and face the prospect of harsh prison sentences. I wish to emphasize the need for the DPRK to respect the overall protection and promotion of the human rights in the country. While commending the RoK for integration of asylum-seekers of the DPRK, I call on all other countries where people of the DPRK are seeking refuge or transiting, to protect, treat such people humanely and respect the principle of non-refoulement.”

The full press release is available at:  
[http://www.unog.ch/unog/website/news\\_media.nsf/\(httpNewsByYear\\_en\)/BD67A8C892A4F3CEC12577E7004B554F?OpenDocument](http://www.unog.ch/unog/website/news_media.nsf/(httpNewsByYear_en)/BD67A8C892A4F3CEC12577E7004B554F?OpenDocument)

## **ROMANIA**

### **Commitment to protect children and adults from economic exploitation, but more needs to be done - UN Expert on slavery**

The Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Ms. Gulnara Shahinian, visited Romania from 13 to 17 December 2010. She said that “the Government has demonstrated a genuine commitment to the elimination of worst forms of child labour and forced labour as evidenced by its impressive legislative arsenal to combat those contemporary forms of slavery”. However, she stressed that the enforcement of the existing legislation remains insufficient and that programmes to support its implementation are inadequate and need to be further developed.

“The international financial crisis is harshly impacting on children, and in particular children leaving in poor agricultural rural areas, Roma children and children working on the streets, increasing their preexisting vulnerabilities to labour or sexual exploitation”. She further expressed concern that the National Authority for the Protection of the Rights of the Child has been downgraded to a General Directorate for Child Protection.

The UN expert pointed to an emerging phenomenon which might, if not adequately addressed, result in resurgence of a new form of forced labour. “The inflow of economic migrant workers originating from Eastern European

countries and Asia on the Romanian labour market has and will continue to increase in the future” the UN expert said. Several cases of foreign migrant workers who were submitted to abusive working conditions have already hit the headlines. She urged the Government to consider the ratification of Convention on the Rights of All Migrant Workers and members of their Families and to seek further the cooperation of countries receiving Romanian workers as well as of countries from where migrant workers originate through the conclusion of bilateral agreements so as to ensure them better protection.

The full press release is available at:

<http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=10609&LangID=E>

## SYRIA

### Substantial progress on health in Syria, but more needs to be done, says UN Expert

The Special Rapporteur on the right to health, Anand Grover, visited the Syrian Arab Republic from 7 to 14 November 2010. Mr. Grover congratulated the Republic for explicit provision of the right to health in its constitution, and referred to Syria’s “commendable work in the last three decades” in improving the country’s health system in its entirety. “Admirable advances have been made amongst nearly all key health indicators. Coverage rates are extremely high – upwards of 90 per cent – and the centres in Syria that I visited were well staffed and well maintained.”

Mr. Grover’s visit included a tour of the health facility in the Damascus central prison, the first time a UN-appointed official has been granted access to a prison in the country. Although Mr. Grover also praised the Government’s commitment to provide health care services on a non-discriminatory basis, he said more needs to be done to ensure delivery of quality services nationwide, particularly in rural areas. The Special Rapporteur remained particularly concerned about the situation of a number of Kurdish Syrians whose access to healthcare has been seriously hindered due to their unregulated status in the country. The Special Rapporteur welcomed improvements in the maternal and child mortality rates, which “place Syria close to the top of the developing world in terms of health-related achievements.” He observed that Syria’s high fertility rate, and its persistent “urban/rural divide” in delivery of health care services, are ongoing challenges in realizing sexual and reproductive rights. He also stressed the importance of increasing awareness of gender-based violence, a problem for which no data was available during his mission.

Mr. Grover also strongly commended the Government for its commitment to provide comprehensive health care services for up to 1.5 million Iraqi refugees, particularly in light of resource restraints.

The full statement is available at:

<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=10532&LangID=E>

## SOUTH AFRICA

### South Africa should pursue efforts to strengthen regulatory framework for private military and security companies, says UN Experts

“The Government of South Africa should pursue efforts to strengthen the regulatory framework for private military and security companies exporting their services abroad,” said Alexander Nikitin, Chair of the Working Group on the use of mercenaries, at the end of a visit that took place from 10 to 19 November 2010. “Since the period bringing an end to apartheid in 1994, South Africans have been widely employed by private military and security companies operating around the world. As a consequence, South Africa was one of the first countries to adopt legislation on the provision of foreign military assistance in 1998 and it must be commended for that,” said Mr. Gómez del Prado, member of the Working Group. Nonetheless, there is no doubt that the regulatory regime established in South Africa for private military and security companies and individuals operating in different countries has faced challenges in terms of implementation. In addition, throughout the discussions with the authorities there was broad agreement that the attempted coup in Equatorial Guinea in 2004 provided added momentum to revise the legislation to address the whole spectrum of activities to be regulated. For instance, the Working Group noted that some of the South Africans involved in the attempted coup had been or were employed by private military and security companies.

The Working Group recommended that the Government undertake the necessary steps to ensure that the regulatory regime envisaged in the legislation be strengthened and include a monitoring mechanism. In particular, it emphasized the important role in the effective implementation of the legislation of the National Conventional Arms Control Committee which has been given the responsibility to authorize the export of military and security services to regulated countries.

The full press statement is available at:

[http://www.unog.ch/unog/website/news\\_media.nsf/\(httpNewsByYear\\_en\)/603AF12ECF04CA68C12577E0004642AA?OpenDocument](http://www.unog.ch/unog/website/news_media.nsf/(httpNewsByYear_en)/603AF12ECF04CA68C12577E0004642AA?OpenDocument)

## USA

### UN Expert on sale of children says considerable efforts have been made in the United States but challenges remain

The Special Rapporteur on sale of children visited the United States from 12 to 27 October 2010. She stated that all interlocutors agreed there was growing availability of child pornography on the Internet; victims tended to be ever younger and the images ever more violent. They further highlighted the persistence of child prostitution, principally

involving girls. Nevertheless, it was difficult to conclude whether the increasing number of reported cases of these phenomena is due to a real increase, or rather due to better detection of such cases. She mentioned that the true scope of sale of children, child prostitution and child pornography remains difficult to assess mainly due to the absence of a standardized and centralized information system.

The Special Rapporteur noted that due to the federal strategy to combat human trafficking at the international and national levels, criminal networks have been dismantled, traffickers, perpetrators and sexual tourists have been arrested and convicted, with strong sanctions, thousands of child victims have been identified and have benefited from victim assistance and reintegration programs. Nevertheless, significant challenges remain regarding the protection of children under 18 living in the United States who are sexually exploited in prostitution. These children continue to be arrested, charged and detained, not only because of the law, but also because of the lack of sustainable and safe alternatives to detention. She insisted on the decriminalization of children under 18 who were victims of prostitution, and made clear that they must have access to child centered and comprehensive care. During meetings, child victims expressed the need on the one hand, for accessible child sensitive counseling, complaint and reporting mechanisms, and on the other, for sustainable support to empower them to re-build their future.

She considered that effective prevention must include stronger support to communities and families, working on social perceptions, addressing the situation of children at risk, and tackling the demand for sex with children, particularly the roles of buyers, intermediaries and traffickers. International cooperation must be reinforced. Similarly, the responsibility of the private sector, such as electronic service providers, social networking sites, telecommunications companies, transportation companies, travel and tourism, and the media, must be further engaged. The efficiency of strategies and programmes can be improved through better coordination and allocation of resources. She welcomed the adoption of the National Strategy for Child Exploitation Prevention and Interdiction, but encouraged the evaluation and monitoring of its implementation.

The full press release is available at:

[http://www.unog.ch/unog/website/news\\_media.nsf/\(httpNewsByYear\\_en\)/B518FEC09F2D8616C12577CB004628DD?OpenDocument](http://www.unog.ch/unog/website/news_media.nsf/(httpNewsByYear_en)/B518FEC09F2D8616C12577CB004628DD?OpenDocument)

## **ZAMBIA**

### **Violence against women: UN Expert visited Zambia**

The Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo, visited Zambia from 6 to 11 December 2010. "It is an exciting time for this country, a time which is seeing important constitutional and

law review processes aimed at strengthening and accelerating efforts to eradicate violence against women and uphold women's rights. These processes demonstrate political will and openness to tackle the current challenges that women still face in Zambia. Yet I am saddened to learn that, according to the draft Constitution of 27 August 2010 which was shared by the Government, existing article 23.4 which permits discriminatory laws and practices in the area of personal laws and customary law may be retained despite the guarantee of equal status of women found in article 11 of the current Constitution. Back in 2002 the Committee on the Elimination of Discrimination against Women (CEDAW) called on the Government to repeal article 23.4 as it permits discrimination in the areas of law. In 2007 the Human Rights Committee also reiterated this call, and recently CEDAW requested the State to provide information on the follow-up to its earlier recommendation. She noted that the Gender Based Violence Bill currently before Parliament is an important step forward in providing frameworks to strengthening the fight against all forms of violence. She encouraged all stakeholders to be ready with a plan for implementation of the Bill including financial and capacity-building plans. She noted the persistence of negative customary and religious practices continues to exacerbate discrimination against women. "I welcome the efforts taken to regulate some of these practices, including inheritance practices, sexual cleansing, marriage and land tenure systems. Legislative efforts must be continuously pursued to educate and change the mindsets of men, women and children, through all available means including schools, traditional and religious leaders, and the media."

"Zambia does not seem to be immune from practices of violence against women committed or condoned by State agents. In this regard I was informed that female detainees, whether in police custody or in prisons, have to endure harsh living conditions, including little medical attention for pre-natal and post-natal care and treatment, and for HIV/AIDS and tuberculosis testing, and with little or no adequate nutrition support. Women in detention facilities are also subjected to abuse, violence and humiliating and degrading punishment in order to extract confessions. Women are also offered release in exchange for sex." "Zambia is a vibrant society which is not afraid of change. I encourage all stakeholders to take advantage of this moment in order to promote human rights for all and keep violence against women on the national agenda."

The full press release is available at:

[http://www.unog.ch/unog/website/news\\_media.nsf/\(httpNewsByYear\\_en\)/F9A6BC9D2BCF14CBC12577F5005152EB?OpenDocument](http://www.unog.ch/unog/website/news_media.nsf/(httpNewsByYear_en)/F9A6BC9D2BCF14CBC12577F5005152EB?OpenDocument)

## **POSITIVE DEVELOPMENTS**

**Chile:** On 24 September 2010, the Special Rapporteur on the rights of indigenous peoples issued a press statement calling upon Chile to initiate a good faith dialogue with representatives of the Mapuche prisoners who had been on hunger strike for some 80 days in the Concepción, Temuco,

Lebu and Valdivia jails and to enact appropriate reforms to the Anti-Terrorism Law and Military Justice Law. On 1 October 2010, the Government of Chile agreed to desist from pursuing charges of terrorism against Mapuche protestors and to reconsider those charges under ordinary criminal law.

**Myanmar:** Daw Aung Sung Suu Kyi was released on 13 November 2010 after 21 years of house arrest and considerable international pressure by numerous actors, including special procedures. The Working Group on arbitrary detention had adopted six Opinions pronouncing her detention arbitrary.

**Republic of Korea:** upon his visit to the country (in May 2010), the Special Rapporteur on Freedom of Opinion and Expression recommended the repeal of article 47(1) of the Framework Act on Telecommunications, which stipulates that "any person who has publicly made a false communication over the telecommunications facilities and equipment for the purpose of harming the public interest shall be punished by imprisonment for up to five years or by a fine of up to 50 million won". The Special Rapporteur stated that "terms such as "false communication" and "public interest" are not clearly defined and are thus subject to undue limitations on the exercise of the right to freedom of expression." On 28 December 2010, the Constitutional Court ruled that article 47(1) was unconstitutional due to the vagueness of terms such as "public interest" and "false communication", and thus the provision was void. The Special Rapporteur also expressed concern regarding Mr. Park Dae-sung, a blogger known as "Minerva", who was arrested on 10 January 2009 for violating the article after he posted online articles predicting the economic crisis and criticizing the Government's economic policy. He was accused of "posting fraudulent information on the Internet that harmed public welfare by negatively influencing the country's foreign exchange markets". On 24 April 2009, Mr. Park was found innocent, but the Prosecutor's Office appealed the decision. However, as a result of the Constitutional Court's decision, on 30 December 2010, the Prosecutor's Office withdrew the appeal.

**Republic of the Congo:** On 30 December 2010, the Republic of the Congo adopted a law on indigenous peoples, marking a significant step in recognizing their rights. A visit of the Special Rapporteur on the rights of indigenous peoples to the Congo in November 2010 highlighted that this law was the first of its kind on the African Continent. The law provides an important example of a good practice in the region for the recognition and protection of the rights of indigenous peoples. The Special Rapporteur's visit to the country was an essential contribution in the last stages of the adoption.

## COUNTRY VISITS

### VISITS BETWEEN JANUARY AND MARCH 2011

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

**Cambodia:** Special Rapporteur on the situation of human rights in Cambodia, from 15 to 24 February 2011.

**France:** Special Rapporteur on the situation of human rights and fundamental freedoms on indigenous peoples, to **New Caledonia**, from 6 to 13 February 2011.

**Haiti:** Independent Expert on human rights in Haiti, from 20 to 27 February 2011.

**India:** Special Rapporteur on the situation of human rights defenders, from 11 to 21 January 2011.

**Ireland:** Independent Expert on the question of human rights and poverty, from 10 to 15 January 2011.

**Malaysia:** Independent Expert on the situation of human rights in Myanmar, from 17 to 24 February 2011.

**Mexico:** Working Group on enforced or involuntary disappearances, from 22 March to 1 April 2011.

**Rwanda:** Independent Expert on minority issues, from 31 January to 7 February 2011.

**Senegal:** Special Rapporteur on the right to education, from 8 to 15 January 2011.

**Somalia and Kenya,** Independent Expert on the situation of human rights in Somalia, from 18 to 25 February 2011.

**South Africa:** Special Rapporteur on the human rights of migrants, from 24 January to 1 February 2011.

**Solomon Islands:** Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of human rights, particularly economic, social and cultural rights, from 14 to 18 February 2011.

**Suriname:** Special Rapporteur on the situation of human rights and fundamental freedoms on indigenous peoples, from 14 to 15 March 2011.

**Timor Leste:** Working Group on enforced or involuntary disappearances, to visit from 7 to 14 February 2011.

**United States of America:** Special Rapporteur on violence against women, its causes and consequences, from 24 January to 7 February 2011.

Independent Expert on the issue of human rights obligations related to access to safe drinking water and sanitation, 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 human rights, particularly economic, social and cultural rights, from 21 to 29 March 2011.

**REQUESTS FOR VISITS ACCEPTED BY STATES AND VISITS PLANNED AFTER MARCH 2011**

**Albania:** Special Rapporteur on the human rights of migrants, to visit in 2011. Dates to be agreed.

**Algeria:** Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, from 3 to 11 April 2010.

Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, to visit in 2011. Dates to be agreed.

**Argentina:** Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, from 13 to 22 April 2011.

**Australia:** Special Rapporteur on trafficking in persons, especially women and children, to visit in October or November 2011.

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

**Bolivia:** Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, originally planned for 6 to 13 December 2010, postponed. Dates to be agreed.

**Bulgaria:** Special Rapporteur on the independence of judges and lawyers, to visit in 2011. Dates to be agreed.

**Burkina Faso:** Working Group on arbitrary detention, to visit in April 2011.

**Burundi:** Independent Expert on human rights in Burundi, second quarter in 2011.

Special Rapporteur on the independence of judges and lawyers, to visit in 2011. Dates to be agreed.

**Cameroon:** Independent Expert on minority issues, to visit in 2011. Dates to be agreed.

**Canada:** Working Group of Experts on people of African descent, to visit in 2011. Dates to be confirmed.

**Chile:** Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, to visit in 2011. Dates to be confirmed.

Working Group on enforced or involuntary disappearances, to visit in 2012. Dates to be confirmed.

**Costa Rica:** Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples, to visit in 2011. Dates to be agreed.

**Côte d'Ivoire:** Special Rapporteur on violence against women, its causes and consequences, to visit in 2011. Dates to be agreed.

Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, to visit in 2011. Dates to be agreed.

Special Rapporteur on extrajudicial, summary or arbitrary executions, to visit in 2011. Dates to be agreed.

Special Rapporteur on the situation of human rights defenders, to visit in 2011. Dates to be agreed.

Working Group on enforced or involuntary disappearances, to visit in 2011. Dates to be agreed.

Working Group on arbitrary detention, to visit in 2011. Dates to be agreed.

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

**El Salvador:** Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples to visit in 2011. Dates to be confirmed.

**France (French Polynesia):** Special Rapporteur on the adverse effects of the movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights, to visit in 2011. Dates to be agreed.

**Georgia:** Working Group on arbitrary detention, to visit in 2011. Dates to be agreed.

**Ghana:** Special Rapporteur on the highest attainable standard of physical and mental health, to visit from 22 to 30 May 2011.

**Greece:** Special Rapporteur on the human rights of migrants, to visit in 2011. Dates to be agreed.

**Iraq:** Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, to visit in last quarter of 2011. Dates to be agreed.

**Italy:** Independent Expert on the question of human rights and poverty, to visit in 2011. Dates to be confirmed.

**Kyrgyz Republic:** Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, to visit in first half of 2011. Dates to be confirmed.

**Lebanon:** Special Rapporteur on Contemporary forms of slavery, to visit in 2011. Dates to be confirmed.

**Marshall Islands:** Special Rapporteur on the adverse effects of the movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights, to visit in September/October 2011, dates to be confirmed.

**Mauritius:** Special Rapporteur on the sale of children, child prostitution and child pornography, to visit in April 2011.

**Mexico:** Special Rapporteur on the right to food, to visit in June 2011.

Special Rapporteur on extrajudicial, summary or arbitrary executions, from 22 to 28 November 2011.

**Myanmar:** Special Rapporteur on human rights in Myanmar, to visit in June 2011. Dates to be confirmed.

**Namibia:** Independent Expert on the issue of human rights obligations related to access to safe drinking water and sanitation, to visit in July 2011.

**Paraguay,** Special Rapporteur on freedom of religion or belief, from 23 to 30 March 2011.

**Peru:** Special Rapporteur on Contemporary forms of slavery, from 9 to 20 May 2011.

**Poland:** Special Rapporteur on the adverse effects of the movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights to visit in 2011. Dates to be confirmed.

**Portugal:** Working Group of Experts on people of African descent, to visit from 16 to 20 May 2011.

**Republic of Korea:** Special Rapporteur on right to education to visit in 2011. Dates to be confirmed.

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

**Switzerland:** Independent Expert on the question of human rights and extreme poverty, to visit in 2011. Dates to be confirmed.

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

**Uruguay:** Independent Expert on the issue of human rights obligations related to access to safe drinking water and sanitation, to visit in 2011. Dates to be agreed.

**United States of America:** Special Rapporteur on Torture and other cruel, inhuman or degrading treatment or punishment, to visit in 2011. Dates to be agreed.

**VISITS REQUESTS SUBMITTED BY MANDATE HOLDERS BETWEEN OCTOBER AND DECEMBER 2010**

**China:** Special Rapporteur on trafficking in persons, especially women and children, on 5 October 2010, to visit in 2011.

**Eritrea:** Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, on 22 December 2010.

**Ethiopia:** Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, on 22 December 2010.

**Guyana:** Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, on 22 December 2010.

**Hungary:** Special Rapporteur on the adverse effects of the movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights, on 12 October 2010.

**India:** Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, on 22 December 2010.  
Special Rapporteur on trafficking in persons, especially women and children, on 5 October 2010, to visit in 2011.

**Iran:** Special Rapporteur on freedom of religion or belief, on 29 November 2010, to visit preferably in September or October 2011.

Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, on 22 December 2010.

**Indonesia:** Special Rapporteur on the adverse effects of the movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights, on 12 October 2010.

**Kenya:** Special Rapporteur on Torture and other cruel, inhuman or degrading treatment or punishment, on 22 December 2010.

**Kazakhstan:** Special Rapporteur on the adverse effects of the movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights, on 12 October 2010.

**Morocco:** Special Rapporteur on trafficking in persons, especially women and children, on 5 October 2010, to visit in 2011.

Independent Expert in the field of cultural rights, on 8 October 2010.

**Nepal:** Independent Expert in the field of cultural rights, on 8 October 2010.

**Nigeria:** Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, on 23 November 2010.

**Pakistan:** Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, on 22 December 2010.

**Russian Federation:** Independent Expert in the field of cultural rights, on 7 October 2010.

Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, on 22 December 2010.

**Saudi Arabia:** Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, on 22 December 2010.

**Syrian Arab Republic:** Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, on 22 December 2010.

**Spain:** Special Rapporteur on trafficking in persons, especially women and children, on 5 October 2010, to visit in 2011.

**Thailand:** Special Rapporteur on the situation of human rights defenders, on 9 November 2010 to visit, as a follow-up to the visit of former Special Representative of the Secretary-General on the situation of human rights defenders, in May 2003.

**The Former Yugoslav Republic of Macedonia:** Special Rapporteur on the adverse effects of the movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights, on 12 October 2010.

**The Philippines:** Independent Expert in the field of cultural rights, on 7 October 2010.

Special Rapporteur on the adverse effects of the movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights, on 12 October 2010.

**Uzbekistan:** Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, on 22 December 2010.

## REMINDERS

### REMINDERS SENT BETWEEN JULY AND SEPTEMBER 2010

**Bolivia:** Working Group on the use of mercenaries, on 23 December 2010.

**Colombia:** Working Group on the use of mercenaries, on 23 December 2010.

**Iraq:** Working Group on the use of mercenaries, on 21 December 2010.

**Lebanon:** Special Rapporteur on contemporary forms of slavery, on 15 October 2010.

**Mexico:** Working Group on the use of mercenaries, on 23 December 2010.

**Nepal:** Special Rapporteur on contemporary forms of slavery, on 15 October 2010.

**Uzbekistan:** Special Rapporteur on contemporary forms of slavery, on 15 October 2010.

## HIGHLIGHTS

### HUMAN RIGHTS COUNCIL REVIEW

*continuation from p. 1*

In addition, several rounds of informal consultations were convened by the Council President to delineate the process and the modalities of the review. The first Intergovernmental Working Group session on the Human Rights Council Review took place from 25 to 29 October 2010 in Geneva. The President of the Council then appointed six facilitators (Permanent Representatives) to carry forward the discussions on: UPR (facilitated by PM Morocco); Special Procedures (PM Finland); Advisory Committee, Complaint Procedures (PM Romania); Agenda Programme of Work (PM India); and Methods of Work and Rules of Procedure (PM Brazil). Informal consultations relating to Special Procedures took place on 11 November 2010. As a result, a compilation of state contributions (CRP 1) and a list of stakeholder contributions (CRP 2) were produced. A retreat in Bangkok discussed the review in December 2010. The process in the Working Group was concluded in February 2011 with the adoption of an outcome document.

The OHCHR non-paper on the HRC review is available at: <http://portal.ohchr.org/portal/page/portal/HRCExtranet/1stWorkingGroupsessionontheReview25-29Oct2010>

The special procedures contribution on the HRC review is available at: <http://www2.ohchr>.

**A MESSAGE ON MINORITY ISSUES FOR THE CORPORATE WORLD AND INTERNATIONAL FINANCIAL INSTITUTIONS**

The Forum on Minority Issues held its third annual session in Geneva from 14-15 December. The discussion focused on minorities and their effective participation in economic life. The outcome of the Forum suggested concrete proposals for governments, the private business sector, including national and transnational corporations, international financial institutions and multilateral development agencies, as well as civil society organizations, trade unions and national human rights institutions. “Effective participation of minorities in all aspects of economic life is both a right of minorities and a key component in building societies that are fair, stable, and in which all may prosper equally,” said the Independent Expert on Minority Issues, Ms. Gay McDougall, who organizes the Forum and reports on its recommendations to the Human Rights Council. This year’s Forum was chaired by Ms. Gita Sen, Professor at the Indian Institute of Management in Bangalore, India, and Adjunct Professor at the Harvard School of Public Health.

The full press release is available at:

[http://www.unog.ch/unog/website/news\\_media.nsf/\(httpNewsByYear\\_en\)/312A1DDE036B7840C12577F80036E8A5?OpenDocument](http://www.unog.ch/unog/website/news_media.nsf/(httpNewsByYear_en)/312A1DDE036B7840C12577F80036E8A5?OpenDocument)

**NINTH SESSION OF THE HUMAN RIGHTS COUNCIL’S UNIVERSAL PERIODIC REVIEW HELD FROM 1 TO 12 NOVEMBER 2010**

Sixteen States had their human rights records examined during the ninth session of the Human Rights Council’s Universal Periodic Review Working Group (UPR WG) held in Geneva from 1 to 12 November. These countries were Andorra, Bulgaria, Croatia, Honduras, Jamaica, , Lebanon, Liberia, Libyan Arab Jamahiriya, Malawi, Maldives, Marshall Islands, Mauritania, Micronesia, Mongolia, Panama, and the United States of America. By the end of this session, 143 States (out of 192 Member States of the United Nations) had been reviewed by the UPR WG. In October 2011, when this first four-year cycle will reach its end, all United Nations’ Member States will have been reviewed under this mechanism.

The documents of the night session of the UPR WG can be found at:

<http://www2.ohchr.org/english/issues/>

**SPECIAL SESSION OF HUMAN RIGHTS COUNCIL ON CÔTE D’IVOIRE ADOPTED A RESOLUTION CALLING FOR END TO ALL HUMAN RIGHTS VIOLATIONS**

The Council called upon all the relevant parties in Côte d’Ivoire to immediately put an end to all human rights violations in Cote d’Ivoire and to fully respect all human rights and fundamental freedoms and the rule of law, and urged all parties to cooperate fully with the operations of the United Nations Office in Côte d’Ivoire (UNOCI), in its

efforts to protect and promote human rights. Further, the Council requested the international community to assist in addressing the humanitarian consequences of the crisis, and stressed the importance for all Ivorians to spare no efforts towards national reconciliation thus contributing to the preservation of peace, security and promotion and protection of human rights in Cote d’Ivoire and to the strengthening of democratic institutions in the country, which were necessary to the entrenchment of lasting peace, rule of law, good governance and respect for human rights.

[http://www.unog.ch/unog/website/news\\_media.nsf/\(httpNewsByYear\\_en\)/CF5FC42AC027FD0BC1257802005FACD1?OpenDocument](http://www.unog.ch/unog/website/news_media.nsf/(httpNewsByYear_en)/CF5FC42AC027FD0BC1257802005FACD1?OpenDocument)

**COMMEMORATION OF THE THIRTIETH ANNIVERSARY OF THE WORKING GROUP ON ENFORCED DISAPPEARANCES**

Human Rights Council resolution 14/10 mandated OHCHR to “organize a one-day event to commemorate the thirtieth anniversary of the Working Group on Enforced or Involuntary Disappearances”, the oldest Special Procedure. The event, co-organized by the Organisation Internationale de la Francophonie and OHCHR, was held on 5 November 2010, at the Palais des Nations in Geneva.

At the opening of the event a powerful video, *Existence Denied*, produced by the International Coalition Against Enforced Disappearances, showing portraits of victims and of enforced disappearance and their relatives, was displayed. The event was organized in two panels titled respectively: *The Working Group on Enforced or Involuntary Disappearances; stories and history* and *The Working Group: 30 years of evolution and the way forward* during which renowned world experts on enforced disappearances participated. During the conclusion and recommendations segment, the members of the Working Group commented on five particular areas of interest namely: truth, justice, reparation, reconciliation and procedural issues.

The thirtieth Anniversary Commemorative Event raised awareness about the development and evolution of the Working Group over the last 30 years and further stimulated reflection on contemporary and future challenges for the work of the Working Group. The event promoted the work of the Working Group to encourage Member States to further engage with the Working Group and civil society to report cases of enforced or involuntary disappearances and thus progressively overcome underreporting. It also provided a space for different stakeholders from around the world to share their experiences on their work with the Working Group with a view to collecting good practices. The event was attended by several relatives of disappeared persons who travelled from Algeria, Argentina, Belarus, Chile, Morocco, Thailand and Turkey. On the margins of the thirtieth Anniversary

Commemorative Event, and in collaboration with the NGO Jardin des Disparus, an exhibition was organized on children who recovered their identity, through DNA tests, in Argentina.

## **PRESS RELEASES**

### **UN EXPERT ON TRAFFICKING IN PERSONS: HUMAN TRAFFICKING KNOWS NO BORDER, AND REGIONAL AND INTERNATIONAL COOPERATION IS IMPERATIVE AGAINST IT**

For the first time, anti-trafficking experts from regional and sub-regional organizations convened in Dakar on 4 and 5 October at the initiative of the Special Rapporteur on trafficking in persons, especially women and children, to discuss how innovatively and effectively to work together and with the UN system, build synergies and enhance information-sharing in order to fight this phenomenon. "Effective coordination of the various anti-trafficking initiatives and enhanced cooperation among all actors involved in combating trafficking is essential to maximise available resources, minimise duplication and address States' fatigue vis à vis the number of demands they are required to attend to," said the Special Rapporteur. Experts from Africa, the Americas, Asia, Europe and the Middle East discussed issues related to the prevention of trafficking, protection of trafficked victims, and institutional and normative frameworks established to address trafficking in all regions. "Assistance to and protection of victims must be non-conditional, responsive to the needs, and respectful of the human rights of trafficked victims. Regional and sub-regional organizations must therefore ensure that their normative frameworks, policies and practices integrate human rights, are appropriate to the age of the victims and sensitive to gender aspects."

The full press release is available on:

[http://www.unog.ch/unog/website/news\\_media.nsf/\(httpNewsByYear\\_en\)/50874837C3290BE2C12577B500338D10?OpenDocument](http://www.unog.ch/unog/website/news_media.nsf/(httpNewsByYear_en)/50874837C3290BE2C12577B500338D10?OpenDocument)

### **UN EXPERT URGES GOVERNMENT OF ECUADOR TO GUARANTEE FREEDOM OF THE PRESS**

On 7 October 2010, following violent acts in Quito, the Special Rapporteur on the right to freedom of opinion and expression, urged the Government of Ecuador to guarantee the enjoyment of the right to freedom of expression and freedom of press. On Thursday 30 September, a section of the police force violently attacked President Rafael Correa, who was prevented from leaving hospital, in violation of his fundamental rights. "In moments of political turmoil, the possibility to receive clear and accurate information is essential," said the independent expert. He reiterated the importance of freedom of the press in line with principles of diversity and plurality to inform the society objectively, taking into account that, in this case, "a great part of the police force was mobilized by interested sectors, based on alleged misinformation regarding the new proposed

regulations regarding labour conditions. These acts reveal the fragility of some Latin American democracies, as this event took place a little more than a year since the military coup d'état which overthrew the Government in Honduras. The recent event may constitute an attempt to undermine the democratic institutions of Ecuador, with the purpose of initiating a coup d'état, even though some statements have been made to the contrary."

The full press release is available on:

[http://www.unog.ch/unog/website/news\\_media.nsf/\(httpNewsByYear\\_en\)/6BB5680A6011E16BC12577B5005B771E?OpenDocument](http://www.unog.ch/unog/website/news_media.nsf/(httpNewsByYear_en)/6BB5680A6011E16BC12577B5005B771E?OpenDocument)

### **UN EXPERTS URGE CHINA TO RESPECT HUMAN RIGHTS AND RELEASE ALL PERSONS DETAINED FOR PEACEFULLY EXERCIZING THEIR RIGHTS**

On 11 October 2010, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Chair-Rapporteur of the Working Group on Arbitrary Detention, the Special Rapporteur on the situation of human rights defenders, and the Special Rapporteur on the independence of judges and lawyers added their voices to those welcoming the decision of the Nobel Committee to award the 2010 Nobel Peace Prize to Liu Xiaobo, and urged for his immediate release. Liu Xiaobo participated in the Tiananmen Square demonstrations in Beijing in 1989, worked as a professor at Beijing Normal University, and co-authored the Charter 08 document which called for multiparty democracy and greater respect for human rights in the country. "For many years, we have expressed to the Chinese Government concerns regarding violations of Liu Xiaobo's fundamental human rights." Most recently, Liu Xiaobo was convicted by the Beijing No.1 Municipal Court for "inciting subversion of State power" and, on 25 December 2009, was sentenced to 11 years in prison and two years' deprivation of political rights. "Such a harsh sentence for his peaceful activities in drafting and organizing the signing of Charter 08 is a clear violation of international human rights standards on the right to freedom of expression." The experts also noted that there were many irregularities with the trial and encourage the Government to ratify ICCPR.

The full press release is available on:

[http://www.unog.ch/unog/website/news\\_media.nsf/\(httpNewsByYear\\_en\)/4F6428A73BF55A5FC12577B900463BB2?OpenDocument](http://www.unog.ch/unog/website/news_media.nsf/(httpNewsByYear_en)/4F6428A73BF55A5FC12577B900463BB2?OpenDocument)

### **DEEP CONCERNS OVER CRACKDOWN ON HUMAN RIGHTS DEFENDERS SINCE LIU XIAOBO WAS AWARDED THE NOBEL PEACE PRIZE**

On 13 December 2010, the Special Rapporteur on the situation of human rights defenders, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, and the Chair-Rapporteur of the Working Group on Arbitrary Detention, expressed concerns at the crackdown on human rights defenders since Liu

Xiaobo was awarded the Nobel Peace Prize. “Since 8 October 2010, we have received reports of over 20 arrests or detentions of human rights defenders, and over 120 other cases of house arrests, including Liu Xiaobo’s wife, Liu Xia, travel restrictions, forced relocations, acts of intimidation, and blocking of means of communication, including removal of content on the Internet regarding the Nobel Peace Prize.”

The experts stressed that “this recent and alarming trend to increasingly restrict the space to exercise the right to freedom of expression and the ability of Chinese human rights defenders to carry out their peaceful and legitimate activities calls into question China’s commitments to promote and protect universal human rights.” They also expressed regret that Liu Xiaobo could not attend the ceremony in person as he remains in detention serving an eleven-year sentence for peacefully advocating for better respect for human rights in China.

The full press release is available at:

[http://www.unog.ch/unog/website/news\\_media.nsf/\(httpNewsByYear\\_en\)/C95261A0343D72D5C12577F8004EB6DC?OpenDocument](http://www.unog.ch/unog/website/news_media.nsf/(httpNewsByYear_en)/C95261A0343D72D5C12577F8004EB6DC?OpenDocument)

#### **DEVELOPMENT GOALS: RIGHTS ARE NOT RHETORIC URGES UN EXPERT ON EXTREME POVERTY**

On 14 October 2010, the Independent Expert on the question of human rights and extreme poverty marked the International Day for the Eradication of Poverty (17 October 2010) and stated: “Intolerable levels of poverty and deprivation still characterize today’s world. If China is excluded, the number of people living in extreme poverty has actually increased since 1990. In sub-Saharan Africa, recent studies show that half the population lives in extreme poverty; at this rate, the region will not achieve Millennium Development Goals (MDG) 1 – the eradication of extreme poverty and hunger – until 2076. This is unacceptable. At the recent MDGs Summit, world leaders reaffirmed their commitment to fighting poverty ahead of the 2015 deadline. However, despite some progress, the international community has not lived up to its promises and the prospect of failure to meet the Goals looms large due to a lack of resources and political will. We must accelerate towards 2015 and put human rights at the heart of an urgent rescue package for those living in poverty around the world. Human rights, including non-discrimination and equality, can be powerful tools in tackling poverty. A human rights approach would direct efforts to the most vulnerable and marginalized, rather than just pursuing averages and targets. It would help to tackle corruption, a stubborn obstacle to development, anti-poverty efforts and the enjoyment of human rights. It would hold governments accountable.”

The full press release is available on:

[http://www.unog.ch/unog/website/news\\_media.nsf/\(httpNewsByYear\\_en\)/310CC8CF676BEF48C12577BC00304](http://www.unog.ch/unog/website/news_media.nsf/(httpNewsByYear_en)/310CC8CF676BEF48C12577BC00304)

[316?OpenDocument](#)

#### **THE SHIFT TO LOW-CARBON AGRICULTURE IS BECOMING A MATTER OF URGENCY, SAYS UN FOOD EXPERT**

The Special Rapporteur on the right to food marked World Food Day on 16 October 2010 through a statement: “As the Committee for World Food Security holds its annual session in Rome and celebrates World Food Day, there is little to rejoice about. Almost one billion people are hungry on Earth. But the worst may still be ahead, since current agricultural developments are also threatening the ability for our children’s children to feed themselves. A fundamental shift is urgently required if we want to celebrate World Food Day next year. If we do not specifically target small-scale, family-based agriculture, the solutions pushed today by many public and private actors replicate a model unfit to cope with the climate change challenge. Giving priority to approaches that increase reliance on fossil fuels is agriculture committing suicide. Agriculture is already directly responsible for 14 percent of man-made greenhouse gas emissions – and up to one third if we include the carbon dioxide produced by deforestation for the expansion of cultivation or pastures. As a result of climate change, the yields in certain regions of Sub-Saharan Africa are expected to fall by 50 percent by 2020 in comparison to 2000 levels. And growing frequency and intensity of floods and droughts contribute to volatility in agricultural markets.” The Expert pleads for a global promotion of low-carbon agriculture – such as to combine crops, rely on agro-forestry and develop better water harvesting techniques: agriculture must become central to mitigating the effects of climate change rather than a large part of the problem. There are promising alternatives to the dominant model. In Tanzania for instance, the use of agroforestry techniques and participatory processes allowed 350,000 hectares of land to be rehabilitated in the Western provinces of Shinyanga and Tabora. “These low-technology, sustainable techniques may be better suited to the needs of the cash-strapped farmers working in the most difficult environments. They represent a huge, still largely untapped potential to meet the needs and to increase the incomes of the poorest farmers. The classic ‘Green Revolution’ approaches should be fundamentally rethought to achieve this. But operating this shift requires that we think together climate change and agricultural development.”

The full press release is available on:

[http://www.unog.ch/unog/website/news\\_media.nsf/\(httpNewsByYear\\_en\)/2CB822010E63C9FCC12577BD0037EE65?OpenDocument](http://www.unog.ch/unog/website/news_media.nsf/(httpNewsByYear_en)/2CB822010E63C9FCC12577BD0037EE65?OpenDocument)

#### **IN ROME, THE COMMITTEE ON WORLD FOOD SECURITY REINVENTS GLOBAL GOVERNANCE, SAYS UN EXPERT**

On 18 October 2010, the Special Rapporteur on the right to food stated that one of the most significant results of the shock created by the global food price crisis of 2008 was the reform of the Committee on World Food Security, which

held its first session in Rome since it was reformed in November 2009, in October 2010 bringing together 123 governmental delegates, 46 international non-governmental organizations, and 11 international agencies. The question of the protection of the rights of landusers was one important part of the discussions held during the session. The Committee on World Food Security encouraged the continuation of the inclusive process of development of Voluntary Guidelines on the Responsible Governance of Tenure of Land and Other Natural Resources, a process launched already through inclusive consultations in different regions of the world. The Special Rapporteur welcomed the fact that the Principles for Responsible Agricultural Investment developed by the World Bank and others would be further improved through an inclusive process within the Committee on World Food Security. The Committee on World Food Security also agreed that volatility was a serious problem that required policy responses. A High-Level Panel of Experts supporting the work of this Committee shall be requested to study the causes and consequences of price volatility, ways to lessen vulnerability through social and productive safety nets programs and policies, and the effects of climate change on food security and nutrition. The Rapporteur expressed the hope that Governments will act on the basis of this consensus.

The full press release is available at:

[http://www.unog.ch/unog/website/news\\_media.nsf/\(httpNewsByYear\\_en\)/B2BC3F7E65F1B71DC12577C00031548A?OpenDocument](http://www.unog.ch/unog/website/news_media.nsf/(httpNewsByYear_en)/B2BC3F7E65F1B71DC12577C00031548A?OpenDocument)

#### **UN EXPERT BODY CALLS FOR STRONGER OVERSIGHT OF UNITED STATES' PRIVATE SECURITY CONTRACTORS IN AFGHANISTAN**

On 19 October 2010, the Working Group on the use of mercenaries welcomed a recent report by the United States' Senate Committee on Armed Services into the role and oversight of United States' private security contractors in Afghanistan. "However, more should be done to address the problems raised in that inquiry," said the Chair of the expert body, Alexander Nikitin. "In particular, there should be stronger oversight of United States' private security contractors in Afghanistan and elsewhere." "The findings of the United States Senate report are consistent with those of the Working Group following its visit to Afghanistan in April 2009," said Mr. Nikitin, noting that the study shows the many problems raised by the absence of adequate oversight over the private military and security companies contracted by the United States' Government in Afghanistan. "Because of the lack of effective vetting procedures, in particular, some of these companies employed individuals who may have been involved in human rights abuses in the past and continue to be involved in human rights violations while employed by these companies," he said. The Working Group noted during its visit to Afghanistan that former armed elements were not effectively prevented from registering as employees of officially licensed private security companies. It

recommended that Governments contracting private security companies in Afghanistan establish adequate oversight and accountability mechanisms.

During the Group's visit to the United States, it also recommended that the United States Government establish a more vigorous vetting procedure before awarding contracts. "The matters discussed in the United States Senate report are too important to be left to self-regulation of companies. While voluntary codes of conduct for private contractors are welcome, they are not sufficient to ensure that States regulate and monitor the activities of the companies they contract to carry out State functions, and establish accountability mechanisms to address human rights violations." A draft text for a convention on the regulation of private military and security companies was presented by the Working Group to the Human Rights Council in September 2010. The Council decided to establish an open-ended intergovernmental working group to consider the possibility of elaborating an international framework on the regulation, monitoring and oversight of the activities of private military and security companies, taking into account the principles and provisions for a new legally binding instrument.

The full press release is available at:

[http://www.unog.ch/unog/website/news\\_media.nsf/\(httpNewsByYear\\_en\)/976D720C47695AD7C12577C10030D100?OpenDocument](http://www.unog.ch/unog/website/news_media.nsf/(httpNewsByYear_en)/976D720C47695AD7C12577C10030D100?OpenDocument)

#### **UN EXPERTS CRITICIZE TREATMENT OF MIGRANTS AFTER DEPORTEE DIES WHILE IN CUSTODY OF A UNITED KINGDOM PRIVATE SECURITY COMPANY**

On 21 October 2010, the Special Rapporteur on the human rights of migrants, and the Working Group on the use of mercenaries expressed deep concerns over reports of the death of a passenger being deported from the United Kingdom on a British Airways flight to Angola. Jimmy Mubenga, an Angolan national who was being deported from the United Kingdom after losing his appeal to remain in the country, died 50 minutes after boarding a British Airways flight at Heathrow on 13 October. Mr. Mubenga was sitting at the rear of the aircraft, surrounded by three guards working for the private security company G4S, which has been contracted by the UK Border Agency to escort deportees. According to reports, passengers saw three security guards heavily restraining Mr. Mubenga, who they said consistently complained about his breathing and begged for help from the other passengers. "I hope the fact that British Airways staff responsible for safety and security on board did not intervene, despite numerous cries for help, is not a reflection of a growing indifference to the human rights of persons under custody of an authority," the Special Rapporteur said. "It is not the first time that a migrant has died in the process of being deported, but we hope that it will be the last," the independent experts said, making reference to a similar incident at Zurich airport in March. "Although G4S employees are not law enforcement officials, they are contracted by the United Kingdom Government to

carry out governmental functions outsourced to them and as such, the Government should ensure that they are subject to the same rules as the law enforcement officials who would normally carry out these functions,” said the Chair of the Working Group.

The full press release is available at:

[http://www.unog.ch/unog/website/news\\_media.nsf/\(httpNewsByYear\\_en\)/68054A2E90069F02C12577C300363C7?OpenDocument](http://www.unog.ch/unog/website/news_media.nsf/(httpNewsByYear_en)/68054A2E90069F02C12577C300363C7?OpenDocument)

### **UN EXPERT URGES COUNTRIES TO FOCUS SOCIAL PROTECTION ON GENDER INEQUALITIES**

Social protection systems with a gender focus can increase women’s participation in economic life, provide them with income security in old age and improve nutritional levels and food security, the Independent Expert on Extreme Poverty told the General Assembly on 26 October 2010. Warning that “poverty is not gender-neutral,” Magdalena Sepúlveda urged states to “devote increased attention to gender equality while designing, implementing and evaluating social protection programmes within a human rights framework.” Women are more vulnerable to poverty because of discrimination and gender inequality. Therefore, “the achievement of the Millennium Development Goals greatly depends on the strengthening of women’s enjoyment of the full range of their human rights, including gender equality and women’s empowerment.” She warned that some social protection schemes specifically targeting women within households could, if badly designed, exacerbate or contribute to inequalities. “Social protection programmes must be complemented by other social policies aimed at increasing women’s economic autonomy such as ensuring access to education, land, productive resources and credit, fair inheritance rights, full legal capacity, justice and freedom from all forms of violence.” Social protection measures must also acknowledge the role played by women as providers of care, without reinforcing patterns of discrimination and negative stereotyping. “Social policies must encourage a better balance in the way men and women share household responsibilities, in particular the care of children and older persons.”

The full statement is available at:

[http://www.unog.ch/unog/website/news\\_media.nsf/\(httpNewsByYear\\_en\)/09FA1AC871E57796C12577C8002C6640?OpenDocument](http://www.unog.ch/unog/website/news_media.nsf/(httpNewsByYear_en)/09FA1AC871E57796C12577C8002C6640?OpenDocument)

### **UN EXPERT SAYS SECURITY COUNCIL’S COUNTER-TERRORISM MEASURES LACK LEGAL BASIS**

On 26 October 2010, the Special Rapporteur on counter-terrorism and human rights, Martin Scheinin, told the General Assembly that the counter-terrorism regime created by the Security Council is outside the scope of its powers. The Special Rapporteur said that obligations in countering terrorism imposed on Member States by Security Council resolution 1373 (2001) “amount to a quasi-legislative measure that is unlimited in time and space. It has become detached from a concrete conflict situation which Chapter

VII of the Charter foresees and continues to pose risks to the protection of human rights and international rule of law.”

Mr. Scheinin argued that it is problematic to impose binding permanent obligations for acts of terrorism which have not yet taken place because there is no universally accepted and precise definition of terrorism. He also noted that the rapid progress made in State ratifications of the International Convention for the Suppression of the Financing of Terrorism which has, since 2001, provided a proper legal basis for States’ obligations in this field and made redundant the use of Chapter VII powers for the same purpose. Equally problematic, the human rights expert said, is the Al-Qaida and Taliban sanctions regime initiated by Security Council resolution 1267 (1999) as a reaction to a concrete threat to the peace, but subsequently expanded into an open-ended system of sanctions without a link to a specific territory or State. While welcoming steps taken by the Security Council to reform the terrorist listing and delisting procedures, including the establishment of the Office of the delisting Ombudsperson in 2009, Mr. Scheinin noted that rights of due process remain at stake. His view on the continuous lack of procedural fairness has recently been confirmed by a decision of the European Union General Court of 30 September 2010. “It is essential that listed individuals and entities have access to domestic courts to challenge any measure implementing the sanctions that are the result of political decisions taken by diplomats.” He recommended that the Security Council replace the regimes created by resolutions 1373 (2001) and 1267 (1999) with a single resolution that does not carry the binding legal force of Chapter VII of the UN Charter; this would place counter-terrorism measures and reporting obligations of States under one framework. Such a resolution should include explicit human rights provisions and reaffirm the obligation on the UN to comply with international human rights law. He observed that the UN Global Counter-terrorism Strategy adopted by the General Assembly provides a solid basis for the reforms he is proposing as it contains respect for human rights and the rule of law as one of its pillars.

The full press release is available at:

[http://www.unog.ch/unog/website/news\\_media.nsf/\(httpNewsByYear\\_en\)/01383D4C32B25D30C12577C8004FD820?OpenDocument](http://www.unog.ch/unog/website/news_media.nsf/(httpNewsByYear_en)/01383D4C32B25D30C12577C8004FD820?OpenDocument)

### **FREEDOM OF EXPRESSION: UN EXPERT DESCRIBES PRISON SENTENCES FOR PANAMANIAN JOURNALISTS AS A “WORRYING PRECEDENT”**

The Special Rapporteur on the right to freedom of opinion and expression expressed his concern regarding the sentencing to prison of two Panamanian journalists, who had been acquitted in the first instance, at slander and libel. According to the information received, they were also prohibited from carrying out activities related to their profession for a year. “This judicial decision represents a worrying precedent for the efforts being made to decriminalize such incidents, especially in cases such as this, wherein the act which led to the punishment relates to

information about the actions of public officials.” Although the sentence was commuted to a fine, and there was the possibility of a pardon granted to the journalists for the same crime, the Special Rapporteur reiterated his position concerning the importance of the right of citizens to be fully informed about the activities of public officials.

The full press release is available at:

<http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=10485&LangID=E>

### **RACISM PLAGUES EVERY SOCIETY, SAYS UN EXPERT**

“Racism and xenophobia are not yesterday’s problems, they remain an immense challenge for today,” the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Githu Muigai, said on Monday, 1 November 2010, while presenting two reports to the UN General Assembly. “Be it the member of an ethnic minority who is attacked or killed in the context of a conflict due to his or her minority status; the individual subjected to stop and searches, interrogations or arrests, solely because of his or her perceived religious or ethnic background; the migrant, the refugee or asylum-seeker who faces daily discrimination due to his or her status as a non-citizen; or the football player who is insulted because of his skin colour - all these people unfortunately demonstrate the validity of my statement.” On the question of incitement to racial or religious hatred, Mr. Muigai expressed concern about acts of violence, discrimination against individuals on the basis of their religion or belief; attacks on religious sites; religious and ethnic profiling; and negative stereotyping of religions, their followers, sacred persons, and symbols. He called for a focus on how to effectively combat advocacy of racial or religious hatred that constitutes incitement to discrimination, hostility or violence. He also expressed concern about the “deeply marked tendencies to characterize migration as a problem and threat to social cohesion.” “Migrants, refugees and asylum-seekers, regardless of their migration status, are entitled to have all their human rights protected by the State where they live without discrimination.”

Noting that no State is immune to extremist political parties, movements and groups, Mr. Muigai warned that racism may lead to genocide, war crimes, ethnic cleansing and crimes against humanity. “Countering extremist political parties, movements and groups requires a solid legal framework and addressing public and private attitudes which justify and perpetuate racism at all levels and in all areas of life.”

The full press release is available at:

[http://www.unog.ch/unog/website/news\\_media.nsf/\(httpNewsByYear\\_en\)/EC137DC93D552AEAC12577CF00334A95?OpenDocument](http://www.unog.ch/unog/website/news_media.nsf/(httpNewsByYear_en)/EC137DC93D552AEAC12577CF00334A95?OpenDocument)

### **I AM A SURVIVOR OF TORTURE MYSELF SAYS NEW UN SPECIAL RAPPORTEUR ON TORTURE JUAN E. MÉNDEZ**

Human rights defender Juan E. Méndez from Argentina has taken over as the new Special Rapporteur to monitor and report on the use of torture and other cruel, inhuman or degrading treatment or punishment in the world. “I am a survivor of torture myself, so my approach to the mandate will certainly be victim-centered,” Mr. Méndez said on 4 November 2010. “By insisting on the absolute prohibition of torture and of cruel, inhuman or degrading treatment or punishment in international law, I hope to make an effective contribution to the enforcement and progressive development of international norms in this area.” “Beyond law,” the new Special Rapporteur stressed, “we need to do battle in the realm of ideas and political discourse, to counter an attitude of relativism about torture, as something that happens to ‘others’ whose faces we don’t see and whose names we can’t pronounce.”

Mr. Méndez has dedicated his long legal career to the defence of human rights and has a distinguished record of advocacy. As a result of his work representing political prisoners, he was subjected to torture, while under an eighteen month long administrative detention, by the Argentinean military dictatorship. During this time, Amnesty International adopted him as a “Prisoner of Conscience.”

The full press release is available at:

[http://www.unog.ch/unog/website/news\\_media.nsf/\(httpNewsByYear\\_en\)/C4E5D80BFB5D0507C12577D1003DA25A?OpenDocument](http://www.unog.ch/unog/website/news_media.nsf/(httpNewsByYear_en)/C4E5D80BFB5D0507C12577D1003DA25A?OpenDocument)  
**UN EXPERTS CONDEMN BRUTAL SUMMARY EXECUTION OF TEENAGE GIRLS IN SOMALIA**

On 11 November 2010, six independent UN experts condemned the recent public execution, by firing squad, of two teenage girls in central Somalia, saying the executions are the latest manifestation of the “appalling human rights crisis that is plaguing the country.” “We were horrified to learn of the public execution, reportedly carried out by Al-Shabaab insurgents on 27 October in front of hundreds of residents in Beledweyne. We join the Somali people in condemning, in the strongest terms, these latest brutal summary executions of two young women convicted without any semblance of due process.” The six experts called on the parties to the conflict “to immediately refrain from committing acts of extrajudicial executions, torture, stonings, decapitation, amputations and floggings as well as other human rights violations, including with regard to freedom of religion.” The Independent Expert on Somalia pointed to constant reports of sexual and gender-based violence, including rape and female genital mutilation, forced child marriages and the lack of educational opportunities for children. He noted that frequent reports are also coming in of violations of freedom of religion, including the destruction of places of worship and cemeteries of Sufi Muslim groups.

The full press release is available at:

[http://www.unog.ch/unog/website/news\\_media.nsf/\(httpNewsByYear\\_en\)/3E987A78E370F92CC12577D8003471A9?OpenDocument](http://www.unog.ch/unog/website/news_media.nsf/(httpNewsByYear_en)/3E987A78E370F92CC12577D8003471A9?OpenDocument)

**UN WORKING GROUP ON ENFORCED OR INVOLUNTARY DISAPPEARANCES HELD ITS 92<sup>nd</sup> SESSION AND ADOPTED ITS ANNUAL REPORT**

The Working Group on Enforced or Involuntary Disappearances held its 92<sup>nd</sup> session, from 3 to 12 November 2010, at the United Nations Office in Geneva. During the session, the Working Group examined 23 reported cases under its urgent action procedure, 284 newly-submitted cases including information on previously accepted cases. It also examined allegations regarding obstacles encountered in the implementation of the Declaration on the Protection of All Persons from Enforced Disappearance and decided to transmit general allegations to the concerned Governments. The Working Group received delegations from the Governments of Iraq, Japan, Nepal and Rwanda to exchange views on individual cases and on the issue of enforced disappearance. It also met with members of the Committee Against Torture as well as with NGOs and family members of disappeared persons regarding obstacles encountered in the implementation of the Declaration in their respective countries.

The Working Group also finalized and approved its 2010 annual report, which includes chapters on 94 States and two general comments on the right to the truth in relation to enforced disappearances and on enforced disappearance as a continuous crime. The report will be presented at the 16<sup>th</sup> session of the Human Rights Council, in March 2011, together with the report on the Working Group's official mission to Bosnia and Herzegovina, follow up reports, and the study on best practices on enforced disappearances in domestic criminal legislation mandated by the Human Rights Council resolution 14/10. All these documents will become public at the beginning of 2011.

During this session, the Working Group observed its 30<sup>th</sup> Anniversary by holding a commemorative event on 5 November. Participants included H.E. Ambassador Bente Angell-Hansen, Vice-President of the Human Rights Council, and Ms. Kyung-wha Kang, Deputy High Commissioner for Human Rights.

The full press release is available at:

<http://www2.ohchr.org/english/issues/disappear/docs/PRconclusion92Final.doc>

**UN EXPERTS URGE MYANMAR TO RELEASE AUNG SAN SUU KYI AND OTHER PRISONERS OF CONSCIENCE**

On 12 November 2010, the Special Rapporteur on the situation of human rights in Myanmar, the Chair-Rapporteur of the Working Group on Arbitrary Detention, the Special Rapporteur on the right to freedom of opinion and expression, and the Special Rapporteur on Human

Rights Defenders, expressed concern about reports that tens of thousands of people had fled from Myanmar into Thailand after fighting erupted in the wake of the election, urged the Government to release all prisoners of conscience, including Daw Aung San Suu Kyi. The Independent experts called on the Government "to release over 2,200 prisoners of conscience who remain detained in prison for peacefully exercising their right to freedom of opinion and expression or freedom of association and assembly, as a step towards national reconciliation." Under the terms of Aung San Suu Kyi's detention under Myanmar's own legal proceedings, her sentence ended on 13 November. The experts urged the Government to ensure the end of all restriction on her movement and activities.

The full press release is available at:

[http://www.unog.ch/unog/website/news\\_media.nsf/\(httpNewsByYear\\_en\)/AACD978FA5FB7CD7C12577D90035FCDA?OpenDocument](http://www.unog.ch/unog/website/news_media.nsf/(httpNewsByYear_en)/AACD978FA5FB7CD7C12577D90035FCDA?OpenDocument)

**UN EXPERT ON MYANMAR WELCOMES RELEASE OF AUNG SAN SUU KYI AND OTHER PRISONERS OF CONSCIENCE**

On 15 November 2010, the Special Rapporteur on the situation of human rights in Myanmar, Tomás Ojea Quintana, issued a statement in which he welcomed the release of Daw Aung San Suu Kyi. "The release of Daw Aung San Suu Kyi is not only important because of her own destiny, but also because it could symbolize a real start for the improvement of the human rights situation, and provides an opportunity for genuine national reconciliation and democratic transition in Myanmar." He urged the Government to follow on this with the release of the remaining prisoners of conscience.

The full press release is available at:

[http://www.unog.ch/unog/website/news\\_media.nsf/\(httpNewsByYear\\_en\)/06D4932CAD9152C2C12577DC0036017A?OpenDocument](http://www.unog.ch/unog/website/news_media.nsf/(httpNewsByYear_en)/06D4932CAD9152C2C12577DC0036017A?OpenDocument)

**UN EXPERT URGES GOVERNMENT OF MYANMAR TO RELEASE OVER 2,200 REMAINING PRISONERS OF CONSCIENCE**

On 13 December, Mr. Ojea Quintana, stated: "One month after Daw Aung San Suu Kyi's release, I call upon the Government of Myanmar to release the remaining prisoners of conscience, currently estimated to be at least 2,202, many of whom are right now suffering serious health problems from the harsh conditions of their detention.

It is with much sadness that I learned of the death of yet another prisoner of conscience on 8 December: U Naymeinda (a.k.a. Myo Min or Nay Win), who was 50 years old and had been a Buddhist monk for 30 years. He is the 145<sup>th</sup> prisoner of conscience to die in prison since 1988. He had been arrested for distributing leaflets supporting a pro-democracy demonstration on 9 September 1999 and was

charged under the Unlawful Associations Act and the Emergency Provisions Act and sentenced to 20 years in prison. His health deteriorated as he was transferred to Moulmein Prison in Mon State far from his family making it difficult for them to visit and provide essential food and medicine, a practice that is used too frequently to additionally punish not only the prisoners but also their families.

As Myanmar attempts to move forward in its democratic transition and the new Government seeks to establish a new era of peace and prosperity for the people, it is critical that prisoners of conscience be released immediately and unconditionally. A release would be a very strong signal that the new Government intends to uphold these fundamental freedoms and would be welcomed by both people inside and outside the country. Before the national legislative elections on 7 November, the Government had indicated that it might release some prisoners. No such release of prisoners of conscience took place.

The full press release is available at:

[http://www.unog.ch/unog/website/news\\_media.nsf/\(httpNewsByYear\\_en\)/FE92A526EB630226C12577F90033D145?OpenDocument](http://www.unog.ch/unog/website/news_media.nsf/(httpNewsByYear_en)/FE92A526EB630226C12577F90033D145?OpenDocument)

#### **HUMAN RIGHTS OF INTERNALLY DISPLACED PERSONS: ZAMBIAN LEGAL EXPERT TAKES OVER AS NEW UN SPECIAL RAPPORTEUR**

15 November 2010, Zambian national and professor of international law at the London School of Economics, Chaloka Beyani, assumed his mandate, as of 1 November 2010, as Special Rapporteur on the human rights of internally displaced persons. "The protection and assistance of internally displaced persons continues to be a pressing and relevant issue, as demonstrated by current examples of internal displacement in countries around the world caused by natural disasters and conflict situations. I intend to continue to promote and strengthen measures for the realization of the rights and needs of internally displaced persons, and to work towards durable solutions. The existing Guiding Principles on Internal Displacement provide an excellent normative framework for this, which I will use as a platform to promote the implementation of regional instruments such as the African Convention on Internally Displaced Person, and relevant national legal policy frameworks. These capacity building initiatives and the promotion of concrete measures to protect the rights of internally displaced persons will be the central planks and focus of my mandate over the next three years."

The full press release is available at:

[http://www.unog.ch/unog/website/news\\_media.nsf/\(httpNewsByYear\\_en\)/EC3785B8F9A41DD5C12577DC003570D3?OpenDocument](http://www.unog.ch/unog/website/news_media.nsf/(httpNewsByYear_en)/EC3785B8F9A41DD5C12577DC003570D3?OpenDocument)

#### **STATES MUST REDRESS WRONGS COMMITTED AGAINST TRAFFICKED PERSONS - IT IS THEIR HUMAN RIGHTS OBLIGATION**

On 24 November 2010, the Special Rapporteur on trafficking in persons, especially women and children urged Governments from all countries of origin, transit and destination, to provide for the right to an effective remedy for trafficked persons. "Trafficked persons must be able to access competent and independent authorities and receive reparations for the harms they have suffered, including compensation," the Rapporteur stressed at a gathering of anti-trafficking experts from around the world convened in Bratislava on 22 and 23 November 2010. At this meeting, experts from a variety of sectors discussed ways and means to realize the right to an effective remedy for trafficked persons, focusing on the normative framework, content and scope of the right to an effective remedy, as well as States' responses and concrete strategies to implement this right at the national level.

The full press release is available at:

[http://www.unog.ch/unog/website/news\\_media.nsf/\(httpNewsByYear\\_en\)/DBACF4CD4C741957C12577E500502DBF?OpenDocument](http://www.unog.ch/unog/website/news_media.nsf/(httpNewsByYear_en)/DBACF4CD4C741957C12577E500502DBF?OpenDocument)

#### **A NEW LANDMARK THAT FURTHER EXPANDS THE PROTECTION OF VICTIMS OF ENFORCED DISAPPEARANCES**

On 25 November 2010, the Working Group on enforced or involuntary disappearances welcomed the twentieth ratification of the Convention on Disappearances, which ensured the entry into force of an international human rights treaty against this heinous crime. It has actively supported the coming into force of the Convention and the establishment of a Committee on Enforced Disappearances, which will complement and strengthen the Group's work and that of civil society, including relatives of disappeared people, to combat enforced disappearance. The Working Group congratulated Iraq and the other 19 States that have ratified or acceded to the Convention for contributing to its entry into force.

The full press release is available at:

[http://www.unog.ch/unog/website/news\\_media.nsf/\(httpNewsByYear\\_en\)/AB3D26599B2903B2C12577E60040116B?OpenDocument](http://www.unog.ch/unog/website/news_media.nsf/(httpNewsByYear_en)/AB3D26599B2903B2C12577E60040116B?OpenDocument)

#### **PALESTINIAN TERRITORIES: UN HUMAN RIGHTS EXPERT SAYS PROLONGED OCCUPATION IS A NEW TYPE OF CRIME AGAINST HUMANITY**

On 29 November 2010, the Special Rapporteur on the situation of human rights in Palestinian territories occupied since 1967, Richard Falk, urged the UN and the international community to draft a new protocol of international humanitarian law to address the situation of prolonged occupation and refugee status imposed upon the Palestinian people for over 43 years of Israeli occupation. "The Palestinian experience suggests the need for a new protocol of international humanitarian law," Mr. Falk said marking the International Day of Solidarity with the Palestinian People. The Special Rapporteur stressed the

need to impose “some outer time limit after which further occupation becomes a distinct violation of international law, and if not promptly corrected, constitutes a new type of crime against humanity.” Mr. Falk warned, “the UN, the governments and the peoples of the world will all be judged complicit to the extent that this persistent violation of fundamental human rights is endured without taking the necessary steps in a spirit of urgency and commitment to bring this abusive occupation to an end and achieve Palestinian self-determination in accordance with international law and the dictates of global justice.”

Regarding current efforts to reactivate a peace process between Israel and the Palestinian authorities, he reminded that “negotiation between the parties to the conflict needs to be guided by the implementation of several principles of international law if a settlement of the conflict is to achieve Palestinian self-determination.” These principles, as set forth in General Assembly Resolution 48/158, 20 December 1993, include the following: (i) withdrawal from Palestinian territory occupied since 1967, including Jerusalem; (ii) resolving the Palestinian refugee problem in accordance with General Assembly Resolution 181 and subsequent resolutions; (iii) dismantling settlements established during the occupation; and (iv) fixing of secure and internationally recognized borders; guaranteeing free access to sacred sites and religious buildings throughout historic Palestine.

The full press statement is available at:

[http://www.unog.ch/unog/website/news\\_media.nsf/\(httpNewsByYear\\_en\)/469DA25A007FEBE5C12577EA005EC770?OpenDocument](http://www.unog.ch/unog/website/news_media.nsf/(httpNewsByYear_en)/469DA25A007FEBE5C12577EA005EC770?OpenDocument)

### **SLAVERY REMAINS INVISIBLE IN HOUSEHOLDS AROUND THE WORLD, ACCORDING TO UN EXPERT ON CONTEMPORARY FORMS OF SLAVERY**

On 30 November 2010, the Special Rapporteur on contemporary forms of slavery, Ms. Gulnara Shahinian, issued a press statement to mark the International Day for the Abolition of Slavery, observed on 2 December 2010. “Domestic workers who are subject to abuse, whether physical, emotional or sexual in nature, are effectively being treated as slaves. This form of slavery takes place in households all across the world, and although the victims remain largely invisible to the larger public, domestic servitude constitutes a global human rights concern. I have seen women who lived as enslaved servants since they were born. I have talked to children who were given away to ‘foster families’ who then ruthlessly exploited them as domestic slaves, instead of caring for and educating them. I have met with migrant domestic workers, whose dream of earning money abroad to feed their families turned into a nightmare of exploitation and humiliation.”

Paid domestic work, in which workers’ human rights are respected and protected, provides a valuable contribution to society. Domestic workers often provide families with the opportunity for the parents to balance their professional and personal responsibilities. However, the human rights

independent expert highlighted that millions of vulnerable people face a different reality. In her latest report, Ms. Shahinian outlined the many different forms and shapes of domestic servitude and noted that the majority of victims are girls and women. “Domestic servitude or slavery is a situation when a vulnerable individual is forced, by physical and/or moral coercion, to work without any real financial reward, is deprived of his or her liberty, and is in a situation which is contrary to human dignity.”

The full press release is available at:

[http://www.unog.ch/unog/website/news\\_media.nsf/\(httpNewsByYear\\_en\)/36A48EC8B6CE1460C12577EB004DFFC0?OpenDocument](http://www.unog.ch/unog/website/news_media.nsf/(httpNewsByYear_en)/36A48EC8B6CE1460C12577EB004DFFC0?OpenDocument)

### **TACKLING VIOLENCE AGAINST WOMEN WOULD ADDRESS THE GENDER DIMENSIONS OF THE DEVELOPMENT GOALS, SAYS UN EXPERT ON VIOLENCE AGAINST WOMEN**

On 6 December 2010, the Special Rapporteur on violence against women, its causes and consequences, Ms. Rashida Manjoo, in the course of the campaign “16 Days of Activism Against Gender-Based Violence” stated: “Violence against women and girls, one of the most pervasive human rights violations throughout the world, is deeply rooted in discriminatory attitudes, practices and systems. Violence against women has been considered by many as the “missing Millennium Development Goal (MDG)” and new challenges have emerged in the fight against such violence due to phenomena such as the global financial and economic crisis, the acceleration in environmental degradation, or the continued use of brutal violence against women as a weapon of war in conflict situations. The 16-day campaign once again challenges us to focus on ways, measures and means to eliminate all forms of violence against women.

With five years left to reach the MDGs, tackling inequalities and discrimination against women and enhancing gender justice –in other words, addressing the gender-dimensions of each of the targets- are critical to accelerating and sustaining progress on all the MDGs. In September 2010 at the MDG Summit, world leaders committed to strengthen comprehensive national laws, policies and programmes to enhance accountability and raise awareness, prevent and combat all forms of violence against women and girls. They also committed to ensure that women have access to justice and protection, and that all perpetrators are duly investigated, prosecuted and punished. While these commitments are a step forward in the recognition of the need to link efforts to achieve the MDGs with combating violence against women, States must remember that they have an obligation to prevent, investigate, punish and provide reparation for acts of violence against women.

The full press statement is available at:

[http://www.unog.ch/unog/website/news\\_media.nsf/\(httpNewsByYear\\_en\)/806CE17BC56D6E5FC12577F1003F4AA1?OpenDocument](http://www.unog.ch/unog/website/news_media.nsf/(httpNewsByYear_en)/806CE17BC56D6E5FC12577F1003F4AA1?OpenDocument)

**VOICES AGAINST DISCRIMINATION MUST NOT BE SILENCED, UN EXPERTS WARN ON THE OCCASION OF HUMAN RIGHTS DAY 10 DECEMBER 2010**

On 9 December 2010, a group of 55 United Nations independent human rights experts called upon States all over the world to protect human rights defenders, and to recognize and respond to the continued targeting of rights defenders by non-State actors, which have led to the deaths of community leaders, lawyers, journalists, women defenders, social activists and many others working to stop discrimination and injustice.

“They do not bear arms, they do not use violence, defenders use only their voices and persistence to challenge injustice peacefully. However, too often it is human rights defenders themselves who require protection from human rights abuses. In circumstances where it is safer to remain silent, such brave men, women and children have always spoken out; we must ensure that they always will. Their voices must not be silenced,” said Najat Maalla M’jid, Chair of the Committee representing the UN experts. The independent experts stated “We could not function without them. The information we receive from them allows us to turn the international spotlight on violations, support and encourage their efforts and their causes, and stand with them as allies. The concerns that we are able to raise with Governments and in international bodies are often set in motion by a single act of selflessness,” the group of experts stressed. However,” warned the Special Rapporteur on human rights defenders, “they are often stigmatized and called enemies of the State or terrorists in an attempt to delegitimize their work and activities. Attacks against their work and reputation constitute a very dangerous pattern, which can worsen the already fragile environment in which they operate.”

The full press statement is available at:  
[http://www.unog.ch/unog/website/news\\_media.nsf/\(httpNewsByYearen\)/ADEFEB404ECE2C30C12577F40034688B?OpenDocument](http://www.unog.ch/unog/website/news_media.nsf/(httpNewsByYearen)/ADEFEB404ECE2C30C12577F40034688B?OpenDocument)

**EU-INDIA DRAFT FREE TRADE AGREEMENT: GENERIC MEDICATIONS UNDER THREAT, SAYS UN HEALTH EXPERT**

The Special Rapporteur on the right to health, Mr. Anand Grover, warned that the EU-India draft free trade agreement could prevent millions of people gaining access to necessary, life-saving and life-prolonging medicines. India is currently the largest supplier of generic medicines to the developing world, but the free trade agreement (FTA) under negotiation between India and the European Union threatens the production of generic medicines.

“Millions in the developing world depend on India for generic medicines at affordable costs. Restriction of generic drug production in India will have a devastating public health impact around the world and adversely affect the right to health of millions of patients. India’s ability to provide low-cost generic medicines is predominately due to its intellectual property laws—specifically, pre-TRIPS (Trade-related aspects

of Intellectual Property Rights) and presently TRIPS-compliant patent law—which allow for local generic production of safe and efficacious medicines. However, some aspects of the FTA currently in negotiation between India and the European Union threaten this system.

Mr. Grover stated that available leaked texts of the European Union-India draft FTA contain provisions to protect and enforce intellectual property, which are beyond countries’ obligations under TRIPS. If the intellectual property provisions remain in the FTA as drafted, the production of generic medicines in India will be severely hampered. As a result, millions of people in India and around the world may not be able to access necessary, life-saving and life-prolonging medicines. People living with HIV would be disproportionately affected, because the majority of antiretroviral treatments used to treat HIV around the world are provided through generic medicines produced in India.

FTA provisions are threatening the right to health. Among the provisions which jeopardize medication supplies, data exclusivity provisions in the draft FTA are particularly concerning. Data exclusivity provisions prevent the drug regulatory authority of countries from relying on test data submitted by a first entrant to approve subsequent generic versions of the medicine for a specified time. The introduction of data exclusivity has been shown to delay and restrict market entry of generic medicines and, as a result, increase prices and reduce access to medicines. Alongside this, the draft FTA calls for stronger intellectual property enforcement provisions and border control measures. Border seizures of non-infringing goods in Europe over the past few years have demonstrated how such provisions have delayed access to medicines for patients in other developing countries.

The full press release is available at:  
<http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=10592&LangID=E>

**UN EXPERT ON HUMAN RIGHTS IN SUDAN CALLS FOR RELEASE OF DETAINED JOURNALISTS AND HUMAN RIGHTS ACTIVISTS**

On 17 December 2010, the independent expert on the situation of human rights in the Sudan, Mohammed Chande Othman, expressed serious concern about the continued detention of eleven human rights activists and journalists. “I am concerned that the arrests and detentions of these persons may be linked to their legitimate activities in defense of human rights, said Mr. Othman. “Sudan has ratified ICCPR. The Covenant’s guarantees of freedom of expression and freedom from arbitrary arrest and detention are an integral part of the Bill of Rights of the Interim National Constitution of the Sudan.” The eleven were arrested by Sudan’s National Security Service between 30 October and 3 November 2010 and have reportedly been held incommunicado since then. The Government has not specified the charges brought against them, provided them with access to legal counsel, nor brought them before a judge to review the lawfulness of their detentions. Mr. Othman noted the observations made by the High Commissioner for Human Rights and the Special

Rapporteur on torture that incommunicado detention increases the risk of ill treatment and torture.

The full press release is available at:

[http://www.unog.ch/unog/website/news\\_media.nsf/\(httpNewsByYear\\_en\)/73482696CAAFB8F8C12577FC0032B263?OpenDocument](http://www.unog.ch/unog/website/news_media.nsf/(httpNewsByYear_en)/73482696CAAFB8F8C12577FC0032B263?OpenDocument)

**MIGRANTS: GROWING CRIMINALIZATION, INTOLERANCE, XENOPHOBIA AND RACISM MARK KEY ANNIVERSARY**

On 17 December 2010, the Special Rapporteur on the Human Rights of Migrants, Jorge Bustamante, and the Chair of the UN Committee on Migrant Workers, Abdelhamid El Jamri, marked International Migrants Day, which is commemorated on 18 December 2010: "Today, we commemorate the 20th anniversary of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, a key day that has been marked by worrying trends in the situation of migrants, both regular and irregular, around the world. This year, we particularly note with concern the increasing trend towards criminalization of migration in irregular situation. This criminalization makes migrants in irregular situation more likely to face discrimination, exclusion, exploitation, abuse at all stages of the migration process. We are especially concerned at the recent rise of intolerance, xenophobia and racism directed at migrants and their communities, which has sometimes manifested itself in acts of extreme violence against migrants in transit and in destination countries. Migrants can also easily fall prey to criminal traffickers and smugglers. Their irregular status often makes these men, women and children afraid or unable to seek protection and relief from the concerned authorities. We also wish to pay respect to those migrants who have perished at sea while attempting to reach far-off destinations in spite of the inherent dangers of such journeys.

We reiterate our call to all States which have not yet done so to accede to or ratify the Convention on the Protection of the Rights of All Migrant Workers and Members of their Families and thus seize the opportunity to undertake an important step to ensure the human rights of every person, including those of millions of women, men and children who have abandoned their homes in search of a better life.

The full press release is available at:

[http://www.unog.ch/unog/website/news\\_media.nsf/\(httpNewsByYear\\_en\)/FD96EBAC2ACD939BC12577FC0035F3C4?OpenDocument](http://www.unog.ch/unog/website/news_media.nsf/(httpNewsByYear_en)/FD96EBAC2ACD939BC12577FC0035F3C4?OpenDocument)

**UN EXPERT WELCOMES UNITED STATES' ENDORSEMENT OF THE DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES**

On 17 December 2010, the Special Rapporteur on the rights of indigenous peoples, Mr. James Anaya, stated: "I am elated that President Barak Obama has just announced the United States' support for the UN Declaration on the Rights of Indigenous Peoples. The United States was one of only four States that voted against the Declaration upon its adoption. The others,

Australia, Canada and New Zealand, each reversed their positions and endorsed the Declaration through formal pronouncements since the General Assembly vote.

The Declaration is the result of years of advocacy by indigenous peoples within the international arena to build a programme of action to reverse centuries of denial of basic human rights. It affirms the right of indigenous peoples to continue their existence as distinct communities under conditions of equality within their traditional territories, and to retain and transmit to future generations their cultural identities.

"With its endorsement of the Declaration, the United States strengthens its stated commitment to improve the conditions of Native Americans and to address broken promises. Indigenous peoples can now look to the Declaration as a means of holding the United States to that commitment. "I look forward to initiatives by the United States to secure implementation of the standards expressed in the Declaration, and I stand ready to assist to this end in coordination with relevant mechanisms of the United Nations."

The full press statement is available at:

[http://www.unog.ch/unog/website/news\\_media.nsf/\(httpNewsByYear\\_en\)/7C1CDD33515C61FFC12577FC00565E23?OpenDocument](http://www.unog.ch/unog/website/news_media.nsf/(httpNewsByYear_en)/7C1CDD33515C61FFC12577FC00565E23?OpenDocument)

**NEW CONVENTION ON ENFORCED DISAPPEARANCE ENTERS INTO FORCE, BUT MUCH REMAINS TO BE DONE, WARNS UN EXPERT BODY**

On 23 December 2010, the Working Group on Enforced or Involuntary Disappearances welcomed the entry into force of the International Convention for the Protection of All Persons from Enforced Disappearance. "On this important occasion," they said, "we urge States to make all possible efforts to prevent and eradicate the heinous practice of enforced disappearance and to bring to justice all those believed to be responsible for the crime; refrain from any act of intimidation or reprisals against those persons who contribute to the eradication of the practice; and take effective measures to realize the rights to truth, justice and reparation." Enforced disappearance is considered to be the arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law. "It includes for the first time in a treaty the right of any person not to be subjected to enforced disappearance. All the persons affected by enforced disappearance have the right to know the truth about the circumstances of this crime, the progress and results of the investigation and the fate of the disappeared person."

States that ratify the Convention commit themselves to conduct investigations to locate the disappeared person, to prosecute those responsible and to ensure reparations for survivors and their families. "Despite this important step, we condemn the fact that enforced disappearances continue to occur all over the

world. As recent as our last session, the Working Group examined newly-submitted cases of enforced disappearances and information on previously accepted cases from more than 40 countries from all the regions of the world. We still see secret detention facilities, kidnappings and abductions by States agents against political dissenters and persons accused of terrorism, harassment against relatives of people disappeared, and widespread impunity."

The full press statement is available at:

[http://www.unog.ch/unog/website/news\\_media.nsf/\(httpNewsByYear\\_en\)/BCFE82F76F408179C12578010052C804?OpenDocument](http://www.unog.ch/unog/website/news_media.nsf/(httpNewsByYear_en)/BCFE82F76F408179C12578010052C804?OpenDocument)

**CÔTE D'IVOIRE: UN EXPERTS DEEPLY CONCERNED ABOUT GROSS HUMAN RIGHTS VIOLATIONS WHICH MAY AMOUNT TO CRIMES AGAINST HUMANITY**

On 31 December 2010, the Working Group on Enforced or Involuntary Disappearances, the Working Group on Arbitrary Detention, the Special Rapporteur on violence against women, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, the Special Rapporteur on extrajudicial, summary or arbitrary executions, and the Special Rapporteur on the situation of human rights defenders expressed deep concern that enforced or involuntary disappearances, arbitrary detentions, extrajudicial, summary or arbitrary executions, and acts of sexual violence may have occurred or may still be occurring in Côte d'Ivoire in relation to the presidential elections.

The Working Group on Enforced or Involuntary Disappearances recalled that, according to its General Comment on enforced disappearances as a crime against humanity, adopted in 2009, "when there are claims of practices of enforced disappearances which may amount to crimes against humanity, the Working Group will evaluate these claims in the light of the criteria listed in Article 7(1) of the Rome Statute, as interpreted by international and hybrid tribunals and, if appropriate, will refer them to the competent authorities, be they international, regional or domestic." Victims of enforced disappearances, including the relatives of the disappeared, have the rights to justice, redress, truth and adequate reparation. Hundreds of persons have reportedly been arbitrarily arrested and detained. The Working Group on Arbitrary Detention is alarmed at these events and views these practices as heinous violations of international human rights law.

The Special Rapporteur on extrajudicial, summary or arbitrary executions, expressed deep concern at the number of reported extrajudicial, summary or arbitrary executions. He stressed the importance of the right to life and urged all Ivoirian parties to prevent extrajudicial executions and to take all necessary measures to protect the life of the population. He reiterated the warning against the risks of genocide, war crimes and crimes against humanity made by the Special Advisers of the Secretary-General on the Prevention of Genocide and on the Responsibility to Protect.

The Special Rapporteur on Violence against Women was

concerned at allegations of acts involving sexual violence committed by armed men: "Sexual violence continues to be used as an instrument of war, and women and girls are left without protection."

Persistent and effective measures should be undertaken to have all allegations of torture or other cruel, inhuman or degrading treatment or punishment that may have occurred in the context of the 2010 presidential election, promptly and impartially examined by the competent authorities, notes the Special Rapporteur on torture. Determined measures should be taken to hold those responsible brought to justice and severely punished. In addition, the authorities are under an affirmative duty to take steps to prevent any and all acts of torture or cruel, inhuman or degrading treatment or punishment.

The Special Rapporteur on the situation of human rights defenders, stressed the present vulnerability of human rights defenders engaged in denouncing human rights violations.

The full press release is available at:

[http://www.unog.ch/unog/website/news\\_media.nsf/\(httpNewsByYear\\_en\)/22E086BD530FBC78C125780E0040B9DE?OpenDocument](http://www.unog.ch/unog/website/news_media.nsf/(httpNewsByYear_en)/22E086BD530FBC78C125780E0040B9DE?OpenDocument)