

# SPECIAL PROCEDURES BULLETIN



SIXTEENTH ISSUE: JANUARY– MARCH 2010

## HIGHLIGHTS

### **HUMAN RIGHTS COUNCIL HOLDS SPECIAL SESSION ON SUPPORT TO RECOVERY PROCESS IN HAITI: A HUMAN RIGHTS APPROACH - 27 JANUARY 2010**

On 27 January 2010, the Human Rights Council (HRC) held its 13th special session, adopting resolution S-13/1 entitled “The support of the Human Rights Council to the recovery process in Haiti after the earthquake of January 12, 2010: a human rights approach” by consensus in the resolution. The Council expressed its sincere condolences and deepest sympathy to, and solidarity with all victims and their families, including all UN personnel, and the Government and the people of Haiti affected by the devastating earthquake. *continued on p. 15*

### **HUMAN RIGHTS COUNCIL: 13TH SESSION, 1-26 MARCH 2010**

The 13th regular session of the HRC was held in Geneva from 1 to 26 March 2010. The Council considered reports of various Special Procedures and held interactive dialogues with them, appointed three new mandate holders and adopted several resolutions relevant to Special Procedures. It held a number of high-level discussions and panels in which mandate holders participated. *continued on p. 15*

### **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 no. 27 and Seventeen Frequently Asked Questions about United Nations Special Rapporteurs available at: <http://www.ohchr.org/Documents/Publications/FactSheet27en.pdf>

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The Special Procedures Bulletin provides a general overview of the main activities of the 39 Special Procedures mandates. The Bulletin is produced by the Information, Coordination and Management Unit of 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) the information is addressed to in the subject line of the e-mail or fax, or on the envelope.

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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

Some Special Procedures mechanisms intervene directly with States on specific allegations of human rights violations that have already occurred, are ongoing, or have a high risk of occurring, that fall within their mandates. 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 that laid out in the Code of Conduct. The Code of Conduct for special procedures mandate

holders was adopted in Human Rights Council resolution 57/2 in the context of the larger institution-building process. Criteria generally relate to the reliability of the source and the credibility of information; the details provided; and the scope of the mandate itself. Communications should not be politically motivated, abusive or based solely on media reports. Mandate holders may send joint communications when the case falls within the scope of more than one mandate. The OHCHR's Special Procedures Branch Quick Response Desk coordinates communications and keeps relevant databases updated.

Between 1 January and 31 March 2010, 174 communications were sent.

57.5 % were joint communications.

The communications concerned 480 individuals.

23.6 % of these cases concerned women.

70 countries received communications.

## COUNTRY VISITS

### ALBANIA

[Albania can do more to eliminate blood feuds and domestic violence, says UN expert on extrajudicial killings](#)

The Special Rapporteur on extrajudicial summary or arbitrary executions, Mr. Philip Alston, conducted his first visit to Albania from 15 to 23 February 2010. The existence of a mentality which encourages blood feuds is a continuing concern in Albania, he warned. "Blood feud killings – revenge killings by a victim's family against the killer's family – continue to have corrosive affects on society, especially the practice of self-isolation by families who fear revenge killings, and a still widespread belief in the justness of collective punishment of innocent family members," said Mr. Alston. He noted however, that the number of blood feuds has decreased significantly over the past five years. Civil society organizations and some media reports had clearly inflated the extent of blood feud killings," "While the true numbers are closer to those provided by the Government, official figures – especially relating to isolated children and families – are probably too low." Mr. Alston urged the Government to conduct a survey and analysis of the phenomenon and take greater steps to facilitate reconciliation between families. He emphasized the importance of education on human rights to address the root causes of blood feuds.

The Special Rapporteur said that violence against women in Albania is pervasive, noting that at least 15 women were killed last year in domestic violence disputes, and a third of Albanian women report violence in the home. "While the

Government has adopted important initiatives, it must allocate funds for its programmes," he said. "Much remains to be done to address the deep-seated patriarchal attitudes leading to violence." He called upon the media to be more professional and responsible in its coverage.

Mr Alston also looked into accountability issues related to the Gërdec explosion, killings after the Kosovo war, and communist-era abuses. He noted that for some years, there have been allegations that a few hundred people were tortured or killed in Albania in Kosovo Liberation Army (KLA) camps. There are on-going investigations by the Council of Europe, the Serbian war crimes prosecutor, and the European Union Rule of Law Mission in Kosovo (EULEX). He stated that none of the international efforts to investigate KLA abuses in Albania has received meaningful cooperation from the Government and called on the Government to facilitate an independent and objective investigation by the international entities investigating abuses.

### OHCHR WEBSITE PAGE ON SPECIAL PROCEDURES COUNTRY VISITS

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

Links to alphabetical tables of country visits by Special Procedures mandate holders since 1998 are available at this link as well as a list of all countries having extended standing invitations to all the thematic procedures. As of March 2010, 69 countries have extended standing invitations. An annual compilation of recommendations of Special Procedures by country is also available on the Special Procedures webpage.

Mr. Alston expressed concern that “Albania still has not comprehensively dealt with human rights abuses, including torture, disappearances and killings, committed during the Communist regime.” He recommended that the Government consider establishing a national commission to conduct independent and full investigations into Communist-era abuses, and that investigators have access to all secret-service files.

Finally, the Special Rapporteur expressed concern at the high levels of corruption in the criminal justice system. He noted that a key safeguard would be to legislate for judicial appointment criteria that would ensure an independent and qualified judiciary.

## CAMBODIA

### [Statement by the UN Special Rapporteur for Human Rights in Cambodia at the end of his January mission](#)

The Special Rapporteur on the situation of human rights in Cambodia, Mr. Surya Prasad Subedi, carried out his second visit to Cambodia from 18 to 30 January 2010 to assess the functions and effectiveness of human rights-related State institutions, including the judiciary and the Supreme Council of Magistracy, the National Assembly and Senate and the Constitutional Council. He visited Battambang province to assess the functions and effectiveness of institutions at the provincial level.

The Special Rapporteur stated that although the situation of human rights still falls short of the international standards required, he was encouraged by the progress made by Cambodia in a number of areas since his last visit in June 2009, and by the willingness on the part of the Government to work with him to identify the problems and address them together. Examples include the strengthening of the legal framework to manage the issue of urban evictions and relocations; the completion of the first case at the ECCC and good progress in the investigations of the subsequent cases; continued effort to reform the prison system; the adoption of the Penal Code; and an improved regime for public demonstrations.

Further, he noted that the Government has been receptive to some of his suggestions, including developing binding national guidelines on land evictions, making the law-making process more transparent by sharing draft legislation which has an impact on human rights issues with the wider community, and creating a Government and civil society forum in order to foster an environment of cooperation to strengthen democracy and human rights in the country. He stated that the Government is becoming more actively engaged with the UN human rights bodies in identifying the issues that stand to be addressed. The Special Rapporteur hoped that the Government will move towards more inclusive, participatory and transparent decision-making processes on issues which have a direct impact on people’s human rights. The challenge, he stated,

is to implement in practice the commitments the Government made in its reports to various UN and treaty bodies. The independence of the judiciary and its ability to command the respect, trust and confidence of the people is vital to the Cambodian society, was still in the process of transition from the legacy of the tragic past. In this respect, Mr. Subedi had earlier suggested that an increase in the budget devoted to justice, and the adoption without further delay of the law on the organization of the court system, and on the status of judges and prosecutors, would be significant steps to that end.

The Special Rapporteur stated that Cambodia has made good progress in establishing various institutions to promote and protect the rule of law, democracy and human rights. But there are concerns about the effective, objective and impartial functioning of these institutions. Land and housing rights, freedom of expression and the independence of the Judiciary were some of the core areas of concern raised with the Special Rapporteur by the representatives of civil society. He expressed the view that many aspects of these issues are also closely linked to the independence, transparency and accountability of the State institutions that are mandated to protect and promote human rights.

He also considered that the challenge is to transform the international obligations not only into national law but also into practice, in order to strengthen the culture of democracy and tolerance required to usher the country towards lasting peace, greater prosperity and unity.

## COLOMBIA

### [Minority issues: United Nations Expert calls on Colombian authorities to focus on Afro-Colombians’ plight](#)

The Independent Expert on minority issues, Ms. Gay McDougall, undertook her first official visit to Colombia from 1 to 12 February 2010. Concluding her visit, she called on the Government to concentrate efforts in improving the situation of those communities identified as Afro-Colombian, Black, Raizal and Palenquero, especially in key issues related to displacement, dispossession, poverty and violence against individuals and communities, in both rural and urban environments.

Ms. McDougall acknowledged that “Colombia has an impressive and commendable legislative framework that recognizes many rights of Afro-Colombians, starting with the Constitution of 1991 which recognizes not only the right to non-discrimination but also the right to equality for all citizens.” However, Ms. McDougall noted, “the vast majority of communities and organizations that I consulted complain that implementation of legislation remains woefully inadequate, limited and sporadic. Most importantly, where steps have been taken, no real enforcement has followed.” “Displacement from their lands

was highlighted as the highest priority issue for many Afro-Colombians whom I met”, she said. “Despite the granting of collective titles to some 90 per cent of Afro-Colombian ancestral lands, many communities are displaced, dispossessed and unable to live on or work their lands. As one woman told me, ‘the laws say all the right things but still, nothing has happened’.”

The Independent Expert drew attention to the fact that many Afro-Colombians have been displaced by “megaprojects”, large-scale economic operations, often involving national and multinational companies, promoted by the Government as bringing development and economic gain to the whole of Colombia. “The communities however, have grave concerns about encroachment on their land rights and adverse environmental impacts.” Ms. McDougall warned that, “in the face of such economic interests and megaprojects, it appears that the rights of communities are ‘inconvenient rights’ and that the laws put in place to protect them are equally inconvenient.”

Violence against Afro-Colombian women is among the key issues highlighted by the Independent Expert: “Afro-Colombian women have spoken to me of the multiple discrimination they face as Afro-Colombians, women, displaced and poor; a potentially fatal combination that leaves them in a situation of extreme vulnerability.” Ms. McDougall called on the Colombian authorities to “urgently put in place responses that recognize the extreme impact of violence and displacement on Afro-Colombian women and create conditions of security, dignity and justice.”

## **REPUBLIC OF KOREA**

### **[Visit of the Special Rapporteur on the situation of human rights in the Democratic People’s Republic of Korea \(DPRK\) , to the Republic of Korea](#)**

Mr. Vitit Muntarbhorn, Special Rapporteur on the Situation of human rights in the DPRK, carried out an official visit to the Republic of Korea (ROK) from 10-16 January 2010 to assess the impact of the human rights situation in the DPRK.

The visit took place against the backdrop of recent developments in the DPRK, including the suspension of the Six-Party Talks on the denuclearization of the DPRK and its impact on the space for humanitarian traction; the inclusion of the term “human rights” in the DPRK Constitution, where the substantive challenge is to guarantee the rights of individuals and groups rather than the protection of the State ; there are concerns that the “military first” policy in the DPRK contributes to the misallocation of national resources and an inequitable development process; the continuing food shortage; the suppression of the market system; consideration of the DPRK before the Human Rights Council and the wait for its response to the recommendations from the UPR.

The visit of the Special Rapporteur provided a key opportunity to assess the most recent information available from a variety of sources, so as to be able to provide an update to the world community.

Implementation of the ROK policy must be of mutual benefit and has been implemented on many fronts, while other challenges remain. In spite of the offer of 50,000 tons of corn by the ROK in May 2008 ( to which the DPRK did not respond), no food aid from the ROK has been provided to the DPRK since 2008. Multilateral aid from the ROK has been channeled through UN agencies , particularly the World Health Organization and the UNICEF, on medicines and child-related necessities. Family reunion between the two countries resumed in the middle of 2009, after a two year hiatus. The ROK authorities also supports UN resolutions concerning the DPRK, while the country has responded constructively to settle people from the DPRK in search of shelter and protection.

The Special Rapporteur notes the generous help offered by the ROK authorities to persons seeking shelter from the DPRK. To date, some 18,000 people have been settled in the country in recent years, and the assistance given has expanded to include resident registration and housing support; financial subsidy; educational, employment, medical and minimum living support. On this matter, he visited the Hanawon Centre, a centre to assist newcomers adapt to ROK society.

He was very pleased to have access to persons who had sought asylum from the DPRK. Many were women who had been treated brutally in the country of origin and in transit, having undergone such violence as punishments for trying to leave the country of origin without permission, human trafficking and smuggling, forced marriage, prosecution as illegal immigrants, and detention in immigration jail pending exit to the ROK. The testimonies from the interviews confirmed the Special Rapporteur’s belief that the root causes of outflows in the country of origin should be addressed more effectively, in addition to the need to ensure humane treatment of asylum-seekers by all countries on the basis of international standards.

The Special Rapporteur underlined the following lessons learned from this visit:

- Resumption of the Six-Party Talks would be a welcome contribution to the space for human rights in the DPRK ;
- Humanitarian policies on the part of the ROK towards the DPRK should be continued and strengthened - in particular the offer of humanitarian aid through appropriate channels, subject to adequate monitoring in keeping with the international principle of “no access (to the victims), no aid”;
- With the support of the international community,

more efforts should be made to resolve the consequences of the Korean War, including the issue of POWs, separated families, abducted persons; family reunions should become a sustained process moving beyond short-term meetings to life-long re-unification;

- More open environments, linked with local communities, to help settle persons seeking asylum from the DPRK should be explored, complemented by programmes to bridge-build between different communities and by positive role models to improve the public's understanding of the new arrivals.

## ECUADOR

### [Child labour in Ecuador, an obstacle to development - Expert on slavery](#)

The Special Rapporteur on contemporary forms of slavery, Ms. Gulnara Shahinian, stated upon the conclusion of her visit from 25 January to 1 February 2010, that "the Government of Ecuador has demonstrated a genuine commitment to the elimination of child labour, including its worst forms, domestic servitude, forced labour and debt bondage." However, the Special Rapporteur stressed that "despite the progress made, the extent of child labour remains alarming and domestic servitude and debt bondage are challenges still to be overcome."

"Child labour in all its forms is an obstacle to the development of Ecuador where a high percentage of the population are children," stressed the human rights expert. She congratulated the new administration "on the strong political will shown and comprehensive, holistic approach adopted."



*Special Rapporteur on Contemporary forms of Slavery, Ms. Gulnara Shahinian with Indigenous Leaders*

I am very encouraged by a number of exemplary initiatives by the Government of Ecuador, UN agencies, the private sector, non-governmental organizations and other stakeholders, said Ms. Shahinian, "but deeply regret that those programmes have yet to achieve universal coverage and be accessible to all."

Ms. Shahinian also assessed instances of labour exploitation, inhuman and degrading treatment. The situation is exacerbated by discrimination encountered particularly by the large refugee and asylum-seeking community of Colombian nationals as well as sectors of the Ecuadorian population, including Afro-Ecuadorians, montubios and indigenous people.

"I am very concerned about the dire conditions of refugees and asylum-seekers and wish to stress that the Government is responsible for their protection and the restoration of their rights," said Ms. Shahinian.

"Urgent measures are required to protect and restore the rights of these people and to create an environment conducive to the elimination of labour exploitation and slavery in these areas."

On the situation of refugees and asylum-seekers, the Rapporteur noted: "During my visit to provinces outside Pichincha, I observed that international standards for the protection of these groups are not sufficiently implemented, despite the Government's liberal immigration policy."

"It is only by investing adequately in all children, regardless of ethnic or national origin, immigration or other status, that Ecuador will ensure sustainable development and prosperity for the decades ahead," stressed Ms. Shahinian. "I strongly encourage the Government to mainstream gender, intercultural and plurinational perspectives into all programmes, plans and policies so that they achieve social inclusion and, therefore, coverage for all children and their families."

## EL SALVADOR

### [Expert on violence against women concludes visit to El Salvador](#)

From 17 to 19 March 2010, the Special Rapporteur on violence against women, its causes and consequences, Ms. Rashida Manjoo, conducted a visit to follow-up the visit of the previous mandate holder to El Salvador in 2004.

The Special Rapporteur reviewed the implementation of recommendations.

Concluding her visit, she stated that while acknowledging that the Government had been in place for less than a year, El Salvador has come a long way in institution building and human rights protection since the end of the twelve year civil war in 1992. By acceding to numerous international human rights treaties, El Salvador has shown its commitment to place the human rights of individuals at the centre of its policies, laws and institutions. The Government's intention to fulfil its due diligence obligations in terms of both international and regional human rights frameworks is indicated by the current national law reform proposals on violence against women, equal opportunities and promotion and protection of the rights of children and adolescents. With regard to international instruments, ongoing discussions on the Optional Protocol to the Convention on the Elimination of All forms of Discrimination against Women, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, and the Rome Treaty are other indicators of such willingness.

However, she was concerned at the significant challenges that continue to exist in the area of violence against women and girls reflecting the reality in El Salvador today. As noted in her predecessor's report in 2005, "[...] the failure of authorities to investigate, prosecute and punish those responsible for gender-based violence has contributed to an environment of impunity that has resulted in little confidence in the justice system. Impunity for crimes, the socio-economic disparities and the *machista* culture foster a generalized state of violence, subjecting women to a continuum of multiple violent acts, including murder, rape, domestic violence, sexual harassment and commercial sexual exploitation".



*The Special Rapporteur on Violence against Women at a final briefing of her visit.*

Of particular concern to the Special Rapporteur was the growing prevalence and forms of such violence, especially the alarming rise in the numbers of murders of women and girls and the brutality inflicted on their bodies, which is often accompanied by kidnapping and sexual assault. A

recent study by ORMUSA indicates the number of femicides has increased from 378 in 2008 to 570 in 2009, this being the highest number of femicides in the last 11 years in the country.

Some of the interlocutors had described this phenomenon as reflecting a "culture of hatred towards women" and an indication of the failure of the criminal justice system. Other forms of violence that were identified and continue to be prevalent and pervasive are domestic violence, sexual abuse against women and children in the home and the community, violence and sexual harassment in the workplace, particularly in the maquila sector and the domestic sphere, police-related violence and sexual commercial exploitation.

Another issue of concern relates to overcrowding and unsanitary conditions in the women's prison she visited. While in 2004 the number of prisoners was 650, at the time of her visit there were 1344 female prisoners, including 24 pregnant women, and 25 boys and 25 girls.

The Special Rapporteur applauded the focus on prevention and model-of-care approach articulated by many institutions. However, the issues of accountability and addressing impunity also form part of the due diligence obligations of the State. Action or non-action by the criminal justice sector reflects the commitment or the failure to fulfil, to respect and to protect the rights of all citizens. During the mission, Ms. Manjoo received information of weaknesses in investigation and prosecution as well as inappropriate sentencing. An example that illustrates this is found in the several cases of abortion that have been prosecuted. .

The interpretative conflict between the constitutional provisions and the Penal Code has led to the criminalization of abortion, which is having a direct impact on the current high rates of maternal mortality and adolescent pregnancies, and thus denies women and girls the right to control their bodies and their lives.

Considering the information received during this mission, the special rapporteurs recommendations in the predecessor's report are still applicable and relevant. The Special Rapporteur supported and reiterated the need to take action under these five broad categories: (a) create a gender-sensitive information and knowledge base, including through the creation of a statistical commission; (b) ensure the protection of women and girls through legislative, investigative and judicial reforms, including through the establishment of a specialized investigation and prosecution unit on femicides; (c) strengthen institutional infrastructure, including through the allocation of appropriate resources in order to enable sustainability and effectiveness; (d) initiate further training and awareness programmes; and (e) monitor and enforce international and regional human rights standards.

## INDIA

### [Statement of the Special Rapporteur on Toxic waste concludes his visit to India](#)

The Special Rapporteur on the adverse effects of the movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights, Mr. Okechukwu Ibeanu, during a 10-day mission, from 11 to 21 January 2010, assessed the progress made India in minimizing the adverse effects that hazardous activities, such as shipbreaking and the recycling of electronic waste (e-waste), have on the human rights of countless individuals working in these sectors or living close to the places where these activities take place. The Special Rapporteur visited the capital New Delhi and an e-waste recycling facility in Roorkee, informal small-scale laboratories for the dismantling and recycling of electronic products in a suburb of the capital, a facility for the treatment, storage and disposal of hazardous wastes in Ankleshwar, and a number of shipbreaking yards in Alang and Mumbai.

“I welcome the significant progress India has made in improving health and safety conditions in the shipbreaking yards, as witnessed by the considerable decrease in the number of work-related injuries resulting in death or permanent or temporary disabilities, but a number of serious concerns remain to be properly addressed”, Mr. Ibeanu said. “First and foremost, I urge the owners of the yards to comply with the existing labour and social security legislation, and the Government to monitor its effective implementation”, he added. Training opportunities need to be improved, and personal protective equipments (PPEs) should be provided to, and used by, all workers in the yards. Medical facilities do not possess sufficient human, technical and financial resources to provide any treatment other than first aid for minor injuries, and there are no schools or formal education facilities for the children of those employed in the yards, 20 per cent of whom are accompanied by their families.

In India, ships are currently dismantled on the beaches, a method commonly referred to as “beaching”, and the impact of this on the surrounding environment and the livelihood of local communities relying on agriculture and fishing for their subsistence continues to be debated. “In order to ascertain the environmental impact of the shipbreaking industry, I recommend that an independent study be carried out to assess the actual and potential adverse effects that may be caused by the discharge of hazardous material into the natural environment, as well as the level of risk”, Mr. Ibeanu said.

The Special Rapporteur noted that he was “shocked by the extremely poor conditions in which most workers live in Alang and Mumbai”. Semi-skilled and unskilled workers live in makeshift facilities lacking basic sanitation facilities, electricity and even safe drinking water. “I call on Governmental authorities to provide appropriate plots of lands, and facilitate the construction of adequate housing facilities for those who work in the yards. Adequate

sanitation and drinking water facilities should also be put in place”.

With regard to e-waste, the Special Rapporteur noted that 97 per cent of the 400,000 metric tonnes of e-waste generated in India is dismantled and recycled in small-scale, informal laboratories where individuals are constantly exposed to over 50 hazardous chemicals or heavy metals that can cause serious health and environmental risks if not disposed of in an environmentally safe manner. “The main challenge ahead is that of creating appropriate incentives to ensure that obsolete electronic equipment are recycled in certified facilities that can dismantle and recycle them in an environmentally sound way that prevents the risk of health consequences for the workers involved or others and to ensure appropriate information is available on the hazards associated with e-waste, both for recycling workers and to the broader population”.

## JAMAICA

### [UN Special Rapporteur on torture presents preliminary findings on his mission to Jamaica](#)

The Special Rapporteur on torture and other cruel, inhuman or degrading treatment, Mr. Manfred Nowak, conducted a visit to Jamaica from 13 to 21 February 2010. At the end of his visit, he issued a press statement voicing his concern at the high rate of criminality, appalling conditions of detention and lack of separation of detainees according to the different stages of the criminal procedure



*The Special Rapporteur conducting interviews at Portmore Police Station*

The Special Rapporteur welcomed Jamaica’s commitment to promoting respect for human rights, as demonstrated by its democratic principles and dedicated civil society organizations, among others. He also acknowledged the challenges faced by Jamaica, in particular the high level of crime and violence.

The high crime rate and often extreme brutality of the crimes committed has been responded to forcefully by the authorities, leading to an ever increasing spiral of violence. The rising number of killings by both criminal elements and members of the police is evidence of this vicious cycle.

The Special Rapporteur stated that with the exception of isolated instances, he has not found torture. This may be partly due to the commendable rule that lawyers or justices of the peace must be present during interrogations, which acts as an important safeguard against torture. Severe pain and suffering applied for the purpose of punishment can, however, also amount to torture. He found a considerable number of cases, which were corroborated by medical evidence, where persons had been subjected to different degrees of beatings in order to punish them. For example, in relation to the events of 8 February 2010 in the Horizon Remand Centre.

In relation to inhuman conditions of detention and ill-treatment, the Special Rapporteur stated that he was most concerned about the appalling conditions of detention in general, which reflect a complete disrespect for the human dignity of persons in conflict with the law. In addition, there was no clear separation of detainees according to the different stages of criminal procedure. Persons detained without charge, remandees and convicted persons are held together in the same facility, often sharing cells. There is a general atmosphere of violence and aggression in almost all places of detention, and a frequent use of beatings as a form of punishment. It was also apparent that detainees had no knowledge of, or trust in, any complaints mechanisms available to them. The Special Rapporteur commented on a number of issues as regards police stations, remand centres and correctional centres, and made observations relating to children, women, persons with mental disabilities and capital punishment and corporal punishment.



*The Special Rapporteur conducting interviews at Horizon Adult and Juvenile Correctional Centre and Remand Centre*

Among preliminary recommendations to Jamaica, Mr. Nowak urged the Government to ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol, providing for regular preventive visits to all places of detention by an independent domestic monitoring body; re-accede to the First Optional Protocol to the International Covenant on Civil and Political Rights, providing for the right to lodge individual complaints to the Human Rights Committee; criminalize torture under domestic law in full accordance with the definition contained in article 1 of the Convention against Torture, and impose appropriate penalties; reduce police custody to 48 hours and ensure that remandees are held in proper remand centres and not in police lock-ups; introduce accessible complaints mechanisms within places of detention; ensure ex-officio investigations of all allegations of abuse or excessive use of force; justices of the peace and resident magistrates should conduct regular visits to all police lock-ups; the Independent Commission of Investigation, equipped with sufficient powers and resources to investigate any form of police misconduct, including allegations of extrajudicial killings, torture and ill-treatment, should be rapidly installed and functioning; remove all children from adult detention facilities; abolish capital punishment; break the cycle of violence by addressing the root causes of violent crime, including trade in firearms, links of criminal gangs to political parties, corruption, and poverty.

The Special Rapporteur recommended that the international donor community consider the administration of justice, and in particular the fight against violent crime, policing and the penitentiary system as amongst the highest priorities.

## JAPAN

### UN expert urges better protection for migrants and their families

From 23 March to 1 April 2010, the Special Rapporteur on the human rights of migrants, Mr. Jorge Bustamante, conducted a visit to Japan, visiting an immigration detention centre and meeting with detained individuals, including irregular migrants and asylum seekers. He reported on cases of children being separated from their parents because of their irregular residence status and direct discrimination against migrant workers.

The Special Rapporteur called on the Japanese government to increase the protection of migrants, both regular and irregular, and their families. "They still face a range of challenges," he said at the end of the visit, "including racism and discrimination, exploitation, a tendency by the judiciary and police to ignore their rights, and the overall lack of a comprehensive immigration policy that incorporates human rights protection."

Mr. Bustamante praised some of the measures taken by the Government to alleviate the impact of the economic crisis on migrants and their children. However, he stressed that “Japan has yet to adopt a comprehensive immigration policy that provides for the protection of migrants’ rights,” 20 years after it started receiving migrant workers. Beyond managing the entry and stay of migrants, “Japan should establish institutionalized programmes designed to create the necessary conditions for the integration of migrants into Japanese society and the respect of their rights, including to work, health, housing and education, without discrimination,” he said.

“Racism and discrimination based on nationality are still too common in Japan, including in the workplace, in schools, in health care establishments and housing.” In his view, the current general provisions are not effective in protecting foreign residents from discrimination based on race and nationality.

Mr. Bustamante expressed his concern about the generalized policy of detaining irregular migrants, including asylum seekers, parents and children themselves, for prolonged periods, – in some cases as long as three years – which amounts to “de facto indefinite detention.” “Clear criteria should be established in order to limit detention to the cases where it is strictly necessary, avoiding detaining persons such as those who are ill or who are the parents of minor children,” the human rights expert said. “A maximum period of detention pending deportation should be set, after which foreigners should be released.”

The Special Rapporteur also drew attention to the high incidence of domestic violence against migrant women and their children. “Appropriate policies to protect and assist single mothers and their children who find themselves in this extremely vulnerable situation are lacking and should be adopted and implemented urgently.”

Noting that a considerable number of migrant children in Japan do not attend school, Mr. Bustamante said that “Governmental efforts should be increased to facilitate that foreign children study either in Japanese or foreign schools, and learn Japanese.”

During his mission, the Special Rapporteur heard of many cases where parents of children born in Japan or who have lived there for up to 15 years have been recently deported or detained, resulting in the children being separated from their parents because of their irregular residence status. “In accordance with the principle of the best interest of the child, families should not be separated,” he said.

Mr. Bustamante also heard repeated complaints of direct discrimination against migrant workers by private employers with regard to remuneration, promotion opportunities, access to health care for accidents in the workplace, and threats of unfair dismissal. He urged the Japanese authorities to give special attention “to monitoring the conditions under which private companies employ migrant workers.”

## KENYA AND SOMALIA

### “Extremely serious” – strong warning on security, human rights and humanitarian situation in Somalia

Concluding his fourth mission to Kenya and Somalia, from 12 to 24 January 2010, the Independent Expert on the situation of human rights in Somalia, Mr. Shamsul Bari, issued a press statement on 28 January 2010. The Independent Expert issued a strong warning on the security, human rights and humanitarian situation in the country, including Somaliland and Puntland. Mr. Bari described the situation in South and Central Somalia, where civilians continue to bear the brunt of the fighting between forces of the Transitional Federal Government forces and Islamist armed groups as “extremely serious” .

At the end of his fourth monitoring mission to the Horn of Africa, the Independent Expert shared reports about grave violations of women and children’s rights, including the recruitment and use of children by several parties to the conflict. He added that “corporal punishment in the name of Sharia Law by such groups, including floggings and amputations following summary – if any – proceedings, arbitrary detention, death threats and intimidation are reportedly taking place”.

“The Islamist Forces fighting to topple the Transitional Federal Government are reported to have carried out extrajudicial executions, planted mines, bombs and other explosive devices in civilian areas, and used civilians as human shields”, said Mr. Bari, adding that “fighters from both sides are reported to have fired mortars indiscriminately into areas populated or frequented by civilians”.

The Independent Expert stressed that “journalists and human rights defenders in all parts of Somalia continue to face severe restrictions, increasing death threats and are often victims of targeted killings for their work”.

“The suspension of the humanitarian assistance and the discontinuation of the food distribution with continuing restrictions by armed groups to humanitarian access by targeting aid workers”, said Mr. Bari, “violate rights to protection, adequate food, medical care and shelter”. In his view, “that may amount to violations of international humanitarian law”.

During his visit to Kenya and Somalia, the Independent Expert met with Transitional Federal Government President, Sheikh Sharif Sheikh Ahmed for the first time and members of his Government, in the Kenyan capital of Nairobi. Mr. Bari was unable to visit Mogadishu and South and Central Somalia due to security constraints. On the situation in the Puntland, the Independent Expert acknowledged the State authorities’ commitment to improve the rule of law and culture of democracy and human rights. However, he noted that “piracy, human trafficking and mixed migrations remain the most serious

challenges to the Puntland Government". "Piracy and the huge money it generates may pose a security threat not only to Somalia and the region, but to the whole world", said Mr. Bari, warning that "the recent killings targeting senior politicians in Puntland raise legitimate security concerns regarding the spread and the attempt of terrorist groups to destabilize Puntland and Somaliland".

"The stabilization of Somaliland and Puntland could have a positive impact on South and Central Somalia", the Independent Expert stressed. He urged the international community and the UN to strengthen international engagement and support to Somalia, including Puntland and Somaliland. "This increased support is required particularly for the implementation of the three pillars of the Djibouti process - political, security and recovery - which all include crosscutting human rights issues", Bari said.

**MEXICO**

**First visit to Mexico by the Expert on the right to education**



*The Special Rapporteur having a conversation with students from a secondary school in Mexico DF*

The Special Rapporteur on the right to education, Mr. Vernor Muñoz, visited Mexico from 8 to 18 February 2010. The Special Rapporteur evaluated the reform programmes adopted by the Government on education issues and differences in access to education between the north and south of the country, as well as urban and rural areas. In this context, Mr. Muñoz paid particular attention to the quality of education, especially for children from indigenous communities, migrants and other economically and socially disadvantaged groups.

He visited primary and secondary schools and public universities, and met with Government and civil society representatives, including NGOs.



*The Special Rapporteur visiting the indigenous community of Oxchuc , Chiapas*

He also held discussions with educators, academics, students and union representatives.

**MYANMAR**

**Visit of the Special Rapporteur on the situation of human rights in Myanmar**

From 15 to 19 February 2010, the Special Rapporteur on the situation of human rights in Myanmar, Mr. Tomás Ojea Quintana, was on official mission to the country. He followed up on his previous recommendations regarding reform of the armed forces, the revision of domestic legislation and the situation of prisoners of conscience.

"I intend to review and report on progress of implementation of the four core human rights elements that I have recommended," explained Mr. Ojea Quintana, "including the revision of domestic laws to ensure compliance with international human rights standards, and the release of all prisoners of conscience."

The Special Rapporteur will also follow up on his recommendations concerning the reform of the armed forces to ensure respect for human rights and humanitarian law, including training, as well as accountability and the independence of the judiciary.

**SUDAN**

**Expert on Sudan: positive developments but lack on progress in key human rights areas**

The Independent Expert on the situation of human rights in

the Sudan, Mr. Mohamed Chande Othman, conducted a visit to the country from 23 January to 11 February 2010. Concluding his visit, he expressed concern about a number of fundamental human rights issues, despite positive steps by the Sudanese authorities in the country's different regions.

"I have witnessed a number of positive developments, including the establishment of Human Rights Forums," said Mr. Chande Othman, at the end of his first mission to Sudan since his appointment by the Human Rights Council in November 2009. "However, despite these encouraging achievements, I note a lack of progress in other human rights areas."

The Independent Expert said, "I encourage the Government to put in place a transparent process to nominate and select Commissioners and to ensure that it becomes operational."

Mr. Chande Othman noted that "the Government has taken some steps to implement the recommendations of the UN Group of Experts on Darfur, like the deployment of more police personnel in Darfur including women police, and the training of staff of law enforcement agencies on human rights awareness." However, he drew attention to the continued existence of certain provisions in the National Intelligence and Security Services Law, the Criminal Procedure Law, and the Public Order Act which infringe fundamental rights.

"During my visits in Northern Sudan including in Darfur," the Independent Expert said, "I heard of several cases of alleged violations of human rights including arbitrary arrests and detentions; most of these reports named the National Intelligence and Security Services as the main entity responsible."

Mr. Othman also met with representatives of political parties taking part in elections scheduled for April 2010, who complained about harassment, intimidation, and restrictions in connection with electoral and political activities."

In Darfur, in spite of the improvement in the security situation, Mr. Chande Othman expressed concerns at "the serious capacity and resource gaps that continue to affect the administration of justice. Access to justice continues to be a major challenge in light of the weak presence of law enforcement and rule of law institutions outside the main urban centers."

The Independent Expert also noted, in relation to crimes committed in Darfur since 2003, that very few perpetrators have been brought to trial for crimes committed .

Mr. Chande Othman pointed out the increasing incidence of tribal violence in South Sudan, and the attendant loss of lives especially among women and children who are targeted: "In spite of the strong commitment of state authorities to protect human rights there, it appears to lack

the capacity to ensure respect for the rule of law and the protection of rights."

"I was also appalled by the high levels of poverty and the lack of basic services in many areas and am concerned about the impact of this on the enjoyment of human rights," Mr. Othman said. "Years of prolonged conflict have created a whole generation of youth with little or no education."

Mr. Othman noted that, in Abyei (central Sudan), no formal judicial structures have been put in place to deliver justice, in spite of the establishment of an Abyei administration. "The problem is compounded by the void created by the absence of the judiciary, which has been filled by traditional courts which handle criminal cases that ought to have been the subject to jurisdiction of formal courts."

## **TUNISIA**

### **Expert on Human Rights and Counter Terrorism concludes visit to Tunisia**

Upon completing his official visit to Tunisia from 22 to 26 January 2010, the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Mr. Martin Scheinin, stated that every State has the obligation to protect the life and integrity of its citizens and residents, including from threats emanating from terrorism. At the same time, international human rights norms have to be fully respected, including the rights of persons suspected of being involved in terrorist crimes.

The Special Rapporteur welcomed some recent amendments in the law, in particular the narrowing of the vague provisions regarding incitement, the abolition of "faceless judges" and the strengthening of the safeguards related to the prolongation of "garde à vue". However, the 2003 counter-terrorism law still contains deficiencies, which, as in many other countries, are rooted in the definition of terrorism: international norms require that all elements of a crime are in explicit and precise terms encapsulated in legal definitions. Mr. Scheinin highlighted that deadly or otherwise serious physical violence against members of the general population or segments of it should be a central element of any definition of terrorism. This is clearly not the case in Tunisia, where in the majority of cases since 2003 mere intentions are punished, be it in terms of "planning" or in terms of "membership", the latter often within vaguely defined organizations or groups. The Special Rapporteur recalled having heard of numerous cases of – and saw several – young men whose main "crime" was to have downloaded or watched certain programmes online or have met to discuss some religious issues with others.

Mr. Scheinin stated that he was yet to receive precise statistics from the authorities on the number of terrorism cases tried by Tunisian courts in recent years. However, as terrorism is not an everyday phenomenon, it appears that the scope of application of the terrorism provisions has

grown too wide and could be reduced. There was danger of a "slippery slope" which not only results in the persons being convicted of "terrorism" who do not deserve that stigma, but also endangers the effectiveness of the fight against terrorism by trivializing the phenomenon.

Tunisian law prohibits torture, and the country is a State party to the Convention against Torture. Nevertheless, there does not seem to be a clear provision requiring judges to open investigations ex officio in cases of torture allegations presented in court, to bring about the rejection of a torture complaint or to exclude any evidence or statements obtained under torture. These shortcomings in the legal framework may result in impunity for those who engage in torture or other ill-treatment.

While Tunisian authorities in many respects operated in a spirit of transparency during the visit, the Special Rapporteur's repeated requests for access to the interrogation facilities of the Judicial were denied. Allegations of torture or ill-treatment focus on the role of the judicial police in what happens prior to officially registered police custody, during investigation/interrogation, or when a detainee awaiting trial is taken out of the prison for further investigation.

Mr. Scheinin was convinced that the multi-dimensional approach to preventing terrorism through social, educational and anti-discrimination measures, is worth exploring further. However, he expressed concern that the fruits of these doubtlessly positive policies are easily undermined by violations of the law which, have a counterproductive effect in the fight against terrorism.

## POSITIVE DEVELOPMENTS

**Argentina:** In a decision of 17 December 2009, the Argentinian Federal Criminal and Correctional Court no. 9 issued national and international arrest warrants in order to interrogate two high-ranking officials of the Chinese Communist Party for alleged crimes against humanity in the context of Falun Gong cases in China (case no. 17.885/2005, *LUO GAN s/ imposición de torturas (art. 144 ter inciso 1° del Código Penal) y genocidio*). The judge indicated that the principles of universal jurisdiction should be applied in view of the severity of the alleged crimes, the number of victims and the ideological nature of the actions taken against members of the Falun Gong religious group. The judge quoted from Special Procedures mission reports and communications of the Special Rapporteur on the question of torture and other cruel, inhuman or degrading treatment, Mr. Manfred Nowak, and the Special Rapporteur on freedom of religion or belief, Ms. Asma Jahangir on the Falun Gong cases in China.

**China:** On 12 February 2010, human rights lawyer Mr. Feng Zhenghu was allowed to re-enter China and re-unite with his family. After travelling to Japan in April 2009, he was not permitted to return to his country, in spite of having valid travel documents. Mr. Zenghu had flown several times to Shanghai, but was continually sent back by the border authorities upon his arrival. For the past months, he remained stranded in Tokyo's Narita Airport. Allegedly, this de facto deportation was related to his pro-democracy activism. The Special Rapporteur on the situation of human rights defenders and the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression sent a Joint Allegation letter on 22 January 2010.

**Egypt:** After more than 18 months in detention, Ms. Medhine, an Ethiopian asylum seeker, was released in the first week of January 2010 from El-Quanater prison in Egypt. In April 2008, Ms. Medhine and her new-born daughter had been arrested and detained when crossing the country's southern border with the Sudan. Because of poor detention conditions and the authorities' failure to provide appropriate medical care, Ms. Medhine's daughter died in detention. The Working Group on arbitrary detention, the Special Rapporteur on the human rights of migrants, and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment had sent a joint urgent appeal on 3 December 2009, reiterating the State's obligation to respect the right to liberty and the minimum standards of detention for Ms. Medhine.

**India:** Human rights defender Mr. Jiten Yumnam and seven other persons were released early in January, and charges against them were dropped. They had been arrested in September 2009 during demonstrations condemning the extrajudicial execution of two persons in Manipur state. A Joint Urgent Appeal was sent by the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur on the situation of human rights defenders, the Special Rapporteur on the situation of the human rights and fundamental freedoms of indigenous people, and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment on 24 September 2009.

**Iran:** Dr. Nooshin Ebadi, sister of Nobel Peace Laureate Shirin Ebadi, was released on 13 January 2010 after 17 days of incommunicado detention. A Joint Urgent Appeal by the Working Group on Arbitrary Detention, the Special Rapporteur on the situation of human rights defenders, the Special Rapporteur on the independence of judges and lawyers, the Special Rapporteur on the question of torture and other cruel, inhuman or degrading treatment, the Special Rapporteur on violence against women, its causes and consequences, and the Special Rapporteur on the promotion and protection of the right to freedom of opinion

and expression, was sent on 5 January 2010 regarding her detention;

After spending 23 days in detention, Ms. Nasrin Vasiri, a journalist for the ILNA news agency, was released on 21 January 2010. An Joint Urgent Appeal had been issued by the Working group on arbitrary detention, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur on the situation of human rights defenders, the Special Rapporteur on the independence of judges and lawyers, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, and the Special Rapporteur on violence against women, its causes and consequences on 7 January 2010;

International media reported on 8 March 2010 the release on bail of five journalists and aides to opposition leaders. Some were apparently released after the payment of large sums as surety. Mr. Abdollah Momeni, Mr. Mehdi Forzandehpour, Mr. Ehsan Mehrabi, Mr. Akbar Montajabi and Mr. Vahid Pourostad had been in custody for up to nine months and had been detained during a wave of arrest of supporters of opposition leaders. Four of the released have been the subject to urgent appeals of Special Procedures on 12 July 2007, 31 July 2008, 10 July 2009 and 22 February 2010;

On 2 March 2010, human rights defender, Mr. Kayvan Samini was released from detention. He had been arrested on 15 June 2009 following the presidential elections and was later held in solitary confinement in Evin Prison. He is a member of the Arbitrary Detentions Investigation Committee and the editor of the banned magazine Nameh. The Working Group on Arbitrary Detention and the Special Rapporteurs on human rights defenders and torture had sent a Joint Urgent Appeal regarding the detention on 10 July 2009;

On 26 February 2010, women's rights activist, Ms. Somayeh Rashidi, was released from Evin prison where she had been detained for over two months. Ms. Rashidi was a member of the One Million Signatures Campaign collecting signatures in support of amendments of laws that discriminate against women. Her case had been taken up by the Working Group on arbitrary detention, the Special Rapporteur on human rights defenders and the Special Rapporteur on violence against women, its causes and consequences, in a Joint Urgent Appeal on 28 December 2009.

**Israel:** On 13 January 2010, prominent human rights defenders Mohammad Othman and Jamal Juma were released from detention without a specific charge being brought against them. Both played an important role in coordinating the Stop-the-Wall campaign and several other initiatives regarding Palestinian rights. Mr. Othman was arrested returning from Norway in September 2009, while

his colleague was arrested at his home in mid-December. During their confinement, they were subjected to long interrogation sessions and prevented from having regular contact with their legal representatives. A Joint Urgent Appeal was sent by 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, regarding Mr. Othman on 13 November 2009 and regarding Mr. Juma on 23 December 2009.

**Oman:** In early January 2010, the authorities halted the judicial prosecution of Mr. A'sem Al-Sheedi. On 7 December 2009, he had been accused of denouncing the police after an article on corruption was published in an Oman newspaper. The Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression had sent an Urgent Appeal on 31 December 2009.

**Ukraine:** On 2 February 2010, Ukrainian authorities released Mr. Igor Koktysh, a musician and activist from Belarus. Mr. Koktysh had been arrested in Ukraine in June 2007, and was since then held in a pre-trial detention center awaiting extradition. In Belarus, he had been arrested and imprisoned for one year on account of premeditated murder, an allegation he was acquitted of by a Belarus court in 2001. During the first detention, he was subjected to various forms of ill-treatment. The reopening of his case in 2003 caused him to flee to the Ukraine, where he is currently applying for refugee status. Regarding the detention of Mr. Koktysh in Ukraine, the Working Group on arbitrary detention and the Special Rapporteur on the question of torture and other cruel, inhuman or degrading treatment had sent a Joint Urgent Appeal on 19 October 2007. Furthermore, the Working Group on arbitrary detention had specifically addressed the case during a country visit to Ukraine from 22 October to 5 November 2008.

## FORTHCOMING VISITS

### **VISITS BETWEEN APRIL AND JUNE 2010**

**Armenia:** Special Rapporteur on human rights defenders, 14-18 June 2010

**Azerbaijan:** Representative of the Secretary-General on Internally Displaced Persons, 19-24 May 2010

**Brazil:** Special Rapporteur on contemporary forms of slavery, including its causes and consequences, 17 to 28 May 2010.

**Burundi:** Independent Expert on human rights in Burundi, 23-29 May 2010.

**Cambodia:** Special Rapporteur on human rights in Cambodia, 8-17 June 2010.

**Haiti:** Independent Expert on the situation of human rights in Haiti, 16 to 26 April 2010.

**Guatemala:** Special Rapporteur on the highest attainable standard of physical and mental health, 12 to 18 May 2010.

**Singapore:** Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, 21 to 28 April 2010.

**Viet Nam:** Independent Expert on human rights and extreme poverty, 20 to 29 April 2010.

**Slovenia:** Independent Expert on the issue of human rights obligations related to access to safe drinking water and sanitation, 24 to 28 May 2010.

**Finland:** Special Rapporteur on human rights and fundamental freedoms of indigenous people, 13 to 16 April 2010.

**Egypt:** Special Rapporteur on trafficking in persons, especially women and children 12 to 21 April 2010.

**Malaysia:** Working Group on Arbitrary Detention, 7-18 June 2010.

**Papua New-Guinea:** Special Rapporteur on the question of torture and other cruel, inhuman or degrading treatment, 14 to 25 May 2010.

**Republic of Korea:** Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, 6 to 17 May 2010.

**Singapore:** Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, 21-28 April 2010.

## ACCEPTED VISITS

### REQUESTS ACCEPTED BETWEEN JANUARY AND MARCH 2010 AND VISITS THAT WILL TAKE PLACE AFTER JUNE 2010

**Bosnia and Herzegovina:** Working Group on Enforced or Involuntary Disappearances, 14-21 June 2010.

**Bulgaria:** Special Rapporteur on the Independence of judges and lawyers, in 2011.

**China:** Special Rapporteur on the Right to Food, in 2010.

**Equatorial Guinea:** Working Group on the use of mercenaries during 2010.

**Jamaica:** Special Rapporteur on the question of torture and other cruel, inhuman or degrading treatment, 13 to 21 February 2010.

**Mexico:** Special Rapporteur on the independence of judges and lawyers, second half of 2010.

**Mexico:** Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, a joint visit with the Special Rapporteur for Freedom of Expression of the Organization of American States, August 2010.

**South Africa:** Special Rapporteur on the human rights of migrants, 10 to 21 May 2010, postponed, new dates to be confirmed.

**Thailand:** Special Rapporteur on trafficking in persons, especially women and children, sent on 7 January 2010 for visit in 2011.

## REQUESTED VISITS

### REQUESTS INITIATED BETWEEN JANUARY AND MARCH 2010

**Argentina:** Special Rapporteur on Trafficking in persons , women and children, sent 21 June 2010.

**Burundi:** Special Rapporteur on the independence of judges and lawyers, sent 5 March 2010.

**Burundi:** Representative of the Secretary-General on Internally Displaced Persons.

**Botswana:** Independent Expert on the issue of human rights obligations related to access to safe drinking water and sanitation, sent on 22 February 2010.

**Canada:** Special Rapporteur on extrajudicial, summary or arbitrary executions, sent on 19 February 2010.

**Canada:** Nicaragua: Special Rapporteur on the sale of children, child prostitution and child pornography, sent on 12 March 2010.

**China:** Independent Expert on the issue of human rights obligations related to access to safe drinking water and sanitation, sent on 10 March 2010.

**Ecuador:** Special Rapporteur on extrajudicial, summary or arbitrary executions, sent 19 February 2010.

**El Salvador:** Special Rapporteur on the sale of children, child prostitution and child pornography, sent 16 March 2010.

**Greece:** Special Rapporteur on the question of torture and other cruel, inhuman or degrading treatment, sent on 16 April 2010.

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

**Iraq:** Representative of the Secretary-General on the Human Rights of Internally Displaced Persons sent on 21 July 2010.

**Iran:** Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, requested to visit in February 2011.

**Kazakhstan:** Special Rapporteur on the right to education sent 1 February 2010.

**Kenya:** Independent Expert on the issue of human rights obligations related to access to safe drinking water and sanitation, sent on 22 February 2010.

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

**Lebanon:** Special Rapporteur on contemporary forms of slavery, its causes and consequences, sent on 4 March 2010.

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

**Namibia:** Independent Expert on the issue of human rights obligations related to access to safe drinking water and sanitation, sent on 22 February 2010.

**Nicaragua:** Special Rapporteur on the sale of children, child prostitution and child pornography, sent on 18 March 2010.

**Nigeria:** Independent Expert on the issue of human rights obligations related to access to safe drinking water and sanitation, sent on 22 February 2010.

**Senegal:** Independent Expert on the issue of human rights obligations related to access to safe drinking water and sanitation, sent on 22 February 2010.

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

**Thailand:** Independent Expert on the issue of human rights obligations related to access to safe drinking water and sanitation, sent on 10 March 2010.

**Turkey:** Special Rapporteur on extrajudicial, summary or arbitrary executions, sent on 19 February 2010.

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

**Uzbekistan:** The Special Rapporteur on contemporary forms of slavery, its causes and consequences sent 12 March 2010.

## REMINDERS

### **REMINDERS SENT BETWEEN JANUARY AND MARCH 2010**

**Cambodia:** Independent Expert on the issue of human rights obligations related to access to safe drinking water and sanitation, sent on 10 March 2010.

**Indonesia:** Independent Expert on the issue of human rights obligations related to access to safe drinking water and sanitation, sent on 10 March 2010.

## HIGHLIGHTS

### **HUMAN RIGHTS COUNCIL HOLDS SPECIAL SESSION ON SUPPORT TO RECOVERY PROCESS IN HAITI: A HUMAN RIGHTS APPROACH - 27 JANUARY 2010**

*continued from page 1*

Special Procedures mandate holders, Independent expert on the situation of human rights in Haiti, Mr. Michel Forst, and the Representative of the Secretary-General on the human rights of internally displaced persons, Mr. Walter Kälin, made statements during the Special Session.

### **HUMAN RIGHTS COUNCIL 13TH REGULAR SESSION, 1-26 MARCH 2010**

*continued from page 1*

[HRC13: high-level and general segments](#)

From 1 to 3 March, the HRC held its high-level and general segments. Of the 94 speakers (member and observer States), 60 commented on Special Procedures. The majority mentioned past cooperation or forthcoming country visits, and commented in positive terms the maintaining or enhancing of mandates. Many stressed the necessity to guarantee the mandate holders' independence. Some urged the mandate holders to work exclusively within their mandates. One proposed the creation of an ethics committee to review mandate holder conduct.

[HRC13: annual report of the High Commissioner](#)

On 4 March 2010, the HRC heard the presentation of the annual report of the High Commissioner for Human Rights, in which she called for cooperation with Special Procedures. This was followed by an interactive dialogue. Of the 75 speakers (member and observer States, NHRIs and NGOs), 44 commented on Special Procedures. The majority commented in positive terms on the mandates, with several of them suggesting enhanced cooperation. Several speakers called upon States to issue standing invitations. One State suggested that cooperation with Special Procedures should be included in the pledges of candidates for membership in the Council.

Many stressed the necessity to guarantee the mandate holders' independence. Some speakers denounced references to the Code of Conduct as threats to the integrity and independence of the mandate holders. Several States urged the mandate holders to respect the Code of Conduct and work exclusively within their mandate. One State suggested considering the idea of an Ethics Committee during the HRC review. Another State reflected on the possibility of adopting a Code of Conduct regarding State cooperation towards Special Procedures.

[HRC13: annual reporting by Special Procedures](#)

Among the reports that the HRC had before it during the 13th session, were reports of the Special Rapporteur on the right to food, Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, Special Rapporteur on the promotion and protection of human rights while countering terrorism, Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Working Group on enforced or involuntary disappearances (WGEID), Working Group on arbitrary detention (WGAD), Representative of the Secretary-General on the human rights of internally displaced persons (IDPs), Special Rapporteur on the situation of human rights defenders, Special Rapporteur on freedom of religion or belief, Independent Expert on minority issues, Working Group of experts on people of African descent, Special Rapporteur on the situation of

human rights in the Democratic People's Republic of Korea (DPRK), Special Rapporteur on the situation of human rights in Myanmar, and Independent Expert on the situation of human rights on Somalia. Presentations of these reports were followed by interactive dialogues (ID).

Statements delivered by mandate holders, delegations and civil society can be found on the HRC Extranet, according to the day of presentation, at:

<http://portal.ohchr.org/portal/page/portal/HRCExtranet/13thSession/OralStatements>

[HRC13: high-level discussion and panels](#)

The Council held one high-level discussion, one high-level panel and three other panel discussions. The discussions focused on human rights education and training, financial and economic crises, rights of persons with disabilities, right to truth and on the rights of the child with a focus on sexual violence against children. Concept papers of the panel discussions can be found at:

<http://portal.ohchr.org/portal/page/portal/HRCExtranet/13thSession>

[HRC13: follow-up to special sessions](#)

The Council discussed follow-up to the special session on the "Situation of human rights in the east of the Democratic Republic of the Congo"(Res.S-8/1). The RSG on IDPs introduced the joint report of seven Special Procedures. He noted that in their view, the human rights situation in the DRC has not improved since their first report and that it remains serious even in areas not affected by the conflict. However, they commended the DRC for receiving the visits of Special Procedures. The experts also called for the establishment of a country mandate. DRC, speaking as a concerned country, rejected some of the statements made adding that peace has returned to some regions of the country, and that the Government has made efforts to implement recommendations but finds a lack of technical assistance. Delegations welcomed the involvement of the DRC and acceptance of recommendations during the UPR. They further noted that DRC needs to strengthen its institutions, fight against impunity, reform the judiciary, put an end to the illicit trade of natural resources, fight to eliminate extreme poverty, stop recruitment of children by armed forces, address the problem of violence against women and recognize the importance of civil society and their role in the promotion and protection of human rights.

The Council also discussed follow-up to the special sessions on "the Grave Violations of Human Rights in the Occupied Palestinian Territory including the recent aggression in the occupied Gaza Strip"(Res.S-9/1) and "the human rights situation in the Occupied Palestinian Territory and East Jerusalem" (Res.S-12/1)

### Universal Periodic Review

During the third week of the 13th session, the Council considered the UPR Working Group reports of Albania, Bhutan, Brunei Darussalam, Cambodia, Costa Rica, Côte d'Ivoire, Democratic Republic of the Congo, Cyprus, Dominica, Dominican Republic, Eritrea, Equatorial Guinea, Ethiopia, the Democratic People's Republic of Korea, Portugal and Norway. On invitations to the Special Procedures, the Democratic Republic of the Congo, though it had reservations on the recommendation to issue a standing invitation, reaffirmed its readiness to cooperate with the seven thematic special rapporteurs and with the other Special Procedures and to issue them an invitation whenever such request was made. Similarly the Dominican Republic noted that it had never rejected the request of any rapporteur wishing to visit the country. It stated that it has not rejected the visit request of the Special Rapporteur on extrajudicial, summary or arbitrary executions but requested a mutually agreed date for the visit so that it would be carefully organized.

### Appointments of Special Procedures mandate holders and elections of members of the HRC Advisory Committee

On 26 March 2009, the Human Rights Council approved the appointment of three Special Procedures mandate holders for the Working Group on enforced or involuntary disappearances, Ms. Jasminka Dzumhur (Bosnia and Herzegovina); for the Working Group on arbitrary detention, Mr. Vladimir Tochilovsky (Ukraine); and for the Working Group of experts on people of African descent, Ms. Verene Shepherd (Jamaica).

### Resolutions and decisions adopted

The Council had before it 28 resolutions, including on Special Procedures mandates and issues of interest or relevance to Special Procedures. It adopted 20 of the 28 resolutions by consensus. Full texts of the adopted resolutions are available at: <http://www2.ohchr.org/english/bodies/hrcouncil/13session/resolutions.htm>

LINKS TO REPORTS BY PROCEDURES MANDATE HOLDERS PRESENTED AT THE 13<sup>TH</sup> REGULAR SESSION OF THE HUMAN RIGHTS COUNCIL

<http://intranet.ohchr.org/Offices/Geneva/HumanRightsCouncilandSpecialProceduresDivision/HRCSessions/Pages/13thRegularSession.aspx>

PRESS RELEASES

### EXPERTS CONCLUDE THAT SRI LANKAN VIDEO IS AUTHENTIC, CALLS FOR AN INDEPENDENT WAR CRIMES INVESTIGATION

On 7 January 2010, reports by three independent experts strongly pointed to the authenticity of a videotape released by the United Kingdom Channel 4 which appears to show the summary execution of bound, blindfolded, and naked Tamils by Sri Lankan soldiers. This was announced by the Special Rapporteur on extrajudicial, summary or arbitrary executions, Mr. Philip Alston, on the basis of detailed analyses conducted by recognized experts in forensic pathology, forensic video analysis, and firearm evidence.

The Special Rapporteur commissioned the three reports following the publication of four opinions by Sri Lankan experts, all of which concluded that the video was a fake. The Government of Sri Lanka informed the Human Rights Council that it would therefore not be undertaking any investigation of the allegations made. "Senior Government officials called upon me to apologize and to withdraw the allegations," said Mr. Alston. "They also criticized me for not having undertaken my own technical analysis. In response to that criticism and to what seemed to me the patent inadequacies of the reports commissioned by the Government, I requested highly qualified and totally independent experts to undertake evaluations."

He released the full text of the expert opinions in a "Technical Note". "Together, the reports by these experts strongly suggest that the video is authentic," Alston stated. "Given these conclusions, and in light of the persistent flow of other allegations of extrajudicial executions by both sides during the closing phases of the war against the Liberation Tigers of Tamil Eelam (LTTE), I call for the establishment of an independent inquiry to carry out an impartial investigation into war crimes and other grave violations of international humanitarian and human rights law allegedly committed in Sri Lanka."

The independent experts' analyses also rebutted most of the arguments relied upon by Sri Lanka's experts in support of their contention that the video was faked.

### MERCENARIES: UNITED NATIONS EXPERTS SAY THAT THE NISSOUR SQUARE KILLINGS IN IRAQ SHOULD NOT REMAIN UNPUNISHED

On 7 January 2010, the Working Group on the use of mercenaries called on the United States and the Iraqi Governments to cooperate to ensure that the Nissour Square incident in Iraq 2007 during which 17 people were killed and a further 20 injured, many seriously, is fully remedied and, in relation to the crimes that may have been committed, those responsible fully held accountable as appropriate. The Working Group noted with interest the decision of the Iraqi authorities to sue the American security company, Blackwater, in United States and Iraqi courts.

The Iraqi Government announced its intention after the United States Federal District Court for the District of Columbia dismissed an indictment against five security guards of Blackwater, the private firm charged with voluntary manslaughter and firearms violations. On 31 December 2009, Judge Ricardo M. Urbina ruled that evidence against them was inadmissible under the United States Constitution. The United States Government can appeal against the decision.

“We respect the independence of the United States judiciary and the requirements for due process, but are very concerned that the recent decision to dismiss the case against Blackwater guards may lead to a situation where no one would be accountable for grave human rights violations”, said Ms. Shaista Shameem, of the Working Group.

“After such a decision, the Iraqi Government and the families of victims correctly feel they have no recourse to justice for the alleged human rights abuses that took place in Nissour Square on 16 September 2007”, she added, noting that the Coalition Provisional Authority Order No.17 had granted immunity from Iraqi laws to American contractors operating in that country. “Credible oversight and accountability of private security companies working on the behalf of the United States and other Governments remain essential to avoid these alleged violations to be unpunished in future”, stressed Ms. Shameem.

The Working Group is advocating for an international oversight mechanism which would provide an avenue of redress to victims.

#### **EXPERTS URGE ITALIAN AUTHORITIES TO CURB XENOPHOBIC ATTITUDE TOWARDS MIGRANT WORKERS**

On 12 January 2010, the Special Rapporteur on the human rights of migrants, Mr. Jorge Bustamante and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Githu Muigai, urged the Italian authorities to take all necessary measures to curb the growing xenophobic attitude towards migrant workers, which led to the disturbing events in the city of Rosarno. “Violence, be it perpetrated by Italians or by migrant workers, must be addressed in the most vigorous manner through the rule of law and human rights should always be protected, regardless of immigration status”, they said.

At least 53 people were injured during two days of unrest, and more than 1000 migrant workers were sent to the Bari and Crotone centres. Among them, numerous immigrants have been deported by the authorities. “The violence which erupted in Rosarno is extremely worrying since it reveals serious and deep-rooted problems of racism against those migrant workers,” said the experts in a joint statement.

While welcoming the initial steps taken by the authorities to enquire into the events, Mr. Muigai and Mr. Bustamante stressed that “it is more than ever urgent for the Italian authorities to strengthen their anti-racism activities, provide human rights education, as well as swiftly denounce hate speech and prosecute the racist and violent actions perpetrated by some individuals.”

#### **INDEPENDENT EXPERTS URGE INTERNATIONAL SUPPORT FOR HAITI FOLLOWING EARTHQUAKE**

On 13 January 2010, the Independent Expert on the situation of human rights in Haiti, Mr. Michel Forst, and the Chair of the Coordination Committee of Special Procedures, Santiago Corcuera, issued a joint statement.

“We are shocked and extremely worried about the scope of the emergency in Port-au-Prince and the immediate surroundings after the series of earthquakes that have destroyed the city. We would like to express our deep sadness and concern about this tragedy, which has caused numerous victims and severe damage. We wish to extend our solidarity and condolences to the population of Haiti which had already been so deeply affected by a series of natural disasters in 2008. Our thoughts are with the Haitian victims as well as with the staff of the UN and other international organizations whose fate is still unknown.

We also want to express our support to the Government of Haiti, which faces this new natural disaster in a complicated context. The images that are starting to emerge show the vulnerability of the population, which cannot face this additional test without support. Thousands of women, children and men are homeless and need water, food and shelter while housing and infrastructure have been massively destroyed or weakened by the earthquake. We know international solidarity is already in action and that the UN is already responding through large-scale mobilization to provide the financial and other support that will be indispensable to help meet urgent needs.”

#### **EXPERT ON ADEQUATE HOUSING WARNS ABOUT DIRE SITUATION OF NEW DELHI'S HOMELESS PERSONS**

On 19 January 2010, the Special Rapporteur on the right to adequate housing, Ms. Raquel Rolnik, expressed her concern about the homeless persons that have died from cold recently in New Delhi and the risk to the lives of many others given the harsh weather and insufficient adequate shelters. Ms Rolnik also drew attention to the growing number of homeless persons in the Indian capital and the demolitions of homeless shelters, stressing that the preparation for the 2010 Commonwealth Games seems to be “one of the factors behind the closing down of a number of shelters.”

“The lives of hundreds of homeless people in India are at risk as temperatures near zero degrees,” warned the Special

Rapporteur. Ten homeless persons have already died from cold in the last month in New Delhi. In northern India, around a hundred homeless persons have reportedly died in the states of Uttar Pradesh and Bihar due to the freezing cold that affected the region over the last few weeks. "While the homeless population has been growing since 2007," said Ms. Rolnik, "the number of homeless shelters in New Delhi has recently been reduced from 46 to 24, in disregard of the Delhi Master Plan 2001 and the Delhi Municipal Corporation Act 1957."

On 22 December 2009, the Municipal Corporation of Delhi demolished a temporary night shelter at Pusa Road, leaving 250 homeless people without shelter, allegedly linked to the death from cold of two persons. Despite the interim measures adopted by the Delhi High Court on 7 January 2010 requesting the immediate restoration of the homeless shelter and the protection of the displaced families, the Municipal Corporation of Delhi has not yet assisted them. A further 400 people were evicted on January 2010 from an area they were using as shelter at Pul Mitahi, Sadar Bazaar, where many Commonwealth Games construction workers and Dalit families were living.

The Special Rapporteur "welcomed the interim order adopted by the Delhi High Court and urged the authorities to comply with the latter and in this framework to halt the demolition of homeless shelters, to provide immediate assistance and adequate shelter to the affected persons and not to evict homeless persons in the winter, on humanitarian grounds."

#### **COUNTER-TERRORISM: INTRUSIVE MEASURES IN FIGHT AGAINST TERRORISM SHOULD BE OPPOSED, SAYS EXPERT**

"The current wave of privacy-intrusive measures in the name of countering terrorism should be countered through a global declaration on data protection and data privacy," the Special Rapporteur on human rights and counter-terrorism, Mr. Martin Scheinin, said on 19 January 2010, as he released his latest report which focuses on the erosion of the right to privacy in the fight against terrorism. Mr. Scheinin critically assesses developments that have adversely affected the right to privacy in various parts of the world using the justification of combating terrorism. These include racial or ethnic profiling, creation of privacy-intrusive databases and resorting to new technology, such as body scanners, without proper human rights assessment.

Based on his evaluation, the independent expert dismissed the perception that, in an all-encompassing process of "balancing", counter-terrorism always outweighs privacy. Instead, he called for a rigorous analytical framework for securing that any restrictions on privacy rights are necessary, proportionate and adequately regulated. One of his main recommendations was that the Human Rights Council "should launch a process aiming at a global declaration on data protection and data privacy." The Special Rapporteur also encouraged the Human Rights

Committee, which oversees implementation of the International Convention on Civil and Political Rights, to consider drawing up a general comment on the right to privacy, including the proper scope of its limitations.

#### **ANTI-HOMOSEXUALITY BILL THREATENS FIGHT AGAINST HIV IN UGANDA, WARNS UN EXPERT ON HEALTH**

On 22 January 2010, in a statement, the Special Rapporteur on health, Mr. Anand Grover, warned that the Anti-Homosexuality Bill being considered by the Ugandan Parliament is "not only a violation of the fundamental human rights of Ugandans, but will also undermine efforts to achieve universal access to HIV prevention, treatment, care and support."

"Lessons from the last 30 years of the HIV epidemic have shown us that recognition of the rights of people with different sexual identities is a necessary component for a successful HIV and health response," stressed the UN expert. "In many countries where sex between men is not criminalized and where stigma and discrimination have been reduced, men who have sex with men are more likely to take up HIV prevention, care and support and treatment services."

"I urge the Ugandan Parliament to build on its past successes in responding to HIV and to refrain from passing this Bill," said Mr. Grover, while strongly supporting the President and other members of the Government in their attempts to prevent the initiative of some members of the Parliament that the bill becoming law.

The Special Rapporteur on health stressed that a number of UN human rights conventions ban discrimination on grounds of sexual identity or orientation, and laws that criminalize homosexual acts between consenting adults violate the right to privacy. Homosexuality is already criminalized through Uganda's existing penal code, but the proposed Bill would increase penalties for homosexual conduct and will criminalize many related activities, such as the 'promotion of homosexuality.'

By including the publication and dissemination of materials, funding and sponsoring related activities, and any attempts to 'promote or abet homosexuality,' these provisions could affect the work of civil society actors and human rights defenders addressing issues of sexual orientation or gender identity, which are crucial to addressing vulnerability to HIV.

#### **EXPERTS ISSUE EXTENSIVE GLOBAL STUDY ON SECRET DETENTION LINKED TO COUNTER-TERRORISM**

On 26 January 2010, the Special Rapporteur on the

promotion and protection of human rights while countering terrorism, Mr. Martin Scheinin; Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Mr. Manfred Nowak; the Working Group on Arbitrary Detention; and the Working Group on Enforced or Involuntary Disappearances issued a wide-ranging study on States' use of secret detention in connection with counter-terrorism activities.

The 222-page joint study, while stressing that it is "not exhaustive," lists 66 states. Some are mentioned in the context of a historical analysis of secret detention practices prior to 11 September 2001, but most in connection with secret detention and related activities – including so-called 'proxy detention' and 'rendition' or 'extraordinary rendition' – over the past nine years of the "Global War on Terror."

A total of 44 states replied to a detailed questionnaire circulated by the report's authors, who took almost a year to complete the study. The study also included details of interviews with 30 individuals -- their family members or their legal counsel -- who were victims of secret detention, and in many cases may also have been subjected to torture.

The experts concluded that "secret detention" is conclusively in violation of international human rights law including during states of emergency and armed conflict. Likewise, it is in violation of international humanitarian law during any form of armed conflict. "Secret detention, the report says, effectively takes people outside the legal framework and renders the safeguards contained in international instruments, including habeas corpus, "meaningless." It also notes that "in spite of these unequivocal norms, secret detention continues to be used in the name of countering terrorism around the world." The report makes a series of recommendations that cover both law and practice, and are designed to improve transparency and accountability, as well as to provide judicial remedies, reparations and rehabilitation to victims, and in some cases to their families.

#### **SEPARATED HAITIAN CHILDREN RISK BEING SOLD TRAFFICKED OR KEPT IN SLAVE-LIKE CONDITIONS - HUMAN RIGHTS EXPERTS**

On 2 February 2010, Ms. Gulnara Shahinian, Special Rapporteur on contemporary forms of slavery; Ms. Najat M'jid Maalla, Special Rapporteur on the sale of children, child prostitution and child pornography; Ms. Joy Ngozi Ezeilo, Special Rapporteur on trafficking in persons, especially in women and children; and Ms. Marta Santos Pais, Special Representative of the Secretary-General on Violence against Children warned that "there is an increased risk of unaccompanied children in Haiti, including orphans and restaveks (child sent by its parents to work for a host household as a domestic servant), being abducted, enslaved, sold or trafficked, due to increased insecurity in the country."

The experts stressed that "protection of children must be at the heart of the relief operation in Haiti." The UN High Commissioner for Human Rights, the Committee on the Rights of the Child and Independent Expert on Haiti have also emphasized the critical need to protect children in the chaotic aftermath of the earthquake, and in light of the particular dangers posed by thousands of gang-members and other criminals who escaped from prisons damaged by the earthquake.

"Unaccompanied children are particularly vulnerable and it is essential, wherever possible, to register, trace and reunite children with their families," the UN experts said, adding that "during the evacuation efforts, it is imperative to avoid the unnecessary separation of families which may place children at higher risk, aggravate their trauma and distress and hinder their recovery and reintegration."

The group praised the UN's establishment of a 'Child Protection Sub-Cluster,' which is geared to safeguard children's rights and prevent violence, abuse and exploitation, and highlighted the efforts of this body to set-up a rapid registration system for unaccompanied children. "One of their key goals is to register children under five, and older girls, children and youth with mental disabilities or serious injuries, as well as restaveks that have been separated from their 'employers,'" the UN experts said. "We welcome this vital initiative."

#### **EXPERT CALLS FOR URGENT CANCELLATION OF HAITI'S REMAINING MULTILATERAL DEBT**

On 4 February 2010, in a statement, the Independent Expert on foreign debt and human rights, Cephass Lumina, called for an immediate cancellation of Haiti's debt to multilateral creditors, and the provision of unconditional grant-aid, "not new loans whatever the degree of concessionality."

The expert welcomed the recent announcement by the Paris Club - an informal group of 19 creditor countries - that its members would cancel the US\$214 million debt owed to them by Haiti. However, he warned that "the decision is insufficient to assure the country's sustainable recovery effort, given that the bulk of its external debt is owed to multilateral creditors."

"What is required is an immediate moratorium on debt service, as UNCTAD and others have recently argued," said Mr. Lumina. "In addition," he stressed, "Haiti's remaining multilateral debt must be unconditionally cancelled as a matter of extreme urgency in order to afford the country the necessary fiscal space as it recovers from the recent devastating earthquake and moves towards reconstruction." Mr. Lumina warned that the IMF was ignoring its own advice by the recent approval of a 'highly concessional' and 'interest-free' loan of US\$114 million to Haiti, repayment of which is due after a five-and-a-half year 'grace period.' The IMF loan is an augmentation of Haiti's existing \$178 million programme under the Extended Credit

Facility.

“What Haiti needs is urgent, unconditional grant-aid, not new loans - whatever the degree of concessionality - as well as guaranteed local ownership of the national policy agenda. A new build-up of unsustainable debt must be avoided,” Mr. Lumina said, noting that independent assessments indicate that it will take at least ten years for the country to recover from the devastating earthquake.

### SPECIAL RAPPORTEUR HOPES TO MEET WITH AUNG SAN SUU KYI DURING THIRD VISIT TO MYANMAR

On 11 February 2010, the Special Rapporteur on the Human Rights Situation in Myanmar, Mr. Tomás Ojea Quintana, issued a statement expressing hope that he would meet with Daw Aung San Suu Kyi and other political leaders during his third mission to the country in February.

“I hope that my request to the Government to meet with Daw Aung San Suu Kyi will be granted this time,” Mr. Ojea Quintana said. “It would be important for me to meet with political party leaders in the context of this year’s landmark elections.” The UN independent expert noted that “2010 appears to be a critical time for the people of Myanmar, as the Government plans to hold national elections after 20 years.”

“I intend to review and report on progress of implementation of the four core human rights elements that I have recommended,” explained Mr. Ojea Quintana, “including the revision of domestic laws to ensure compliance with international human rights standards, and the release of all prisoners of conscience.”

### EXPERT ON MIGRANTS RAISES ALARM ON THREAT OF MASSIVE DEPORTATIONS FROM THAILAND

On 18 February 2010, the Special Rapporteur on the human rights of migrants, Mr. Jorge A. Bustamante, raised serious concerns about the nationality verification process in Thailand and warned that implementation in its current form may lead to forced deportation of a great number of migrants, in breach of fundamental human rights obligations. “A potentially large number of documented and undocumented migrant workers from Myanmar, Cambodia, and Lao People’s Democratic Republic faced the threat of deportation from Thailand after 28th February 2010,” said the expert.

In January, the Thai Cabinet passed a resolution allowing for a two-year extension of work permits for approximately 1.3 million migrants provided that they were willing to submit biographical information to their home Governments prior to 28 February 2010. However, migrants who fail to comply this deadline risked deportation. While welcoming the resolution to extend the period of registration, Mr. Bustamante was concerned that “the

scheme is only applicable to regular migrants who submit registration before February 28 and does not include irregular migrants.” Additionally, “this scheme does not offer options for protecting the human rights of migrants who have or will not avail themselves of this process.”

“The precarious situation of migrants in Thailand is further exacerbated by the requirements of the nationality verification process,” said the UN Special Rapporteur on migrants. “In addition, among the groups who may potentially be deported, there may be some who may be in need of international protection and should not be returned to the country of origin”, warned Mr. Bustamante. “Thailand should respect the principle of ‘non-refoulement’”.

### ENFORCED DISAPPEARANCES “TURN HUMANS INTO NON HUMANS,” SAYS UNITED NATIONS EXPERT BODY ON KEY ANNIVERSARY

“Enforced disappearances remain among the worst human rights violations ever practised”, said Jeremy Sarkin, chair of the United Nations Working Group on Enforced or Involuntary Disappearances on 26 February 2010 on the occasion of the thirtieth anniversary of the expert body’s creation (29 February 1980). “It turns humans into non-humans.”

“While many people think this is a practice of the past, it has become a global problem affecting all continents of the world”, warned Mr. Sarkin. “Once largely the product of military dictatorships, enforced disappearances are nowadays perpetrated in complex situations of internal conflict, especially as a means of political repression of opponents.”

The human rights expert expressed particular concern at the continuing widespread impunity for enforced disappearance. He also drew attention to the ongoing harassment of human rights defenders, relatives of victims, witnesses and lawyers dealing with cases of enforced disappearance.

Quoting a statement by the Working Group, Mr. Sarkin indicated that - since its creation - it has dealt with more than 50,000 cases in more than 80 countries. However, enforced disappearances are still severely underreported because of a lack of knowledge of the international human rights system, lack of access to the system and obstacles and hindrances placed in the way of the families of victims to obtain redress for this horrible offence.

The Working Group urges States “to undertake all possible efforts to prevent and eradicate this heinous practice and to bring to justice all those believed to be responsible for the crime of enforced disappearances”. The group of human rights experts also calls on States “to refrain from any act of intimidation or reprisals against those persons who contribute to the eradication of enforced disappearances, and to fight against impunity.”

"The United Nations could also play its part", Mr. Sarkin said, "by adopting 30 August as the International Day of the Disappeared, to ensure that there is more attention to the practice and the means available to prevent and eradicate it".

**UGANDA: LAST CHANCE TO SHELVE ANTI-HOMOSEXUALITY BILL SHOULD NOT BE MISSED, WARN HUMAN RIGHTS EXPERTS**

On 1 March 2010, the Special Rapporteur on freedom of opinion and expression, Mr. Frank La Rue Lewy and the Special Rapporteur on the situation of human rights defenders, Ms. Margaret Sekaggya, voiced their deep concern about the Anti-Homosexuality Bill, which, if adopted, would have an extremely damaging impact on the important and legitimate work of human rights defenders in Uganda, and would curtail fundamental freedoms.

"The Bill would not only violate the fundamental rights of lesbian, gay, bisexual and transgender Ugandan people," stressed both experts, "but would also criminalize the legitimate activities of men and women, as well as national and international organizations, who strive for the respect for equality and non-discrimination on the basis of sexual orientation." The experts welcomed "the recent attempts made by President Museveni and other members of the Government to prevent the Bill from becoming law, and call on them to redouble their efforts at this crucial time." "We urge Parliamentarians to refrain from adopting this draconian Bill," said the independent experts echoing previous statements made by the UN human rights chief, Ms. Navi Pillay, and the UN Special Rapporteur on health, Mr. Anand Grover.

"Adopting the Bill would be in clear breach of international human rights norms and standards contained in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the Declaration on Human Rights Defenders and the African Charter on Human and Peoples' Rights," warned Ms. Sekaggya and Mr. La Rue Lewy. "The passage of the Anti-Homosexuality Bill," they noted, "would also gravely tarnish the image of Uganda on the regional and international scenes."

**UNITED NATIONS AND AFRICA TO DISCUSS MERCENARIES AND PRIVATE MILITARY AND SECURITY COMPANIES**

Representatives of some 25 African States met on 3 and 4 March 2010 in Addis Ababa, Ethiopia, with the United Nations Working Group on the use of mercenaries to discuss the presence and activities of mercenaries and private military and security companies on the African continent. "This regional consultation in Africa is of particular importance given that the region is becoming a key market for the security industry", said Ms. Shaista Shameem, member of the Working Group.

"However, private military and security companies have remained largely unregulated, insufficiently monitored and rarely held accountable for the international crimes and human rights abuses they have committed."

This meeting is the fourth of a series of five regional consultations, which will end with the consultation with the Western European and Others Group in Geneva in April 2010. "This mandate was created in 1987 in a context in which the right of peoples to self-determination in Africa was often threatened by mercenary activities", said Ms. Shameem.

The Working Group said it "welcomes this opportunity to build on national experience in the continent to discuss general guidelines and principles for national and international regulation and oversight of the activities of private companies with the aim of encouraging the protection of human rights".

**"THE IMBALANCE OF POWER BETWEEN SMALLHOLDERS AN AGRIBUSINESS MUST BE CORRECTED", WARNS SPECIAL RAPPORTEUR**

"Agribusiness can play a key role in realizing the right to food. But States have to give more support to their small producers and push corporations to change their pricing and standards policies", said the Special Rapporteur on the right to food, Mr. Olivier De Schutter, as he presented his second annual report to the Human Rights Council on 5 March 2010. His report concluded that in an increasingly globalized food sector dominated by large transnational corporations, smallholders have a very limited number of buyers, and are in a deeply unequal bargaining position in respect of a fair price for their crops. "In these circumstances, sourcing and pricing policies of commodity buyers have a huge and sometimes negative impact on the right to food", explained Mr. De Schutter. "This situation partly explains why smallholders in developing countries are the single most important group of those suffering hunger in the world today."

To address this situation and the specific needs of smallholders, the Special Rapporteur makes a series of recommendations to the agribusiness corporations and States. According to the expert, States have a number of tools they could use to strengthen the position of smallholders and allow them to reap a larger proportion of the food dollar in their transactions with buyers. In particular, Mr. De Schutter said "States could support the establishment of farmers' cooperatives through appropriate legal frameworks, capacity-building programmes or tax incentives, thus enhancing the capacity of small producers to obtain higher prices when they seek to sell their produce. These organizations present many advantages in terms of services and information, and help the producers to implement the increasingly complex norms and requirements of buyers and public authorities active on regional and global food markets."

### SPECIAL RAPPORTEUR ON ADEQUATE HOUSING ASSESSES IMPACT OF "MEGA EVENTS" ON RIGHT TO HOUSING

The Special Rapporteur on adequate housing, Ms. Raquel Rolnik, presented her report on the impact of "mega-events" in the realization of the right to adequate housing on Monday 8 March 2010 at a press conference at the UN Headquarters in Geneva. The study provides an analysis of the positive and negative legacy of hosting the Olympic Games and the Federation Internationale de Football Association (FIFA) Football World Cup, some insights on the practices and procedures of the International Olympic Committee (IOC) and FIFA, and recommendations addressed to governments, the IOC and FIFA.

Although some positive legacies can be seen in the housing sector as a result of these events, Ms. Rolnik stated that the negative legacies are disquieting. "I am particularly concerned about the practice of forced evictions, criminalization of homeless persons and informal activities, and the dismantling of informal settlements in the context of mega-events."

"Some indirect consequences such as escalating rent and property houses, lack of affordability for the low-income population, reduction in the availability of social and low-cost housing, and disproportionate impact in vulnerable groups are also alarming," noted the Independent expert. She also urged all relevant parties to assume a responsible attitude concerning the impact of the Olympic Games, World Football Cup and similar events on the right to adequate housing. The IOC had started to integrate the impact on housing rights in the city questionnaire in the bidding phase for 2016 Olympic Games. National and local authorities must adopt all the necessary measures to respect, protect and fulfill the right to adequate housing in the context of mega-events. With respect to the IOC and FIFA, she advised them to "evaluate the bid candidatures against compliance with international standards on the right to adequate housing and to guarantee that only those in conformity with those standards are selected."

"Cities compete with enthusiasm to be selected to host these mega sporting events and international gatherings, elaborating development or environmental protection projects, but not always the billionaire investments revert in a city that is fairer to its dwellers and with more housing in store." Although some positive legacies are evidenced in the housing sector as a result of these events, the negative legacies are disquieting. "I am particularly concerned about the practice of forced evictions, criminalization of homeless persons and informal activities, and the dismantling of informal settlements in the context of mega-events," Ms. Rolnik said. The independent expert also drew attention to some indirect consequences of mega-event projects, such as escalating rent and property houses, lack of affordability for the low-income population, reduction in the availability of social and low-cost housing, and disproportionate impact in vulnerable groups.

### INDEPENDENT EXPERTS ARTICULATE A VISION FOR WOMEN'S RIGHTS: POST BEIJING + 15

On 8 March 2010, on the occasion of the International Women's Day, the Special Rapporteur on violence against women, its causes and consequences, Ms. Rashida Manjoo, together with 28 other independent experts, called for a new vision of women's rights informed by the lessons learnt from the 15 year review of the implementation of the Beijing Platform for Action.

"At this juncture in time, understanding where and why we may have failed in the implementation of the Beijing Platform for Action is as important as understanding where and why we have succeeded," stated the Special Rapporteur. This review process provides a historic opportunity to develop solid evidence-based approaches and policies for women's advancement and the protection of their rights. One hundred and eighty-six States are party to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). The near universal ratification of this key international instrument for women's rights is a reason for celebration on the occasion of its 30th Anniversary. Violence against women, a critical area in the Beijing Platform for Action, has been increasingly recognised as a key priority in all regions of the world. Many countries have adopted or strengthened legislation on domestic violence, and initiated programmes, policies and awareness raising activities addressing both old and new forms of exploitation and violence against women and girls.

Yet old challenges in the protection of women's rights remain, such as multiple forms of discrimination. In addition, new challenges have emerged in conjunction with phenomena like the global financial crisis, political violence, displacement and migration, and the acceleration in environmental degradation. The continued use of brutal violence against women, including sexual violence, as a weapon of war in conflict situations also remains a pressing concern. At the domestic level, lack of implementation of laws and other commitments to secure women's rights, and the lack of gender sensitive budgetary policies, remain chronic problems.

The areas of critical concern for women identified in Beijing such as the economy, the environment, armed conflict, poverty, decision-making and political participation, as well as violence against women, to give only a few examples, appear more pressing than ever in our current economic and political context. "The lessons learnt from this stock-taking exercise must guide us towards a new framework that provides for more accountability and a fresh vision on women's rights, and provides the space for negotiating a new social and gender contract," affirmed the independent experts. "15 years after Beijing we would like to project a new vision where creative measures ensure the full participation of women from all walks of life. A vision where the participation of women in all contexts, be it in peacetime, conflict or post conflict situations, or during other types of crisis such as natural disasters or financial

crises, is a requisite element for the protection of their rights, but also to achieve peace, security and sustainable human development,” concluded the experts.

**DISAPPEARANCES: UNITED NATIONS EXPERT GROUP STUDIED OVER 200 CASES - 17 UNDER ITS URGENT ACTION PROCEDURE**

On 8 March 2010, the Chairperson-Rapporteur of the Working Group, Mr. Jeremy Sarkin, presented the Working Group’s annual report of activities for the year 2009 and its report on a country visit to Morocco undertaken in June 2009 to the thirteenth session of the Human Rights Council.

On 19 March 2010, the Working Group on Enforced or Involuntary Disappearances concluded its ninetieth session at the Office of the United Nations High Commissioner for Human Rights in Geneva.

During its ninetieth session, the Working Group examined 17 reported cases under its urgent action procedure. It also reviewed around 200 newly submitted cases of enforced disappearances and information on previously accepted cases. During this session, meetings were held with representatives of Governments as well as with NGOs and family members of the disappeared, to exchange views on the phenomenon of enforced disappearances.

The Working Group also examined allegations submitted by NGOs regarding obstacles encountered in the implementation of the Declaration on the Protection of All Persons from Enforced Disappearance in their respective countries, and decided to transmit general allegations to the concerned Governments. The allegations concerned an escalating number of disappearances, the obligation to investigate all cases of enforced disappearances and the lack of effective legislative, judicial, and administrative measures to end enforced disappearances.

**AUSTRALIA/INDIGENOUS PEOPLES: DEVELOPMENT AND SELF-DETERMINATION TO OVERCOME SEVERE DISADVANTAGES**

On 9 March 2010, the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, Mr. S. James Anaya, launched an advance version of his report on Australia. “Having suffered a history of oppression and racial discrimination, including dispossession of lands and social and cultural upheaval, Aboriginal and Torres Strait Islander peoples endure severe disadvantage compared with non-indigenous Australians”, said Mr. Anaya. He noted that “historical patterns of racism continue to leave their mark and severely undermine the dignity of the Aboriginal and Torres Strait Islander people”.

“Governmental programmes must secure just social and

economical well-being for indigenous peoples, while advancing their self-determination and strengthening their cultural bonds”, said the Special Rapporteur in his report, prepared after an official visit to the country in August 2009.

The human rights expert commended the Government of Australia for advances made in addressing the human rights of Aboriginal and Torres Strait Islander Peoples in recent years, in particular through its “National Apology” of 2008, its support for the United Declaration on the Rights of Indigenous Peoples and its comprehensive campaign to improve living conditions for them. However, he calls on the authorities to incorporate into its programmes a more integrated approach to addressing indigenous disadvantage across the country.

“Effective control of their lands and territories continues to be denied to many indigenous communities in Australia”, the Special Rapporteur says in his report. He also notes that indigenous institutions are sometimes subject to high levels of control by the State, and are often devoid of genuine opportunity to generate social, cultural and economic development.

Welcoming the many policies and resources committed by the Government of Australia to address key indigenous issues, the Special Rapporteur draws attention to “the continued need to develop new initiatives and to reform existing ones, in consultation and in real partnership with indigenous peoples, to conform to international standards requiring genuine respect for cultural integrity and self-determination”.

Regarding the Northern Territory Emergency Response, Mr. Anaya observes that it contains problematic features from a human rights standpoint, in particular in relation to compulsory income management, compulsory acquisition of Aboriginal land, the assertion of extensive powers by the Commonwealth Government over Aboriginal communities, and alcohol and pornography restrictions in prescribed areas.

While encouraging the Government of Australia to continue its commitment to address problems faced by Aboriginal people in the Northern Territory, in particular concerning the well-being of Aboriginal women and children, the United Nations independent expert further states that the Government should seek to fold into its initiatives the goal of advancing indigenous self-determination.

In this regard, he recommends encouraging indigenous self-governance at the local level ensuring indigenous participation in the design, delivery, and monitoring of programmes, and promoting culturally appropriate programmes that incorporate or build on indigenous people’s own initiatives. Additionally, he notes in his report that further efforts are needed to secure indigenous peoples’ rights over lands, resources and heritage sites, and

to ensure that indigenous peoples living in remote areas can enjoy the same social and economic rights as other segments of the Australian population, without having to sacrifice important aspects of their cultures and ways of life.

### HAITI/EARTHQUAKE: RIGHTS OF THE DISPLACED MUST BE PART OF RECOVERY - EXPERTS

On 10 March 2010, a panel of experts stressed that “A durable solution based on the human rights of people displaced in Haiti is an essential component of the country’s recovery and re-construction process.” The experts had gathered at the United Nations in Geneva to discuss the elements of a roadmap for lasting solutions for the estimated more than 1.9\* million persons displaced by the devastating earthquake in Haiti.

The Representative of the Secretary-General on the Human Rights of Internally Displaced Persons, Mr. Walter Kälin stated that “the human rights of Haiti’s displaced population should serve as benchmarks for all recovery efforts”. This view was supported by the Independent Expert on the Situation of Human Rights in Haiti, Mr. Michel Forst, who called for “an integrated human rights approach in the assistance and reconstruction efforts made by the international community, with particular efforts needed to ensure that affected people can enjoy their economic, social and cultural rights.”

In this regard, Mr. Forst added that “it is essential that the Haitian government is fully associated with the reconstruction process and that the needs of the local population are addressed.” The roadmap must also include the element of participation. “It is important to ensure the participation of displaced people in the planning and management of recovery strategies, through intensive consultation with affected persons and communities. This will be crucial”, emphasized Mr. Kälin, “to allow the displaced to make a voluntary and informed choice on where to rebuild their lives, either in their former place of residence or in a new location in the country.”

At the top of the government’s agenda, explained Mr. Jean-Claude Pierre, the Chargé d’Affaires of the Haitian Permanent Mission to the UN in Geneva, , was the need to re-establish livelihoods, rebuild the agricultural, police and justice sectors, and major infrastructures such as a metropolitan water and sanitation system, a health system, schools, roads and an airport. “These will be vital to the Haitian population but also to attract foreign investment in the country.”

For the Deputy-Director of the Bureau for Conflict Prevention and Recovery, at the United Nations Development Programme, Mr. Miguel Bermeo, “responding to the complex needs of internally displaced persons is a critical priority for both humanitarian and development actors. As of now, humanitarian assistance and early recovery interventions remain urgent priorities.”

In his view, “essential elements for recovery and reconstruction in Haiti include the full integration of internally displaced persons into society and the economy, a coordinated response under the leadership of the national and local governments, and a proper balance of humanitarian and development interventions that can ensure that programmes are durable.”

The panel highlighted that particular attention must be paid to vulnerable groups, such as children and especially orphaned children, persons with disabilities, and certain groups of women, who in times of crisis are much more vulnerable to exploitation, sexual abuse, trafficking, forced labor and other rights violations. Cash for work programmes and other livelihood programs must include these vulnerable groups and their particular needs must be taken into account in recovery and reconstruction strategies.

### WATER QUALITY, A MATTER OF CHILDREN’S RIGHTS, SAY UN EXPERTS

On 19 March 2010, the Independent Expert on the issue of human rights obligations related to access to safe drinking water and sanitation, Ms. Catarina de Albuquerque; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of health, Mr. Anand Grover ; the Special Rapporteur on the right to education, Mr. Vernor Muñoz Villalobos ; and the Special Representative of the Secretary-General on Violence Against Children, Ms. Marta Santos Pais, issued a statement to mark World Water Day, which was commemorated on 22 March 2010.

“With an estimated 884 million people relying on unimproved drinking water sources, access to safe drinking water is clearly a human rights issue, with serious implications for children’s health, education and even personal security,” said the Independent Expert on water and sanitation. the lack of safe water poses numerous threats to the enjoyment of human rights. Experts and call for a special focus on children in increasing efforts to ensure access to safe water and sanitation is a reality for all.

“Children are particularly vulnerable to water contamination,” warned the Special Rapporteur on health, noting that 1.5 million children under the age of five die annually because of lack of safe water, sanitation and associated hygiene, according to the United Nations Children’s Fund (UNICEF) and the World Health Organization (WHO). “This scandalous situation needs to be tackled, and children’s right to health must be upheld.”

Lack of access to safe water and sanitation also has a devastating impact on education. “Waterborne illnesses keep children out of school, threatening their right to education,” said the Special Rapporteur on the right to education. “Lack of education early in life poses dire consequences for children’s development,” noted the

human rights expert, drawing attention to the fact that, when schools lack sex-segregated toilets, girls will often not attend. "Children's right to be free from violence is also jeopardized by the lack of safe drinking water," explained Special Representative of the Secretary-General on Violence Against Children, highlighting the life-threatening impact this situation has for children. "Children, and very especially girls, often carry the main responsibility of collecting water for the household, sometimes walking long distances in order to find potable water," says the expert. "Along the way, they face serious risks for their security, including physical and sexual attacks."

On World Water Day, celebrated this year under the motto "Clean Water for a Healthy World," the group of human rights experts stresses that States must ensure that everyone, including children, have access to safe drinking water.

### **RACISM IS ALIVE AND STILL PLAGUES EVERY SOCIETY, SAYS UN EXPERTS**

On 21 March 2010, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Mr. Githu Muigai; the Independent Expert on minority issues, Ms. Gay McDougall; the Special Rapporteur on the human rights of migrants, Mr. Jorge A. Bustamante; the Special Rapporteur on the situation of human rights defenders, Ms. Margaret Sekaggya; and the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Mr. Frank La Rue Lewy, issued a joint statement on the occasion of the International Day for the Elimination of Racial Discrimination.

"People continue to lose their lives or have their lives blighted by racism in all regions of the world," recalled the group of UN experts 50 years on from the tragic events of Sharpeville, where the police opened fire and killed 69 people at a peaceful demonstration against the South African apartheid 'pass laws'. Their clear message: racism is not only yesterday's problem - but an immense challenge for today. "Racism is alive and still plagues every society," say the group of human rights experts. "Be it the migrant worker who faces daily discrimination due to his or her status as non-citizen, the individual who cannot find suitable employment because of his or her colour, the member of an ethnic minority who is prevented from getting equal access to education due to his or her minority status, or the woman who is enforced into slavery because of her descent, all these people remind us about the continuous suffering caused by racism on the daily lives of millions worldwide," stated the UN experts.

"The 50th Anniversary of the Sharpeville events is a day to remember and to pay tribute to the many who fell, but also the many who continue the struggle against racism." The experts praise the courage and determination of those ordinary, and yet extraordinary people, who tear down the

walls of segregation, challenge the doctrine of racism, and peacefully build bridges of understanding and acceptance.

The experts emphasized that "March 21st is also a day to reflect about past commitments, to look forward and to set new and higher expectations for the future - to recognize that despite our successes, individuals, families and communities continue to have their lives ruined by racism and racial discrimination and that we need to continue our struggle for equality and dignity for all people, everywhere."

### **HAITI CONFERENCE: RECONSTRUCTION WILL FAIL IF RIGHTS ARE IGNORED, WARNS EXPERT**

On 30 March 2010, the Independent Expert on the situation of human rights in Haiti expert, Mr. Michel Forst, issued a statement highlighting that "the loss of an estimated 230,000 lives in the 12 January 2010 earthquake cannot be solely attributed to an act of nature". "The hand of man played a major role in this disaster, most obviously in the policies and poor governance that had led to so many Haitians living for so long in a state of poverty in inadequate housing. This clearly amplified the deadly impact of the earthquake, as well as of the hurricanes that periodically test Haiti's preparedness and the strength of its infrastructure."

The Independent Expert said that the course charted at the Haiti donors conference in New York on 31 March 2010, was of great significance to the country's future ability to handle such disasters, as well as to the well-being of its citizens in normal times. "Those responsible for the country's reconstruction, at the national and international levels, must guard against recreating the same factors that helped perpetuate rampant inequality and poverty, as well as widespread violence," Forst said. "Generous assistance from the international community is clearly indispensable. However, the plans and strategies that are developed need to be driven by the needs and rights of ordinary Haitians all across the country, rather than imposed according to some external model.

The Independent Expert also said that the future shape of Haiti's legal system was of vital importance. "By this, I don't simply mean rebuilding judicial and penal institutions, the Police, and tackling impunity and corruption.

It is also necessary to ensure that public services and institutions go beyond catering for the physical security of citizens and their property to ensure that they benefit from the full range of human rights to which they are entitled. Particular attention also needs to be paid to vulnerable groups and to their direct participation in decisions affecting them. Mr. Forst added that that detailed guidelines for the treatment of internally displaced persons have been elaborated and should be adhered to.