

# The United Nations Thematic Mechanisms

An overview of their work and mandates



**THE LAW SOCIETY**

International Secretariat 113 Chancery Lane

1 Easton Steet London  
London WC1X 0DW WC2A 1PL  
United Kingdom United Kingdom

TABLE OF CONTENTS

Introduction

1

What are the thematic mechanisms? . . . . .  
.  
.  
.

1

Who are they? . . . . .  
.  
.  
.

2

What do they do? . . . . .  
.  
.  
.

4

How to contact them? .....  
..... 6

General Mandate ..... 7

Summaries of the Thematic Mechanisms .....  
..... 10

Working Group on Enforced or Involuntary Disappearances (WGEID) .....  
.....  
.....  
..... 10

Special Rapporteur on extrajudicial, summary or arbitrary executions\_ .....  
.....  
.....  
..... 13

Special Rapporteur on torture .....  
.....  
.....  
..... 15

Special Rapporteur on religious intolerance\_ .....  
.....  
.....  
..... 17

Special Rapporteur on the use of mercenaries\* .....  
.....

	. . . . .
	.
	19
<i>Special Rapporteur on the sale of children, child prostitution and child pornography</i>	. . . . .
	. . . . .
	20
<i>Working Group on Arbitrary Detention (WGAD)</i> . . . . .	. . . . .
	. . . . .
	21
<i>Representative of the Secretary-General on internally displaced persons</i> . . . . .	. . . . .
	. . . . .
	.
	25
<i>Special Rapporteur on contemporary forms of racism*</i> . . . . .	. . . . .
	. . . . .
	.
	26
<i>Special Rapporteur on freedom of opinion and expression*</i> . . . . .	. . . . .
	. . . . .
	27
<i>Special Rapporteur on violence against women, its causes and consequences</i> . . . . .	. . . . .

	. . . . .
	30
<i>Special Rapporteur on the independence of judges and lawyers . . . . .</i>	. . . . .
	. . . . .
	32
<i>Special Rapporteur on toxic and dangerous products and waste* . . . . .</i>	. . . . .
	. . . . .
	.
	34
<i>Special Representative on the impact of armed conflict on children . . . . .</i>	. . . . .
	. . . . .
	.
	35
<i>Independent expert on structural adjustment . . . . .</i>	. . . . .
	. . . . .
	.
	36
<i>Special Rapporteur on effects of foreign debt* . . . . .</i>	. . . . .
	. . . . .
	37
<i>Special Rapporteur on the right to education . . . . .</i>	. . . . .

	.....	
	.....	
		38
<i>Independent Expert on human rights and extreme poverty</i> .....	.....	
	.....	
	.....	
	.....	
		39
<i>Independent Expert on the right to development</i> .....	.....	
	.....	
	.....	
	.....	
		40
<i>Expert on the right to restitution, compensation and rehabilitation*</i> .....	.....	
	.....	
	.....	
	.....	
		41
<b><u>Appendix</u></b>		43
<i>List of country visits and reports since 1982</i>		

\* For full titles of these thematic mechanisms, see pages 3 and 4.

# The United Nations Human Rights Thematic Mechanisms

## INTRODUCTION

### ◆ *What are the thematic mechanisms?*

*The United Nations (UN) thematic mechanisms consist of a number of special rapporteurs, representatives, independent experts or working groups appointed usually by the UN Commission on Human Rights (the Commission) to look at specific types of human rights violations wherever in the world they occur. They are referred to as 'thematic' to distinguish them from the country mechanisms, also appointed by the Commission, which look at the human rights situation in specific countries.*

*The purpose of this paper is to provide assistance to those wishing to submit information to or follow studies undertaken by the thematic mechanisms. The primary focus of the paper is with the mechanisms that take action on individual cases but it contains basic information about all 20 of the current thematic mechanisms. Some mechanisms may appear to be covered in more detail than others but this is because of the nature of particular mandates or because less information exists for certain mechanisms. This document is not meant to be exhaustive, but rather to serve as a guide to the scope of work of the thematic mechanisms and the types of information they seek, particularly from non-governmental sources. The paper reflects the mandates of the mechanisms following the 55<sup>th</sup> session of the Commission, held in March and April 1999.*

The first thematic mechanism, the Working Group on Enforced or Involuntary Disappearances, was created in 1980. By 1985, with the creation of mechanisms dealing with summary or arbitrary executions and torture, the Commission had created a means of UN intervention to reports of threats to the right to life or to physical and mental integrity.

Later in the 1980s, mechanisms were established to deal with religious intolerance and the use of mercenaries. During the 1990s new mandates have been established to deal with the sale of children, child prostitution and child pornography; arbitrary detention; internally displaced persons; racism; freedom of opinion and expression; violence against women; the independence and impartiality of the judiciary and the dumping of toxic waste. Most recently new mandates have brought important aspects of economic and social rights on to the thematic agenda. These include the effects of foreign debt; education; extreme poverty; development and structural adjustment.

The thematic mechanisms have built up a reputation for being one of the UN's most effective tools in the promotion and protection of human rights. They can receive information about human rights violations from a variety of sources, both governmental and non-governmental. Those that take up individual cases can raise allegations with the government concerned and receive its reply, without revealing the source of the allegation. Most visit countries to examine at first hand the human rights situation, although only at the invitation of the government concerned, and make recommendations that should lead to an improvement in the situation. All the mechanisms compile detailed and candid reports to the Commission which not only describe human rights situations both generally and in individual countries but include valuable developments of the legal framework relevant to their mandate and make recommendations to both governments and the Commission.



The thematic mechanisms are mandated by the Commission to carry out their task "with discretion", but those parts of the Commission resolutions outlining their mandates are often worded in broad terms thus giving the mechanisms a relatively large measure of freedom in developing their own working methods. The mechanisms in their general approach are careful not to appear overly critical, but they are nevertheless in the valuable position of being able to expose, where it is warranted, to an international audience human rights violations in almost any country in the world, regardless (for the most part) of whether the government is party to a particular human rights treaty. For governments that seek their assistance in identifying solutions to human rights violations, the thematic mechanisms constitute a unique resource of human rights expertise.

For individuals and non-governmental organizations (NGOs), the mechanisms offer a source of valuable information about current developments in human rights, a means to contribute to studies and the development of international legal norms and, in some cases, the possibility of reporting alleged human rights violations to the UN. Particularly in the latter case, it is essential that every effort is made to collect and report full information about the alleged violation. Many of the mechanisms that take up individual cases provide a questionnaire for reporting purposes. These questionnaires are available on the website of the Office of the High Commissioner for Human Rights (<http://www.unhchr.ch>).

### ◆ Who are they?

The special rapporteurs, representatives, experts and members of the working groups serve in an unpaid capacity. Although some are diplomats or government officials, increasingly they are people who have developed their expertise on human rights in the non-state sector. Members of the working groups are chosen from all five UN regional groups. They are appointed by the Commission following the establishment of their mandate. They are supported by staff at the Office of the High Commissioner for Human Rights in Geneva, although there is a chronic and growing problem of resources both in terms of staff support and funding for their activities. The mandates of the mechanisms are not permanent but are renewed by resolution of the Commission.

The specific human rights violations covered by the thematic mechanisms, and the current incumbents, are listed below. The year the mechanism was established is given in brackets.

#### **Working Group on Enforced or Involuntary Disappearances (1980)**

<sup>1</sup>

Mr Ivan Tosevski (Macedonia), chairperson; Mr Jonas K D Foli (Ghana); Mr Diego Garcia-Sayan (Peru); Mr Agha Hilaly (Pakistan); and Mr Manfred Nowak (Austria)

#### **Special Rapporteur on extrajudicial, summary or arbitrary executions (1982)**

Ms Asma Jahangir (Pakistan)

---

<sup>1</sup>The Commission in the year 2000 will be reviewing whether the Working Group on Enforced or Involuntary Disappearances and the Working Group on Arbitrary Detention should be represented by a Special Rapporteur rather than a working group.

*Special Rapporteur on torture (1985)*

*Sir Nigel S. Rodley (United Kingdom)*

*Special Rapporteur on religious intolerance (1986)*

*Mr Abdelfattah Amor (Tunisia)*

*Special Rapporteur on the use of mercenaries as a means of  
impeding the exercise of the right of peoples to self-determination  
(1987)*

*Mr Enrique Bernales Ballesteros (Peru)*

*Special Rapporteur on the sale of children, child prostitution and  
child pornography (1990)*

*Mrs Ofelia Calcetas-Santos (Philippines)*

*Working Group on Arbitrary Detention (1991)*

*Mr Kapil Sibal (India), chairperson; Mr Louis Joinet (France); Mr  
Roberto Garretón (Chile); Mr Laity Kama (Senegal); and Mr Petr  
Uhl (Slovakia)*

*Representative of the Secretary-General on internally displaced  
persons (1993)*

*Mr Francis Deng (Sudan)*

*Special Rapporteur on contemporary forms of racism, racial  
discrimination, xenophobia and related intolerance (1993)*

*Mr Maurice Glélé-Ahanhanzo (Benin)*

*Special Rapporteur on the promotion and protection of the right to  
freedom of opinion and expression (1993)*

*Mr Abid Hussain (India)*

*Special Rapporteur on violence against women, its causes and consequences (1994)*

*Ms Radhika Coomaraswamy (Sri Lanka)*

*Special Rapporteur on the independence of judges and lawyers (1994)*

*Mr Param Cumaraswamy (Malaysia)*

*Special Rapporteur on adverse effects of the illicit movement and dumping of toxic and dangerous products and waste on the enjoyment of human rights (1995)*

*Ms Fatma Zohra Ksentini (Algeria)*

*Special Representative on the impact of armed conflict on children (1996)*

*Mr. Olara Otunnu (Côte d'Ivoire)*

*Independent expert on structural adjustment (1997)*

*Dr. Fantu Cheru (USA)*

*Special Rapporteur on effects of foreign debt on the full enjoyment of economic, social and cultural rights (1998)*

*Mr. Reinaldo Figueredo (Venezuela)*

*Special Rapporteur on the right to education (1998)*

*Ms Katarina Tomasevski (Croatia)*

*Independent expert on human rights and extreme poverty (1998)*

*Ms. Anne-Marie Lizin (Belgium)*

*Independent expert on the right to development (1998)*

*Mr. Arjun Sengupta (India)*

*Expert to prepare a revised version of the basic principles and guidelines on the right to restitution, compensation and rehabilitation for victims of grave violations of human rights (1998)*

*Mr. Cherif Bassiouni (Egypt/USA)*

#### ◆ **What do they do?**

The activities of the Special Rapporteurs or Working Groups usually include:

**Studies:** The mechanisms undertake general studies. They determine which human rights violations fall within their mandate, analyze their occurrence and causes and comment on institutional aspects of national legislation and international standards. They also make general recommendations on how to prevent the human rights violation and remedy the consequences.

**Receiving communications:** As noted above, some of the mechanisms can receive communications alleging human rights violations in individual cases. They will act on allegations received from individuals, NGOs, governments, intergovernmental organizations and other UN institutions or offices (including other country or thematic rapporteurs).

**Communications with governments:** If the mechanism finds the information credible and within their mandate, it is transmitted to the government in question, either in the form of an urgent appeal or by letter. In urgent cases (such as fear of imminent execution), an appeal is transmitted to the government to protect those concerned, and provide information on the case. For less urgent cases or for general allegations, the mechanism addresses a letter to the government containing a description of the allegation and requests a reply.

Some rapporteurs actively follow up on the government's response (for example by raising the different accounts of an incident) until a satisfactory answer is received, whereas others merely summarize the government's reply in their annual report. In cases where no reply is received, reminders are sent.

Not all allegations received result in a letter or urgent appeal to the government. This may be due to a lack of resources at the Office of the High Commissioner for Human Rights or to the quality of information received.

**Annual reports to the Commission:** Each year the mechanisms issue a report to the annual session of the Commission (March/April) in which they describe their activities during the previous year. The reports discuss both general issues (mandate, working methods, theoretical analysis, recommendations) and surveys the reports they have received, and the government's response, on a country-by-country basis. Some reports also contain statistics on the number of urgent appeals or requests for information sent to governments, and the number of replies by governments. Some mechanisms are requested to present an interim report to the UN General Assembly (September to December). The exception is the Special Representative on the impact of armed conflict

on children who is appointed by and reports to the General Assembly but presents an interim report to the annual session of the Commission.<sup>2</sup>

**Country visits:** The mechanisms also undertake on-site visits to study the situation in any country first-hand, but only at the invitation of the government. Country visits can provide the rapporteur with great opportunities for collecting information through contact with government representatives, local NGOs and victims or their relatives. Country visits are usually the subject of a separate report to the Commission and include recommendations to the government. On occasion, two or more mechanisms (thematic or country) may make a joint visit or joint representations to a government. Otherwise thematic mechanisms do not usually visit a country for which a country rapporteur has been appointed, although there are exceptions to this rule. A list of country visits carried out since 1982 is contained in the Appendix.

The recommendations contained in reports of country visits are a valuable guide to the steps that the government needs to take to stop the human rights violation in question. However, the Commission gives scant attention to the implementation of recommendations and most of the mechanisms are so under-resourced that it is rarely possible for them to follow up on country visits.

**Annual meetings:** The chairpersons of the working groups, special rapporteurs, country rapporteurs, special representatives and various

---

<sup>2</sup>Document references to reports to the General Assembly have been omitted from the main text of this paper but are available on the website of the High Commissioner for Human Rights (<http://www.unhchr.ch>).

experts meet on an annual basis to “harmonize and rationalize their work” as required by the *Vienna Declaration and Programme of Action* (Part II, paragraph 95). The first of these meetings took place in Geneva in 1994. The issues discussed at these meetings include working relations between the mechanisms and the Commission, the implementation of thematic resolutions adopted by the Commission, cooperation with the High Commissioner for Human Rights, the integration of women’s rights in mandates, and the question of resources and administration, resource room support services and use of media.

**Other activities:** The mechanisms are involved in other activities including requests to governments and often NGOs for information relevant to studies they are undertaking. They also attend conferences, issue press releases and undertake other activities to make their work better known.

### ◆ **How to contact the thematic mechanisms**

To submit information to or for more information about all the thematic mechanisms please write to the relevant mechanism at the following address:

Office of the High Commissioner for Human Rights  
United Nations Office in Geneva  
1211 Geneva 10  
Switzerland

Fax: +41 22 917 9006 or 9003

Email: [lgariup.hchr@unog.ch](mailto:lgariup.hchr@unog.ch)



Full information on the Commission and the work of the thematic mechanisms, including recent reports, resolutions and to access the forms or questionnaires designed to assist those wishing to submit information questionnaires, can be found at the following website address: <http://www.unhchr.ch>.

## GENERAL MANDATE

In addition to resolutions specific to each mechanism, the Commission adopts resolutions at each of its sessions instructing all the mechanisms to take into account particular recommendations and concerns in the execution of their mandates. At recent sessions these have included the following elements.

### *Human rights and thematic procedures<sup>3</sup>*

The Commission has asked the mechanisms to include in their reports:

➤ information furnished by governments on follow-up to communications sent by the mechanisms;

---

<sup>3</sup>Resolutions 1996/46, 1997/37, 1998/74, Decision 1999/110.

- comments on problems of responsiveness and the result of analyses in order to carry out their mandates more effectively;
- suggestions as to areas where governments might request relevant assistance through the programme of advisory services and technical cooperation administered by the Office of the High Commissioner for Human Rights;
- gender-disaggregated data and an analysis of the characteristics and practice of human rights violations that were specifically or primarily directed against women, or to which women were particularly vulnerable;
- information on the situation of human rights defenders and how their protection can be enhanced.

#### **Elimination of violence against women<sup>4</sup>**

The Commission has requested all governments to cooperate with and assist the Special Rapporteur on violence against women in the performance of her mandate – particularly to respond to requests by the Special Rapporteur for information on violence against women, its causes and consequences. In addition, almost all the mechanisms have been asked by the Commission to pay particular attention to the gender-specific violations of the human rights in the framework of their specific mandate.

#### **Promotion of the right to freedom of opinion and expression<sup>5</sup>**

---

<sup>4</sup>Resolutions 1995/85, 1996/49, 1997/44, 1998/52, 1999/42.

<sup>5</sup>Resolutions 1995/40, 1996/53, 1997/27, 1998/42, 1999/36.

The Commission has invited the mechanisms to pay attention to situations of persons detained, subjected to violence or ill-treatment, or discriminated against for having exercised their right to freedom of opinion and expression as affirmed in the Universal Declaration of Human Rights (1948), the International Covenant on Civil and Political Rights (1966) and other relevant human rights instruments; and to note any deterioration in the right to freedom of expression.

### *Advisory services and technical cooperation<sup>6</sup>*

The Commission has asked the mechanisms to include in their recommendations, wherever appropriate, proposals for specific projects to be realized under the program of advisory services and technical cooperation organized by the Office of the High Commissioner for Human Rights.

### *Rights of persons belonging to national or ethnic, religious and linguistic minorities<sup>7</sup>*

The Commission has asked the mechanisms to continue to give due regard, within their respective mandates, to the promotion and protection of the rights of persons belonging to minorities, and to furnish, as appropriate, information on the application of the Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities (1992).

---

<sup>6</sup>Resolutions 1995/53, 1996/5, 1997/46, 1998/57.

<sup>7</sup>Resolutions 1995/24, 1996/20, 1997/16, 1998/19, 1999/48.

### *Human rights and mass exoduses and displaced persons<sup>8</sup>*

*The Commission has asked the mechanisms to seek information, where appropriate, and include information and recommendations in their reports, on problems resulting in mass exoduses of populations or impeding their voluntary return home and situations which have already created or could create internal displacement.*

### *Internally displaced persons<sup>9</sup>*

*The Commission has invited the mechanisms to pay attention to issues of internal displacement, and to continue to seek information on situations which have already created or could create internal displacement and to include relevant information and recommendations thereon in their reports.*

---

<sup>8</sup>Resolutions 1995/88, 1996/51, 1997/75, 1998/49.

<sup>9</sup>Resolutions 1995/57, 1996/52, 1997/39, 1998/50, 1999/47.

### ***Cooperation with representatives of UN bodies<sup>10</sup>***

The Commission has called on governments to refrain from all acts of intimidation or reprisal against those who seek to cooperate with UN human rights bodies, and asks the representatives of those bodies, including the thematic mechanisms, to help prevent the hampering of access to UN human rights procedures. The thematic mechanisms are asked to include in their reports to the Commission information on any such incidents and action taken by them in response.

### ***Rights of the child<sup>11</sup>***

The Commission has asked the thematic mechanisms to pay special attention to particular situations where children are in danger and where their rights are violated, including street children, the exploitation of child labour, children in armed conflicts and children who are victims of sale, child prostitution and child pornography.

### ***Impunity<sup>12</sup>***

The Commission has invited the mechanisms to give due consideration to the issue of impunity in their work.

### ***Human Rights Defenders<sup>13</sup>***

---

<sup>10</sup>Resolutions 1995/75, 1996/70, 1997/56/ 1998/66, 1999/16.

<sup>11</sup>Resolutions 1995/79, 1996/85, 1997/78, 1998/76, 1999/80.

<sup>12</sup>Resolutions 1998/53, 1999/34.

<sup>13</sup>Resolutions 1999/66.

The Commission has urged all special rapporteurs and working groups to give due regard to the Declaration on Human Rights Defenders<sup>14</sup> (1998) within their mandates.

### *Globalization*<sup>15</sup>

The Commission has requested that all special rapporteurs, representatives, independent experts and working groups of the Commission take into consideration the issue of the impact of globalization on the full enjoyment of all human rights in their reports.

## **SUMMARIES OF THE THEMATIC MECHANISMS**

(LISTED BY DATE OF ESTABLISHMENT)

### **WORKING GROUP ON ENFORCED OR INVOLUNTARY DISAPPEARANCES (WGEID)**

---

<sup>14</sup>The full title is the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms.

<sup>15</sup>Resolution 1999/59

## *Mandate and working method*

*The WGEID is mandated to examine questions relevant to enforced or involuntary disappearance of persons, and to assist families in determining the fate and whereabouts of their missing relatives. The WGEID endeavors to establish a channel of communication between the families and governments concerned, often through NGOs, with a view to ensuring that individual cases are investigated and the whereabouts of the “disappeared” person is clearly established, irrespective of whether the person is alive or dead.<sup>16</sup>*

*The WGEID’s mandate is primarily based on the International Covenant on Civil and Political Rights (1966) and the Declaration on the Protection of All Persons from Enforced Disappearance (1992) (the Declaration). The WGEID has a special role to play with regard to the Declaration. It should be noted that the WGEID participated actively in the elaboration of the Declaration and welcomed it as a milestone in the united efforts to combat the practice of “disappearance”. The WGEID has been entrusted by the Commission to monitor states’ compliance with their obligations deriving from the Declaration. The Commission has requested WGEID to give full attention to the provisions of the Declaration and its implementation.*

## *Definition of “disappeared”*

---

<sup>16</sup>*The WGEID’s role ends when the fate and whereabouts of the missing person have been clearly established as a result of investigations by the government or the family, irrespective of whether that person is alive or dead.*

In defining “disappearance”, the WGEID applies the definition provided in the preamble to the Declaration, which reflects many of the WGEID’s proposals and recommendations, and the implementation of which is central to its mandate. A “disappeared” person is:

- a clearly identified individual;
- who has been arrested, detained or abducted against his or her will or otherwise deprived of his or her liberty by (a) officials or different branches or levels of government, or (b) organized groups or private individuals acting on behalf of or with the support (direct or indirect), permission or acquiescence of a government (consequently WGEID does not deal with “disappearances” attributed to opposition groups); and
- these forces then conceal the whereabouts of that person or refuse to disclose that person’s fate or acknowledge that the person was deprived of their liberty, thus placing that person outside the protection of the law.

### **Examining individual cases**

The WGEID receives and examines reports of “disappearances”. To be admissible a communication must be submitted in writing and clearly indicate the identity of the sender. The submission originates from the family or friends of the missing person but is often channeled through an NGO. The WGEID may not take any action in an individual case on its own initiative.

The WGEID constantly urges senders of reports to provide them with information that contains at least a minimum of data. Submissions



must fulfil the following basic criteria before the WGEID will take up a case:

- full name of the missing person and relevant identification data (for example, national identity document number or photograph);
- date of "disappearance" - day, month and year of arrest, abduction or when last seen. If the missing person was last seen in a place of detention, an approximate indication is sufficient;
- place of arrest or abduction or where the missing person was last seen. At least an indication of the location is required;
- parties presumed to have carried out the arrest or abduction or to hold the missing person in unacknowledged detention;
- steps taken to determine the fate or whereabouts of the missing person or at least an indication that efforts to resort to domestic remedies were frustrated or have otherwise been inconclusive.
- identity of the person or organization submitting the report (which will be kept confidential on request).

The WGEID encourages those submitting information to include supporting documentation (a photograph of the missing person or witness statements, for example) wherever possible but emphasizes that copies, not original documents, should be sent.

### *Handling of cases*

The WGEID's action is based on the principle that the state is responsible for human rights violations committed within its territory and is obliged to prevent such violations or to investigate them when they have occurred. The WGEID will therefore not process individual cases of "disappearance" perpetrated by irregular or insurgent groups fighting a government on its own territory.

It is important to confirm that the "disappearance" is not in fact a case of short-term unacknowledged detention, in which case it should not be submitted to the WGEID.

After determining whether the report of "disappearance" complies with the above criteria, the WGEID transmits the case to the government concerned, requesting the authorities to carry out investigations and to inform the WGEID of the results.

### *Urgent action procedure*

Cases that occurred within three months preceding the receipt of the report of the "disappearance" by the WGEID are transmitted directly to the government concerned. This is referred to as the *urgent action procedure*.

### *Replies from governments and clarification of cases*

Any reply from the government containing detailed information on the fate and whereabouts of a “disappeared” person is transmitted to the source. If the source does not respond within six months of the date from which the government’s reply was communicated to it, or if it contests the government’s information on grounds which are considered unreasonable by the WGEID, the case is considered clarified and is accordingly listed under the heading “Cases clarified by the government’s response” in the statistical summary of the annual report. If the source contests the government’s information on reasonable grounds, the government is so informed and asked to comment and the case is kept open.

The WGEID reminds every government concerned at least once a year of the cases which have not yet been clarified, and twice a year of all urgent actions cases transmitted during the preceding six months for which no clarification has been received.

To facilitate the submission of cases, the WGEID has prepared a standard format for the reporting alleged “disappearances” which can be obtained from the website of the Office of the High Commissioner for Human Rights (<http://www.unhchr.ch>).

**THE SPECIAL RAPPORTEUR ON  
EXTRAJUDICIAL,  
SUMMARY OR ARBITRARY  
EXECUTIONS**

## **Mandate and working method**

The mandate of the Special Rapporteur is primarily based on the Universal Declaration of Human Rights (1948), articles 4, 6, 14 and 15 of the International Covenant on Civil and Political Rights (1966) and the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions (1989).

The Special Rapporteur will take action on cases submitted by individuals, NGOs, governments or intergovernmental organizations that meet the following criteria:

- Violations of the right to life in connection with the death penalty. The Special Rapporteur intervenes when capital punishment is imposed after an unfair trial, or in case of a breach of the right to appeal or the right to seek pardon or commutation of sentence. The Special Rapporteur also intervenes if the convicted person was a minor at the time of the offence, or is a mentally retarded or insane person, a pregnant woman or a recent mother;
- Death threats and fear of imminent extrajudicial executions by state officials, paramilitary groups, private individuals or groups cooperating with or tolerated by the government, as well as unidentified persons who may be linked to the categories mentioned above;
- Deaths in custody owing to torture, neglect or the use of force, or life-threatening conditions of detention;

- Deaths owing to the use of force by law enforcement officials, or persons acting in direct or indirect compliance with the state, when the use of force is inconsistent with the criteria of absolute necessity and proportionality;
- Deaths owing to attacks by security forces of the state, by paramilitary groups, death squads or other private forces cooperating with or tolerated by the government;
- Violations of the right to life during armed conflicts, especially of the civilian population, contrary to humanitarian law;
- Expulsion or *refoulement* of persons to a country where their lives are in danger;
- Genocide;
- Breach of the obligation to investigate alleged violations of the right to life and to bring those responsible to justice;
- Breach of the obligation to provide adequate compensation to victims of violations of the right to life.

In her report to the last session of the Commission,<sup>17</sup> the Special Rapporteur highlighted the following areas as “issues of special concern”: capital punishment; impunity; child soldiers; traditional practices and

---

<sup>17</sup> See UN Document E/CN.4/1999/30

customs affecting the right to life and the right to life and sexual orientation.

### *Examining individual cases*

The following minimum information is needed:

- full particulars of the victim;
- date and place of the incident and description of how it occurred;
- name of the alleged perpetrators, if known, and explanation of the reasons why they are suspected to be responsible; if perpetrators are non-state agents, details on how these forces or individuals relate to the state;
- name and full address of the organization or individual submitting the allegations to the Special Rapporteur.

### *Handling of cases*

Alleged cases of extrajudicial, summary or arbitrary executions are transmitted to the governments concerned. The government is requested to respond with information about the progress and results of investigations conducted with respect to these cases, penal or disciplinary sanctions imposed on the perpetrators, as well as compensation provided to the family of the victim.

### ***Urgent action procedure***

*Urgent appeals* may be sent by the Special Rapporteur in cases that evince a fear of imminent extrajudicial, summary or arbitrary executions.

These cases include death threats and fear of imminent execution of death sentences in contravention of the limitations on capital punishment set forth in the pertinent international instruments, including those mentioned previously. The Special Rapporteur may also send urgent appeals to governments after having been informed of the imminent expulsion of persons to a country where they are at risk of extrajudicial, summary or arbitrary execution.

When transmitting *urgent actions*, the Special Rapporteur appeals to the government concerned to ensure effective protection of those under threat or at risk of execution. The Special Rapporteur also urges the authorities to undertake full, independent and impartial investigations with respect to those violations, to bring the perpetrators of extrajudicial executions to justice, and to protect the rights of the victim's family. Governments are urged to keep the Special Rapporteur fully informed of all steps taken.

### ***Replies from governments and clarification of cases***

The Special Rapporteur may request further or updated information from the government or the source of the allegation. In cases where the violation has already taken place, the Special Rapporteur will focus on the obligation of the state to carry out a full and impartial investigation, to bring the perpetrators of extrajudicial executions to justice, and

protect the rights of the victim's family. A case will be closed only when these conditions have been fulfilled.

To facilitate the submission of cases, the Special Rapporteur has prepared a standard format for the reporting of alleged extrajudicial, summary or arbitrary executions which can be obtained from the website of the Office of the High Commissioner for Human Rights (<http://www.unhchr.ch>).

## SPECIAL RAPPORTEUR ON TORTURE

### *Mandate and working method*

The mandate of the Special Rapporteur on torture is primarily based on the Universal Declaration of Human Rights (1948), the International Covenant on Civil and Political Rights (1966), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984), which guarantee the right not to be tortured or subjected to cruel, inhuman or degrading treatment or punishment.

In addition to the more obvious cases of torture, the following are some examples of other situations which the Special Rapporteur classifies as torture:

**Physical torture including:** exposure to excessive light or noise; administration of certain drugs (for example apomorphine which causes vomiting, curare which causes asphyxia); prolonged denial of rest, sleep; prolonged denial of food; prolonged denial of sufficient hygiene;



*prolonged denial of medical assistance; judicially ordered corporal punishment; custodial rape and sexual abuse.*

*Psychological or mental torture including: total isolation and sensory deprivation (these conditions, if prolonged, can entail serious and often irreversible psychosomatic, intellectual and emotional problems); being kept in constant uncertainty in terms of space and time; threats to kill or torture relatives; total abandonment; simulated executions; “disappearance” of relatives.*

### *Examining individual cases*

*Information on the torture of a person should be transmitted to the Special Rapporteur in written form and should contain the following minimum information:*

- *full particulars of the victim;*
- *date on which the incident(s) of torture occurred (at least as to the month and year);  
place where the person was seized and location at which the torture was carried out (if known);*
- *indication of the forces carrying out the torture;*
- *description of the form of torture used and any injury suffered as a result;*

- *identity of the person or organization submitting the report.*

*Copies of any relevant corroborating documents, such as medical or police records should be supplied where it is believed that such information may contribute to a fuller account of the incident. Only copies and not originals of such documents should be sent.*

### ***Handling of cases***

*The Special Rapporteur transmits to the government concerned summaries of all credible and reliable information addressed to him alleging violations in individual cases as well as practices of torture. He requests the government to look into those allegations and to provide him with relevant information on the allegations, to prosecute and impose appropriate sanctions on any persons guilty of torture regardless of rank, office or position they may hold; to take effective measures to prevent the recurrence of such acts; and to compensate the victims or their relatives in accordance with the relevant international standards.*

### ***Urgent action procedure***

*The Special Rapporteur will make an urgent appeal whenever he receives information that an individual has been arrested and there are well grounded fears that person may be subjected to torture. The appeal is sent to the government concerned drawing its attention to the case, with the object of preventing or stopping an act of torture. In such cases actual evidence of torture taking place or having taken place is not required. The Special Rapporteur only has to determine whether there are reasonable grounds to believe that a person is held under*

circumstances indicating an credible risk of torture. Deaths as a result of torture are dealt with by the Special Rapporteur on extrajudicial, summary or arbitrary executions.

### **Replies from governments and clarification of cases**

Replies from governments are processed and the sources are consulted. If warranted the dialogue continues, and from these communications the Special Rapporteur draws conclusions and makes recommendations to governments.

The Special Rapporteur acknowledges where appropriate the existence of persistent acts of violence, including torture, committed by armed groups. However, he transmits allegations of torture only to governments, as the authorities responsible under international human rights standards.

To facilitate the submission of cases, the Special Rapporteur has prepared a standard format for reporting allegations of torture which can be obtained from the website of the Office of the High Commissioner for Human Rights (<http://www.unhchr.ch>).

## **SPECIAL RAPPORTEUR ON RELIGIOUS INTOLERANCE**

### **Mandate and working methods**

The Special Rapporteur on religious intolerance is mandated to examine incidents and governmental action in all parts of the world inconsistent with the provisions of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (1981) and to recommend remedial measures for such situations.

The Special Rapporteur has identified seven categories of violation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief.<sup>18</sup> These are:

➤ **Violations of the principle of non-discrimination in matters of religion and belief:** policies, laws and regulations, discriminatory practices and acts against (a) certain communities with regard to religion and belief, particularly when such communities are minorities or do not subscribe to the official religion or recognized religions and beliefs, and (b) against women based on interpretations of religion and traditions supposedly based on religion or belief.

➤ **Violations of the principle of tolerance in matters of religion and belief:** these are policies, practices and acts of religious intolerance on the part of the state and society, particularly of communities in matters pertaining to religion and belief, of politico-religious groups and other non-state groups, the most marked manifestations of which are connected with the problem of religious extremism as well as the role of the media in propagating a climate of intolerance.

---

<sup>18</sup>See UN Document E/CN.4/1999/58.

- *Violations of freedom of thought, conscience and religion or belief:* these are policies, laws and regulations, practices and acts contrary to the principle of conscientious objection<sup>19</sup> and the freedom to change and keep one's religion and belief.
  
- *Violations of the freedom to manifest one's religion or belief:* these comprise policies, laws and regulations, practices and acts constituting controls, interference, prohibitions and restrictions on freedom to manifest one's religion or belief.
  
- *Violations of the freedom to dispose of religious property:* these are policies, practices and acts that impair the freedom to dispose of religious property in the form of non-restitution of confiscated religious property; refusal of access to places of worship (obstacles to, and even banning of, construction or rental; restrictions on the number of followers); a tax against enclosure and destruction of places of worship, cemeteries and denominational schools, and confiscation of religious property (including religious works).
  
- *Violations of physical integrity and health of persons (religious figures and the faithful):* these are policies, practices and acts in the form of

---

<sup>19</sup>The Commission adopts, usually at every other session, a resolution on conscientious objections to military service. The most recent, 1998/77, includes a reminder to states of their recommendation that conscientious objectors should be provided with forms of alternative service which are compatible with the reasons for conscientious objection, of a non-combatant or civilian character, in the public interest and not of a punitive nature.

threats, ill-treatment (including slavery and rape, arrest and detention, forced disappearances, and even death sentences, executions and killings).

➤ **Violations affecting women:** this refers to the specific application to women of the six categories of violations listed above.

The Special Rapporteur is examining the contribution of education to the more effective promotion of religious tolerance. He has conducted a survey, by means of a questionnaire addressed to states, on problems related to freedom of religion and belief from the standpoint of the curricula and text books of primary or elementary and secondary educational institutions. He is currently establishing a compendium of national enactments concerning freedom of religion and belief. His aim is to create a basic reference work, to be updated regularly.

The Special Rapporteur has proposed that his title should be changed to "Special Rapporteur on freedom of religion or belief" since his present title, with its reference to religious intolerance, "antagonizes certain interlocutors and sometimes makes dialogue difficult". In Resolution 1999/39 the Commission decided to consider the change of title at the next session. It also encouraged the Special Rapporteur to contribute effectively to the preparatory process for the UN World Conference against racism, racial discrimination, xenophobia and related intolerance which will be held in 2001.

### **Examining individual cases**

The procedure for communications about individuals is similar to that used by other thematic mechanisms. The Special Rapporteur will transmit information concerning alleged violations to the state concerned, request that the allegations be investigated and that he be kept informed of the results.

## **SPECIAL RAPPORTEUR ON THE USE OF MERCENARIES AS A MEANS OF IMPEDING THE RIGHT OF PEOPLES TO SELF-DETERMINATION**

### *Mandate and working method*

The Special Rapporteur on mercenaries is mandated to seek and receive credible and reliable information from governments, specialized agencies and intergovernmental and non-governmental organizations on the use of mercenaries.

In his latest report to the Commission,<sup>20</sup> the Special Rapporteur reports on his activities; mercenary activities in Sierra Leone; the persistence and evolution of mercenary activities; private security and military assistance companies and mercenary activities; and the current status of the International Convention against the Recruitment, Use, Financing and Training of Mercenaries. This treaty was adopted by the UN General

---

<sup>20</sup> See UN Document E/CN.4/1999/11

Assembly in 1989 but still lacks sufficient number of ratifications to come into force.

The Special Rapporteur concluded that mercenary activities continue to exist in many parts of the world. Although mercenaries pose as technicians or military experts, hired by private companies or governments, this did not change the nature or the status of those who hire themselves out to meddle and cause destruction and death in foreign conflicts and countries. The information submitted to him suggested that Africa continued to be the country most affected, mercenary activity has spread to other continents. He recommended that the Commission pay priority and urgent attention to the challenge to the international system of human rights protection created by the growth and development of companies providing security services and military assistance and advice.

This mechanism does not take up individual cases.

## **SPECIAL RAPPORTEUR ON THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY**

### ***Mandate and working method***

The mandate of the Special Rapporteur is to study the phenomena of the sale of children, child prostitution and child pornography and make recommendations for preventing such abuses. Her mandate is carried out within the framework of international human rights instruments



relevant to children, particularly the Convention on the Rights of the Child (1989).

In earlier reports, the Special Rapporteur identified and analyzed the roles of three catalysts which she felt were indispensable in the fight for the protection of children, namely the justice system, education and the media. She has made extensive recommendations on how these catalysts could be most effective in responding to children who are entrenched in situations of abuse and in the prevention of such abuses.

The Special Rapporteur has studied the involvement of children in commercial sex, prostitution and pornography, considered issues definition, causation, international and national developments and their effects on children, and made recommendations. She is now focussing on the third element in her mandate: the sale of children. The increased international attention being given to the issue of sexual exploitation has heightened awareness of the extent to which children in virtually all areas of the world are being sold for sexual exploitation and for other purposes. This awareness has also brought to light that fact that in most cases where there is sale, there is also trafficking involved.

In July 1998 the Special Rapporteur circulated a questionnaire to governments, relevant UN bodies and agencies, intergovernmental and non-governmental organizations. The questionnaire requested the following information:

- the paths within the countries through which children are trafficked; the origin of the children and their final destination;

- the international trafficking routes which may originate in, pass through or terminate in the country in question;
- the profiles of the children and of those involved in the trafficking - their nationality, age and background circumstances;
- the purposes for which children are trafficked - for sexual exploitation, illegal adoption, for use in labour or sports or as organ donors, or any other purpose;
- whether the children are part of a general trafficking path along with commodities such as drugs or firearms;
- provisions for prevention/extradition/repatriation/rehabilitation of the child victims after trafficking.

*This mechanism does not take up individual cases.*

## **WORKING GROUP ON ARBITRARY DETENTION (WGAD)**

### **Mandate and working method**

*The WGAD is mandated to investigate cases of deprivation of liberty imposed arbitrarily in contravention of the Universal Declaration of Human Rights (1948), the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (1988) and other relevant international instruments accepted by the states concerned.*

In 1997 the Commission additionally mandated the WGAD to devote all necessary attention to reports concerning the situation of migrants and asylum seekers who are allegedly being held in prolonged administrative custody without the possibility of administrative or judicial remedy, and to include observations on this question in its report.<sup>21</sup> That resolution also placed some restrictions on the work of the WGAD by instructing it not to apply the International Covenant on Civil and Political Rights (1966) or other relevant international human rights treaties to states that are not a party to such treaties, and to give views rather than take decisions on cases. The WGAD was asked to re-examine its methods of work, particularly regarding the admissibility of cases and to be flexible in setting deadlines for governments' replies to its inquiries.

The WGAD may, at the invitation of governments, make visits to places of detention in order to satisfy itself not only with conditions of detention, but also with the legal status of prisoners.

### **Types of arbitrary detention**

As a general rule, in dealing with situations of arbitrary deprivation of liberty, the WGAD refers to the following three categories :

➤Category I: cases in which the deprivation of freedom is arbitrary as it manifestly cannot be linked to any legal basis such as continued detention

---

<sup>21</sup>Resolution 1997/50.

after the completion of a sentence or despite an amnesty law applicable to the prisoner;

➤Category II: cases of deprivation of freedom resulting from the exercise of fundamental rights or freedom guaranteed by the Universal Declaration of Human Rights (1948) specifically articles 7, 13, 14, 18, 19, 20 and 21 and, for state parties to the International Covenant on Civil and Political Rights (1966) specifically articles 12, 18, 19, 21, 22, 25, 26 and 27. These articles refer to freedom of thought, conscience and religion; opinion and expression; and peaceful assembly and association ;

➤Category III: cases in which non-observance of all or part of the international provisions relating to the right to a fair trial is such that it confers on the deprivation of freedom, of whatever kind, an arbitrary nature. It should be noted that detention can be arbitrary both during pre-trial judicial or administrative detention as well as post-trial imprisonment.

The WGAD has provided a detailed list of unfair pre-trial and post-trial situations of arbitrary detention which it considers to be arbitrary.<sup>22</sup>

### **Examining individual cases**

---

<sup>22</sup>See report UN Doc E/CN.4/1992/20

The WGAD studies complaints about individual cases of alleged arbitrary detention to establish whether a detention is arbitrary. Until the WGAD has sufficient information to come to a decision, the case will remain open. The WGAD's involvement in a case is generally triggered by communications sent to it by the family or representative of a detained person, NGOs, governments or intergovernmental organizations. The WGAD may, on its own initiative, take up cases which might constitute arbitrary deprivation of liberty.<sup>23</sup>

Cases must be submitted in writing and should contain, as far as possible, the following facts:

- the identity of the person arrested or detained;
- the date and place of arrest or detention; forces presumed responsible; and all other available information;
- the reasons given by the authorities for the arrest or detention or the offences;
- the legislation relevant to the case;
- the steps taken at the national level to verify the detention, especially approaches to the administrative and legal authorities; the results or reasons why such steps were ineffective or were not taken;
- a short account of the reasons for regarding this case as one of arbitrary detention;
- full particulars of the person(s) submitting the information.

---

<sup>23</sup>It was authorized to do so by Commission resolution 1993/36.

## Handling of cases

### Offering the government an opportunity to refute the allegations

Cases which are considered to be arbitrary are transmitted to the government concerned, with an invitation to respond to the WGAD, preferably within 90 days, on both the facts of the cases and the relevant legislation. The government is also requested to provide information on the progress and outcome of any investigation that may have been ordered.<sup>24</sup>

### The WGAD's views

In the light of the information collected, the WGAD reaches one of the following opinions:

- if the person has been released since the WGAD took up the case, it can decide in principle to file the case. Nevertheless, the WGAD reserves the right to decide whether or not the detention was arbitrary, when the circumstances of the detention raise a matter of principle or are of a particularly serious nature;
- the WGAD may consider that the case is not one of arbitrary detention;

---

<sup>24</sup>The WGAD decided, as of its 18<sup>th</sup> session in May 1997, to indicate to governments to which it addresses individual cases that if they desire an extension of the 90-day deadline that providing a reply, they should inform the WGAD of the reasons of such a request so that it may be able, if necessary, to grant a further period of a maximum of two months for providing their reply.

- the WGAD may keep a case pending while it seeks additional information from the government concerned or the source of the complaint;
- the WGAD may file the case if it considers that it is not in a position to obtain sufficient information;
- if the WGAD considers that the arbitrary nature of the detention is established, it declares the detention arbitrary and makes recommendations to the government concerned.

### **The WGAD's "deliberations"**

The WGAD may also adopt a position of principle, known as a "deliberation", on matters of a general nature in order to develop a consistent set of principles and assist states, for purposes of prevention, to guard against the practice of arbitrary detention. The WGAD has already adopted such "deliberations", on the questions of house arrest and deprivation of freedom for purposes of rehabilitation through labour. By means of these "deliberations" it defines the criteria on the basis of which deprivation of freedom linked with such situations may become arbitrary.<sup>25</sup>

### **Urgent action procedure**

---

<sup>25</sup>The last deliberation was adopted in 1992.

The WGAD has developed an *urgent action procedure* for cases in which there are sufficiently reliable allegations that a person is being detained arbitrarily and that the continuation of the detention may constitute a serious danger to that person's health or life. The *urgent action procedure* may also be resorted to in other circumstances, when the WGAD deems that the situation warrants such an appeal (such as failure to release a person despite a court order to that effect). In such cases, an *urgent appeal* is sent to the government concerned, requesting the government to take prompt measures to ensure that the detained person's right to life and to physical and mental integrity is respected. Such *urgent appeals* in no way prejudge the WGAD's final assessment of whether the detention is arbitrary. When the state of health of the detained person appears to give grounds for particular concern the WGAD may also appeal to the government to consider releasing that person without delay.

### **Replies from governments and clarification of cases**

Any reply sent by the government to the WGAD is transmitted to the source for any further comments and observations. If the government has not communicated its response within the deadline, the WGAD may take a position on the case on the basis of the information available.

To facilitate the submission of cases, the WGAD has prepared a standard format for reporting allegations of arbitrary detention which can be obtained from the website of the Office of the High Commissioner for Human Rights (<http://www.unhchr.ch>).



## REPRESENTATIVE OF THE SECRETARY-GENERAL ON INTERNALLY DISPLACED PERSONS

### *Mandate and working method*

*This mandate was created in 1993 by the UN Secretary-General, at the request of the Commission, to seek views and information from all governments on the human rights issues related to internally displaced persons, including an examination of existing international, human rights, humanitarian and refugee law and standards and their applicability to the protection of and assistance to internally displaced persons.*

*As the Special Rapporteur notes in his most recent report<sup>26</sup> the development of a normative legal framework has been a major part of his work. He has so far published a two part compilation and analysis of legal norms and a report on Guiding Principles. The first part of his compilation and analysis<sup>27</sup> examined the relevant provisions of international human rights, humanitarian and, by analogy, refugee law once people had been displaced. The study concluded that, while existing law covers many aspects of relevance to the situation of the internally displaced, there exist significant gaps and grey areas as a result of which the law fails to provide sufficient protection.*

---

<sup>26</sup>See UN Document E/CN.4/1999/79

<sup>27</sup> See UN Document E/CN.4/1996/52/Add.2

The second part of the compilation and analysis<sup>28</sup> examined the legal aspects relating to the protection of arbitrarily displaced persons and found that many provisions in international law point to a general rule according to which forced displacement may be undertaken only exceptionally, on a non-discriminatory basis and not arbitrarily imposed. However, this protection is largely only implicit. The Guiding Principles,<sup>29</sup> based on the compilation and analysis, consolidate the numerous principles relevant relating to the protection of and assistance to internally displaced persons.

The Representative of the Secretary-General on internally displaced persons does not take up individual cases. He has, however, produced a number of country studies entitled *Profiles in Displacement*. These are listed in the Appendix.

## **SPECIAL RAPPORTEUR ON CONTEMPORARY FORMS OF RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND RELATED INTOLERANCE**

### **Mandate and working method**

The Special Rapporteur's mandate is based on the International Convention on the Elimination of All Forms of Racial Discrimination

---

<sup>28</sup>See UN Document E/CN.4/1998/53/Add.1

<sup>29</sup>See UN Document E/CN.4/1998/53/Add.2

(1965). He is mandated to report on allegations of, and make general recommendations on, contemporary forms of racism, discrimination based on race, xenophobia and related intolerance. He has given particular attention to these violations in developed countries and to racism and discrimination directed against migrant workers and other vulnerable groups and the examination of measures adopted by governments to overcome racism and racial discrimination. In his latest report,<sup>30</sup> the Special Rapporteur reported on contemporary manifestations of racism, racial discrimination, xenophobia and related intolerance under the following headings: activities of the far right and neo-Nazi movements; discrimination against blacks (Negrophobia); racism and racial discrimination against Arabs; anti-Semitism; discrimination against the Roma; and the question of the untouchables in India. In addition, he included information on legislative and judicial measures taken or envisaged by governments where he has carried out field visits. Follow-up measures from Germany, Brazil, the United States of America, France and the United Kingdom are summarized.

In 2001 the United Nations will hold a World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance for which the Commission on Human Rights will be the preparatory body. Section V of Resolution 1999/78 details the preparations for the conference.

### **Examining individual cases**

---

<sup>30</sup> See Document E/CN.4/1999/15

The procedure for communications about individuals is similar to that used by other thematic mechanisms. The Special Rapporteur will transmit information concerning alleged violations to the state concerned, request that the allegations be investigated and that he be kept informed of the results.

## **SPECIAL RAPPORTEUR ON THE PROMOTION AND PROTECTION OF THE RIGHT TO FREEDOM OF OPINION AND EXPRESSION**

### *Mandate and working method*

The Special Rapporteur is mandated to report and make recommendations on discrimination, threats or use of violence, and harassment (including persecution and intimidation) directed against persons seeking to exercise or to promote the exercise of the right to freedom of opinion and expression, and in particular against professionals in the field of information.

The Commission has expressed concern about the extensive occurrence of human rights violations directed at people who exercise the right to freedom of opinion and expression and the intrinsically linked rights to freedom of thought, conscience and religion, of peaceful assembly and freedom of association and the right to take part in the conduct of public affairs, and against those who promote the rights contained in the Universal Declaration of Human Rights (1948) and the International Covenant on Civil and Political Rights (1966) and seek to educate others

about them or who defend these rights and freedoms. The Special Rapporteur has noted that such human rights violations may be facilitated or aggravated by factors such as abuse of states of emergency, exercise of powers specific to states of emergency without formal declaration, and too vague a definition of offences against state security.

The Special Rapporteur has defined the right to freedom of opinion and expression as:<sup>31</sup>

**Opinion:** each person should be free to hold any opinions, and hence be free from being influenced against his or her will by threat, coercion or the use of force.

**Expression:** This is the right to (i) seek and receive information and ideas of any kind, and (ii) impart these, through any media of one's choice. The right to freedom of expression can be restricted only for the following purposes:

- to respect the rights or reputations of others;
- to protect national security;
- to protect public order;
- to protect public health;
- to protect public morals.

Restrictions and limitations must have been formally and specifically enacted in law. Moreover, the restrictions should be in proportion to the legitimate purpose to be achieved.

---

<sup>31</sup>This is based on Article 19 of the International Covenant of Civil and Political Rights.

### *Handling of cases*

The Special Rapporteur has prepared guidelines for the submission of information. These are:

- *Allegation regarding a person or persons:* as detailed a description as possible, including name, age, gender, ethnic background (if relevant), profession, affiliations, past or present participation in political, social, ethnic or labour group/activity and information on other specific activities relating to the alleged violation.
- *Allegation regarding a medium of communication:* as detailed a description of the alleged infringement of the right as possible, including date, location and circumstances of the event; the nature of the medium affected (such as newspapers, independent radio); including circulation and frequency of publication or broadcast, public performance etc; political orientation of the media (if relevant).
- *Information regarding the alleged perpetrators:* name, state affiliation (for example, military police) and reasons why they are considered responsible. For non-state actors, description of how they relate to the state (for example, co-operation with or support by state security forces); if applicable, state encouragement or tolerance of activities of non-state actors, whether groups or individuals, including threats or use of violence and harassment against individuals exercising their right to freedom of opinion and expression, including the right to seek, receive and impart information.
- *Information related to state action:* the identity of the authority involved (individual and/or ministry and/or department), the legal statute invoked, and steps taken to seek domestic remedy. If the

incident involves an arrest or detention, the identity of the authority involved, the law invoked, location of detention if known, information on provision of access to a lawyer and family members, steps taken to seek domestic remedy or clarification of persons, situation and status. If applicable, information on whether or not an investigation has taken place and, if so, by what ministry or department of the government and the status of the investigation at the time of submission of the allegation, including whether or not the investigation has resulted in indictments.

### **Examining individual cases**

The Special Rapporteur has summarized guidelines for the submission of information in his latest report.<sup>32</sup> He is particularly interested in receiving information on problems and violations related to:

- detention of, discrimination against, or threats or use of violence and harassment, including persecution and intimidation, directed at persons seeking to exercise or to promote the exercise of the right to freedom of opinion and expression, including professionals in the field of information;
- activities of political opposition parties and trade union activists, whether a group or an individual;
- actions against the media (print and broadcast) or impediments to their independent operation;
- actions against publishers and performers in other media, including books, magazines, film and theatre and the studio arts;

---

<sup>32</sup> See UN Document E/CN.4/1999/64

- activities of human rights defenders (e.g. lawyers, community activists);
- women's human rights, within the context of obstacles – including laws and practices – which impede the right of women to express their views and be heard, participate in the decision-making process, have equal standing before the law, and seek and receive information on matters of particular relevance to them such as family planning and violence against women;
- obstacles to access to information at the local, regional and national levels on projects and initiatives proposed by the Government to advance the right to development and obstacles to participate in the decision-making process, as well as obstacles to access to information on other subjects such as environmental and health impact studies, national budgets, social spending, industrial development projects and trade policies.

**Information on the source of the communications:** name, full address, telephone, fax numbers and e-mail address (if possible). Where considered necessary by the Special Rapporteur or requested, information on the source of the allegations will be treated as confidential.

In addition to the information requested above, the Special Rapporteur welcomes any additional comments or background notes that are considered relevant to the case or incident. He attaches great importance to being kept informed of the status of cases and thus welcomes updates of previously reported cases and information. This includes both negative and positive developments including the release of persons detained for exercising their rights to freedom of opinion and expression and, or the adoption of new laws, policies or changes to



existing ones that have a positive impact on the realization of the rights to freedom of opinion and expression.

## **SPECIAL RAPPORTEUR ON VIOLENCE AGAINST WOMEN, ITS CAUSES AND CONSEQUENCES**

### **Mandate and methods of work**

The Special Rapporteur is mandated to seek information on violence against women, study its causes and consequences, to respond effectively on such information, and to recommend appropriate measures to halt its occurrence. The Special Rapporteur has emphasized that she is only in a position to process cases of alleged violence against women that are gender-specific, that is violence or threats of violence directed against women because of their gender.

The Special Rapporteur's mandate on gender-based violence against women is taken from the UN Declaration on the Elimination of Violence Against Women (1993), Article 2 of which states:

*“Violence against women should be understood to encompass, but not to be limited to, the following:*

*Physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation and*

*other traditional practices harmful to women, non-spousal violence and violence related to exploitation;*

*Physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution;*

*Physical, sexual and psychological violence perpetrated or condoned by the State, wherever it occurs” .*

This last category includes:

- **Custodial violence:** violence against women held in custody by government agents (including custody as a result of a "disappearance");
- **Armed conflict:** violence against women in situations of armed conflict, including rape and sexual torture, either as a deliberate policy (ethnic cleansing), or as a result of instability due to war;
- **Refugees and displaced women:** violence against women as a result of their increased vulnerability as refugees or internally displaced people.

The Special Rapporteur's reports to the Commission have covered the different aspects of her mandate both as general studies and reports of country visits (see Appendix for details). Topics covered in her reports include:

- the nature of violence against women and relevant international standards;
- domestic violence;

- violence in the community including rape, trafficking and forced prostitution;
- a framework for model legislation on domestic violence;
- violence against women in armed conflict;
- violence against women in the family;
- violence against women in custody.

### **Examining individual cases**

Information concerning one or more individuals identified by name, or information relating to a more general nature of a prevailing situation condoning or perpetrating violence against women may be submitted to the Special Rapporteur. However, she has emphasized that information sent to her often lacks sufficient detail for her to take the appropriate action.

### **Urgent action procedure**

The Special Rapporteur will issue *urgent appeals* in cases of imminent threats, or fear of threat, to, the right of life. In such cases, she urges the government not only to provide comprehensive information on the case but also to carry out an independent and impartial investigation into the case and take immediate action to ensure that no further violations of the human rights of women are incurred.

To facilitate the submission of information, the Special Rapporteur has prepared a standard format for reporting alleged cases of gender-based violence against women which can be obtained from the website of the

Office of the High Commissioner for Human Rights  
(<http://www.unhchr.ch>).

## **SPECIAL RAPPORTEUR ON THE INDEPENDENCE OF JUDGES AND LAWYERS**

### *Mandate and working method*

The Special Rapporteur's work is based on standards contained in the International Covenant on Civil and Political Rights (1966), the Basic Principles on the Independence of the Judiciary (1985), the Basic Principles on the Role of Lawyers (1990) and the Guidelines on the Role of Prosecutors (1990). The Special Rapporteur carries out his mandate in co-operation with other UN bodies notably the UN Centre for International Crime Prevention. He is collaborating with the Office of the High Commissioner for Human Rights to develop a training manual for judges and lawyers in the context of the current UN Decade for Human Rights Education.

The Special Rapporteur's mandate is to:

- enquire into any substantial allegations transmitted to him and report on his conclusions;
- identify and record not only attacks on the independence of the judiciary, lawyers and court officials but also progress achieved in protecting and enhancing their independence, and make

recommendations including the provision of advisory services or technical assistance when they are requested by the State concerned;

➤ study, for the purposes of making proposals, important and topical questions of principle with a view to protecting and enhancing the independence of judges and lawyers.

Principles of independence and impartiality of judges and lawyers include:

➤ everyone shall have the right to be tried by ordinary courts or tribunals using established legal procedures;

➤ objectivity is to be secured with respect to the appointment and conditions of service of the judiciary and of prosecutors; the judiciary shall have guaranteed tenure;

➤ subject to certain exceptions, judges should enjoy personal immunity from civil suits for monetary damages for improper acts or omissions in the exercise of their judicial functions;

➤ prosecutors should consider the views of victims, and ensure that they are informed of their rights;

➤ prosecutors shall not initiate or continue prosecution, or shall make every effort to stay proceedings, when an impartial investigation shows the charge to be unfounded;

➤ prosecutors shall give due attention to the prosecution of crimes committed by public officials;

➤ if evidence has been obtained through recourse to unlawful methods, which constitute a grave violation of the suspect's human rights, then the

prosecutors shall use this evidence only against those who used such methods, or inform the Court accordingly, and take all steps to ensure that those responsible for using such methods are brought to justice;

- all persons, including the poor and other disadvantaged groups, shall have the possibility to call upon the assistance of a lawyer. In criminal justice matters, all persons must be immediately informed of their right to be assisted by a lawyer; they are entitled to have a lawyer of experience and competence commensurate with the nature of the alleged offence in order to provide effective legal assistance; adequate opportunities, time and facilities must be provided to communicate and consult with a lawyer, in full confidentiality (not within the hearing of law enforcement officials);
- detained persons shall have prompt access to a lawyer, and in any event not later than 48 hours from the time of arrest or detention;
- lawyers should have timely access to appropriate information; such access should be provided as early as possible;
- governments shall respect the confidentiality of communications and consultations between lawyers and their clients;
- governments are to ensure that lawyers can perform their functions free from intimidation, harassment or improper interference, are able to travel and to consult with their client, and do not suffer sanctions for appropriate actions.

### **Examining individual cases**

The procedure for communications about individuals is similar to that used by other thematic mechanisms. The Special Rapporteur will transmit information concerning alleged violations to the government

concerned – as an *urgent appeal* if appropriate, request that the allegations be investigated and that he be kept informed of the results.

## **SPECIAL RAPPORTEUR ON ADVERSE EFFECTS OF THE ILLICIT MOVEMENT AND DUMPING OF TOXIC AND DANGEROUS PRODUCTS AND WASTES ON THE ENJOYMENT OF HUMAN RIGHTS**

### ***Mandate and working method***

The mandate of the Special Rapporteur is to:

- undertake, in consultation with the relevant UN bodies and organization and the secretariats of relevant international conventions, a global, multi-disciplinary and comprehensive study of existing problems of and solutions to illicit traffic in and dumping of toxic and dangerous products and wastes, particularly in developing countries;
- make recommendations and proposals on adequate measures to control, reduce and eradicate these phenomena;
- provide the Commission with information on persons killed, maimed or otherwise injured in the developing countries through the illicit movement and dumping of toxic and dangerous products and wastes;
- provide governments with an appropriate opportunity to respond to allegations transmitted to her and reflected in her report and to have their observations reflected in her report to the Commission.

The Special Rapporteur's most recent recommendations<sup>33</sup> contain a number of points of particular relevance to NGOs. She has requested authors of communications to endeavor to provide detailed information in the submission of complaints, in particular to try to identify the countries of origin and the transnational corporation allegedly engaging in matters covered by her mandate and to identify any victims and specify which human rights have allegedly been violated. It is also important for the Special Rapporteur to know whether internal judicial remedies are adequate and efficient and whether they have been exhausted. The Special Rapporteur has additionally drawn the attention of NGOs and others to the dangers of the alleged disposal of dangerous products and outdated medicaments in the context of emergency humanitarian assistance operations. Lastly, she noted that the public at large, NGOs and local bodies responsible for environmental problems and human rights have not been sufficiently familiar with her mandate: to this end she has requested the Office of the High Commissioner for Human Rights to publicize her mandate including by the dissemination of a brochure and practical information on an internet site.

## **SPECIAL REPRESENTATIVE ON THE IMPACT OF ARMED CONFLICT ON CHILDREN**

---

<sup>33</sup>See UN Document E/CN.4/1999/46



### **Mandate and working method**

In 1996 Graça Machel (Mozambique), the UN Secretary-General's first Independent Expert on this subject, submitted her report on the impact of armed conflict on children to the General Assembly. In response, the General Assembly asked the Secretary-General to appoint a Special Representative to continue the study. Thus the Special Representative on the impact of armed conflict on children, unlike any other thematic mechanism, presents his or her main report to the annual session of the General Assembly, and an interim report to the Commission.

The present Special Representative has noted<sup>34</sup> that a serious and systematic effort is needed by all concerned parties – from governments to the UN system and from civil society organizations to private citizens – to address the abominations being directed against children in the context of armed conflict. His role is to spearhead the effort to combine normative, political and humanitarian strategies in efforts to promote prevention, protection and rehabilitation for the benefit of children. His report included a detailed description of the issues he is exploring and the tasks he is undertaking. These range from a summary of relevant international norms to reports of his visits to affected countries: the Federal Republic of Yugoslavia (Kosovo), Liberia, Sierra Leone, Sri Lanka and the Sudan plus two assessment visits to Afghanistan.

The Special Representative attaches high importance to working with NGOs. He reported that he had met with some 200 international NGOs and other civil society organizations in many countries. He has called on

---

<sup>34</sup>See UN Document E/CN.4/1999/58.

NGOs to develop activities in three areas in particular: building a movement of advocacy at both the national and international levels; developing operational programmes on the ground to respond better to the needs of victimized children; and serve as an important source of independent and objective information.

He has expressed support for NGO coalitions including the Coalition to Stop the Use of Child Soldiers, working on the adoption of an optional protocol to the Convention on the Rights of the Child prohibiting military recruitment and use of any person under 18 years; the Leadership Council on Children in Armed Conflict, advocating action to protect children in war and support programmes to meet their most urgent needs; and the International Action Network on Small Arms, campaigning on the proliferation of small arms and light weapons. He commented that local NGOs active in countries affected by conflict deserve substantial international, particularly financial, support.

This mechanism does not take up individual cases.

## INDEPENDENT EXPERT ON STRUCTURAL ADJUSTMENT

### *Mandate and working method*

In 1996 the Commission decided to establish an open-ended Working Group to develop policy guidelines on structural adjustment programmes and economic, social and cultural rights. The Working Group, after its first meeting in March 1997, recommended that the Commission appoint an Independent Expert to undertake a study of the effects of

structural adjustment on economic, social and cultural rights, including a draft set of guidelines.

The Independent Expert presented his first report,<sup>35</sup> to the 1999 session of the Commission. Prior to the Commission session, he had presented his report to the Working Group. They recommended that the Independent Expert be mandated to assist the working group draft guidelines and monitor new developments, including actions undertaken by international financial institutions, UN bodies, intergovernmental organizations and NGOs regarding structural adjustment policies and human rights.

The Independent Expert's report is in three sections. The first examined briefly the roots of the third world development crisis which, manifested as debt, represents only a fraction of a much deeper and systemic problem of underdevelopment. The second section explored the links between structural adjustment programmes and the realization of economic, social and cultural rights. The third section presented basic principles for "adjustment with transformation" and provided recommendations for action at the international, regional and national levels.

The Independent Expert made reference to the Global Jubilee 2000 campaign in his recommendation on debt cancellation for heavily-indebted countries. He noted that any debt cancellation programme must have broad-based citizen support and be consonant with a national economic plan that is formulated with broad

---

<sup>35</sup>See UN Document E/CN.4/1999/50.

consultation with all the relevant national actors, particularly civil society actors. A role for NGOs is implicit in many of his other recommendations. In addition, the working group recommended that NGOs, particularly those involved in development, be included in those invited to submit comments before their next meeting.

This mechanism does not take up individual cases.

## **SPECIAL RAPPORTEUR ON EFFECTS OF FOREIGN DEBT ON THE FULL ENJOYMENT OF ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

### *Mandate and working method*

The Special Rapporteur is mandated to present an analytical report to annual sessions of the Commission paying particular attention to:

- the negative effects of the foreign debt and the policies adopted to face it on the full enjoyment of economic, social and cultural rights in developing countries;
- measures taken by governments, the private sector and international financial institutions to alleviate such effects in developing countries especially the poorest and heavily indebted countries.

The Special Rapporteur was unable to submit an analytical report to the 1999 session of the Commission as he was only appointed in August 1998. However, the Special Rapporteur reported orally to the Commission that he intends to prepare reports on topics including:

- enhancement of the collective approach to the debt problem of developing countries;
- promotion of a dialogue between the heads of the specialized agencies, the High Commissioner for Human Rights and the Bretton Woods institutions;
- development of a consultative mechanism within the Administrative Committee on Co-ordination for a Systematic Exchange of Information on Debt Issues;
- reaffirmation of the importance and its social aspects of economic growth and adjustment processes; encouragement of enhanced initiative for highly indebted poor countries;
- broadening participation in consensus building at the national and international levels;
- establishment of an inter-agency advisory report for financial discussions;
- establishment of an inter-agency advisory board for financial discussions;
- the inclusion of children's rights and poverty reduction as conditionalities in debt cancellation and alleviation strategies;
- the development of a framework for debt cancellation.

*This mechanism does not take up individual cases.*

## **SPECIAL RAPPORTEUR ON THE RIGHT TO EDUCATION**

### **Mandate and working method**

The Special Rapporteur's mandate is to:

- report on the status throughout the world of the progressive realization of the right to education, including access to primary education and the difficulties encountered in the implementation of this right;
- promote assistance to governments in working out and adopting urgent plans of action, wherever they do not exist, to secure the progressive implementation within a reasonable number of years of the principle of compulsory primary education free of charge for all;
- take into particular account gender considerations and the elimination of gender discrimination in education;
- develop a regular dialogue with relevant UN bodies and make her reports available to the Commission on the Status of Women.

The Special Rapporteur's first report,<sup>36</sup> deals with primary education and begins with a brief overview of the work carried out within the UN system to enhance access to primary education. Having examined the different terminology, concepts and approaches, the Special Rapporteur highlighted the increasing recognition of the financial obstacles to access to primary education. The second part of the report presented a scheme for the analysis of governmental human rights obligations. The third part of the report discussed compulsory education and the right

---

<sup>36</sup>See UN Document E/CN.4/1999/49.

and duty of the child and highlighted the question of what the right to education entailed. The Special Rapporteur has stressed the importance of a gender approach to her mandate, commenting that “[e]limination of gender discrimination cuts across education and human rights as the goal as well as the yardstick, showing that the human rights approach can inform international educational strategies and be successfully translated into practice”.<sup>37</sup>

The Special Rapporteur is mandated to take into account information and comments from NGOs, governments and UN bodies and has reported that she has started contacting all relevant actors.

This mechanism does not take up individual cases.

## INDEPENDENT EXPERT ON HUMAN RIGHTS AND EXTREME POVERTY

### *Mandate and working method*

At its 1998 session, the Commission decided to appoint for two years an Independent Expert on human rights and extreme poverty. The Independent Expert was mandated to evaluate the relationship between the promotion and protection of human rights and extreme poverty, with particular reference to the obstacles encountered and progress made by women in this regard; make recommendations and proposals

---

<sup>37</sup>Statement by the Special Rapporteur to the Commission, 8 April 1999.

relating to the UN Technical Assistance program; and make proposals for a draft declaration on human rights and extreme poverty.

In her report to the Commission,<sup>38</sup> the Independent Expert pointed out that the General Assembly estimated in 1996 that more than 1.3 billion people, the majority of whom are women, live in extreme poverty and the number is increasing. She considered that providing universal access to basic social services and transfers to alleviate income poverty would cost roughly \$80 billion, less than 0.5 per cent of global income: lack of political commitment, not financial resources, is the real obstacle to poverty eradication.

The Independent Expert's report discussed extreme poverty as a violation of human rights in relation to states' obligations under the Universal Declaration of Human Rights (1948), the International Covenants on Economic, Social and Cultural Rights and on Civil and Political Rights (1966), the International Convention on the Elimination of All Forms of Racial Discrimination (1965), the Convention on the Elimination of All Forms of Discrimination against Women (1979) and the Convention on the Rights of the Child (1989). She looked at UN action to eradicate poverty, through the 1995 World Summit on Social Development and the poverty eradication objectives of the UN Development Programme and the World Bank. Her report discussed action at the national level and governmental integrated poverty eradication strategies. She reported on action taken by the governments of Albania, Bulgaria, France, Portugal and Yemen action against extreme poverty. She presented outlines of four technical cooperation projects –concerning civil

---

<sup>38</sup>See UN Document E/CN.4/1999/48.



and political rights of the very poor; education in and information on the rights of the very poor; training on economic, social and cultural rights, particularly with regard to the right to food, minimum income and health; and the breaking of prostitute rings. Lastly, she discussed women in extreme poverty.

The Independent Expert made 13 recommendations including the universal ratification of relevant instruments, a minimum guaranteed wage, human rights information and education for the poorest of the poor, access to justice and combatting corruption and the impact of armed conflicts. With regard to a draft declaration on human rights and extreme poverty, the Independent Expert recommended a meeting in 1999. She proposed that the draft should call on states to base their anti-poverty policy on the eradication, rather than the reduction, of poverty.

This mechanism does not take up individual cases.

## **INDEPENDENT EXPERT ON THE RIGHT TO DEVELOPMENT**

### **Mandate and working method**

A Working Group on the right to development, established in 1993, was replaced in 1996 by an intergovernmental working group, appointed for two years, to elaborate a strategy for the implementation and promotion of the right to development. At the end of that period, the Intergovernmental Working Group proposed the appointment of an

open-ended working group to meet for five days annually and of an Independent Expert mandated to present to the annual session of the Working Group a study on the current state of progress in the implementation of the right to development.

In his report to the Commission<sup>39</sup> the Independent Expert briefly discussed the relevant articles of the Declaration on the Rights to Development (1986). He outlined the steps he will undertake to produce analytical materials for the Working Group. These include preparing case studies on states which have experienced financial, economic or social turbulence and which have received international financial assistance, and to analyze this material in terms of the achievement of the right to development. He will invite governments, UN agencies and regional and sub-regional economic and social organizations to submit information. In addition, he will ask leading human rights organizations in consultative status with the UN to submit information relevant to the elimination of obstacles to development resulting from failure to observe civil and political rights as well as social and economic rights.

This mechanism does not take up individual cases.

**EXPERT TO PREPARE A REVISED VERSION OF THE BASIC  
PRINCIPLES AND GUIDELINES ON THE RIGHT TO  
RESTITUTION, COMPENSATION AND REHABILITATION FOR  
VICTIMS OF GROSS HUMAN RIGHTS VIOLATIONS**

---

<sup>39</sup>See UN Document E/CN.4/1999/118

### **Mandate and working method**

In 1998 the Commission decided to appoint an Expert to prepare a revised version of the basic principles and guidelines that had been drawn up by Theo van Boven (the Netherlands) as a member of the UN Sub-Commission on Prevention of Discrimination and Protection of Minorities.<sup>40</sup>

The Expert's report<sup>41</sup> to the 1999 session of the Commission outlined Mr Van Boven's proposals and compares them with another study prepared by a member of the Sub-Commission, Mr Louis Joinet (France), on the question of impunity of perpetrators of human rights violations and also with the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (1985). In addition, he looked at the provisions for reparation in the Statute of the International Criminal Court (1998).

The Expert emphasized that a large number of complex conceptual and terminological ambiguities must be resolved before his mandate can be completed. The outstanding issues include the clarification of terminology, including the term "gross human rights violations" and the question of a government's financial burden for violations attributable to a prior

---

<sup>40</sup>Following the decision of the UN Economic and Social Council (ECOSOC) on 27 July 1999, the title of the Sub-Commission on Prevention of Discrimination and Protection of Minorities has been changed to the Sub-Commission on the Promotion and Protection of Human Rights.

<sup>41</sup>See UN Document E/CN.4/1999/65

regime. The Expert recommended that the point of departure for the development of coherent guidelines on the right to reparation must be the victim.

The Expert has been requested to complete his work for the next session of the Commission and to take into account the comments of governments, intergovernmental organizations and NGOs.

This mechanism does not take up individual cases.

*Appendix:*

*On-site visits carried out by the thematic mechanisms since 1982 and reports of the visits.*

*Working Group on Enforced and Involuntary Disappearances*

*Mexico, January 1982 (Report contained in UN document E/CN.4/1435/Add.1)*

*Cyprus, July 1982 (E/CN.4/1983/14)*

*Bolivia, November 1984 (E/CN.4/1985/15)*

*Peru, June 1985 (E/CN.4/1986/Add.1)*

*Peru, October 1986 (E/CN.4/1987/15/Add.1)*

*Guatemala, October 1987 (E/CN.4/1988/19/Add.1)*

*Colombia, October/November 1988 (E/CN.4/1989/18/ Add.1)*

*The Philippines, August/September 1990 (E/CN.4/1991/20/ Add.1)*

*Sri Lanka, October 1991 (E/CN.4/1992/18/Add.1)*

Sri Lanka, October 1992 (E/CN.4/1993/25/Add.1)

Former Yugoslavia, August 1993 (E/CN.4/1994/26/Add.1)

Former Yugoslavia, July 1994 (E/CN.4/1995/37)

El Salvador, September 1995 (E/CN.4/1996/38)

Former Yugoslavia, January/February 1996 (E/CN.4/1996/36)

Former Yugoslavia, every month from March to December 1996  
(E/CN.4/1996/55 and Corr.1)

Democratic Republic of the Congo (E/CN.4/1998/64) with the Special Rapporteurs on the situation of human rights in Zaire and on extrajudicial, summary or arbitrary executions. Note the delegation was denied entry to the Democratic Republic of Congo.

Republic of Yemen, August 1998 (E/CN.4/1999/62/Add.1)

Turkey, September 1998 (E/CN.4/1999/62/Add.2)

**Special Rapporteur on extrajudicial, summary or arbitrary execution**

Surinam, July 1984 (E/CN.4/1985/17)

Uganda, August 1986 (E/CN.4/1987/20)

Surinam, August 1987 (E/CN.4/1988/22)

Colombia, October 1989 (E/CN.4/1990/22/Add.1)

Zaire, May 1991 (E/CN.4/1992/30/Add.2)

Former Yugoslavia, August 1992 (E/CN.4/1992/S-1/9); October 1992 (E/CN.4/1992/S-1/10); December 1992 (E/CN.4/1993/5) -

*with the Special Rapporteur on the former Yugoslavia and other thematic experts*

*Rwanda, April 1993 (E/CN.4/1994/7 Add.1)*

*Peru, May/June 1993 (E/CN.4/1994/7 Add.2)*

*Rwanda, June 1994, joint visit with the Special Rapporteurs on Rwanda and torture (E/CN.4/1995/7)*

*Indonesia/East Timor, July 1994 (E/CN.4/1995/61/Add.1)*

*Colombia, October 1994 (E/CN.4/1995/11) (joint visit with the Special Rapporteur on torture)*

*Burundi, April 1995 (E/CN.4/1996/4/Add.1)*

*Papua New Guinea, island of Bougainville, October 1995 (E/CN.4/1996/4/Add.2)*

*Democratic Republic of the Congo (E/CN.4/1998/64) with the Special Rapporteurs on the situation of human rights in Zaire and the Working Group on Enforced or Involuntary Disappearances Note the delegation was denied entry to the Democratic Republic of Congo.*

*Sri Lanka, August/September 1997 (E/CN.4/1998/68/Add.2)*

*United States of America, September/October 1997 (E/CN.4/1998/68/Add.3)*

*Macedonia and Albania, May 1999 (Report Forthcoming)*

*Mexico, July 1999 (Report Forthcoming)*

**Special Rapporteur on torture**

Argentina, Colombia, Uruguay, December 1987  
(E/CN.4/1988/17/Add.1)

Peru, April 1988 (E/CN.4/1989/15)

Turkey, August/September 1988 (E/CN.4/1989/15)

Republic of Korea, September 1988 (E/CN.4/1989/15)

Guatemala, September 1989 (E/CN.4/1990/17)

Honduras, September 1989 (E/CN.4/1990/17)

Zaire, January 1990 (E/CN.4/1990/17 Add.1)

The Philippines, October 1990 (E/CN.4/1991/17)

Indonesia and East Timor, November 1991 (E/CN.4/1992/17 Add.1)

Former Yugoslavia, October 1992 (E/CN.4/1993/26 and  
E/CN.4/1992/S-1/10), with the Special Rapporteur on the Former  
Yugoslavia and other thematic experts

Russian Federation, July 1994 (E/CN.4/1995/34/Add.1)

Rwanda, June 1994 (E/CN.4/1995/7) - joint visit with Special  
Rapporteurs on Rwanda and extrajudicial summary or arbitrary  
executions

Colombia, October 1994 (E/CN.4/1995/111) - joint visit with Special  
Rapporteur on extrajudicial, summary and arbitrary executions

Chile, August 1995 (E/CN.4/1996/35/Add.2)



Pakistan, February/March 1996 (E/CN.4/1997/7/Add.2)

Venezuela, June 1996 (E/CN.4/1997/7/Add.3 and Corr.1)

Portugal, in respect of East Timor, September 1996 (E/CN.4/1997/7)

Mexico, August 1997 (E/CN.4/1998/38/Add.2)

Turkey, November 1998 (E/CN.4/1999/61/Add.1)

Cameroon and Romania in 1999 (Report Forthcoming)

### **Special Rapporteur on religious intolerance**

Bulgaria, October 1987 (E/CN.4/1998/95)

USSR (Moscow and Zagorsk), June 1988 (E/CN.4/1999/44)

People's Republic of China, November 1994 (E/CN.4/1995/91)

Pakistan, June 1995 (E/CN.4/1996/95/Add.1)

Islamic Republic of Iran , December 1995 (E/CN.4/1996/95/Add.2)

Greece, June 1996 (E/CN.4/1997/91)

Sudan, September 1996 (E/CN.4/1997/91)

India, December 1996 (E/CN.4/1997/91/Add.1)

Australia, February 1997 (E/CN.4/1998/6/Add.1)

Germany, December 1997 (E/CN.4/1998/6/Add.2)

USA, January 1998 (E/CN.4/1999/58/Add.1)

Viet Nam, October 1998 (E/CN.4/1999/58/Add.2)

**Special Rapporteur on the use of mercenaries**

Angola, August 1998 (A/43/735)

Nicaragua, December 1988 (E/CN.4/1989/14)

USA, July 1989 (A/44/526)

Maldivas, June 1990 (E/CN.4/1991/14)

Republic of Croatia and Federal Republic of Yugoslavia (Serbia and Montenegro), September 1994 (E/CN.4/1995/29)

South Africa, November 1996 (E/CN.4/1997/24)

United Kingdom in 1999 (Report Forthcoming)

**Special Rapporteur on the sale of children, child pornography and child prostitution**

Brazil, January 1992 (E/CN.4/1992/55/Add.1)

Australia, October 1992 (E/CN.4/1993/67/Add.2)

Nepal, June 1993 (E/CN.4/1994/84/Add.1)

Czech Republic, May 1996 (E/CN.4/1997/95/Add.1)

USA, December 1996 (E/CN.4/1997/95/Add.2)

Kenya, August 1997 (E/CN.4/1998/101/Add.1)

Mexico, November 1997 (E/CN.4/1998/101/Add.2)

Laos, September 1998 (E/CN.4/1999/71/Add.1)

**Working Group on Arbitrary Detention**

Former Yugoslavia, August 1992 (E/CN.4/1992/S-1/9); October 1992 (E/CN.4/1992/S-1/10) - with the Special Rapporteur on the former Yugoslavia and other thematic experts

Bhutan, October 1994 (E/CN.4/1995/31/Add.3)

Vietnam, October 1994 (E/CN.4/1995/31/Add.4)

People's Republic of China July 1996 (E/CN.4/1997/4) Preliminary visit

Nepal-Bhutanese refugee camps, April 1996 (E/CN.4/1997/4/Add.2)

Bhutan, April/May 1996 (E/CN.4/1997/Add.3) follow-up visit

People's Republic of China October 1997 (E/CN.4/1998/44/Add.2)

Peru, January/February 1998 (E/CN.4/1999/63/Add.2)

United Kingdom, September 1998 (E/CN.4/1999/63/Add.3)

Romania, September/October 1998 (E/CN.4/1999/63/Add.4)

Indonesia January/February 1999 (Report Forthcoming)

***Profiles in Displacement by the Special Rapporteur on internally displaced persons***

Former Yugoslavia, October 1992 (E/CN.4/1992/S-1/10 and E/CN.4/1993/35) - with the Special Rapporteur on the former Yugoslavia and other thematic experts

Russian Federation (E/CN.4/1993/35)

Somalia (E/CN.4/1993/35)

Sudan (E/CN.4/1993/35)

El Salvador (E/CN.4/1993/35)

Sri Lanka, November 1993 (E/CN.4/1994/44/Add.1)

Colombia, June 1994 (E/CN.4/1995/50/Add.1)

Burundi, September 1994 (E/CN.4/1995/50/Add.2)

Rwanda, December 1994 (E/CN.4/1995/50/Add.3)

Peru, August 1995 (E/CN.4/1996/52/Add.1)

Tajikistan, June 1996 (A/51/483/Add.1 and 2)

Mozambique, December 1996 (E/CN.4/1997/43/Add.1)

Azerbaijan, May 1998 (E/CN.4/1999/79/Add.1)

**Special Rapporteur on contemporary forms of racism, racial  
discrimination, xenophobia and related intolerance**

USA, October 1994 (E/CN.4/1995/78/Add.1)

Brazil, June 1995 (E/CN.4/1996/72/Add.1)

Germany, September 1995 (E/CN.4/1996/72/Add.2)

France, September/October 1995 (E/CN.4/1996/72/Add.3)

United Kingdom and Northern Ireland, November 1995  
(E/CN.4/1996/72/Add.4)

Colombia, June/July 1996 (E/CN.4/1997/71/Add.1)

Kuwait, June 1996 (E/CN.4/1997/71/Add.2)

South Africa, February/March 1998 (E/CN.4/1999/15/Add.1)

**Special Rapporteur on freedom of expression and opinion**

Malawi, October 1994 (E/CN.4/1995/32)

Republic of Korea, June 1995 (E/CN.4/1996/39/Add.1)

Islamic Republic of Iran, January 1996 (E/CN.4/1996/39/Add.2)

Turkey, September 1996 (E/CN.4/1997/31/Add.1)

Republic of Belarus, May/June 1997 (E/CN.4/1998/40/Add.1)

Poland, May 1998 (E/CN.4/1998/40/Add.2)

**Special Rapporteur on violence against women**

Democratic People's Republic of Korea, Republic of Korea and Japan, July 1995 (E/CN.4/1996/53/Add.1 and Corr.1) - *Military sexual slavery in wartime*

Poland, May/June 1996 (E/CN.4/1997/47/ Add.1)- *Trafficking and forced prostitution of women*

Brazil, July 1996 (E/CN.4/1997/47/Add.2) - *Domestic violence*

South Africa, October 1996 (E/CN.4/1997/47/Add.3) - *Rape in the community*

Rwanda, September/November 1997 (E/CN.4/1998/54/Add.1)  
*Violence against women in situations of armed conflict*

USA, May/June 1998 (E/CN.4/1999/68/Add.2) *Violence against women in state and federal prisons*

Indonesia & East Timor, November/December 1998  
(E/CN.4/1998/68/Add.3)

***Special Rapporteur on the independence of judges and lawyers***

*Peru, September 1996 (E/CN.4/1998/39/Add.1)*

*Colombia, September 1996 (E/CN.4/1998/39/Add.2)*

*Nigeria (E/CN.4/1997/62 and E/CN.4/1997/62/Add.1) Note: these reports were published despite the cancellation of a mission to Nigeria*

*Belgium, October 1997 (E/CN.4/1998/39/Add.3)*

*United Kingdom, October 1997 (E/CN.4/1998/39/Add.4)*