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Overview

The first meeting of 10 March began with a statement by Ms Lucia Lubato, Minister of Justice of Timor Leste, who presented her support for the High Commissioner for Human Rights (the High Commissioner), extended the wishes of President Ramos-Horta to the Human Rights Council (the Council), spoke of new developments in her country, and expressed her views on the ‘serious and complex challenges’ in Israel-Palestine and the Sudan. The Council then moved to the conclusion of the interactive dialogue with the Special Rapporteur on the rights of migrants, Mr Jorge Bustamante, from the previous Friday, 7 March. Certain States that took the floor chose to reinforce points raised by Mr Bustamante, including the importance of ratification of the *International Convention on the Rights of Migrant Workers and Their Families*, and the links between migration, human rights, and development. Mr Bustamante was not present to respond to the points raised.

The remainder of the morning and afternoon meeting was given to the interactive dialogue with the Special Rapporteur on the adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights, Mr Okechukwu Ibeanu, the chairperson of the Working Group on arbitrary detention, Ms Leila Zerrougui, and the Chairperson of the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination, Mr José Luis Gómez del Prado.

In the afternoon, the Council continued the interactive dialogues with the Working Group on arbitrary detention, the Working Group on mercenaries, and the Special Rapporteur on toxic waste. It then heard presentations from the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, the Special Rapporteur on the sale of children, child prostitution and child pornography, and the Working Group on enforced disappearances. The Council will continue the interactive dialogues with these special procedures tomorrow as only a few of the concerned countries spoke during the afternoon meeting and a list of more than 30 speakers was pending.

Presentation by the Minister of Justice of Timor Leste

Ms Lucia Lubato, Minister of Justice of Timor Leste, began by extending her congratulations to the High Commissioner, who had supported and assisted Timor Leste ‘in our quest for human rights justice’, and noting the invaluable contributions of the special rapporteurs. She claimed that Timor Leste was proud to have ratified all of the core human rights treaties and acknowledged that the test now lay with implementation. She continued that despite recent setbacks Timor Leste remains a vibrant and free society, and that the recent violence was an attempt to reverse the democratic transformations taking place in the country. Timor Leste continued to be confronted with overwhelming challenges in the face of severe poverty but had implemented a national human rights action plan¹ identifying six priorities: education, health, justice, security, agriculture, and infrastructure. She recognised that the prevalence of violence against women and girls in East Timor requires immediate action. Concluding with reference to issues that she felt were relevant to the Council, Ms Lubato condemned the killing of innocent civilians in Israel and Palestine and stipulated that although Israel had the right to take measures to protect its citizens, violence was not the answer. She concluded by stressing that the situation in Darfur was a challenge to the credibility of the Council.

Item 3 – Special Rapporteur on the human rights of migrants (continued)

Conclusion of interactive dialogue

The interactive dialogue reopened from the previous Friday, 7 March 2008, with the conclusion of the interactive dialogue with the Special Rapporteur on the rights of migrants, Mr Jorge Bustamante, although the ‘interactive’ component was lacking in the absence of the Special Rapporteur.² The majority of States thanked the Rapporteur for his report and affirmed that the rights of all migrants should be respected at all times.³

¹ The action plan has included the establishment of the Office for Justice and Human Rights, and the National Commission for the Rights of the Child, to become effective mid 2008, efforts to establish a credible, impartial police service and an independent judiciary

² A/HRC/7/12, 25 February 2008 (annual report), Add. 1, 5 March 2008 (Communications sent to governments and replies)

- Many States took the opportunity to speak about domestic improvements related to the treatment of migrants, as origin, transit and destination countries. The Russian Federation referred to the strengthening of bilateral and multilateral agreements in order to ‘ensure law and order’. Pakistan stated that strict border control is not enough, and that a ‘broader strategy’ is required to regulate migration. Algeria highlighted Article 67 of its Constitution, which provides for the protection of foreigners resident in Algeria. It claimed to also have amended its legislation in accordance with the *International Convention on the Rights of All Migrant Workers and Members of Their Families* (CMW), to which it is a party. Turkey stated that it had established a national task force on the issue, and Nigeria claimed that it had commenced a national policy on migration. Morocco also referred to the creation of the Morocco Foreigners Council for Moroccans living abroad.
- Sri Lanka took the floor first to highlight the urgent need for a rights-based approach to migrants and the responsibility of the international community to revisit and emphasise basic obligations. The Philippines felt that the Council needed to do more to change harmful stereotypes of migrants. Sri Lanka also expressed its disappointment at the low status of ratifications of the CMW, pointing particularly to the fact that no Western State is yet party. Nigeria stated that it was in the process of ratification. Senegal called for an information campaign in support of the Convention.⁴
- Concerning other international and regional processes related to migrations, the Philippines welcomed the initiation of the Global Forum on Migration and Development. The Philippines also informed the Council of its participation in the recent Colombo Process⁵ in Abu Dhabi and that it had spearheaded the ASEAN⁶ *Declaration on the Promotion and Protection of the Rights of Migrant Workers*.⁷ Turkey raised the outcome of the recent Vienna Forum to Fight Human Trafficking, which called for a victim-centered human rights-based approach to trafficking.
- Ecuador commended the Special Rapporteur’s comments and concerns regarding the criminalisation of irregular migration and called for an end to referring to such practice as illegal. Pakistan further added that irregular migration is not a criminal act but a breach of administrative rules.
- Bangladesh stated that unskilled migrants are most vulnerable, and become scapegoats of racism and xenophobia in Western countries. The use of certain counter-terrorism measures has also unintentionally targeted migrants.
- Brazil stressed the need to discuss migration in the context of human rights and development. It stated that economic, social and cultural development is best realised when the rights of migrants are safeguarded.⁸
- Few States used the interactive dialogue to ask direct questions to the Rapporteur related to his report. Slovenia, on behalf of the European Union (EU), posed questions relating to paragraphs 64 (on the case of migrants at sea and why countries of origin should be left out of judiciary procedures), 68 (on encouraging States to promote legal migratory channels and how the international community can work to reduce the flow), 70 (on the role of the UN in informing potential migrants of smuggling risks) and 72-75 (on the omission of the role of the International Labour Organization [ILO] and International Organization for Migration [IOM] in relation to data and analysis). Indonesia asked the Rapporteur whether there was a ‘growing trend towards the exclusion of migrants to the detriment of the socio-economic wellbeing of destination countries’.

received), Add. 2, 5 March 2008 (mission report to the United States [US]). ISHR has prepared unofficial summaries of the reports by special procedures (‘Reports in short’), available at www.ishr.ch/hrm/council/reports_in_short.

³ Sri Lanka, Ecuador, Russian Federation, Pakistan, Turkey, Slovenia (on behalf of the EU), Senegal.

⁴ Supported by Mauritius.

⁵ See www.colomboprocess.org.

⁶ Association of Southeast Asian Nations.

⁷ ASEAN *Declaration on the Rights of Migrant Workers*, available at <http://www.aseansec.org/19264.htm>

⁸ Algeria also espoused the view that the link needed to be better understood between migration, human rights and development.

- Non-governmental organisations' (NGOs) interventions tended to focus on country-specific situations. Human Rights Advocates focused on the use of raids by immigration enforcements agencies, leading to arbitrary arrests and physical abuse, and the 'deplorable' conditions of migrant detention centres in the United States (US). The American Council for Civil Liberties addressed the detention of 322,000 migrants in the US in 2007 under mandatory detention laws, and again the 'problematic conditions of confinement' that this has caused, including denial of medical care that has resulted in avoidable deaths. The Permanent Assembly of Human Rights addressed the discrepancy between Argentina's policy and non-implementation of the law, and abuse of power in the authorities' contact with migrants.

As the Special Rapporteur was not present in the room, the President informed the Council that he would refer the points and questions raised to Mr Bustamante for his consideration.

Item 3 – Special Rapporteur on the adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights

The Council continued its consideration of Item 3 with the report of Mr Okechukwu Ibeanu, the Special Rapporteur on the adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights.⁹ In his oral presentation,¹⁰ Mr Ibeanu highlighted with regret that the movement of toxic and dangerous waste from developed to developing countries continues, despite international norms and standards, which prohibit it. He highlighted the fact that developed countries have the appropriate means to dispose of hazardous waste yet they continue to send it to developing countries. He noted as 'disheartening' that this was even seen as a form of developmental assistance. He affirmed that the short-term monetary benefits of these activities do not outweigh the long-term impacts on the health of the local population or on the surrounding environment.

Mr Ibeanu's report focused on the right to information and the Special Rapporteur reiterated the fact that the rights to information and participation are rights without which the enjoyment of other rights are curtailed. He expressed concern that the lack of information provided regarding hazardous waste was often put down to reasons of commercial secrecy or on grounds of security. However, he stated, as the main protector of rights, the State must ensure that sufficient information is disseminated to allow for action to be taken. Regarding his mission to Ukraine, he was concerned about the huge stock piling of pesticides in largely unregulated storage. He praised the Ukrainian legislation but stipulated that proper conformity was essential and that enhanced access to information was also required.

He told the Council that he had not compiled the report on his mission to Tanzania in January of this year but had provided a preliminary note on his findings. He stressed the challenge for the country was the proper implementation of the comprehensive laws it has developed dealing with toxic waste. He noted with concern the large-scale mining corporations that are largely unsupervised by the Government. He said that the

⁹ A/HRC/7/21, 18 February 2008 (annual report), A/HRC/7/21/Add.1 (communications to and from governments), A/HRC/7/21/Add.2 (mission to Ukraine), A/HRC/7/21/Add.3 (preliminary note on the mission to Tanzania). ISHR has prepared unofficial summaries of the reports by special procedures ('Reports in short'), available at www.ishr.ch/hrm/council/reports_in_short.

¹⁰ Oral statements made at the Council can be accessed on the OHCHR extranet at <http://portal.ohchr.org> (fill out the form on www.ohchr.org/english/bodies/hrcouncil/form.htm to receive user name and password).

Government needed to educate the public on the dangers of working with hazardous chemicals and to provide subsidies for the purchase of safety equipment.

Interactive dialogue

Ukraine as a concerned country was given the floor first and took the opportunity to thank the Special Rapporteur for his report. Ukraine claimed that the stock piling of toxic and dangerous waste was a problem inherited from the former Soviet Union. It asserted that the Special Rapporteur's recommendations were being studied by the relevant governmental agencies and it concluded by inviting the Special Rapporteur to continue dialogue and cooperation.

Tanzania welcomed the preliminary report by the Special Rapporteur and stipulated that it was happy with the observations and recommendations and resolved to implement them. It made note of the fact that it is party to major international treaties addressing the issue of toxic waste¹¹ and it had incorporated these treaties in domestic law.

Nigeria noted that it was regrettable that many countries, particularly developed countries, have failed to ratify the *Basel Convention*.¹² It claimed that developed countries are failing to pay attention to human rights violations, particularly in developing countries, resulting from the illicit movement and dumping of toxic and dangerous product and waste. It commended the work of the Special Rapporteur.

The Russian Federation highlighted the topical character of the Special Rapporteur's mandate. It called on him to continue to address permissible limitations on access to information, including on grounds of commercial secrecy or security.

In the afternoon, Bangladesh spoke most extensively about the human rights implications of dumping of toxic waste. Bangladesh expressed particular concern about this kind of activity because often, victims are unaware that they are, in fact, victims. Dumping threatens not only safe food and water, but by extension, threatens the right to life, health, a safe working environment, participation, and information. Though Bangladesh agreed with Mr Ibeanu and the Russian Federation that adequate protection of the right to information will raise awareness about dumping, it argued that more information alone will not solve the problem. Rather, the delegation asked that multinational corporations—which Bangladesh implied are the source of much of the dangerous materials—be held accountable for human rights violations alongside States. While it identified the *Bamako Convention* as a source of accountability, Bangladesh criticised the instrument as inadequate to hold either States or multinational corporations responsible for human rights violations caused by illicit dumping.

Bangladesh further commented that developed countries must do more to combat this problem, given that many developing countries engage in the trade of hazardous materials to meet development needs. To that end, Bangladesh asked that developed countries stop looking at developing countries as 'cheap dumping grounds', and instead provide more technical assistance on proper waste management techniques.

The NGO Human Rights Advocates highlighted the adverse effects of electronic waste on developing countries, especially in Africa and Asia. According to this NGO, the right to information and right to participation in waste management will be crucial in preserving human rights in the face of extensive dumping. The right to information, in particular, is critical to workers and their families because adequate information empowers them.

¹¹ The *Stockholm Convention on Persistent Organic Pollutants*, *Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade*, *Basel Convention on Control of Transboundary Movements of Hazardous Waste and their Disposal* and the *Convention on International Trade in Endangered Species of Wild Fauna and Flora*.

¹² *Basel Convention on Control of Transboundary Movements of Hazardous Waste and their Disposal* available at www.basel.int.

Like Bangladesh, Human Rights Advocates urged the Council to hold corporations accountable for the harmful effects of dumping. Corporations, the NGO argued, must inform their consumers about the ‘downstream’ consequences of their products. Human Rights Advocates stated that one of the biggest challenges to proper dumping is the lack of consistent national standards on what precisely constitutes illicit dumping. This ambiguity has led to a ‘race to the bottom’, where corporations shop for cost-effective dumping sites, and developing countries relax their standards to attract business. To help close this market, Human Rights Advocates asked that the Special Rapporteur’s mandate be extended to include both illicit and legal dumping. By expanding the mandate’s scope, the Special Rapporteur could also recommend better policies for the legal transfer of toxic substances, which can affect human rights as much as illicit activity. The Special Rapporteur echoed these concerns, stating that the distinction between the human rights implications of legal and illicit dumping grows narrower every day.

In his closing remarks, Mr Ibeanu echoed Bangladesh’s statement that while the right to information remains central to protecting the enjoyment of human rights against the adverse effects of dumping it alone is insufficient to prevent human rights violations. While he admitted that the right to information could be limited in exceptional cases, such power should not be abused to put people at risk.

Item 3 - Working Group on arbitrary detention

Presentation by the Chairperson-Rapporteur

The Chairperson-Rapporteur for the Working Group on arbitrary detention (the Working Group), Ms Laila Zerrougui, took the floor to give an overview of the Working Group’s annual report and four mission reports.¹³ The report contained observations on national institutions, legal shortcomings, and judicial practices which are the causes for arbitrary detention. The Chairperson-Rapporteur mentioned that the Working Group’s methods of work have been adapted to the code of conduct on special procedures,¹⁴ and that its scope was confirmed on 28 September 2007 by the extension of the mandate of the Working Group through Human Rights Council *Resolution 6/4*. She further commented that the composition of the Working Group would be almost completely transformed after August 2008, as the mandates for its present five members will expire during the summer.

In her oral presentation,¹⁵ Ms Zerrougui highlighted a number of new alarming trends observed by the Working Group, including the detention of non-citizens; vulnerable groups in detention that are at risk of sexual abuse; detention in the context of counter-terrorism and in states of emergency; the lack of competences amongst State authorities; and registration at detention facilities. She declared that the ‘war on terrorism’ and states of emergency are often used as reasons for arbitrary detention.

Ms Zerrougui said that there was a need for an in-depth debate to prevent violations of the rights of asylum-seekers and detainees, and stressed the importance of existing legal frameworks to protect these vulnerable groups. She put forward the Working Group’s recommendation to hold a seminar on the matter, to be

¹³ A/HRC/7/4, 10 January 2008 (annual report), Add. 1 (opinions adopted by the Working Group, not yet published), Add. 2, 11 October 2008 (mission report to Norway), Add. 3 (mission report to Equatorial Guinea, not yet published), Add. 4, 29 February 2008 (mission report to Angola). ISHR has prepared unofficial summaries of the reports by special procedures (‘Reports in short’), available at www.ishr.ch/hrm/council/reports_in_short.

¹⁴ Council *Resolution 5/2*, available at www2.ohchr.org/english/bodies/chr/special/index.htm#code.

¹⁵ Oral statements made at the Council can be accessed on the OHCHR extranet at <http://portal.ohchr.org> (fill out the form on www.ohchr.org/english/bodies/hrcouncil/form.htm to receive user name and password).

organised by OHCHR. Ms Zerrougui pointed out that it is imperative that young prisoners are held separate from adults and women separate from men, and that the registry system in detention facilities are well-structured and include all relevant data. She reaffirmed that immigrants are not criminals, and recalled the State's duty to protect those in custody and to punish any perpetrators.

The Chairperson-Rapporteur also reported on the Working Group's official visits to Norway, Equatorial Guinea, and Angola in 2007.¹⁶ On Norway, she noted that many exemplary practices in the correctional system were identified. These included the unique judicial aid model, its qualified prison staff, and its commendable principle of avoiding overcrowded prisons. Ms Zerrougui noted, however, that the frequent use of partial or total isolation in pre-trial detention and during imprisonment as well as preventive detention were issues of concern. Furthermore, she asserted the need to review the 'infoflyt'¹⁷ database that presently cannot be consulted by individuals concerned, judges or courts.

With regard to Equatorial Guinea, Ms Zerrougui commended its new legislation against torture, its measures to improve prison conditions, and the training of detention officials. After affirming that many of the country's shortcomings in the legal framework are due to the era of Portuguese colonisation, she went on to draw attention to the large numbers of arbitrary arrests and detentions of political opponents by the military, the police, and the gendarmerie. During the visit in Angola, the Working Group noted the major reforms undertaken to enhance mechanisms to monitor places of detention and increase the numbers of judicial staff in the country. The Working Group underlined the weak role of judges in the criminal justice process, which is dominated by the Ministry of Interior. It also regretted that it was not allowed to visit two detention facilities as planned. Plausible allegations of torture and ill-treatment in detention facilities were of great concern to the Working Group. Commenting briefly on the recent visit to Mauritania, the Chairman-Rapporteur commended its wide-ranging legal and institutional reforms and called upon the Council for technical and financial assistance to the country.

On an ending note, Ms Zerrougui announced the Working Groups' forthcoming visits to Italy, Malta, Senegal, and the US. She also took the opportunity to thank the Council and civil society for all their support during her time as a member of the Working Group.

Interactive dialogue

Norway as a concerned State thanked the Working Group for the excellent and professional manner in which the visit was undertaken, both in its preparatory and follow-up work. Norway was pleased to note the fact that no cases of arbitrary detention were found in the country by the Working Group. It further stated that the Government took the issues of concern very seriously and would consider all recommendations put forth by the Working Group. Some decisions for improvement had already been made. As recommended, surveys on applications for remand, restrictions, and partial and complete isolation would be carried out by the Director of Prosecution, and the Government also supported the suggestion to establish a new system for appealing decisions on imposed restrictions.

Equatorial Guinea then took the floor as a concerned country to say that it had noted the contents and recommendations contained in the Working Group's report. It listed the various measures that had already been taken to promote and protect human rights in Equatorial Guinea, highlighting the process of selection of prison staff and the fact that a draft reform of the Constitution is under review.

¹⁶ Mauritania was visited in February 2008, and a mission report is forthcoming.

¹⁷ 'Infoflyt' is loosely translated as 'information flow'. It is a national database that contains classified information on certain persons in detention to maintain prison security, prevent escapes, and enhance the protection of society. It forms the basis for decisions with regard to restrictions (partial or total), isolation, and eligibility to early release. However, as only a few high-ranking officials have access to the database and its information, neither an individual who applies for early release or termination of a preventive detention term, nor the deciding judge, are in a position to assess or dispute the legality of allegations.

As a concerned State, Angola deeply regretted the difficulties encountered by the Working Group to visit the two detention facilities. It blamed the incidents on ‘bureaucratic reasons’. The Angolan delegate then went on to state that ‘the present version [of the mission report] is [...] short from accurately reflecting how the judiciary is structured and operates in Angola.’ The Working Group’s statements regarding the dominant role of the Ministry of Interior in the judicial process was rejected, and Angola stated that there was a great deal of confusion in the report with regard to the criminal procedure. In addition, it wished to see corrections in the chapter of the report related to prison conditions, and stated firmly that there was no tolerance towards persons involved in the mistreatment of prisoners. Commenting on the high numbers of detained immigrants, Angola explained that illegal foreigners who do not hold a valid document are considered as criminals and are to be confined in transit centres until due process is completed. It ended by saying that it would consider the Working Group’s recommendations.

Pakistan, on behalf of the Organization of the Islamic Conference (OIC) commended all members of the Working Group for their commitment and invited it to visit the OIC countries. Furthermore, it was grateful for the acknowledgement given by the Working Group of the OIC countries’ prompt responses to urgent appeals. Pakistan urged the members of the Working Group to validate the information in some communications, as this would allow governments to respond more expediently. It also wished for a serious and effective response on detention as a result of the ‘war against terrorism’. Pakistan finished its short statement with a promise to look into the registration of detainees in the OIC region. Cuba requested that five political ‘anti-terrorist’ prisoners be released from US prisons and, at the very least, their families be allowed to visit them. It demanded that the Working Group follow up on the matter.

The Russian Federation stated that it appreciated the work of the Working Group as one of the most important mechanisms within the Council’s special procedures system.¹⁸ Brazil welcomed the clear and comprehensive report as a useful tool for the protection of human rights¹⁹. Mexico expressed its willingness to continue the cooperation with the Working Group and the Council.²⁰

Mauritania stated that it would continue to cooperate with and implement the recommendations of the Working Group. Belarus commented on the visit of the Working Group and stated that it attached great importance to the analysis and recommendations in the report. It noted that it regularly submits information on the implementation of the Working Group’s recommendations and assured it of its willingness to continue constructive cooperation. The Sudan also highlighted that it was fully cooperating with the Working Group by providing all necessary information.

Several States and NGOs expressed concern regarding the detention of women and children.²¹ Canada highlighted its concerns regarding sexual abuse in prisons and commended the efforts of the Working Group in preventing this. It asked which steps could be taken by the international community to advocate for well-organised penitentiary systems. In relation to sexual violence against persons because of their sexual orientation or gender identity, Canada asked which steps could be taken to protect these persons while ensuring respect for their human rights. The Organisation Mondiale Contre la Torture (OMCT) asked about the future measures that the Working Group intended to adopt in order to combat sexual violence against children and women. Friends World Committee for Consultation (Quakers) strongly endorsed the Working Group’s reminder that juveniles should be separated from adult detainees, and female from male detainees. It drew the Council’s attention to the *Handbook on Women in Prisons* being published jointly with the UN Office on Drugs and Crime.

¹⁸ Mauritania, Belarus, Saudi Arabia, Norwegian Centre for Human Rights.

¹⁹ Canada, Sudan, Switzerland, OMCT.

²⁰ Mauritania, Mexico, Sudan.

²¹ Brazil, republic of Korea, Colombian Commission of Jurists, Federation of Cuban Women.

Several States and NGOs raised the issue of the situation of immigrants and asylum seeker in arbitrary detention. Brazil and Mexico encouraged the Council to further explore the issue of irregular migration. Mexico stated that it would welcome a seminar on migration and detention of migrants and refugees to find alternative solutions. Quakers asked what the outcome of such a seminar would be. Slovenia (on behalf of the EU) asked the Working Group to elaborate on 'effective alternatives' to detention in addition to its suggestions of supervised release, release on bail, designated residence, and regular reporting to authorities. It asked Ms Zerrougui for clarification of when detention of asylum seekers or illegal immigrants could be considered legitimate (or how she would define 'the last resort'). Ms Zerrougui welcomed the support from governments for a discussion on migration. She commented on the use of the concept of 'illegal migrants' explaining that sometimes, undocumented persons are considered illegal because they have committed a crime by entering a country. She emphasised that the Working Group urges governments not to criminalise these people and underlined that States must be reasonable in their treatment of these persons. She noted that many of these persons could qualify as refugees. She added that the seminar being organised by the Office of the High Commissioner for Human Rights (OHCHR) could look at all these issues. In response to the EU, she noted that the Working Group had identified four possibilities where persons can be detained as a last resort. She presented the cases of Canada and Norway as examples of countries that had developed alternative measures to detention.

Mexico strongly stated that no special procedures should refer to illegal migrants. This concept was not appropriate and it suggested that they instead use the terms 'undocumented' or 'irregular' migrant. Mexico noted that a person could act illegally, but that he or she could not be illegal as a person.

Several States reiterated that the fight against terrorism had to be conducted while respecting universal human rights.²² Saudi Arabia reaffirmed its commitment to the fight against terrorism in the full respect of human rights. Slovenia (on behalf of the EU) asked the Special Rapporteur to comment on developments in the use of 'unlawful practices' of detention in the context of counter-terrorism. Switzerland asked for clarifications on paragraph 66 of the report, which stated that States must provide 'objective and serious justification' for trying civilians before military courts. The Sudan insisted on the necessity of conducting analytical studies on the conditions of detention of non-citizens in many countries and it stressed that the Working Group should consider the negative effects that cultural, linguistic, and ethnic differences had on the treatment of detainees. OMCT also expressed concern about violations of human rights related to the fight against terrorism and highlighted a particular case in Syria.

The Chairperson of the Working Group replied that States increasingly adopt illegal emergency measures to combat terrorism, and despite the attempts by the Working Group to establish a constructive dialogue with some States, the outcome is not satisfactory.

The Republic of Korea asked whether the Working Group had any plans to further develop its follow-up procedure. The Chairperson of the Working Group stated that visits to countries and follow-up, including to communications, could produce results, even the release of the detainee. She reminded that a follow-up procedure had been developed by the Working Group and endorsed by the Commission on Human Rights. She noted that detailed replies to communications had been received from some countries.

Several speakers called attention to particular situations or types of arbitrary detention. Canada expressed deep concern at instances of arbitrary detention around the world. It asked if the Working Group could comment on trends in arbitrary detention of political opposition, human rights NGOs, and journalists. The Society on Threatened Peoples presented allegations of arbitrary detention of Tibetan refugees in Nepal, and urged the Working Group to seek clarifications from the authorities. The Colombian Commission of Jurists

²² Brazil, Slovenia (on behalf of the EU).

requested the Council to urge Colombia to accept the visit of the Working Group to analyse the various cases of administrative detention that are occurring in the country. The International Islamic Students Federation argued that in Jammu and Kashmir illegal and arbitrary detentions were part of routine life. It urged the Council to persuade India to accept a visit by the Working Group to ascertain the true situation in Kashmir and report to the Council. The Canadian HIV/AIDS Legal Network in a joint statement denounced the prosecution and imprisonment of people because of their HIV sero-positive status in Egypt. Interfaith International mentioned arbitrary detentions occurring in Western Sahara. The Chairperson of the Working Group stated in response that all other questions related to specific issues or situations, such as the detention in Egypt or in Western Sahara, would be addressed individually.

Item 3 – Working Group on the question of the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination

Mr Jose Luis Gomez del Prado, presented the annual report as Chairperson-rapporteur of the Working Group on the question of the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination.²³ He began by highlighting the emergence of private military and security companies (PMSCs) as new forms of mercenarism in the 21st century,²⁴ and expressed the various concerns of the Working Group regarding the outsourcing of the use of force, previously the monopoly of the State. He said that these private companies act in a ‘grey zone’, where the lines between public services and the private commercial sector are blurred. He added that such companies often present themselves as humanitarian organisations, while, in truth, their motivation is entirely profit-driven.

Mr del Prado said that a great number of ‘security guards’ interviewed during the missions to Honduras, Equator, Peru, Chile, and Fiji alleged they had faced contractual irregularities, degrading treatment, lack of attention to health needs, and bad working conditions during their work for PMSCs. He underscored that these companies have taken advantage of the lack of legislation dealing with the matter, particularly in developing countries, leading to a climate of effective impunity. While acknowledging that war-torn States faced difficulties to regulate and control the activities of PMSCs, the Chairperson-Rapporteur stressed that States from which these companies export military and security services bear a considerable responsibility in regulating and overseeing their activities. He called upon States to investigate and bring to justice security guards who have committed crimes and human rights violations.

Mr del Prado expressed the concern of the Working Group regarding the increased outsource of police security functions to the private sector. He noted with concern that in Latin America, private security companies providing services to transnational extraction companies have been increasingly involved in incidents of violent repression of social protests by local communities, human rights defenders, and environmental activists. Mr del Prado underlined the need to regulate these activities at the domestic level. In this respect, an international network of academic research on the issue was recently established to support the Working Group on strengthening the international legal framework and on elaborating proposals for new standards and general guidelines. He added that the Working Group had requested the High Commissioner to

²³ A/HRC/7/7 (annual report), Add.1, 5 March 2008 (Communications sent to Governments and replies received), Add. 2, 4 February 2008 (report on mission to Peru), Add. 3, 8 January 2008 (report on mission to Fiji), Add.4 4 February 2008 (report on mission to Chile) ISHR has prepared unofficial summaries of the reports by special procedures (‘Reports in short’), available at www.ishr.ch/hrm/council/reports_in_short.

²⁴ Oral statements made at the Council can be accessed on the OHCHR extranet at <http://portal.ohchr.org> (fill out the form on www.ohchr.org/english/bodies/hrcouncil/form.htm to receive user name and password).

elaborate a model law in order to facilitate States' adaptation of the Convention to national legislation, but unfortunately the High Commissioner thought her Office was not the appropriate department to prepare such a model law.

Mr del Prado reaffirmed the Workings Group's recommendation to hold three periodic sessions per year in order to be able to fully comply with its mandate and concluded that the Working Group would continue to promote the ratification of the 1989 *International Convention against the recruitment, use, and financing of mercenaries* (the Convention). Finally, he recommended that the UN system consider the possibility of establishing a system of selection and investigation of the background of contracted personnel.

Interactive dialogue

Peru, as a concerned country, thanked the Working Group for the report and reaffirmed its commitment to the universal promotion and protection of human rights. Peru stated that it was the fifth Latin American country to ratify the Convention, and that several initiatives were being taken to align domestic law with the Convention. Accordingly, a bill of rights against the recruitment, use, and financing of mercenaries is currently under evaluation in Congress. Other legislative initiatives include the law of private security services, the general law on labour inspection, and the law on traffic of persons and smuggling of migrants. Peru alleged, however, that the evaluation by the Working Group of activities of private security companies providing services to mining and extraction companies in national territory did not fall under its mandate. Furthermore, it stated that the issue was a public concern and that investigations were being conducted to determine the accountability of those involved in the cases presented.

In response, the Chairperson-Rapporteur of the Working Group, stated that OHCHR does not consider this as within its mandate.

Also speaking as a concerned country, Chile thanked the Working Group for its report on the mission to Chile and voiced its firm support to the mechanism. Nevertheless, it stated that the resolution establishing the mandate of the Working Group²⁵ specifically referred to the evaluation of the activities of PMSCs providing services in the international market. Therefore, Chile also argued that the Working Group's mandate did not include the evaluation of the activities of private security companies operating at the national level.

In response, the Chairperson-Rapporteur assured Chile that the Working Group was well aware of its mandate. He clarified that looking at labour regulations was necessary in order to identify the challenges at the national level, in particular in relation to the practice of recruiting mercenaries through labour agencies.

Regarding the ratification of the Convention, Chile explained that the Convention did not reflect new forms of mercenarism or provide an appropriate definition of mercenarism. Therefore, it argued that it would be more viable to strengthen domestic law rather than simply accede to an insufficient international instrument. Chile underlined that the Working Group should provide the sources used in a more accurate way. Chile also noted the frequent use of the conditional tense in the report on the mission to the country, which in its view led to the impression that the Working Group was not certain of the facts it presented. Finally, Chile said that it positively valued the visit and had launched a number of initiatives in order to implement the recommendations of the Working Group. These initiatives include reforms underway on the military career and on the law on private security.

In response to the argument that the Convention is inadequate for current challenges, Mr del Prado highlighted that accession is nevertheless important and that acceding States have full latitude within the

²⁵ Commission on Human Rights *Resolution 2005/2*.

domestic system to include regulations addressing the new modalities in which this issue manifests itself nowadays.

A number of other delegations welcomed the report and expressed support for the Working Group.²⁶

Several delegations addressed the issue of the legal framework regulating the use and activities of mercenaries. Cuba shared the Working Group's concern over the low level of ratification of the Convention. Honduras announced its recent accession to the Convention and Venezuela announced that it was considering ratification. Brazil suggested that the recommendations addressed to the countries visited by the Working Group should be viewed as an important tool to improve national policies in all countries.

Regarding the questionnaire sent by the Working Group to assess the use and activities of PMSCs in different countries, Iraq announced that the Prime Minister had established a commission for that specific purpose. The delegation assured that the Government was fully aware of the challenges posed by PMSCs and announced that a bill is currently under discussion in the Parliament to repeal the law granting immunity to PMSC personnel. In relation to Iraq, Cuba raised criticism of actions carried out by 'security guards' working for the private security company Blackwater in Baghdad and the 'despicable forms of torture' committed by 'private security guards' in Abu Ghraib.

Several States advanced suggestions in relation to further issues that the Working Group could address. Venezuela encouraged the Working Group to present a set of draft principles to guide the activities of national and international organisations, including in relation to the use of the media. It also suggested drafting basic principles promoting respect for human rights by PMSCs. The Russian Federation asked what contribution the Working Group could make to the initiative launched by the Secretary-General concerning private companies and respect of humanitarian law. Cuba requested that the Working Group turn its attention to addressing other 'more traditional' forms of mercenary practice, such as those of terrorist groups that recruit mercenaries.

Pakistan²⁷ (on behalf of the OIC) requested the views of the Working Groups concerning the jurisdiction under international law for private security personnel involved in flagrant human rights violations in countries under occupation, and the legal status of codes of conduct and other forms of self-regulation by private companies. It also sought additional information on how these activities affected peace and stability, with particular attention to the reaction of the local population. Finally, Pakistan questioned whether there was a need to establish an international legal framework to monitor and regulate the activities of these companies.

The Russian Federation referred to the recent trend towards privatisation of warfare resulting from States wanting to avoid their responsibilities under international humanitarian law. It called for States using PMSCs to be held accountable for the actions of these companies and criticised the use of laws granting impunity to mercenaries. It added that attention should be given to the issue of direct responsibility of mercenaries for breaches of humanitarian law.

The US objected to the Working Group's consideration of PMSCs as mercenaries, as implied by the report, arguing that this is not in accordance with the Convention. It added that the use of private contractors is a long-standing practice, including in peacekeeping and humanitarian operations. The US then enumerated a number of measures taken to address the legal and logistical challenges posed by the use of PMSCs, including in the context of its operations in Iraq, and stressed its commitment to hold PMSCs accountable for crimes committed in Iraq, Afghanistan, and elsewhere.

²⁶ Bangladesh, Chile, Cuba, Venezuela, Russian Federation, Brazil, Honduras, Iraq, the African Union (AU).

²⁷ Echoed by Bangladesh.

The Chairperson-Rapporteur congratulated the US for all the measures adopted but expressed regret that PMSC personnel have not yet been held accountable before US courts for the abuses committed.

The African Union (AU) stressed that the use of mercenaries has a harmful effect on Africa. It condemned the use of mercenaries as a threat to peace and security as well as to national sovereignty, particularly when used in an attempt to overthrow legitimate governments.

In his concluding comments, Mr del Prado thanked all delegations for the support expressed and assured that all issues raised would be discussed by the Working Group.

Item 3 – Working Group on enforced disappearances

The Chairperson-Rapporteur of the Working Group on enforced or involuntary disappearances, Mr Santiago Corcuera, presented the annual report of the Working Group.²⁸ In his oral presentation, he mentioned that the Working Group had clarified over 2,700 cases during the past five years and over 51,000 since its inception.²⁹ The Working Group sent two prompt intervention communications to Algeria and India concerning the situation of two human rights defenders, and ten general allegations communications, which addressed obstacles to the implementation of the 1992 *Declaration on Enforced Disappearances*.

He announced that the Working Group had reviewed its methods of work and adopted a general comment on the definition of enforced disappearance. He presented the Working Group's view that any act of enforced disappearance places the victim outside the protection of the law. He explained that proof of the perpetrator's intention was not required for the act to constitute a criminal offence. He clarified that, for the purpose of the Working Group, an enforced disappearance is considered as such if perpetrated directly by the government, or on behalf of it, or with the support, direct or indirect, consent or acquiescence of the government.

Mr Corcuera stressed that while the mandate was originally created in relation to the situation in Latin America under dictatorships, the issue of enforced disappearance is now a global problem and referred to the situation in several countries including Algeria, Iraq, Peru, the Philippines, and the Russian Federation. He expressed concern about the increased number of reports of disappearances in Sri Lanka and invited the Government to respond favourably to the Working Group's request for a country visit.

Mr Corcuera also stressed that disappearance is often underreported due to poverty, illiteracy, and other causes. He expressed concern at the fact that while armed forces are often responsible for disappearances, the investigating authorities themselves are in some instances part of military forces. He also referred to the practice of suspending or closing investigations and to the enactment of amnesty laws.

The Chairperson also referred to the country visits conducted to **Honduras** and **El Salvador**, due to the many outstanding cases of disappearances. The reports on these visits contain an overview of the constitutional and legal framework in those countries and invite the government to present a schedule to the Working Group on the steps that will be taken to implement the recommendations contained in the report.

²⁸ A/HRC/7/2 (annual report) and Add.1, (mission to Honduras) Add.2 (mission to El Salvador), Add.3. ISHR has prepared unofficial summaries of the reports by special procedures ('Reports in short'), available at www.ishr.ch/hrm/council/reports_in_short.

²⁹ Oral statements made at the Council can be accessed on the OHCHR extranet at <http://portal.ohchr.org> (fill out the form on www.ohchr.org/english/bodies/hrcouncil/form.htm to receive user name and password).

He concluded by urging States to maintain close communication with the Working Group and welcoming the adoption of the *International Convention on Enforced and Involuntary Disappearances* as a major step forward on this issue.

Interactive dialogue

Honduras took the floor as concerned country and thanked the Working Group for the visit and the report. Referring to the report's conclusion that a climate of impunity prevails in the country due to, *inter alia*, the fact that disappearance is not codified as a separate crime, the delegation stated that the office of the public prosecutor and the general attorney for human rights have addressed the Congress's human rights commission proposing amendments to the penal code. The delegation also mentioned that it had requested technical assistance from OHCHR and announced the imminent ratification of the *International Convention on Enforced and Involuntary Disappearances*.

Honduras also referred to collaboration with Argentina on cases of past disappearances and stated that the Government was coordinating its activities with the national human rights institution and civil society, including representatives of families of disappeared persons, in line with the recommendation contained in the Working Group's report.

El Salvador also took the floor as a concerned country, and thanked the Working Group for the report and the visit and stressed that the Working Group was absolutely free to discuss with the main official institutions as well as civil society in what it defined 'an open and objective process'.

El Salvador stressed that the Government has shown respect for human rights since the end of conflict, as demonstrated by the absence of new cases of disappearance, and that it is making efforts to find the whereabouts of outstanding cases of disappearance. It referred, however, to the difficulties this process entails also in consideration of internal displacement and migration. El Salvador concluded by listing a number of initiatives taken, including the establishment of an inter-agency commission, and reiterating its commitment to cooperate to solve outstanding cases.

Item 3 - Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment

The Council continued its consideration of Item 3, promotion and protection of all human rights, with the report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment (the Special Rapporteur on torture). Mr Manfred Nowak, the Special Rapporteur on torture, presented his annual report.³⁰ In his oral presentation, he explained that his report focused on the influence of international norms on relating to violence against women on the definition of torture and whether it could embrace gender sensitivity.³¹

³⁰ A/HRC/7/3, 15 January 2008 (annual report), Add. 1, 19 February 2008 (communications sent to governments and replies received), Add. 2, 18 February 2008 (follow-up to country recommendations), Add. 3, 1 October 2007 (mission report to Paraguay), Add. 4, 22 November 2007 (mission report to Nigeria), Add. 5, 6 January 2008 (mission report to Togo), Add. 6, 26 February 2008 (mission report to Sri Lanka), and Add. 7, 7 March 2008 (mission report to Indonesia). ISHR has prepared unofficial summaries of the reports by special procedures ('Reports in short'), available at www.ishr.ch/hrm/council/reports_in_short.

³¹ Oral statements made at the Council can be accessed on the OHCHR extranet at <http://portal.ohchr.org> (fill out the form on www.ohchr.org/english/bodies/hrcouncil/form.htm to receive user name and password).

The Special Rapporteur referred to the UN Action Against Sexual Violence in Conflict and the Council's resolution on gender mainstreaming³² as relevant initiatives that had inspired him to make a 'small contribution' in this area. He explained that the report highlighted such violence, and the social stigma that afflicts female victims, which ultimately complicates their access to justice and relief. Mr Nowak argued that by adopting a more expansive definition and embracing a gender-sensitive perspective, States could reaffirm their resolve against violence against women. According to Mr Nowak, certain types of violence against women are a form of torture because such violence satisfies the 'purpose' requirement established to qualify an act as torture under the *Convention Against Torture, and other Cruel, Inhuman or Degrading Treatment or Punishment* (CAT), since it is 'always discriminatory'. The Special Rapporteur also asked that the test to determine whether an act amounts to torture include the criterion of 'powerlessness,' which he argued defines the relationship between victim and perpetrator. He stated that such an understanding would allow for the determination of torture whenever a person is under the effective control of another person, whether in the context of official detention or not. He further argued that some forms of gender-specific violence whether perpetrated by the State or in the private sphere may amount to torture or inhuman and degrading treatment.

He then lamented that his visit to Equatorial Guinea had been postponed, but noted that he had received assurances from its Prime Minister that it would be prepared for the Special Rapporteur's visit between 18 and 26 October 2008. Mr Nowak also noted that preparations are underway for his visit to Iraq, which will include visits to United Kingdom's (UK) detention facilities in the country. The US, however, has not granted such access.

The Special Rapporteur then summarised the conclusions to each of the five country missions he undertook. In November 2006, Mr Nowak visited **Paraguay**. While commending the State for being among the first to ratify the optional protocol to CAT, he concluded that the use of torture is still widespread, particularly to elicit confessions from new detainees. The Special Rapporteur also noted that such activity remains rampant, at least in part, because of impunity. Mr Nowak also reported that he had received many reports of guards beating prisoners, excessive use of isolation cells to punish detainees, as well as a high level of violence between prisoners. Regarding prison conditions, the Special Rapporteur stated that many facilities were overcrowded, and lacked adequate food, clothing, and bedding for prisoners. In conclusion, he urged Paraguay to set up a national mechanism to combat torture.

Mr Nowak next reported on his visit to **Nigeria** in March 2007. He concluded that as in Paraguay, torture was common practice in Nigerian prisons, and especially 'systemic' in the Criminal Investigations Departments. He noted that this was not a new finding as many UN mechanisms had documented use of torture and that the President in 2005 had acknowledged the severity of the problem. Given that much of the prison population consists of detainees awaiting trial, overcrowding is rampant and has caused prison conditions to deteriorate drastically. Conditions in police detention were 'appalling'. The Special Rapporteur did note, however, that female prisoners were provided with significantly better facilities. Mr Nowak expressed concern over the inability of the current system to make effective inquiries to protect victims of serious human rights violations.

Mr Nowak then turned to his April 2007 mission to **Togo**. While he applauded the country's overall commitment to eliminate torture, he concluded that both the police and the gendarmerie³³ used torture extensively, particularly to elicit confessions. The Special Rapporteur cited a culture of impunity, lack of safeguards against torture, the absence of a specific prohibition on torture in national law, and insufficient resources as reasons for why torture persists. He also noted that the State's facilities failed to provide adequate healthcare or to maintain basic sanitary conditions for prisoners. However, one of Mr Nowak's principal concerns regarded children deprived of their liberty being subject to corporal punishment and ill-

³² A/HRC/6/30.

³³ Gendarmerie is a military police body tasked with law enforcement in the civilian population.

treatment. In closing, however, Mr Nowak welcomed Togo's efforts to increase monitoring of its detention centres and training of its law enforcement personnel.

Turning to **Sri Lanka**, which he visited in October 2007, the Special Rapporteur was quick to note that he was barred from areas controlled by the Liberated Tamil Tigers of Eelam (LTTE), which prevented him from reporting on conditions in those areas. While Mr Nowak praised the State for passing legislation to end the use of torture,³⁴ he regretted that the current legal system was not fully effective. He expressed concern that Sri Lanka's Supreme Court and National Human Rights Commission had received a high number of cases which indicated that torture is widely practiced. In addition, Mr Nowak noted that police stations were used as prolonged detention centres, where prisoners were held in ill-equipped cells. Notably, the Special Rapporteur said he was 'shocked' by torture methods used on prisoners by the police and/or the army.

Mr Nowak's final mission was to **Indonesia**, in November 2007. Like Togo, Indonesia has yet to outlaw torture in its criminal legislation. The Special Rapporteur also lamented that the State lacked independent mechanisms to monitor prison facilities and relevant detention policies. While he noted that rural prison facilities fared better, in general, conditions varied from region to region. He expressed concern at the standard use of quarantine cells for new detainees, which did not meet international standards.

The Special Rapporteur's closing remarks were about his participation in a human rights forum in Zimbabwe. This event drew some controversy because a Zimbabwean newspaper had quoted him as saying that the use of torture was widespread in the country. Mr Nowak assured the Council, however, that those quotes were lifted entirely from his press release on Sri Lanka and that he had not given any interview in Zimbabwe. He expressed hope that the incident would not taint his relationship with the State and that he might be invited on mission to Zimbabwe soon. He asked in conclusion that more countries participate in developing follow-up procedures and communicate regularly with the Special Rapporteur to more effectively implement recommendations.

Interactive dialogue

Indonesia took the floor as a concerned country and thanked Mr Nowak for his efforts. It claimed, however, that he had not fulfilled his mandate since he had not studied relevant documents and established a genuine dialogue with the Government. It asked how such a visit could produce tangible and reliable results. Specifically, the delegation wondered how the Special Rapporteur could reach any conclusions on violence against women when he had not met with the relevant government ministry. Indonesia stated that it expected technical cooperation and advisory services from its cooperation with the special procedures. It argued that the Council had added weight and legitimacy to the work of the special procedures through the adoption of the code of conduct. It then assured the Council that Indonesia would continue to combat torture.

Paraguay was the last country to speak during the session. The Special Rapporteur had visited the country based on its standing invitation to all special procedures, which it claimed reflected the country's strong commitment to human rights. It cited several measures that showed its efforts to eliminate the use of torture, including human rights training for law enforcement, structural changes to certain prisons, expanding prison employment programmes, and improving prisoners' health and hygiene. In closing, Paraguay noted the work of its Truth and Justice Commission, from which it expects a report in August. This body seeks to increase knowledge and awareness about the State's authoritarian past, and move forward by bringing allegations of human rights violations to the courts.

³⁴ The Special Rapporteur cited the *Torture Act* of 1994 and the *Corporal Punishment Act* of 2005.

Item 3 - Special Rapporteur on sale of children, child prostitution and child pornography

The Special Rapporteur, Mr Juan Miguel Petit, presented his annual report.³⁵ In his oral presentation,³⁶ the Special Rapporteur highlighted the ratification of the optional protocol to the *Convention on the Rights of the Child* on the sale of children, child prostitution and child pornography by more than 12 countries in 2007. He also noted the adoption by the Council of Europe of the *Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse* and urged States to ratify it. He also noted several positive developments at the national level, in Costa Rica, Cambodia, and Mozambique.

The Special Rapporteur further informed that in 2007, he had followed up the UN *Study on Violence against Children*. He assessed that one year after the study's release its positive impact could be detected around the world. The implementation of the study's recommendations had catalysed action in all regions.

He reminded the Council of its *Decision 5/1* that had called on all States to eliminate the sale of children, child prostitution, and child pornography, including by addressing the contributing factors such as under-development, poverty, dysfunctional families, gender discrimination, urban-rural migration, conflicts, trafficking, and lack of education.

He noted that during 2007, he had sent 12 communications to 11 governments and had received only two replies. He explained that the thematic report looked at guidelines and options for providing better assistance to children victims of trafficking and commercial sexual exploitation and highlighted examples of national policies and international good practices.

The Special Rapporteur underlined the need for comprehensive guidelines for the establishment and management of rehabilitation and assistance programmes for minors that have been victims of sexual exploitation. He stressed that shelters should include medical care, psychological assistance, and educational and recreational activities. He highlighted national good practices in Belgium, Germany, Honduras, Spain, and Turkey. The Special Rapporteur also underlined good practices developed by NGOs and civil society. He noted that some NGOs have worked with governments to elaborate support and rehabilitation programmes. He stressed the need for innovative and creative programmes that should include input from civil society.

In commenting on his visit to **Mexico**, the Special Rapporteur expressed his gratitude to Mexico for its openness to discuss human rights issues and to international scrutiny. He highlighted that violence against women and children is a major problem in Mexico and that there is a lack of information about offences committed in Ciudad Juarez.

Interactive dialogue

Mexico spoke as a concerned country. It highlighted that sale of children, child prostitution, and child pornography were among the gravest affronts to childhood and society. It said that these issues had been identified as national priorities for crime prevention. Mexico referred to its national human rights programme for 2008-2012 that included the essential issue of protection of children's rights. It mentioned that it had

³⁵ A/HRC/7/8 (annual report), Add.1 (communications to and from governments), Add.2 (mission to Mexico). ISHR has prepared unofficial summaries of the reports by special procedures ('Reports in short'), available at www.ishr.ch/hrm/council/reports_in_short.

³⁶ Oral statements made at the Council can be accessed on the OHCHR extranet at <http://portal.ohchr.org> (fill out the form on www.ohchr.org/english/bodies/hrcouncil/form.htm to receive user name and password).

adopted a new law on prevention and punishment of trafficking which incorporates international commitments. Mexico also informed that it grants humanitarian visas to victims of trafficking.

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