



**Economic and Social
Council**

Distr.
GENERAL

E/CN.4/2006/61/Add.1
27 March 2006

ENGLISH / FRENCH / SPANISH

COMMISSION ON HUMAN RIGHTS
Sixty-second session
Item 12 (a) of the provisional agenda

**INTEGRATION OF THE HUMAN RIGHTS OF WOMEN AND A GENDER
PERSPECTIVE**

VIOLENCE AGAINST WOMEN

**Report of the Special Rapporteur on violence against women,
its causes and consequences, Yakin Ertürk**

Addendum

Communications to and from Governments *

* The present document is being circulated as received, in the languages of submission only, as it greatly exceeds the word limitations currently imposed by the relevant General Assembly resolutions.

Summary

At its sixty-first session, the Commission on Human Rights, in its resolution 2005/41 entitled "Elimination of violence against women", encouraged the Special Rapporteur to respond effectively to reliable information that comes before her and requested all Governments to cooperate with and assist the Special Rapporteur in the performance of her mandated tasks and duties, to supply all information requested, including with regard to implementation of her recommendations, and to respond to the Special Rapporteur's visits and communications.

The present report contains, on a country-by-country basis, summaries of general and individual allegations, as well as urgent appeals transmitted to Governments between 1 January and 31 December 2005, as well as replies received during the same period. Observations made by the Special Rapporteur have also been included where applicable. Government replies received after 31 December 2005 will be included in the Special Rapporteur's next communications report.

Due to restrictions of length of the report, the Special Rapporteur has been obliged to summarize the details of all correspondence sent and received. The Special Rapporteur wishes to emphasize that the omission of a particular country or territory should not be interpreted as indicating that there is no problem of violence against women in that country or territory.

During the period under review, the Special Rapporteur transmitted 89 communications on behalf of 130 people to the Governments of 34 countries: Afghanistan, Bahrain, Colombia, Chad, Democratic Republic of the Congo, Egypt, Guatemala, India, Indonesia, Iraq, Islamic Republic of Iran, Israel, Mexico, Myanmar, Nepal, Pakistan, China, Philippines, Qatar, Russian Federation, Saudi Arabia, Serbia and Montenegro, Singapore, Sri Lanka, Sudan, Syria, Thailand, Turkmenistan, United Kingdom of Great Britain and Northern Ireland, United States of America, Uzbekistan, Viet Nam and Zimbabwe. Twenty-nine responses to these communications were received as well as 31 replies to communications transmitted by the Special Rapporteur over the past years.

The names of the victims whose cases are presented in this report have been replaced by initials, in order to respect their privacy and to prevent further victimization. The full names of nearly all victims have been provided to the Government concerned. With a view to preserve the presumption of innocence, the same procedure has been adopted by the Special Rapporteur with regard to the alleged perpetrators whose names were transmitted to the Government.

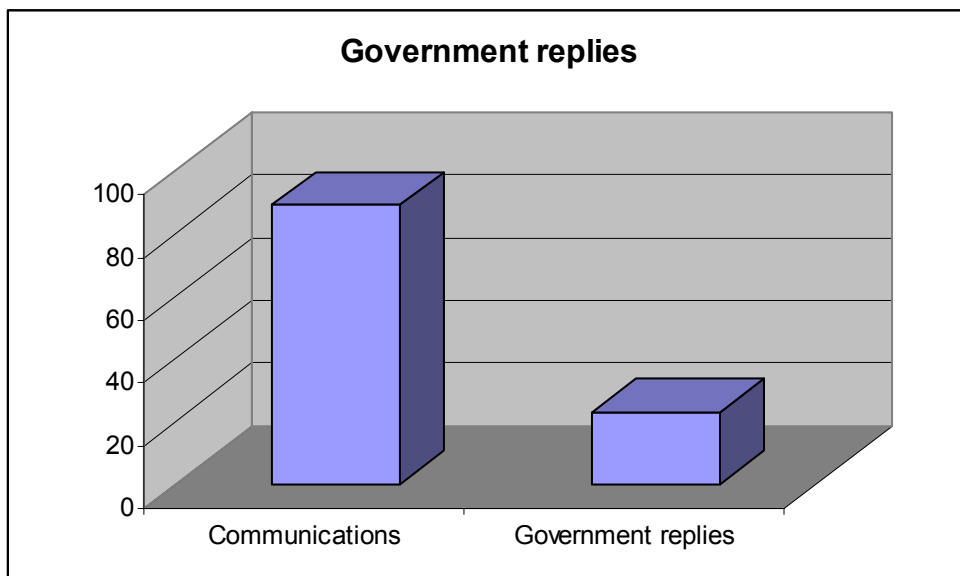
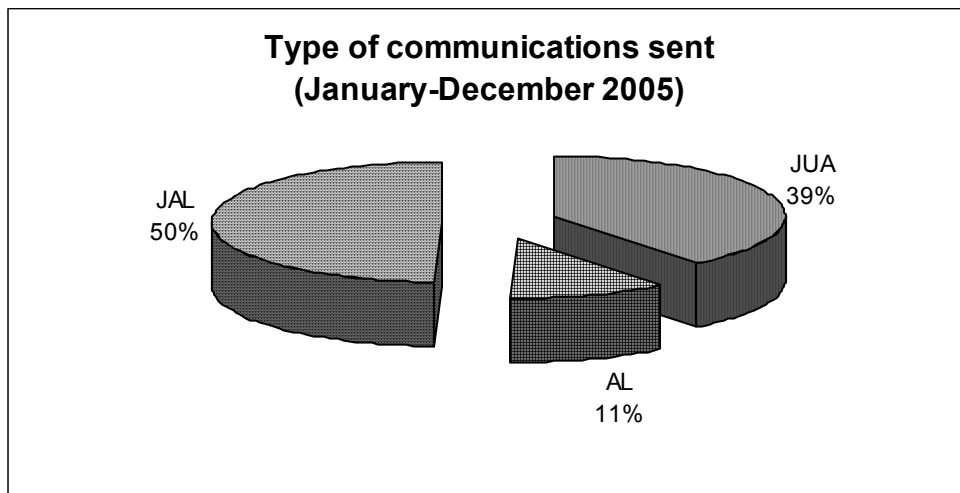
CONTENTS

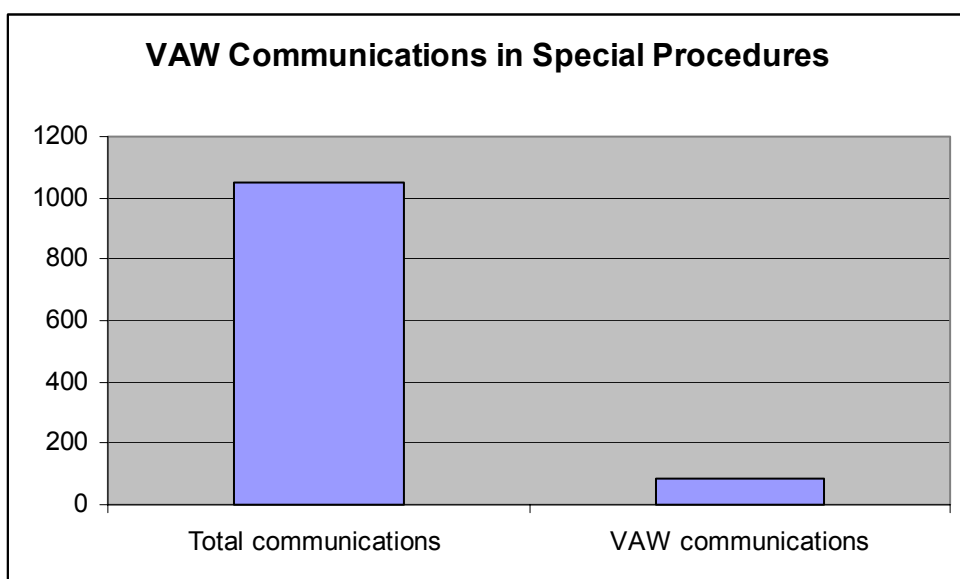
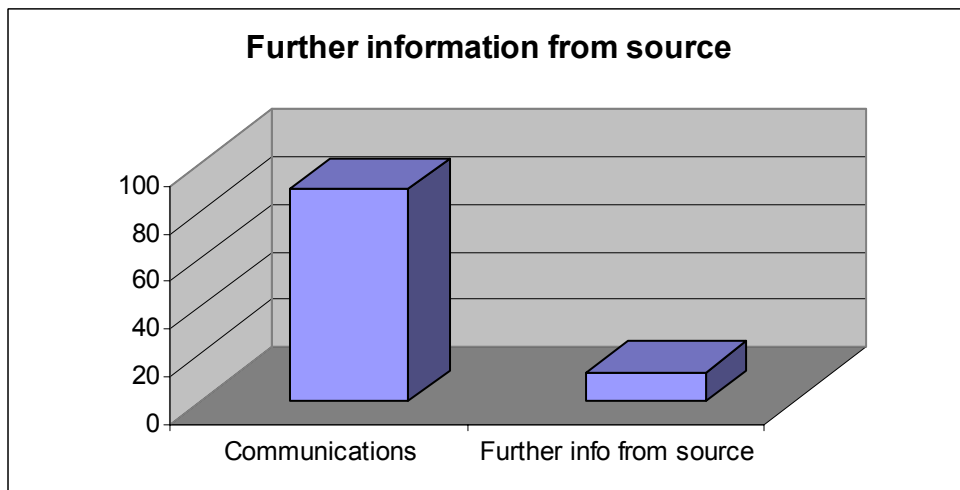
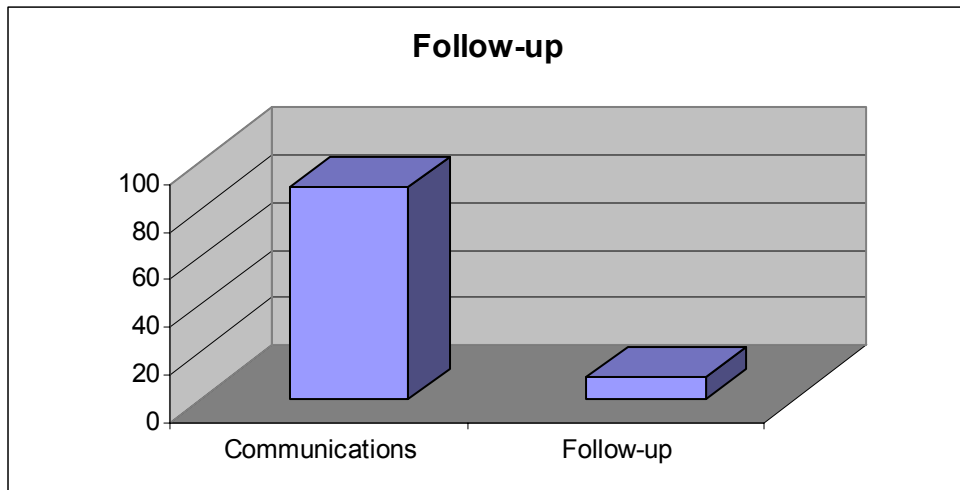
	<i>Paragraph</i>	<i>Page</i>
Overview of communications sent by the Special Rapporteur		4
Afghanistan	1-9	6
Bahrain	10-17	7
Canada	18-26	11
Colombia	27-31	13
Chad	32-33	15
China	34-41	16
Democratic Republic of the Congo	42-52	18
Egypt	53-60	23
Guatemala	61-64	27
India	65-76	29
Indonesia	77-85	33
Iran (Islamic Republic of)	86-101	35
Iraq	102-104	41
Israel	105-107	42
Mexico	108-116	44
Myanmar	117-130	48
Nepal	131-138	53
Pakistan	139-150	55
Philippines	151-152	59
Qatar	153-155	60
Russian Federation	156-159	60
Saudi Arabia	160-164	63
Serbia and Montenegro	165-167	64
Singapore	168-171	65
Sri Lanka	172-176	67
Sudan	177-183	68
Syria	184-186	71
Thailand	187-189	71
Turkmenistan	190-192	72
United Kingdom of Great Britain and Northern Ireland	193-195	73
United States of America	196-198	74
Uzbekistan	199-208	76
Viet Nam	209-213	79
Zimbabwe	214-221	80

Overview of communications sent by the Special Rapporteur

Communications sent by the SR on violence against women, its causes and consequences (January- December 2005)

- VAW number of communications: 89
- Special Procedures overall communications (1049): 8%
- Number of individual victims: 130
- VAW Communications sent to 34 countries
- Special Procedures communications sent to 137 countries
- Government replies: 26%
- Further information from source: 14%
- Follow-up: 10%





Afghanistan

Letter of allegation

1. On 10 May 2005, the Special Rapporteur, jointly with the Special Rapporteur on extrajudicial, summary or arbitrary executions, sent a letter of allegation concerning a 29 year old woman, known as **A.**, who was beaten to death by members of her family following the issuance against her of a fatwa for adultery by the council of Mullahs of Spingul, in the province of Badakhan. It appears that the man she was having illicit relations with was sentenced to eighty to one hundred lashes by the same council in accordance with Sharia law. He was reportedly released afterwards. This killing was reported to be the first execution of a woman for committing adultery since the removal of the Taliban regime in 2001.

Letter of allegation

2. On 24 May 2005, the Special Rapporteur sent a letter of allegation concerning the rape and murder of **three women** in the Baghlan province. According to the information received, on 4 May 2005, the bodies of three women were found on the roadside in Baghlan province, about 190 km north of Kabul. Officials and doctors confirmed that the three women had been raped and hanged. Although the motives behind these murders remained unclear, reports indicated that a note was found with the bodies, accusing the women of prostitution and asserting that they had been killed for working with international relief organizations. However, it appears that neither of the murdered women worked for NGOs or international relief organizations. It was reported that a woman and two men were arrested in connection with these murders.

Letter of allegation

3. On 22 June 2005, the Special Rapporteur sent a letter of allegation concerning **S.R.**, 24, a presenter of a music programme for the privately-owned television station Tolo TV, Kabul. According to information received, on 18 May 2005 in the neighbourhood of Char Qala, Kabul, she was found dead from a gun shot to the head. At the time this communication was sent, the authorities were investigating her death and had detained two of her brothers for questioning. The autopsy report referred to bite marks and bruises on her body indicating that she was assaulted before her death. It is reported that SR had been receiving death threats ever since she started working at the TV station. Suicide had not been ruled out by the authorities as a cause of the death. The information received indicated that SR's professional behaviour was considered as going contrary to traditional notions concerning, what is considered by some, as appropriate conduct for women, including her adoption of a Western attitude, her open interaction with her male colleagues on television and her choice of western music. SR was reportedly equally considered by some as unconventional in her personal life, wearing western clothes, going out in public unveiled, drinking alcohol, smoking and enjoying the company of male friends. For these reasons, SR received strong criticism, particularly from conservative mullahs and clerics in Kabul, who claimed that her TV show was, inter alia, anti-Islamic. On 13 March the Council of Ulemas urged the Government to put a stop to television programmes deemed "immoral and anti-Islamic", following which SR was fired on the grounds that she came in to work late and drank alcohol. The Special Rapporteur had expressed particular concern that SR may have been subjected to gender based violence.

Observations

4. The Special Rapporteur regrets not having received any replies to her communications. The Special Rapporteur deems it appropriate to make reference to Human Rights Commission Resolution 2005/41 which requested all Governments to cooperate with and assist the Special Rapporteur in the performance of her mandated tasks and duties, to supply all information requested, including with regard to the Special Rapporteur's communications.
5. Pending these replies and without making any determination on the facts of the cases, the Special Rapporteur deems it appropriate to address the following matters.
6. With regards to the case of **A.**, the Special Rapporteur welcomes the Government's public statement according to which all perpetrators of A.'s crime will be brought to justice. Furthermore, she welcomes steps already taken in this regard. The Special Rapporteur encourages the Government to exercise due diligence in the investigation, prosecution and punishment of all individuals who took part in this killing, both at the decision and implementation level, and to keep her informed of any such developments.
7. Moreover, with reference to the case of the **three murdered women**, and in the context of rising violence against women in Afghanistan, the Special Rapporteur strongly encourages the Government to be rigorous in its exercise of due diligence in ensuring that the perpetrators are brought to justice and to keep her informed of any developments in this regard.
8. With respect to **S.R.**, the Special Rapporteur encourages the authorities to be thorough in their investigations, and in the event that it is found that S.R. was killed, that the persons responsible are brought to justice and appropriate sentences are handed down accordingly. The Special Rapporteur invites the Government to keep her informed of any developments on this case.
9. The Special Rapporteur reiterates her thanks and appreciation to the Afghan authorities for their cooperation during her visit to the country in July 2005. She looks forward to maintaining a positive dialogue with the authorities and in this context deems it important to make reference to her conclusions and recommendations, as provided in her visit's report - E/CN.4/2006/61/Add.5, of 5 January 2006.

Bahrain

Urgent appeal

10. On 13 June 2005, the Special Rapporteur, jointly with the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Representative of the Secretary-General on the situation of human rights defenders, sent an urgent appeal concerning **G.Y.J.**, 38, living in Muharraq, a leading women's rights activist, President of the Women's Petition Committee and President also of the Bahrain Social Partnership for Combating Violence Against Women. According to information received, G.Y.J., as the head of the Women's Petition Committee, which is a network of activists demanding reform of Bahrain's family laws and family courts, reportedly organized, during four

years, protests, vigils and a hunger strike in an effort to draw attention to how the existing family court system allegedly discriminates against women. She also presented numerous complaints to the Ministry of Justice and the Office of the King reporting the mishandling of cases by certain judges. According to information received, defamation charges were brought against her in three separate cases for having publicly criticized family court judges. If convicted, she faced up to fifteen years imprisonment. The first court hearing took place on 9 June 2005. The second sitting was, at the time this communication was sent, scheduled for 19 June 2005. Moreover, according to information received, there are two separate family courts in Bahrain hearing personal status cases, including those of marriage, divorce, custody of children and inheritance - one for Sunni Muslims and another for Shia Muslims. Since there are reportedly no written personal status laws in Bahrain, judges hearing these cases have the authority to take decisions according to their own reading of Islamic jurisprudence. On many occasions, cases are reportedly decided arbitrarily to the detriment of women's rights and dignity. For example, according to information received several judges denied women custody of their children because they worked or were pursuing higher education. On the basis of this information, the Special Rapporteur had expressed concern that the above-mentioned family courts might not be in compliance with international laws and standards on women's human rights.

Government reply

11. By letter dated 8 July 2005, the Government responded to the communication of 13 June 2005, concerning **G.Y.J.** The Government explained that several judges of Shariah courts had lodged complaints against Ms. G.Y.J., which led the Department of Public Prosecutions to launch an inquiry into the matter. They summoned Ms. G.Y.J. twice for questioning but did not arrest her. Ms. G.Y.J. was then charged on three counts of 1. Publicly insulting the Shariah courts of the Kingdom of Bahrain, an offence for which the penalty is up to three years' imprisonment or a fine of up to 500 dinars; (2) Using abusive language in a telephone conversation, against a Shariah judge, an offence for which the penalty is up to six months' imprisonment or a fine of up to 50 dinars; and (3) Insulting a Shariah judge, an offence for which the penalty is up to six months imprisonment or a fine of up to 50 dinars. The criminal court delivered its judgment on 19 June 2005, dismissing the first charge on procedural grounds and referring the second and third charges to the lower courts. The Government explained that the criminal case brought against Ms. G.Y.J. was not related to her activities as a human rights and women's rights activist. The Government also explained that the Shariah courts in Bahrain are fair, impartial and transparent. Bahrain's Shariah courts are subdivided into the Sunni courts and the Ja'fari courts, which apply Islamic law according to the school of law to which the person before it adheres or which he or she chooses upon marriage. The Shariah courts are governed by the Code of Shariah Procedures, which regulates both schools of law and establishes two levels of courts. In addition, the Judicial Authority Act defines the subject matter jurisdiction of the Shariah courts and regulates all matters relating to the discharge of their functions. The Government also highlighted safeguards in place to protect women and children's rights with regard to Shariah courts, such as regular and unannounced inspections and numerous guidelines issued for litigants in proceedings before Shariah courts. The Higher Council of the Judiciary and the Shariah courts are working together on the elaboration of a personal status code to codify and develop the Islamic Shariah, taking account of the Kingdom's concern for the protection of women and children's rights. The Government also highlighted the role of the Higher Council for Women in promoting and protecting women's rights.

Letter of allegation

12. On 19 September 2005, the Special Rapporteur, jointly with the Special Rapporteur on the human rights of migrants, the Special Rapporteur on the sale of children, child prostitution and child pornography, and the Special Rapporteur on trafficking in persons, especially women and children, sent a letter of allegation concerning the alleged **mistreatment of migrant women working as domestic workers in Bahrain**. According to the information received migrant domestic workers, who typically live with their employers, are excluded from the protection of the 1976 Labour Law for the Private Sector. Many have to work 15 to 17 hours a day, seven days a week, and their employers often restrict their freedom of movement. Since their legal status in Bahrain depends on the continued visa sponsorship of their employers, migrant domestic worker who flee exploitative situations risk arrest, prolonged administrative detention and deportation. Their vulnerability is exacerbated by the fact that many employers take away their migrant domestic workers' passports, a practice that is reportedly officially tolerated. In addition, public authorities often privilege employers in disputes involving migrant workers. In extreme cases, domestic migrant workers may also be subjected to physical or sexual abuse. In this connection, the Special Rapporteur brought to the Government's attention allegations she had received relating to the situation of Ms. **A.B.J.**, an Indonesian girl. A.B.J. was recruited through a Jakarta-based private employment agency by a Bahraini married couple when she was 16. The couple agreed to sponsor her visa and employ her as a domestic worker. While she was actually born in 1989, the head of her Indonesian home village helped arrange for her a passport that falsely stated her date of birth as 1 August 1978. After A.B.J. arrived in Bahrain on 24 June 2004, her employers took her passport away. On the evening of 26 June 2004, her employer touched her intimate body parts against her will. His wife was present when the incident occurred but did not protest. On the evening of the next day, after the wife had left the house, the employer forced A.B.J. to watch a pornographic film, tore off her clothes and touched her intimately once again even though she screamed in protest. The next morning, A.B.J. informed the wife about the incident but the wife did not react. Approximately one month later, the wife told A.B.J. that she could earn additional money if she agreed to have sexual relations with men. That same day, she was forced to leave the house with an unknown man who took her to the premises of a factory where he and another man raped her. The man told A.B.J. that he had paid the wife to have sexual relations with her. Even though she was bleeding and suffered strong pain after being raped, her employers did not allow her to seek medical assistance. Instead, the wife gave her pain killers. In the weeks thereafter, A.B.J. was forced to have sexual relations with a number of men, including the husband/employer. To diminish her resistance, A.B.J. was given stimulant drugs, reportedly Methylenedioxymethamphetamine (also known as Ecstasy). During the entire period she was confined to the house and was not able to communicate by mail or telephone. Only on the occasion of a relative's visit did she manage to contact her employment agency in Jakarta with the relative's mobile phone. The employment agency then organized her rescue. A criminal investigation was opened and the husband was detained for a brief period of time but then released. A forensic medical examination proved that A.B.J. had had repeated sexual intercourse, but no blood test was taken to determine the nature of the drugs she had been given. The husband/employer was indicted for rape and the wife for facilitating prostitution. A court hearing was, at the time this communication was sent, scheduled to take place in September 2005. A.B.J.'s former employers still retained possession of her passport and had, at the time this communication was sent, neither paid her wages nor compensated her for the sexual violence suffered.

Letter of allegation

12. On 11 October 2005, the Special Rapporteur sent a letter of allegation concerning the alleged mistreatment of **A.B.S.**, a migrant domestic worker from Indonesia working in Bahrain. According to the information received, Ms. A.B.S., a 22-years-old Indonesian domestic worker from Central Java, was placed with an Egyptian family in September of last year by agency X, specifically with her male sponsor, his two brothers and their mother. On 17 September 2005, she was taken to the hospital (Salmaniya Medical Complex, SMC) after being severely beaten by her sponsor's mother. She suffered a fractured left forearm, cuts to her head and scratches on her neck. The incident was reported to the police on 18 September. Ms. A.B.S. declared that she had been repeatedly beaten by her sponsor's mother ever since she began working with the family for different reasons, including when it was considered that she was late in completing a task. The sponsor's mother also cut Ms. A.B.S.' hair against her will. Ms. A.B.S. also stated that, until the time this communication was sent, she had only received two-monthly salaries of \$182 (BD68.600); Both salaries were sent to her family in Indonesia. Moreover, Ms. A.B.S.' family was only allowed to contact her after one year that she had been working in Bahrain. In April 2005, her relatives reportedly contacted the employment agency, which in turn contacted A.B.S.' sponsor. Her sponsor did not, however, allow the agency to speak to Ms A.B.S. directly. Ms A.B.S. said she wrote several letters to her family and gave them to her sponsor's mother to post, but was not sure if they were ever sent. The Indonesian Consular Office was, at the time this communication was sent, arranging for Ms. ABS to speak to her family.

Observations

13. The Special Rapporteur thanks the Government for its extensive reply to her communication of 13 June 2005 and looks forward to receiving replies to her letters of 19 September 2005 and 11 October 2005.

14. With reference to her communication of 13 June 2005 concerning **Ms. G.Y.J.**, the Special Rapporteur kindly requests the Government to provide her with information on how the implementation of the different measures referred to in the Government's reply to ensure the protection of women's rights before the Sunni courts and the Ja`fari courts, are being monitored.

15. Moreover, the Special Rapporteur would appreciate receiving further information concerning the grounds on which the charges referred to were brought against Ms. G.Y.J. and how these grounds are compatible with her rights and freedoms, including those of the right to freedom of opinion and expression, and those provided for in the Declaration on the Elimination of Violence against Women.

16. The Special Rapporteur regrets not having received any reply to her communication of 19 September 2005 concerning **Ms. A.B.J.** The Special Rapporteur invites the Government to reply to the issues and questions she raised in her communication, and to keep her updated of the outcome of the court proceedings, including the award of any compensation to A.B.J.

17. The Special Rapporteur regrets not having received any reply to her communication of 11 October 2005. With respect to both A.B.J. and A.B.S., the Special Rapporteur would appreciate receiving detailed information of all measures which are in place in Bahrain to

regulate and monitor the working conditions of all migrant workers in Bahrain, including their right not to be subjected to violence by their employers.

Canada

Follow-Up to previously transmitted communications

Government reply

18. On 24 March 2005 the Government of Canada replied to the communication of 13 August 2002 concerning alleged fraudulent adoption practices and violence against unmarried women, specifically in relation to the SBW's CHSC and the CCAS of Toronto. The Government informed the Special Rapporteur that in response to the allegations, the Toronto Regional Office requested the CCAS to complete an investigation and report back to Ministry of Children and Youth Services (MCYS), Toronto, Regional Office.

19. Regarding the allegations according to which Ms. CH suffered both physical and psychological abuse by staff in the SBW's CHSC during the birth of her child in June 1978, including: being reportedly thrown against the wall of the preparation room by a nurse, being allegedly called a whore by one of the nurses, and having her pubic hair shaved and her genitals repeatedly cut by a nurse, the Government stated that Ms. CH's pubic hair was shaved on the physician's order prior to labour, this being the standard procedure at the time. However, the razors used were safety razors incapable of producing the cuts described. Furthermore, following interviews with Ms. CH's delivery doctor there was no evidence that he had tried to cover up the abovementioned alleged incidents.

20. With reference to the allegation that Ms. CH was reportedly given an injection to dry up her milk without her consent, the Government confirmed that she was in fact given medication to suppress lactation as she was not planning on breast feeding and that this was consistent with the standard of care in 1978, in order to prevent discomfort for the mother.

21. Moreover, the Government stated that the allegations, according to which Ms. CH was reportedly told by one of the nurses that money had been paid by the adoption agency to ensure that the baby was taken away from her as she did not deserve to have him, were unfounded. The child was admitted to the care of the CCAS with the complainant's consent. An Agreement to Short Term Non-Ward Care form was signed by the complainant.

22. Moreover, with regards to the allegations that Ms. CH had requested foster care and that she was reportedly told that the temporary non-ward arrangement could last for 6 months with the ability to negotiate if one were needed, and that she later found out that the Agreement to short term non-ward care was terminated and her son adopted without her consent, the Government stated that the Agreement to Short Term Non-Ward Care dated 14 June 1978 refers to a care period of not more than 6 weeks. The Government informed the Special Rapporteur that in a correspondence dated 10 July 1978, the agency notified the complainant by letter that the voluntary agreement would be terminated. This letter, which was sent 16 days prior to the expiry of the agreement also indicated that the agency would be going to court on 25 July 1978 to request that the complainant's child be made a ward of the Crown due to developments of the case. The Government informed the Special Rapporteur that the specificity of the developments

were not stated, but that upon review, it became apparent that Crown wardship was sought since the complainant had not come forward with a plan for the child. The Agreement to Short Term Non-Ward care was terminated on 25 July 1978, when a Judge of the Provincial Court (Family Division) of the Judicial District of York made an Order Respecting Wards of the Crown. The defendant's child was duly made a ward of the Crown and committed to the care of the CCAS. The order notes the consent of the mother. The adoption of the child was based on the consent of the Crown. The complainant had surrendered her authority when she consented to the order which made the child a ward of the Crown. The Government explained that in Ontario, children may become eligible for adoption either by an adoption consent signed by the birth mother, or through an order of Crown wardship issued by the Court (as in the present case). Given that in Ms. CH's case the birth mother participated wholly and voluntarily in the Crown wardship process, her consent to the adoption was not required.

23. Furthermore, concerning the allegations that in 2001, when Ms. CH received a copy of the agreement, the words 6 months had reportedly been altered to 6 weeks without her consent or prior knowledge, the Government stated that in the "Agreement to Short Term Non Ward Care", dated 14 June 1978 the word "months" was replaced with "weeks". However the narrative after that change indicates that the intent of the parties was for a 6 week period of care. The investigation did not reveal any evidence that the time period was altered post-signature or that the intent of the parties was other than for a 6-week period of care.

24. In relation to the allegation that Ms. CH informed her CCAS social worker that she intended to take her son to England, away from her abusive ex-boyfriend, and that, under the alleged instructions of this CCAS social worker she had traveled to the UK by herself on 9 March 1979 on a return ticket to make suitable arrangements to have her son returned to her there, only to be informed by the social worker on 16 March 1979 that her son had been adopted and the proceedings had been finalized on 13 March 1979, the Government stated that this allegation focuses on a time period after the child was already made a Crown ward (after 25 July 1978). The Government also stated that the investigation did not reveal any evidence that any advice or direction was given to the complainant regarding how the child could be returned to her, and that in any event such an exchange would not make sense given that the child had at that point already been made a Crown ward pursuant to the consent of the mother. The child had already been placed with its prospective adoptive parents on August 24, 1978.

25. In conclusion the Government confirmed that on the basis of the findings of investigations carried out in the case, no evidence supported the allegations made by Ms. CH. The findings from the investigations confirm that staff at the SBW's CHSC met the standards of care for 1978 in caring for Ms. CH while she was pregnant, during delivery of her baby and during post-natal treatment. Moreover, investigations concluded that the CCAS had appropriately conformed to the adoption rules at the time in placing Ms. CH's child for adoption.

Observations

26. The Special Rapporteur would like to thank the Government of Canada for its reply to her communication of 13 August 2002.

Colombia

Carta de alegaciones

27. El 2 de septiembre de 2005, la Relatora Especial, juntamente con el Relator Especial sobre la tortura y el Relator Especial sobre la situación de los derechos humanos y las libertades fundamentales de los indígenas, envió una carta de alegaciones en relación con E. G., estudiante indígena de 19 años de edad, de Puacé, Departamento de Cauca. De acuerdo con las alegaciones recibidas, el 9 de agosto de 2005, entre las 16h30 y 17h00 de la tarde en el caserío 'El Alto' en el casco urbano de Coconuco, Puracé, en un lugar ubicado a poca distancia de una instalación de la Policía Nacional, E. G. fue abordada por dos militares del Batallón "José Hilario López". Los dos militares uniformados con trajes tipo camuflado, portando pasamontañas sobre sus rostros, habrían procedido a amenazarla e intimidarla tanto verbalmente como con el uso de sus armas y a través de su fuerza corporal, y luego, uno de ellos, en presencia de un niño indígena, la habría violado sexualmente mientras decían: "hacemos esto contigo porque vos eres una guerrillera". Posteriormente, E. G. fue atendida por médicos en la localidad. El 10 de agosto de 2005, al conocer la situación, varios pobladores indígenas del Resguardo al que pertenece E. G., en compañía de la comunidad educativa "Colonia Escolar", procedieron a solicitar a los mandos militares allí acantonados que no trasladaran ni cambiaran de lugar a ninguno de sus efectivos con el fin de identificar a los responsables del mencionado crimen, al tiempo que los instaban a reconocer públicamente sus responsabilidades y la necesidad de reparar los daños causados. Según las denuncias, un oficial de las unidades allí desplegadas expresó que: "...los presuntos violadores no podían ser miembros de la institución, pues a esa hora, los implicados se encontraban en las labores de rancho". El 11 de agosto de 2005, en horas de la mañana, en el casco urbano de Coconuco los pobladores se reunieron con un militar, cuyo apellido es conocido por los Relatores Especiales, quien reconoció que efectivamente un hombre de la institución había sido el responsable de la violación sexual de E. G., pero se negó a dar el nombre del mismo, agregando que este se había fugado. Además, el efectivo regular manifestó que, "... el caso es grave pero suelen suceder este tipo de casos, afirmado que "... él no podía ofrecer disculpas..." Además, el militar nunca hizo alusión al cómplice de la violación sexual de la joven.

Respuesta del gobierno

28. Mediante carta con fecha del 8 de noviembre de 2005, el Gobierno de Colombia respondió a la carta de alegación de la Relatora Especial con fecha del 2 de septiembre de 2005, en relación con E. G., estudiante indígena de 19 años de edad, la cual, de acuerdo con las alegaciones recibidas, fue abordada el día 9 de agosto de 2005 por dos militares uniformados, quienes, portando pasamontañas sobre sus rostros, la sometieron a amenazas, intimidaciones y violación sexual. Según se informaba el Coordinador del Grupo de Derechos Humanos del Ministerio de Defensa Nacional, había trasladado ya este caso a la Oficina de Derechos Humanos del Comando General de las Fuerzas Militares, a fin de esclarecer los hechos y adoptar las medidas pertinentes. De igual modo, el Programa de Derechos Humanos y DIH de la Presidencia de la República, se había puesto en contacto con el Inspector General del Ejército, la Procuraduría General del Ejército, y el Comandante del Batallón "José Hilario López", al que presuntamente pertenecen los supuestos violadores, para que se procediese a investigar las acusaciones. El Batallón "José Hilario López", respondió a esta petición el 11 de agosto de 2005, informando al Programa de la Presidencia, que se había dado inicio a la investigación preliminar

disciplinaria. La Defensoría del Pueblo también había sido informada del caso, y se había dirigido a la Procuraduría Delegada para las Fuerzas Militares, al Comandante del Ejército y al Inspector General del Ejército, solicitando a estos que dispusiesen lo pertinente con el fin de esclarecer las investigaciones del antemencionado caso, esclarecer los hechos denunciados y sancionar a los responsables de las violaciones cometidas.

Seguimiento de comunicaciones transmitidas previamente

Respuesta del gobierno

29. Por carta con fecha del 4 de mayo de 2005 el Gobierno proporcionó información adicional en relación con una carta de alegaciones del 5 de mayo de 2004 sobre el caso de O.F., D.L.S., N.D. y S.L.S enviada juntamente con el Relator Especial sobre la tortura, el Relator Especial sobre la situación de los Derechos Humanos y las libertades fundamentales de los indígenas y la relatora Especial sobre ejecuciones extrajudiciales, sumarias o arbitrarias (E/CN.4/2005/72/Add.1, paras.90-91). El Gobierno proporcionó la siguiente información. La presunta víctima, O.F., fue localizada en un resguardo indígena en la población de Betoyes-Tame y declaró que jamás fue agredida o violada y que su hijo estaba vivo, situación que fue corroborada por los investigadores. Declaró además que cambió su nombre en la Registradora del Estado Civil por el de D. V. T. M.F. también declaró que nunca había sido violada y negó que sus parientes J. F., N.F. e I. C. habían sido heridos o desaparecidos. Otras entrevistas, incluyendo una con la madre de O. F. y con N. F., confirmaron que de esa comunidad la única persona muerta violentamente en la fecha de los presuntos hechos fue N. D., el esposo de O. F., que ninguna mujer fue violada y que ningún miembro de la comunidad resultó muerto, herido o perjudicado. Fuera de la muerte de N. D., no hubo ningunas pruebas de las muertes o violaciones de otros indígenas mencionados en la denuncia. El Gobierno informó que en el caso de la muerte de N. D., miembro de la comunidad indígena Genareros, la Fiscalía decidió continuar la investigación en su etapa previa. Según las investigaciones realizadas, los presuntos responsables fueron supuestos integrantes de las Autodefensas Unidas de Colombia (AUC), aún no identificados, pero no había sido posible recaudar prueba alguna. Finalmente, el Gobierno informó que según lo que determinó la Fiscalía de sus investigaciones y las varias entrevistas, previo análisis de las pruebas recaudadas, las conductas denunciadas contra el ejército no existieron y por esto la Fiscalía se abstuvo de abrir investigación penal.

Respuesta del gobierno

30. Por carta con fecha de 20 de diciembre de 2004 el Gobierno proporcionó información adicional en relación con el llamamiento urgente del 24 de agosto de 2004 enviado juntamente con el Relator Especial sobre la venta de niños, la prostitución infantil a la utilización de niños en la pornografía, y el Relator Especial sobre la tortura, en relación con dos niñas de 16 y 17 años del municipio de Sansón, departamento de Antioquia (E/CN.4/2005/72/Add.1, paras. 93-94). El Gobierno informó que el caso se encontraba en la Fiscalía Delegada ante la Corte Suprema de Justicia. Las investigaciones disciplinarias sobre el caso se encontraban bajo un radicado por el “presunto secuestro y acceso carnal violento a dos menores de edad” y la Procuraduría Delegada se encontraba en estudio preliminar de la queja. Adicionalmente, el Gobierno afirmó que seguiría atentamente los resultados de las investigaciones llevadas a cabo, los cuales transmitirá oportunamente a la Relatora Especial.

Observaciones

31. La Relatora Especial agradece al gobierno la información proporcionada y queda en espera de información adicional sobre los resultados de las investigaciones relativas a los casos de E.G y de las dos niñas de 16 y 17 años del municipio de Sansón.

Chad

Appel urgent

32. Le 29 septembre 2005, la Rapporteuse spéciale, conjointement avec le Rapporteur spécial sur la vente d'enfants, la prostitution d'enfants et la pornographie impliquant des enfants, a envoyé un appel urgent concernant les conditions de vie et les traitements subis par les **enfants vivant au sein de certaines écoles coraniques** sous la responsabilité de marabouts. D'après les informations reçues, et notamment un documentaire tourné au sein de ces établissements, des enfants seraient confiés par leurs parents à des marabouts chargés de leur dispenser un enseignement coranique. Il ressort du documentaire que les enfants vivant au sein de ces écoles sont en fait contraints de mendier toute la journée pour le compte de leurs marabouts et ne reçoivent qu'un enseignement coranique très limité. Dans trois écoles coraniques situées dans le quartier Ridina 2 à N'Djamena, à Toukra et à Sahr, des enfants apparaissent enchaînés jours et nuits et présentent des marques de coups. Des adultes sont également enchaînés dans ces établissements et gisent à même le sol toute la journée. Selon les informations reçues, des châtiments corporels seraient régulièrement infligés aux enfants par les marabouts et les gardiens des lieux. Des dizaines d'écoles de ce type, dirigées par des marabouts influents existeraient dans le pays et seraient en pleine expansion grâce à des financements étrangers. Des quartiers pour femmes seraient en voie d'être aménagés afin que soient enfermées celles que leurs maris ou familles considèrent comme ayant des comportements «contraires à l'Islam».

Observations

33. La Rapporteuse spéciale regrette de ne pas avoir reçu de réponse à sa communication du 29 septembre 2005. La Rapporteuse spéciale rappelle que la Commission des droits de l'homme, par sa résolution 2005/41 a prié tous les gouvernements de coopérer avec la Rapporteuse spéciale et de l'aider à s'acquitter du mandat et des fonctions dont elle a été investie, de lui fournir toutes les informations demandées, en particulier à ses communications. Vu la gravité des allégations concernées, mais sans préjuger des faits examinés, la Rapporteuse spéciale tient à souligner au Gouvernement les obligations, normes et standards internationaux concernant la violence faites aux femmes, comme notamment mentionnés dans la Déclaration sur l'élimination de la violence à l'égard des femmes. De plus, elle souhaite que le Gouvernement la tienne au courant des résultats des enquêtes et des procès menés contre les responsables présumés.

China

Letter of allegation

34. On 13 September 2005, the Special Rapporteur, jointly with the Special Rapporteur on freedom of religion or belief, sent a letter of allegation concerning Ms. **RS**, 42, (f), living in the Tiexi District, Shengyang City, Liaoning Province, and Ms. **LY**, 32 (f), living in Yangjiazhuang village in Junbukou Township. According to information received, on 21 May 2002, police officers from the Zhonggong police station arrested RS for practicing Falun Gong. She was later sentenced to three years of forced labour and was detained at the Longshan Labour Camp. No charges were brought against her and she was provided no hearing before a court of law. She went on hunger strike for 64 days, during which time she was subjected to torture and harsh labour for fifteen hours daily. After bringing an end to her hunger strike she continued to be tortured by the prison guards, who subjected her to electric shocks. On 22 March 2004, she was transferred to Masanjia Labour Camp where she was forced to sleep on cement floors for three months. She was released on 24 December 2004, due to her extremely weak conditions, weighing less than 40 kg, whereas at the time of her arrest she weighed 80 kg. The several complaints that RS made to the prison guards, who were the only authorities she had access to, provided no response or amelioration to her conditions of detention. Moreover, on 21 January 2000, Ms. LY was arrested by police officers belonging to the Junbukou Township of Weifang City in Shandong province, for practicing Falun Gong. No charges were brought against her and she was provided no hearing before a court of law. She was subjected to severe beatings, and the men who were also arrested with her were forced to beat her and the other arrested women on their hips. During her detention, she was forced to curse the founder of Falun Gong, drink alcohol and smoke cigarettes, which is against Falun Gong principles. As a result of this treatment, Ms. LY miscarried. She was released on 20 January 2000 after having paid for her release. In the Summer of 2001, she was arrested again for practicing Falun Gong and was once again subjected to torture including electric shocks, as a result of which she miscarried a second time. After twenty days of torture, she was sent to a detention centre for another month, after which she was released.

Urgent appeal

35. On 19 September 2005, the Special Rapporteur, jointly with the Chairperson-Rapporteur of the Working Group on Arbitrary Detention, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, and the Special Representative of the Secretary-General on the situation of human rights defenders, sent an urgent appeal concerning Mr. **CG**, aged 34, a blind peasant from Linyi, Shandong Province. Chen Guangchen was leading a legal campaign against the use of forced sterilization and abortion in the city of Linyi. According to the information received, on the afternoon of 6 September 2005, several men in plain clothes grabbed CG as he left an apartment building in Beijing, dragged him across a parking lot and pushed him into an unmarked car with tinted windows. The men did not identify themselves. As he shouted for help and could be heard screaming in pain from inside the car, a small group of persons surrounded the vehicle and prevented it from driving away. Residents of the area called the Beijing police. Two uniformed officers arrived, consulted with the men who had seized CG, and then cleared the way for the car to drive away. The Beijing police officers informed the bystanders that the men who seized CG were police from Shandong province. A spokesman for the Shandong public security bureau stated, however, that he did not have any

information about CG's detention. It was reported that the Shandong province police took Chen Guangcheng back to Linyi, where he was, at the time this communication was sent, confined to his farmhouse by a group of about 50 men acting on behalf of the Yinan county and Linyi city governments. CG was reportedly preparing a class-action lawsuit to challenge the population-control policies of the authorities of Linyi. In March 2005, the Linyi city government began requiring parents with two children to be sterilized and forcing women pregnant with a third child to have abortions. Officials also detained family members of persons who fled to avoid sterilization or abortion, beating them and holding them hostage until their relatives returned and submitted them to the operation.

Government reply

36. By letter dated 12 December 2005 the Government replied to the communication of 19 September 2005. This reply was still in the process of being translated at the time this report was finalized.

Letter of allegation

37. On 31 October 2005, the Special Rapporteur, jointly with the Special Rapporteur on the question of torture, and the Special Representative of the Secretary-General on the situation of human rights defenders, sent a letter of allegation concerning CG, a self-educated lawyer who, since 7th September 2005 had been under a form of house arrest in the village of Dongshigu, eastern province of Shandong. According to the new information received, on 24th October 2004, at approximately 1pm, CG was kicked and beaten by a group of 8 or 9 people when he tried to leave his home. The group was reportedly led by two local officials, who shouted during the beating: "Hit him hard! Break his legs! So he can include this in his lawsuit too." CG, who is blind, reportedly fell to the ground five or six times during the attack. His family was eventually able to take him back home, but he was left bleeding from the forehead and with pain around his left eye, and unable to bend his fingers after the assault. CG's house was still, at the time this communication was sent, being guarded in shift rotation by a group of around 20 people. When members of his family asked those guarding the house if he could go to hospital their request was denied. Before his detention, CG had been assisting villagers to take legal action against the Linyi city authorities in Shandong, who they allege had been breaking the law by conducting a campaign of forced abortions and sterilizations of local women in pursuit of birth quotas. The case was due to be heard on 10 October, but was postponed. According to reports, several of the families involved in the case had withdrawn following threats and harassment from the authorities. Another Mr. CG was briefly detained earlier in October along with another villager, after giving interviews about CG's situation to foreign reporters.

Observations

38. The Special Rapporteur regrets not having received any replies to her communications of 13 September and 31 October 2005.

39. In light of the allegations concerned, the Special Rapporteur deems it appropriate to make reference to the recommendations found in the report of the UN Committee on the Elimination of all Forms of Discrimination against Women, A/54/38, paras 299 and 300. The Committee expressed its serious concerns about the diverse forms of violence against women in China,

including custodial violence, sexual abuse, domestic violence, and sexual violence. The Committee moreover recommended that the Government examine and revise its laws and policies on violence against women in the light of the Committee's general recommendation 19.

40. The Committee further recognized that while population growth in China is a genuine and severe problem, it expressed concern about various aspects of the implementation of China's population policy including reports showing that notwithstanding the Government's clear rejection of coercive measures, there are consistent reports of abuse and violence by local family planning officials. These include forced sterilizations and abortions, arbitrary detention and education policy. The Committee urged the Government to make clear that coercive and violent measures are prohibited in this regard and to enforce such prohibition through fair legal procedures that sanction officials acting in excess of their authority.

41. Finally, the Committee recommended that the Government consider the possibility of extending an invitation to the Special Rapporteur on Violence against Women, its causes and consequences, to visit China and all its provinces.

Democratic Republic of the Congo

Appel urgent

42. Le 12 janvier 2005, la Rapporteuse spéciale, conjointement avec le Rapporteur spécial sur la torture, et le Rapporteur spécial sur le droit à l'alimentation, a envoyé un appel urgent concernant les conditions de détention des **235 prisonniers de la prison centrale de Munzenze** à Goma en faveur desquels l'Expert indépendant sur la situation des droits de l'homme en République démocratique du Congo était intervenu auprès du Ministère de la Justice et du Gouverneur de la Province du nord Kivu par lettre du 17 novembre 2004. D'après les informations reçues, la prison serait située dans un immeuble délabré, grièvement endommagé par la grande éruption du volcan Nyiragongo du mois de janvier de 2002, et dans un état d'insalubrité générale, les pavillons des détenus étant même, pour la plupart, seulement couverts par de simples bâches. Aucun registre de détenus ne serait tenu mais il a été rapporté qu'à la fin du mois de novembre 2004, 235 prisonniers dont 10 femmes (avec 4 nourrissons); 1 mineur ; 128 détenus civils, 107 militaires, et 48 personnes ayant déjà été jugées par un tribunal, se trouvaient dans les locaux de la prison. Aucune séparation nette entre les femmes et les hommes détenus ne serait établie, ce qui expose les femmes à tout type de violence, et en particulier des violences sexuelles de la part des détenus de sexe masculin. Les détenus souffriraient de graves carences alimentaires en raison de l'insuffisance et de l'irrégularité de l'approvisionnement de la prison en nourriture. Jusqu'au 20 décembre 2004, le Gouvernorat aurait régulièrement contribué à l'alimentation des prisonniers en leur fournissant 7 sacs de maïs et 7 sacs de haricots par semaine, soit un seul repas par jour. Depuis, les prisonniers n'auraient plus reçu de nourriture, le Gouvernorat ayant interrompu son approvisionnement pour des raisons de contraintes budgétaires. Lors de la présence à Goma de la Commission interinstitutionnelle du 17 au 22 décembre 2004, le Ministre de la Justice, membre de la délégation aurait affirmé que la subvention pour l'alimentation des prisonniers était versée régulièrement depuis Kinshasa pour toutes les provinces. Depuis le 28 décembre 2004, les prisonniers interdiraient l'accès de la prison au personnel qui administre la prison. Ce personnel est au nombre de 11 dont 3 femmes. Les prisonniers refuseraient aussi l'entrée de nouveaux prisonniers. Par lettre du 26 novembre 2004, le Gouverneur de province aurait fait rapport au Ministère de la Justice sur la situation des

détenus mais, à ce jour, aucune suite n'aurait été donnée à ce courrier. Il a également été rapporté que certaines femmes seraient contraintes d'avoir des relations sexuelles en échange de nourriture avec certains hommes détenus, et notamment les 30 détenus désignés par le Directeur de la prison pour assurer la sécurité à l'intérieur de la prison. Cette pratique est connue et serait tolérée par l'administration pénitentiaire. A titre de sanctions disciplinaires, les détenus seraient privés de visite, ce qui a pour conséquence une privation de nourriture, les détenus comptant largement sur leurs familles pour recevoir un complément alimentaire indispensable pour leur survie. Certains détenus dont les familles ne vivent pas à Goma seraient dans une situation particulièrement préoccupante de ce point de vue. Au cours de l'année 2004, 4 détenus seraient décédés à cause de la faim. En l'absence d'une infirmerie dans la prison, les détenus n'auraient pas accès aux soins médicaux, et en cas de maladie grave, les détenus seraient simplement envoyés à l'hôpital où, faute de paiement, ils ne recevraient pas de soins. Leur transfert serait effectué dans le seul but d'éviter à avoir à enregistrer le décès en prison. Au vu des conditions de détention dans la prison, des craintes ont été exprimées pour l'intégrité physique et mentale des détenus, et notamment des femmes, particulièrement exposées aux violences sexuelles de la part des détenus masculins dont elles ne sont pas séparées.

Appel urgent

43. Le 4 février 2005, la Rapporteuse spéciale, conjointement avec le Présidente-Rapporteur du Groupe de Travail sur la détention arbitraire, le Rapporteur spécial sur la promotion et la protection de la liberté d'opinion et d'expression, le Rapporteur spécial sur la torture, et le Rapporteur spécial sur le droit à l'éducation, a envoyé un appel urgent concernant la situation de dix-sept lycéens dont quatre mineurs: **IA** (m, 16 ans), **FR** (m, 16 ans), **IO** (f, 17 ans), **AT** (m, 17 ans), **MA** (f, 18 ans), **AA** (m, 19 ans), **AA** (f, 18 ans), **BBB** (m, 18 ans), **AL** (m, 20 ans), **YM** (m, 19 ans), **MM** (m, 20 ans), **JM** (m, 24 ans), **LO** (m, 20 ans), **SO** (f, 18 ans), **AS** (m, 18 ans), **MS** (m, 18 ans) et **UW** (m, 20 ans). Selon les informations reçues, le 25 janvier 2005, les lycéens auraient protesté contre un changement dans leur horaire de classe et auraient menacé de recourir à une manifestation contre le préfet si leur demande n'était pas prise en compte. Afin de les dissuader d'entreprendre une telle action, le préfet aurait fait appel à la Police d'Intervention Rapide (PIR) qui aurait procédé à l'arrestation des étudiants et frappé violemment plusieurs d'entre eux. Les lycéens, garçons et filles, seraient, au moment de l'envoi de cette communication, détenus ensemble dans une cellule à Kindu. Au vu de leurs conditions de détention, en particulier de la détention de majeurs et de mineurs, d'hommes et de femmes, dans une même cellule, et des violences physiques subies par certains d'entre eux lors de leur arrestation, des craintes ont été exprimées au sujet de la santé physique et psychologique des lycéens.

Lettre d'allégation

44. Le 9 mars 2005, la Rapporteuse spéciale, conjointement avec le Rapporteur spécial sur la torture, a envoyé une lettre d'allégations concernant **Mme. CM**. Le soir du 5 février 2005 deux soldats des FARDC (Forces Armées de la République Démocratique du Congo) auraient violé à tour de rôle Mme. CM en présence de sa fille de huit ans. Le viol aurait eu lieu dans les sanitaires à l'extérieur de sa résidence à Mboko, à 48 km de Uvira (Sud Kivu).

Lettre d'allégation

45. Le 21 juillet 2005, la Rapporteuse spéciale, conjointement avec le Rapporteur spécial sur les exécutions extrajudiciaires, sommaires ou arbitraires, et l'Expert Indépendant sur la situation des droits de l'homme en République Démocratique du Congo a envoyé une lettre d'allégations concernant le massacre de plus de 30 civils, en majorité des femmes et des enfants. Dans la nuit du 9 au 10 juillet 2005, le village de Ntulumamba, situé à 70 kilomètres au Nord-Ouest de Bukavu, près de Kalonge dans le Sud du Kivu, aurait été attaqué par un groupe d'hommes armés. Plus de 30 personnes auraient été tuées et environ 50 autres blessées. Les assaillants auraient d'abord rassemblé les femmes et les enfants du village à l'intérieur de leurs huttes avant de les brûler vifs. Les hommes du village seraient toutefois parvenus à s'enfuir. On aurait attribué cette attaque aux membres des Forces Démocratiques de Libération du Rwanda (FDLR), un groupe de combattants présent dans la région du Parc de Kahuzi Biega. Le groupe serait en effet soupçonné d'avoir commis ces meurtres en guise de représailles contre les villageois afin de punir ceux-ci pour leur récente collaboration avec les Forces armées de la République démocratique du Congo (FARDC) et la MONUC. On rapporte en effet que les FARDC auraient mené une opération contre les positions des FDLR dans ce même parc la semaine précédente. La MONUC aurait également conduit plusieurs opérations de contrôle dans cette région pendant cette même période. Le Président des FDLR aurait nié toute implication de son mouvement dans cette attaque et aurait plutôt attribué la responsabilité de celle-ci à un groupe communément appelé les « rastas ».

Lettre d'allégation

46. Le 29 juillet 2005, la Rapporteuse spéciale, conjointement avec le Rapporteur spécial sur la promotion et la protection du droit à la liberté d'opinion et d'expression, le Rapporteur spécial sur la torture, le Rapporteur spécial sur la vente d'enfants, la prostitution d'enfants et la pornographie impliquant des enfants, le Rapporteur spécial sur le droit de toute personne de jouir du meilleur état de santé physique et mentale susceptible d'être atteint, l'Expert Indépendant sur la situation des droits de l'homme en République Démocratique du Congo, la Rapporteuse spéciale sur la traite des personnes, en particulier les femmes et les enfants et la Représentante spéciale du Secrétaire général sur la situation des défenseurs des droits de l'homme, a envoyé une lettre d'allégations concernant, les cas très répandus de violence sexuelle indiscriminée et systématique et d'autres formes de violence perpétrées contre des femmes et des filles sur le territoire de la République démocratique du Congo depuis 1996. En 2005 et en 2004, les Rapporteurs spéciaux ont informé le Gouvernement de leur inquiétude par le biais de plusieurs communications, notamment une lettre d'allégation envoyée le 9 mars 2005, un appel urgent envoyé le 12 janvier 2005 et une lettre d'allégations envoyée le 11 octobre 2004 concernant des viols collectifs à Bongandanga et Songo Mboyo. Selon les informations reçues, des femmes et des filles, et parfois des hommes et des garçons, les plus jeunes âgés de 3 ans, auraient été violés, mutilés, torturés, forcés à l'esclavage sexuel, contraints à l'inceste, au mariage, au travail forcé et au pillage. Tous les groupes armés présents dans le pays, nationaux et étrangers (RCD-Goma, RCD-ML, Mai Mai, Mudundu 40, MLC, UPC, FNI, FDD et FNL burundais, des groupes armés de Hutus et ex-interahamwe, aussi que l'armée nationale congolaise, FARDC), seraient responsables de ces crimes. Dans notre communication envoyée à votre Gouvernement le 11 octobre 2004, nous avons exprimé notre crainte suite aux renseignements reçus selon lesquels, le 21 décembre 2003 à Songo Mboyo et Bongandanga, à Mbandaka, en Province d'Equateur, 119 femmes et filles auraient été violées et soumises à d'autres formes de violence

sexuelle par un bataillon d'ex-MLC. Le bataillon entier aurait protesté contre le fait qu'il n'avait pas reçu de salaire. Nous sommes préoccupés quant au fait de ne pas avoir reçu de réponses de la part de votre Gouvernement concernant l'investigation et la poursuite pénale des auteurs présumés de ces graves violations des droits de l'homme et la compensation et la réhabilitation des victimes et de leurs familles. Nous redoutons que cela démontre que l'impunité pour la violence contre les femmes et les filles ne soient largement répandues dans votre pays. Les allégations de viols massifs en décembre 2003 ne sont qu'un exemple de violence contre les femmes et les filles. L'ampleur exacte de telles violences est difficile à mesurer, principalement à cause du manque d'informations officielles sur ces actes, ceci, en raison de l'hésitation des victimes à déposer plainte devant les autorités (parce que elles craignent une revanche par les auteurs, la situation est caractérisée par un manque général de sécurité et il existe de forts tabous culturels autour des violences sexuelles) et du manque de confiance envers les autorités afin de désigner comme responsables les auteurs de violence contre les femmes et les filles. Les rapports ont aussi indiqué que la réponse des autorités aux plaintes de ce type de crimes a été lente et insatisfaisante pour plusieurs raisons, dont la crainte de la police de revanches par les agresseurs, l'insécurité générale dans le pays, la corruption et le manque de volonté de coopérer avec les autorités appropriées. Ce manque de réponses des autorités a résulté dans l'impunité générale pour les actes de violence contre les femmes et les filles, et cette culture d'impunité aggrave et encourage la suite d'une telle violence. En outre, comme il a déjà été référé dans l'appel urgent du 12 janvier 2005, envoyé conjointement par la Rapporteuse spéciale chargée de la question de la violence contre les femmes, y compris ses causes et ses conséquences, le Rapporteur spécial sur la torture et le Rapporteur spécial sur le droit à l'alimentation, nous restons concernés par les rapports qui indiquent que les conditions de détention et les prisons ne sont pas conformes aux standards internationaux, et que les prisonnières et détenues du sexe féminin sont sujettes à des violences, y compris sexuelles, pendant leur détention. En plus, notre attention a été attirée sur le fait que des membres de la société civile, spécialement des femmes défenseurs des droits humains, qui luttent contre la violence sexuelle et contre d'autres formes de violence contre les femmes et les filles dans le pays, ont été visées et sont sujettes à toutes formes de harcèlement, y compris à des menaces et à des attaques, ainsi qu'à des actes de violences sexuelles et à d'autres formes de violences. La violence sexuelle généralisée et systématique a eu comme conséquence la diffusion, sans contrôle, du SIDA et d'autres maladies sexuellement transmissibles, autant à l'intérieur qu'à l'extérieur du pays. Ceci a eu comme conséquences, entre autres, une augmentation du nombre d'orphelins et d'enfants nés avec le SIDA, et une augmentation du nombre de personnes handicapées du fait de leur maladie et dans l'impossibilité d'avoir une activité économique qui leur permettrait de subvenir financièrement à leurs besoins. Il a été rapporté que les centres de santé, les cliniques et les hôpitaux, spécialement dans les régions rurales, ne peuvent pas fournir les soins aux personnes infectées, et parallèlement, les victimes ne sont pas capables d'aller à ces centres de santé en raison de la situation d'insécurité dans le pays et du manque d'infrastructures de transport. Il a également été rapporté que ces centres de santé n'ont pas les ressources matérielles, financières et humaines nécessaires pour assister les personnes affectés.

Appel urgent

47. Le 16 novembre 2005, la Rapporteuse spéciale, conjointement avec le Rapporteur spécial sur la torture et le Rapporteur spécial sur le droit à l'alimentation, a envoyé un appel urgent concernant les **94 personnes** détenues à l'Inspection Provinciale de Kinshasa (IPK). D'après les informations reçues, 430 personnes parmi lesquelles des femmes et des enfants auraient été

arrêtées le samedi 5 novembre 2005 au Marché Central de Kinshasa et placées en détention à l'Inspection Provinciale de Kinshasa (IPK) sous le commandement du Général Sabiti. Si les raisons de ces arrestations demeurent incertaines, il semble qu'il se soit agi d'une opération visant à vider les rues de la capitale des personnes y vivant dont les enfants, communément appelés "les shégués". Toutes ces personnes auraient été enfermées dans un hangar ne comportant aucune installation sanitaire et n'auraient rien eu à manger durant plusieurs jours. Suite à l'intervention d'organisations internationales et d'organisations locales, les enfants auraient été relâchés, placés dans des centres ou remis à leurs parents. Cependant au moment de l'envoi de la communication, 94 hommes et femmes seraient toujours détenus dans le même hangar sans qu'aucun chef d'inculpation n'ait été retenu contre eux. Il a été rapporté qu'ils pourraient être poursuivis pour mendicité et vagabondage alors même que ces faits ne constituent pas des infractions prévues par le code pénal. Aucune des personnes détenues n'aurait par ailleurs eu accès à un avocat.

Observations

48. La Rapporteuse spéciale regrette de n'avoir reçu aucune réponse à ses communications. La Rapporteuse spéciale rappelle que la Commission des droits de l'homme, par sa résolution 2005/41, a prié tous les gouvernements de coopérer avec la Rapporteuse spéciale et de l'aider à s'acquitter du mandat et des fonctions dont elle a été investie, de lui fournir toutes les informations demandées, en particulier en réponse à ses communications.

49. Vu la gravité des allégations concernées, mais sans préjuger les faits observés, la Rapporteuse spéciale tient à rappeler au Gouvernement les obligations, les normes et les standards internationaux concernant la violence faites aux femmes inclus entre autres dans la Déclaration sur l'élimination de la violence à l'égard des femmes. Elle sollicite au Gouvernement qu'il la tienne au courant des résultats des enquêtes menées et des mesures mises en place pour éviter la répétition de ces actes.

50. En outre, concernant les communications du 12 janvier 2005, du 4 février 2005 et du 29 juillet 2005, la Rapporteuse spéciale souhaiterait rappeler les normes et standards internationaux inclus dans l'Ensemble de règles Onusiennes minima pour le traitement des détenus et les conditions de détention, en particulier en ce qui concerne les femmes et leur vulnérabilité à être sujettes à des violences.

51. De plus la Rapporteuse spéciale réitère son vif intérêt à visiter la République Démocratique du Congo et reste en attente d'une réponse du Gouvernement de la RDC à ce sujet.

52. En conclusion et vu la nature des allégations concernées, la Rapporteuse spéciale considère approprié de faire référence aux recommandations du Comité pour l'élimination de la discrimination à l'égard des femmes, dans son rapport, A/55/38 paras. 217 and 218, dans lequel le Comité a exprimé ses vives inquiétudes concernant les viols, violences et sévices graves subis par les femmes pendant la guerre et a recommandé au Gouvernement d'adopter des mesures spécifiques et structurelles, notamment des mesures législatives, pour protéger les femmes contre de tels actes et offrir un appui et des mesures d'intégration socioéconomique aux femmes victimes de violences psychosociales. Le Comité a demandé également au Gouvernement d'adopter des mesures de sensibilisation pour souligner combien il importe de maintenir les normes relatives aux droits fondamentaux en temps de guerre.

Egypt

Urgent appeal

53. On 22 March 2005, the Special Rapporteur, jointly with the Special Rapporteur on the question of torture, and the Special Representative of the Secretary-General on the situation of human rights defenders, sent an urgent appeal concerning the inhabitants of **Sarando village, Baharriya Governorate and the surrounding areas**. According to the allegations received, on 4 March 2005 at approximately 7am, a large number of armed men, under the command of Lt. Col. MA, from the Damanhour Centre for Police Investigations, Ministry of Interior, arrived to assist the members of the S.N. family, and started destroying crops and attacking the inhabitants. The attack was reportedly linked to an ongoing land dispute between the S.N family and the villagers in Sarando and its vicinity. It is reported that one of the armed med was killed during the clash and many of the male inhabitants fled the village, fearing retribution. At approximately 10am, a large number of police under the command of a Lieutenant from the Damanhour Centre for Police Investigations, Ministry of Interior, arrived to assist the members of the S.N. family. The police allegedly broke into homes, stole food and valuables, destroyed furnishings, and beat the inhabitants. The police cursed the women and girls, bound them together with handcuffs and by their braided hair, and in some cases beat them in the face with shoes. They also took women and children into custody instead of their male relatives when the latter were not found. At least thirteen women are known to have been arrested, as well as at least five young children: a nine year-old girl, a six year-old boy, a five year-old girl, a two year-old girl, and a two year-old boy. Their place of detention was still not known at the time this communication was sent. One of the women detained in a later raid was forced to leave behind a days' old infant. One group of 14 women taken into custody were blindfolded, including three elderly women, moved from one police checkpoint to another for five days, and forced to sleep on floors without blankets, food, or water. One woman was detained outdoors with her three young children for three days without food or blankets in an effort to force her to testify that her husband had participated in burning a tractor. On 10 March 2005, Lt. Col. MA attempted to prevent a delegation of human rights activists and journalists from entering Sarando and Ezbit Baharriya. Women in both villages told the delegation that they did not know where their husbands and children were being held, and feared for their safety. It is estimated that at least 52 persons were still in detention at the time this communication was sent. According to information received, these police raids had occurred on multiple occasions since January 2005, resulting in the detention of many of the villagers of Sarando. Moreover, it is reported that, at the time this communication was sent, Lt. Col. M.A. remained in his post despite being under investigation for the beating of a pregnant woman, Ms. **K.A.M.B.**, during a similar raid of 5 January 2005 by security forces on the village. The police raid of 5 January also resulted in the detention of **ZMF**. Although the Damanhour attorney general ordered ZMF's release on 6 March, the police denied that he was in custody. At the time this communication was sent, it was not known whether he was still in police custody, and his whereabouts were unknown.

Letter of allegation

54. On 22 March 2005, the Special Rapporteur, jointly with the Special Rapporteur on extrajudicial, summary or arbitrary executions, and the Special Rapporteur on the question of torture, sent a letter of allegation concerning Ms. **N.Z.M.M.**, aged 38, from Sarando village.

According to the allegations received, on 14 March 2005, she was among a group of women arrested by security forces and detained in a house in the village that the authorities had converted into a makeshift detention centre. The police removed her face veil and fondled her breasts and abdomen while making sexual threats. Other women in the group were subjected to similar treatment. The police took each woman separately outside of the house for a period of time. When Ms. N.Z.M.M. was released at 3am, her physical and psychological state was very poor. Medical officials at Damanhour General Hospital reported that she was in a coma when she was brought in by her family at 9pm. Efforts to revive her continued until 6am on 15 March, when she was pronounced dead. No autopsy was performed on the body. Moreover, villagers told a delegation of human rights experts on 16 March that prior to their visit, police had threatened them with arrest if they spoke to the delegation, and that shortly before the delegation's arrival the majority of the police present in the village were moved inside large police transport vehicles in an apparent attempt to hide their presence.

Government reply

55. By letter dated 7 April 2005, the Government responded to both the Special Rapporteur's communications of 22 March 2005 concerning the events in **Sarando village, Baharriya Governorate and the surrounding areas**. The Government reported that, on 3 January 2005, Mr. M was on his way to his plot of land when he was shot at by a group of persons who tried to frighten him off and stop him from gaining access to his land. He reported the matter to the police and the incident was recorded in Damanhour district crime report No. 776/2005. The Department of Public Prosecutions opened an investigation and three accused persons were arrested, two of them with firearms in their possession. Two of the accused were detained pending further investigations, while the third was released. A magistrate then released one of the two accused persons and decided to keep the other in detention for 30 days. The Department of Public Prosecutions was still, at the time this reply was received, investigating and had ordered the arrest of the other accused persons. On 4 March 2005, while Mr. M and his workers were on the land in question, a large crowd of former tenants who had been ordered to surrender the land turned up unexpectedly carrying sticks and bladed instruments. They attacked the owner and his workers and set fire to their tractors and motor vehicles in a bid to frighten them off and stop them from cultivating the land. The incident was recorded in Damanhour district crime report No. 5631/2005. It seems that nine individuals, including the landowner, were injured and had to be taken to hospital. Three tractors and three private motor vehicles were set alight and pushed into the Ghraniya Canal. On the same day, the Department of Public Prosecutions went to the scene, conducted a forensic examination of the area, and questioned the complainant and the other injured persons. Each person described his injuries, which were corroborated by the medical reports. On 6 March 2005, **Ala Abd al Wahhab Hasan Nawar A.A.A.W.H.N** died from his injuries. The body was examined by the Department of Public Prosecutions and an autopsy was performed to determine the cause of death. On the evening of 6 March 2005, police investigators came up with a list of the names of the persons who had attacked the complainant and destroyed the above-mentioned property. The Department of Public Prosecutions issued a warrant for their arrest, and 15 individuals were duly taken into custody. On 7 March 2005, the Department of Public Prosecutions interviewed the accused persons, who denied the charges against them and denied having been at the scene. The Department of Public Prosecutions placed them all in preventive detention for four days and then arraigned them before a magistrate, in the presence of representatives of the Human Rights and Freedoms Committee. The magistrate ordered them to be detained for 30 days. On 19 March

2005, six of the accused persons were released. An autopsy report was produced on **A.A.A.W.H.N**, showing that he had died from head injuries and a fractured skull. The Department of Public Prosecutions was still, at the time this reply was received, completing its investigations into that incident. Concerning the death of Ms. **NZMM**, the Department of Public Prosecutions received Damanhour administrative report No. 219S5/2005 submitted by nine human rights associations and centres. The report stated that the above-mentioned centres and associations had been informed that **NZMM**, a citizen of Sarando village, had died after being kicked by a police officer and detained at a house on 13 March 2005 before being released at dawn the following day. She had allegedly become paralysed that evening and had been taken to hospital. She had allegedly been buried by the security forces without the knowledge or involvement of her family. The Department of Public Prosecutions launched an investigation on 16 March 2005 and obtained a copy of her medical notes. It questioned the doctor who had examined her upon arrival at the hospital at 9.35 p.m. on 14 March 2005. The doctor told them that the woman had died of heart and respiratory failure and that he suspected that she had been suffering from toxic shock as a result of a bacterial infection in the blood. He also said that he had found no signs of injury or foul play. The examining physician and the director of the hospital were questioned and gave the same version of events. During an interview, the husband and the brother of the deceased denied that the woman had been assaulted and said that she had died of natural causes. However, the body was exhumed under orders from the Department of Public Prosecutions and a three-person panel of pathologists was asked to perform an autopsy to determine the cause of death. The procedure was carried out in the presence of the husband and the brother of the deceased, and the report concluded that the body showed no signs of injury, criminal violence or a struggle, and that the death had been due to a previous condition. Concerning the illegal detention in unauthorized places of detention, on 17 March 2005, the Department of Public Prosecutions conducted a search of Damanhour police station and the Damanhour police centre, but found no one who was being detained there illegally. The Department of Public Prosecutions went to search the places cited in the above-mentioned reports as places of illegal detention, but found no detainees there either. **A.Z.M.A.A.M.A.F** affirmed that he had been placed in custody on 5 March 2005 at the Zawiya Ghazali police station, in connection with Damanhour police centre crime case No. 776/2005. He was released on 16 March 2005. He identified the places in which he had been detained. Those places were inspected and the investigation into this case was now being completed. The detailed information about the incidents to which the Special Rapporteurs have drawn attention confirm that the Department of Public Prosecutions is a branch of the Egyptian judiciary and that its officers enjoy judicial immunity. The Department conducts investigations, undertakes forensic analyses, and searches and inspects places of detention in accordance with established legal procedures. The Government informed the Special Rapporteur that it would provide her with the results of the investigations into these incidents as soon as they are available.

Letter of allegation

56. On 7 June 2005, the Special Rapporteur, jointly with the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, sent a letter of allegation concerning **G.A.F**, **A.M A.F**, **A.A.A.E** and **R.E**, members of the Adala Justice Centre and the Youth Change for Movement, **M.R** and **four other journalists working for a German television**, as well as **G.F**, a member of the board of the Press Syndicate and contributor to the weekly Al-Arabi, **M.A.K**, another prominent syndicate member, **A.H.Q**, editor for Al Araby newspaper, **S.A.E.K**, **A.L.A**, **H.A.A**, **W.T**, all journalists working for the Dustour newspaper,

N.A., journalist working for the Al Geel newspaper, **I.T.K.**, freelancer **N.A.**, a journalist for Al Jeel newspaper, together with **around 100 other local and foreign journalists and demonstrators.** According to information received, on 23 May 2005 in Maadi, Cairo, **G.A.F, A.M, A.F, A.A.A.E** and **R.E**, were arrested and detained at an unknown location for having distributed leaflets calling for political and social reforms in Egypt during a peaceful and public exhibition organised by the Kifaya (Enough) movement. Moreover, five journalists working for a German television, including **M.R.**, were also arrested and detained in Masr al Qadima police station. They were all released. Furthermore, on 25 May 2005 in downtown Cairo, particularly near the Sa'd Zaghul shrine and the Press Syndicate headquarters, several foreign and local journalists together with around 100 demonstrators were assaulted by Government supporters and security forces during a demonstration calling for a boycott of the referendum of 25 May 2005 which would allow only limited presidential elections. Several demonstrators and journalists, were punched, kicked and slapped. Women were particularly targeted and assaulted. According to reports received, some of the women, including **N.A.M.**, were groped, had their hair pulled, their clothes ripped off, dragged on the ground, kicked and had personal objects stolen, while approximately 40 police officers who were monitoring the demonstration did nothing to intervene on their behalf. On the contrary, it appears that the police encouraged violence against the demonstrators, whilst protecting the Government supporters. On 26 May 2005, the National Council for Human Rights sent a petition, with an annex signed by a number of NGOs, denouncing the aggressions perpetrated against the demonstrators and journalists. The petition was also signed by 5 persons who were victims of those intimidations and was sent to the general prosecutor's office for action, registered under number 258/2005 in the appeals petition in Cairo. At the time this communication was sent, investigations into these allegations had been initiated.

Government reply

57. By letter dated 19 July 2005, the Government responded to the communication of 7 June 2005, concerning **Ms. N.A.M.** and other protesters involved in a demonstration on 25 May 2005. The Government reported that on that date, members of the so-called Egyptian Movement for Change (Kifaya) gathered on the steps outside the Journalists' Union and in front of the Sa'ad Zaghoul Mausoleum in Cairo and began waving banners and shouting slogans voicing opposition to the renewal of the mandate of the President of the Republic and to hereditary power. They also called for a boycott of the referendum on the amendment of article 76 of the Constitution. Supporters of the Government were also present, and were also shouting slogans and waving banners in support of the political leadership. As a result, a verbal altercation ensued that led to scuffles. The Government reported that after these incidents, **N.A.M.**, a journalist employed by Al-Jil newspaper, filed a complaint at the Qasr al-Nil police station accusing members of the National Democratic Party of assault. Some members of the National Democratic Party in turn filed complaints against members of the Movement for Change accusing them of assault and battery. The Department of Public Prosecutions was, at the time this reply was sent, continuing with the investigations into these complaints, on which no decision had, at that time, been taken yet. The Government however reported that no evidence of violations or inappropriate interventions by the security forces in the aforementioned incidents had been proved.

Observations

58. The Special Rapporteur thanks the Government for its replies to the two communications she sent on 22 March 2005. The Special Rapporteur regrets however that the Government's reply was not specific enough in so far as the allegations concerned violence against women at the hands of the police while being arrested and in detention. The Special Rapporteur would, in this context, appreciate receiving updated information on the investigations and prosecutions carried out, particularly against those responsible for the maltreatment of the women referred to in her communications, in accordance with the Government's duties and responsibilities of due diligence. The Special Rapporteur also deems it appropriate to make reference to the international norms and standards provided for under the United Nations Standard Minimum Rules for the Treatment of prisoners, particularly those concerning the treatment of women and children.

59. The Special Rapporteur thanks the Government for its reply concerning the communication of 7 June 2005. She welcomes the immediacy with which the authorities responded to the complaints concerned and would appreciate being kept informed of the outcome of investigations and any eventual prosecutions in this regard.

60. The Special Rapporteur finally deems it appropriate to make reference to the recommendations of the Committee on the Elimination of Discrimination against Women in its report, A/56/38 para. 345, urging the Government of Egypt to implement training and sensitization programmes for the judiciary, law-enforcement officials and members of the legal and health professions, as well as awareness-raising measures, to create zero tolerance in society with regard to violence against women.

Guatemala

Llamamiento urgente

61. El 18 de noviembre de 2005, la Relatora Especial, juntamente con el Relator Especial sobre la promoción del derecho a la libertad de opinión y de expresión, y a la Representante Especial del Secretario General para los defensores de los derechos humanos, envió un llamamiento urgente en relación con la **Asociación de Mujeres Ixqik**, una organización que coordina con la Pastoral Social del Vicariato de Petén (Iglesia Católica) y brinda asistencia jurídica a mujeres víctimas de violación. Según la información recibida, el 31 de octubre de 2005, aproximadamente a mediodía, al llegar a las oficinas ubicadas en Santa Elena, Petén, las empleadas de la Asociación habrían notado que alguien había roto la cerradura y había forzado la puerta. Los perpetradores se habrían llevado una cámara con fotografías de una marcha en Santa Elena, capital de Petén, que había tomado lugar el 27 de octubre de 2005 y que la Asociación había encabezado en apoyo a una mujer de 50 años que había sido violada. Otros objetos de valor, como ordenadores, dinero y una tarjeta de crédito, no habrían sido sustraídos. Las empleadas denunciaron el incidente a la policía. El 7 de noviembre de 2005, las oficinas habrían sido nuevamente allanadas. Esta vez, habrían sido sustraídos numerosos archivos, incluyendo una lista con las direcciones particulares y los números de teléfono de todas las empleadas, e información sobre el trabajo que hace la Asociación. Además, habrían intentado abrir el archivador en el que había copias de expedientes de casos de violación, pero no lo habían conseguido. El 9 de noviembre de 2005, las oficinas habrían sido allanadas otra vez. Se habrían

llevado un televisor y un reproductor de DVD, así como todos los archivos relativos a otros procedimientos judiciales. Según se informa, el 11 de noviembre de 2005, una solicitud habría sido sometida ante la Comisión Interamericana de Derechos Humanos para que se dicten “medidas cautelares” a favor de la Asociación. Hasta el momento del llamamiento urgente la organización no había recibido ninguna protección. Los allanamientos ocurrieron en días en que estaba previsto que el tribunal escuchara los alegatos finales en el caso de la víctima de violación de 50 años de edad a la que la Asociación estaba respaldando.

Seguimiento de comunicaciones transmitidas previamente

Respuesta del gobierno

62. Por carta con fecha de 14 de febrero de 2005 el Gobierno respondió al llamamiento urgente del 15 de julio de 2004 transmitido por la Relatora Especial juntamente con la Representante Especial del Secretario General para los defensores de los derechos humanos y el Relator Especial sobre la venta de niños, la prostitución infantil y la utilización de niños en la pornografía (E/CN.4/2005/72/Add.1, para. 169-170). El Gobierno informó de que tenía conocimiento de la denuncia planteada y que este caso tuvo lugar en el contexto del conflicto laboral en la **Finca María Lourdes**. En referencia al conflicto laboral, el gobierno informó que se logró un acuerdo entre las partes en agosto y septiembre de 2004. Las primeras diligencias del Ministerio Público y del Servicio Médico Forense en el caso de los hijos de **M. P. A.** y **J. E. J.** determinaron que existió caso de violación sexual en contra de la hija el día 6 de julio del 2004. El Gobierno informó que la Comisión Presidencial Coordinadora de la Política del Ejecutivo en Materia de Derechos Humanos se encontraba a la espera de los resultados de las investigaciones practicadas con el objeto de ampliar la información solicitada. El Ministerio Público todavía no había individualizado a los responsables del hecho delictivo.

Respuesta del gobierno

63. Por carta con fecha de 11 de noviembre de 2005, el gobierno de Guatemala transmitió información adicional sobre el mismo caso. Según se informa, el 2 de febrero de 2005, la Fiscalía de Coatepeque presentó acusación y apertura a juicio ante el órgano a cargo de la investigación. El 17 de febrero el Juez a cargo de la investigación rechazó la acusación de la Fiscalía y cerró provisionalmente el caso. El 21 de Febrero de 2005, la Fiscalía presentó un recurso de apelación ante el órgano correspondiente. El 3 de marzo de 2005, la sala Regional Mixta de la Corte de Apelaciones del Departamento de Retalhuleu, confirmó el auto de apelación. El gobierno indicó que el cierre provisional del caso se debía a que el juez, conforme al artículo 331 del Código Procesal Penal había considerado que los medios de investigación habían sido insuficientes. Por ello, el Ministerio Público debe solicitar ante el Juez de Primera Instancia Penal, la apertura a juicio y formular la acusación en contra de los presuntos responsables. Tal solicitud debe ser clara, precisa y circunstanciada, contener los datos que identifiquen o individualicen a los acusados y expresar los medios de investigación utilizados y los elementos de convicción.

Observaciones

64. La Relatora queda en espera de información sobre el caso del presunto hostigamiento en contra de la Asociación de Mujeres Ixqik. La Relatora agradece al gobierno la información

proporcionada sobre el caso enviado el 5 de julio de 2004 y queda en espera de información adicional **por parte del Ministerio Público sobre cualquier investigación u otra medida llevada a cabo con vistas a la re-apertura del caso.**

India

Letter of allegation

65. On 10 March 2005, the Special Rapporteur, jointly with the Special Rapporteur on the sale of children, child prostitution and child pornography, sent a letter of allegation concerning the case of violence and abuse of **M**, an 8-year-old girl, daughter of K.S., who was working as a maidservant in East Midnapur District, West Bengal. K.S. was working at the house of a sub-inspector of the police. On 23 February 2005, M was accused of stealing a few biscuits and was severely beaten and abused by the sub-inspector and received serious injuries on her face, head and ear. The sub-inspector denied these allegations and instead claimed that his wife had slapped M for stealing some biscuits from his in-laws' house when he was not even present. M was hospitalised in the Primary Health Centre, Darigeria, West Midnapur District the next day, when she fell into unconsciousness and remained critical even a day later. Her injuries were said to have been the result of a brutal beating by a "lathi"(club). The hospital authorities brought this to the notice of the police station of the West Midnapur District. No action was, at the time this communication was sent, reportedly taken.

Letter of allegation

66. On 10 May 2005, the Special Rapporteur sent a letter of allegation concerning Ms. **B.**, a social activist living in Gangoh Sub-District, Saharanpur District, Uttar Pradesh State, India. According to the information received, Ms. B. was granted a piece of land by the Sub-divisional Magistrate, Gangoh, Saharanput District, Uttar Pradesh in recognition of her social services (Document No. 1502, received on 2 August 2000). In 2001, Ms B. received 9.5 bigha of land in Thola, Village Panchayat Madhaupur, in order to plant trees and create environmental awareness in the community. However, it is reported that some villagers objected to the grant of land because Ms. B. is a woman. They falsely claimed that she was not a resident of the village but the authorities refused to take back the land. Then, the villagers allegedly illegally occupied Ms. B.'s land. Ms. B. received threats and was attacked on 13 December 2001 by a man with a sharp weapon and sustained serious head injuries. It is reported that the police were reluctant to file the case and made lewd remarks to her when she reported the case. Although she was eventually able to file a complaint about the attack, no action had, at the time this communication was sent, as yet been taken. Moreover, on 24 March 2004, the Senior District Collector, Revenue, Saharanpur, issued an order canceling the grant of land to Ms. B. The order allegedly claimed that because Ms. B lived with her parents in Gangoh, she had no individual standing in the village and therefore had no right to own the land. At the time this communication was sent, the land in question was reportedly being occupied illegally.

Letter of allegation

67. On 12 May 2005, the Special Rapporteur sent a letter of allegation concerning **women in Kashmir**, who had reportedly been molested in the course of searches of their houses by Indian police. According to the information received, on 7 March 2005, officers from the BSG police

force and Sopore police station entered the house of the family of **A.B.** in Kulangam, Handwara Kupwara District, Kashmir, India. The police reportedly did not find anything in the house, but a police officer disguised in a burqa entered and attempted to plant a bag full of ammunition there. When F.B. (the father) protested, the police allegedly beat him and then molested **B.** (the daughter, 16 years old) and **F.** (the mother). The villagers heard the shouts of the family and came to their rescue. Moreover, on 8 March 2005, it is reported that 36 RR Jawans, stationed at Kokarnagh, entered the house of Ms. **H.Y.** They ransacked the house, molested H.Y. and beat up her family members. The incident caused a protest by villagers against the army. A senior official came to the village and assured them that an investigation would be conducted. However, the family of H.Y. who had reported what had taken place including that H.Y. had been molested, were threatened to withdraw the complaint concerning the molestation of H.Y. and only to report the harassment of the family. It is indicated that Indian police in Kashmir molest women and girls from Kashmiri and Muslim families during searches as a method of "shaming" the family and repressing resistance to the military presence there.

Letter of allegation

68. On 27 May 2005, the Special Rapporteur, jointly with the Special Rapporteur on the question of torture, sent a letter of allegation concerning **P.A.** 19 (f), of Mattan, Islamabad, Kashmir India. According to information received, on 4 November 2004, she was raped by a group of soldiers belonging to the 7th Section of the Rashtriya Rifles Indian Army, who forced their way into her home under the pretext that they had to carry out a search, and ordered everyone else to leave. She was afterwards taken to hospital and her case was reported to the Shangas Police Station. However, at the time this communication was sent, no action had reportedly been taken by the authorities.

Letter of allegation

69. On 8 July 2005, the Special Rapporteur sent a letter of allegation concerning **R**, a resident of Yusufpur, Ghazipur District, who was allegedly murdered in connection with demands for increased dowry. According to the information received, R. married A.A. in February 2003. At that time, R's father, M.F. provided a dowry to A.A. and his family. However, after the marriage, A.A. and his family demanded more money and a motorcycle. When M.F. refused these demands, R was punished, beaten and denied food. On 8 May 2005, A.A. went to M.F.'s house to tell him that R was not well. M.F. went with his two sons to A.A.'s house and found that R had been burnt to death. When M.F. announced that he would report the case to the police, A.A.'s father, M.A. held him and his two sons hostage in a brick kiln. A police officer known to the A.A. family was called, and he took the signatures of M.F. and his sons on a blank piece of paper, claiming it was necessary for the post-mortem procedures. A.A. and his family then claimed that they were not responsible for R's death. M.F. sent a complaint on 11 May by registered post to the Station House in Ghazipur but no First Information Report had, at the time this communication was sent, been reportedly filed and no investigations had commenced.

Letter of allegation

70. On 23 August 2005, the Special Rapporteur, jointly with the Special Rapporteur on torture, sent a letter of allegation concerning **B.A.**, who was allegedly raped by a member of the Territorial Indian Army. According to the information received, a member of the Territorial

Indian Army kidnapped her on 3 July 2005 in Kashmir India. He took her to a “camp” where he raped her and kept her there for a week. B.A. was rescued by the police from Watroo village and taken to a hospital, where the rape was confirmed by a medical examination. However, according to the information received, although the case was reported to the police, no action had, at the time this communication was sent, reportedly been taken to investigate the crime.

Letter of allegation

71. On 2 September 2005, the Special Rapporteur sent a letter of allegation concerning Ms. **Z.D.**, 19, a Muslim from Kashmir, India. According to information received, on 1 July 2005 in the Islamabad area of Kashmir, troops belonging to the 49 Rashtriya Rifles, carried out a search operation. Members of these troops visited Z.D., inquiring after her father. One of the members of these troops reportedly made obscene comments to her and on 13 July 2005 at around 11.15 p.m. he returned to her house where he attempted to force himself on her and then stabbed her to death. A report was filed with the Dooru Police Station, reference no. 87.05 on 14 July 2005. At the time this communication was sent, no information concerning action taken by the authorities in reaction to this report was available.

Letter of allegation

72. On 14 September 2005, the Special Rapporteur, jointly with the Special Rapporteur on the sale of children, child prostitution and child pornography, and the Special Rapporteur on trafficking in persons, especially women and children, sent a letter of allegation concerning a **girl child** and her mother **P.K.**, a 19-year-old woman, who were sold in a public auction in Chirgaon village, Latehar District, Jharkhand. According to information received, P.K. had been sexually abused by four men of her village. As a result, she gave birth to a girl. She requested the four villagers to take responsibility for the baby. The village heads first decided that the men should pay some money to P.K., but as she refused, they decided to auction P.K. and her child off. On 20 August 2005, P.K. and her daughter were sold for six rupees to S of Balumath village, and the event was celebrated by the villagers. Despite a raid conducted by the police, the men involved in this incident had reportedly not been arrested at the time this communication was sent.

Urgent appeal

73. On 26 September 2005, the Special Rapporteur, jointly with the Special Representative of the Secretary-General on the situation of human rights, sent an urgent appeal concerning Ms **R.C.** and Mr. **M.M.A.**, a human rights defender. According to information received, on 13 August 2005, R.C.’s brother, Mr. S.C., attempted to rape her at their home. Ms. R.C. ran away and went to stay with her other brother, Mr. RC, and his wife Ms. R, a Muslim woman. It is to be noted that neither family was happy with the marriage between Ms. R, a Muslim woman and Mr. R.C., a Hindu Dalit. Ms. RC, with the help of Mr. M.M.A, the State co-ordinator for the National Campaign on Dalit Human Rights, sent a letter of complaint to the Jaitpura station officer as well as to the Superintendent of Police and Director General of the Police in Varanasi concerning her attempted rape. Her case was registered before the courts. The fathers of both Mr. R.C. and Ms. R, angered that Mr. M.M.A. and Mr. M.C., another human rights defender, had helped Mr. R.C. and Ms. R remain together and for having helped Ms. R.C. file a complaint against one of Mr. C’s sons, informed the police that Mr. M.M.A., Mr. M.C., as well as Ms. R.C.

had kidnapped Ms. R. A First Information Report (FIR) was lodged by the police against Mr. M.M.A., Mr. M.C., and Ms. R.C. for kidnapping Ms. R. On 18 August 2005, the three were arrested. Mr. M.M.A. was badly beaten by the police both at his house where he was arrested and at the police station and was also forced to confess that he had helped Ms. R and Mr. R.C. elope. Mr. M.M.A. was still suffering from dizziness as a result of the beatings he received at the time this communication was sent. The Judge had accepted Mr. M.M.A.'s lawyer's request for medical treatment. Mr. M.M.A.'s bail petition hearing was scheduled for 13 September 2005. No action had, at the time this communication was sent, been taken in response to the complaint concerning the attempted rape by Mr. S.C.

Letter of allegation

74. On 7 November 2005, the Special Rapporteur, jointly with the Special Rapporteur on the sale of children, child prostitution and child pornography, and the Special Representative of the Secretary-General on the situation of human rights defenders, sent a letter of allegation concerning the **sexual exploitation of underage girls in Varanasi**, in the State of Uttar Pradesh. According to the information received, about 50 girls, all of them reportedly younger than 18 years, were trafficked from the States of West Bengal, Orissa and Bihar to Varanasi, where they were forced to prostitute themselves at a brothel in Shivaspur, the city's redlight district. The brothel was reportedly operated by a man and his wife. On 24 October 2005, Mr. A.S., the founder and president of Guria Swyam Sevi Sansthan (a non-governmental organization that helps prostitutes and their children to become aware of their human rights and offers them an alternative lifestyle), informed police officers at the Maduadih Police Station about this situation. Mr. A.S. was reportedly told by the police to go to the brothel and that the police would follow shortly. However, hours later, the police had not arrived. Concerned that the brothel owners would be tipped off by corrupt police officers, Mr. A.S. had the girls moved to a different location, with the help of his wife and approximately 200-300 other private volunteers. When the police finally arrived at 6 pm, they reportedly tried to prevent Guria workers and the girls from boarding buses taking them to the local police station. Faced with intense protests from Guria volunteers and bystanders, police finally agreed that the girls be removed from the area. At this point, only 31 of the estimated 50 girls, who were initially in the building, were present. The 31 girls were then handed over to the police once at the police station, where they received medical attention and were taken to a local women's shelter. The authorities acknowledged that 17 girls were younger than 18 years old. Mr. A.S. filed a First Information Report (FIR) alleging violations of the Immoral Traffic Prevention Act (ITPA). Two minor accomplices were arrested; two others managed to escape. It is further reported that a counter FIR was filed against Mr. A.S. for trespassing, robbery, out-raging the modesty of women, rioting and unlawful assembly.

Observations

75. The Special Rapporteur regrets that she did not receive a reply to any of her communications. The Special Rapporteur deems it appropriate to make reference to Human Rights Commission Resolution 2005/41 which requested all Governments to cooperate with and assist the Special Rapporteur in the performance of her mandated tasks and duties, to supply all information requested, including with regard to the Special Rapporteur's communications.

76. Moreover, in view of the nature of these allegations, the Special Rapporteur deems it appropriate to make reference to the conclusions and recommendations of the Committee on the

Elimination of Discrimination against Women in its report, A/55/38 paras. 70 and 71, where the Committee expressed concern that women in India continue to be exposed to the risk of high levels of violence, particularly, rape, sexual harassment, humiliation and torture in areas where there are armed insurrections. The Committee, moreover, called upon the Government to strengthen law enforcement and to introduce reforms proposed by the India National Commission on Women and women activists in regard to the law on rape, sexual harassment and domestic violence. Moreover, the Committee recommended that a national plan of action be developed to address the issue of genderbased violence in a holistic manner, in line with the Committee's general recommendations 19 and 24.

Indonesia

Letter of allegation

77. On 12 July 2005, the Special Rapporteur, jointly with the Special Rapporteur on the sale of children, child prostitution and child pornography, and the Special Rapporteur on trafficking in persons, especially women and children, sent a letter of allegation concerning the **inadequate protection of child domestic workers**, especially girls, against economic exploitation and psychological, physical and sexual abuse in Indonesia. According to the information received, over 680,000 domestic workers in Indonesia are children below the age of eighteen, more than 90% of them being girls. Many girls from poor families become domestic workers upon completing primary school around the age of twelve because their families can no longer afford to pay for their tuition and school books, need the girls' contribution to the family income and often also consider the education of girls to be less important. These children are recruited by formal and informal labour agents, friends, relatives, or directly by the employers. The recruiters often deceive the children and their families by falsely promising them educational opportunities and comparatively high wages. In the majority of cases child domestic workers live with their employers, where they are often made to work 14 to 18 hours a day, seven days a week. Many child domestic workers only receive very few days off every year to visit their families for Eid-ul-Fitr at the end of Ramadan. Most child domestic workers also have to discontinue their education because their employers do not give them the time or permission to attend a school. Furthermore, employers often withhold their salary for several months and eventually pay less than agreed. Frequently, employers psychologically abuse the children through verbal insults and taunts. In some cases, child domestic workers are also physically or sexually abused and then prevented from accessing essential medical care.

Letter of allegation

78. On 26 July 2005, the Special Rapporteur, jointly with the Special Rapporteur on the question of torture, sent a letter of allegation concerning the rape of **Z.K.** (30), **N.A.** (32), **W.B.** (25), **N.A.** (22) on 7 July 2005. According to the information received, Indonesia's Police Mobile Brigade conducted a search operation in the village of Alue Gani-Gp Gunong Pungki, Kuala, district of Nagan Raya. They entered the home where the four women were present, threatened the women with guns, and then raped the four of them.

Government reply

79. In a letter dated 22 September 2005, the Government responded to the communication of 26 July 2005, concerning the rape of **Z.K.** (30), **N.A.** (32), **W.B.** (25), and **N.A.** (22). The Government assured the Rapporteur that, at the time this reply was received, an investigation was underway but that it had not yet been possible to verify the facts as alleged. The Government also assured the Rapporteur that, once the investigations were complete, those found guilty would be accordingly punished. Finally, the Government drew attention to the Memorandum of Understanding signed on 16 August 2005 between the Government and rebels in Aceh, noting that the province would as a result of this have a significant measure of self rule, so that all non-organic military and police units would be withdrawn.

Letter of allegation

80. On 29 July 2005, the Special Rapporteur, jointly with the Special Rapporteur on the question of torture, sent a letter of allegation concerning **N. A.**, 23, an Achenese woman. According to information received, on 8 June 2005 at around 4 pm at Seuneubok village, Sungai Raya sub district, East Aceh, members of the Satuan Gabungan Intelijen (SGI) from Sungai Raya town raided her home. The SGI officers were in search of a soldier, and were led by a captain. The officers ransacked the house and destroyed the furniture and other belongings. They also beat up **N.A.** as well as her father and her mother. **N.A.** and her daughter were then taken to the SGI headquarters. **N.A.** was stripped naked, had her arms and legs tied to an X-shaped wood, and was beaten and raped by at least three soldiers. Upon being raped for the third time, she lost consciousness. **N.A.** and her daughter were both released the next day at 10 am.

Government reply

81. On 11 November 2005, the Government of Indonesia replied to the communication of 29 July 2005 concerning **N.A.** The Government stated that it was determined to investigate the incident concerning **NA** and to bring the perpetrators to justice. The Government stated, however, that it could not consider the issue of compensation until and after the facts of the case were verified, brought before a court of law and until a verdict was passed.

Letter of allegation

82. On 11 October 2005, the Special Rapporteur sent a letter of allegation concerning the alleged mistreatment of **A.B.S.**, a migrant domestic worker from Indonesia working in Bahrain. According to the information received, Ms. **A.B.S.**, a 22-years-old Indonesian domestic worker from Central Java, was placed with an Egyptian family in September of last year by agency X, specifically with her male sponsor, his two brothers and their mother. On 17 September 2005, she was taken to the hospital (Salmaniya Medical Complex, SMC) after being severely beaten by her sponsor's mother. She suffered a fractured left forearm, cuts to her head and scratches on her neck. The incident was reported to the police on 18 September. Ms. **A.B.S.** stated that on Saturday 17 September at around 1 pm, she was beaten by the sponsor's mother who felt that **A.B.S.** "did not clean her bedroom properly". Ms. **A.B.S.** also declared that she has been repeatedly beaten by her sponsor's mother ever since she began working with the family for different reasons, including when it was considered that she was late in completing a task. The sponsor's mother also cut Ms. **A.B.S.**' hair against her will. Ms. **A.B.S.** also stated that during

the past year, she only received two-monthly salaries of \$182 (BD68.600); Both salaries were sent to her family in Indonesia. Moreover, Ms. A.B.S.' family was only allowed to contact her after one year that she had been working in Bahrain. In April 2005, her relatives reportedly contacted the employment agency, which in turn contacted A.B.S.' sponsor; Her sponsor did not, however, allow the agency to speak to Ms A.B.S. directly. Ms A.B.S. said she wrote several letters to her family and gave them to her sponsor's mother to post, but was not sure if they were ever sent. The Indonesian Consular Office was, at the time this communication was sent, arranging for Ms. ABS to speak to her family.

Observations

83. The Special Rapporteur regrets that no reply to her communication of 12 July 2005 was received. Pending a reply from the Government and without making any judgements on this case, the Special Rapporteur reiterates the concerns she expressed in her communication to the Government and looks forward to receiving an update of any action taken in this regard.

84. The Special Rapporteur thanks the Government for its replies to her communications of 26 and 29 July 2005, and looks forward to receiving an update on the investigations carried out and of any sentences handed down, including details of compensation provided to the victims concerned.

85. Finally the Special Rapporteur thanks the Government for its detailed reply to her communication of 11 October 2005 concerning **Ms. A.B.S.** The Special Rapporteur would appreciate being kept informed of any developments on this case, and being updated on measures put in place to monitor the employment of Indonesian citizens working as domestic workers abroad, including their right not to be subjected to any form of violence.

Iran (Islamic Republic of)

Urgent appeal

86. On 13 January 2005, the Special Rapporteur, jointly with the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, and the Special Representative of the Secretary-General on the situation of human rights defenders, sent an urgent appeal concerning Mrs. **E**, Secretary General of the Defenders of Human Rights Centre, an organization established in 2002, who was awarded the 2003 Nobel Peace Prize. Mrs. E was already the subject of an appeal sent by the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Representative of the Secretary-General on human rights defenders on 8 December 2003. According to the information received, Mrs. E was summoned on 12 January 2005 by investigating judge n°14 of the Revolutionary Public Prosecutor's office of Tehran. It is reported that the summons document did not contain any reasons but indicated that if she did not appear before the investigating judge within three days, she would be arrested. The Special Rapporteur had expressed her particular concern that Mrs. E might have been targeted due to her human rights activities. Concern was heightened by the fact that in the previous year, Mrs. E received anonymous threatening letters and the door of her garage, in Tehran, was damaged several times. She allegedly reported her fears for her security

to the authorities but no action had, at the time this communication was sent, reportedly been taken up to now.

Urgent appeal

87. On 11 February 2005, the Special Rapporteur, jointly with the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on the independence of judges and lawyers, and the Special Rapporteur on the question of torture, sent an urgent appeal concerning the following individual cases:

- **A.Q.S.**, aged 37. She was scheduled to be executed by hanging the same week that this communication was sent. She was sentenced to death 5 years ago for being an accomplice to the murder of her husband. Ms. A.Q.S., who was forced by her father to marry when she was 15 years old, and then forced her into prostitution. Ms. A.Q.S. had requested a divorce on three occasions but each time the court denied her request. Following many years of abuse she ran away with her boyfriend. Her husband found her after one year and he was killed during a quarrel with her boyfriend. During the preliminary investigation, Ms. A.Q.S. confessed to being an accomplice to the murder but later retracted it saying that she was not in the room when it happened. Throughout the investigative process and during her confession, she reportedly did not have access to legal counsel. The court found her guilty of being an accomplice to the murder and sentenced her to death.

- **A.G.**, aged 29. In self-defence, she killed a man who forcibly entered her home and attempted to rape her. She was convicted of murder and sentenced to death. Her argument of self-defence was ignored by the court, despite the police having noted in their report that the intruder had damaged the door when entering the house.

- **T.H.**, aged 25. She was convicted for the murder of her husband's daughter. In February 2004, after the child went missing, Ms. T.H. was held in incommunicado detention for 16 days by the Shapoor Agahi police (homicide division), Tehran. During interrogations she was tortured, sexually abused, threatened with rape and forced to watch the torture of her brother. The police also threatened to detain and torture her other relatives unless she agreed to sign a confession stating that she had killed her husband's child. Once the confession was signed she was told what to say before the court hearing. Throughout the investigative process and during her confession, she did not have access to legal counsel. It is reported that important elements of the case were not investigated or considered in her trial, including forensic evidence that the girl had been killed at a time when Ms. T.H. was already in police custody. She was sentenced to death and, at the time this communication was sent, was being detained in Evin prison, Tehran awaiting execution.

- **SJ**, aged 35. She was convicted for the murder of her boyfriend's wife. For one year she was held in incommunicado detention by the Agahi police (homicide division) and also in Evin Prison, Tehran. During this period she was tortured and made to confess to the murder. She was beaten up, tied up in painful positions and verbally insulted. She had scars on her left hand and right arm from the maltreatment. Throughout the investigative process, including when making the confession, she did not have access to legal counsel. Potential exculpatory forensic evidence, including that the murder victim was raped prior to death, was not considered.

- **Ms. F.P.** was sentenced to death for the murder of her husband. It is reported that she killed her second husband because he raped her daughter. The first time F.P. saw her

lawyer was at her trial. It is reported that her argument that she killed her husband whilst defending her daughter was not taken into consideration. At the time this communication was sent, she was being detained at Evin prison, Teheran. An urgent appeal was sent by the Special Rapporteur on extrajudicial, summary or arbitrary executions on her behalf on 12/10/2004. The Government replied on 21/10/04 stating that a temporary stay of execution by direct order of the head of the judiciary had been granted whilst this case was being reviewed.

Government reply

88. On 27 May 2005, the Government of the Islamic Republic of Iran replied to the communication of 11 February 2005 concerning Ms. **F.P.** The Government informed the Special Rapporteur that the death sentence against Ms. F.P. was deferred by direct order of the Head of the Judiciary to allow for further investigations. The case was then referred to an appellate court of the Tehran local judicial authority to reinvestigate deficiencies of the case and, at the time this reply was received, it was under consideration for a final decision, including a probable clemency order by the Head of the Judiciary.

Urgent appeal

89. On 14 February 2005, the Special Rapporteur, jointly with the Special Rapporteur on the question of torture, sent an urgent appeal concerning Ms. **M.G.**, aged 24, who had been detained in Evin prison since 2000 for the murder of her husband. She was allegedly made to confess to this crime by being subjected to physical and psychological torture whilst in police custody; medical evidence certified such treatment. In 2003 she filed a complaint against one of the police officers involved but no action has been taken at the time this communication was sent. Bail had been set at 400,000,000 Rials (equivalent to 50, 000 USD) and her family did not have sufficient money to pay it. At the time this communication was sent, it remained unclear whether charges had been brought against Ms. M.G. and at what stage criminal proceedings against her were.

Urgent appeal

90. On 14 February 2005, the Special Rapporteur, jointly with the Chairperson-Rapporteur of the Working Group on Arbitrary Detention, and the Special Rapporteur on the independence of judges and lawyers, sent an urgent appeal concerning Ms. **S.A.**, aged 20, who was arrested in June 2004 when she was visiting a friend's house with her boyfriend. Islamic guards allegedly broke into the house and took the three of them to a detention centre. After 10 days they were released on bail. Ms. S.A. was arrested for the second time in November 2004 and was, at the time this communication was sent, being detained at Evin Prison, Tehran. It is reported that she had no access to a lawyer since her arrest and she had not been charged with any offence.

Urgent appeal

91. On 16 February 2005, the Special Rapporteur, jointly with the Chairperson-Rapporteur of the Working Group on Arbitrary Detention, sent an urgent appeal concerning Ms. **N.A.**, a human rights defender. On 8 February 2005, agents from the Ministry of Intelligence arrested her at her home in Tehran. The agents reportedly searched her house and confiscated her computer, phone books and satellite dish. Ms. N.A. was, at the time this communication was sent, said to be

detained in section 209 of Evin Prison, apparently without access to a lawyer or to visits by her family members.

Urgent appeal

92. On 10 March 2005, the Special Rapporteur, jointly with the Chairperson-Rapporteur of the Working Group on Arbitrary Detention, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, and the Special Representative of the Secretary-General on the situation of human rights defenders, sent an urgent appeal concerning the following persons:

- Ms. **N.O.**, webmaster of the internet site *Tolou Azadi* (the dusk of freedom), who was pregnant at the time this communication was sent. According to information received, Ms. N.O. was arrested on 3 March 2005 by the Intelligence Services of the city of Rafсандjan. It is alleged that her husband, a webmaster of another internet site, had also been arrested before her.
- Ms. **C.K.**, Ms. **C.N.A.** and Ms. **F.H.**, arrested previously for allegedly demonstrating in front of the United Nations Office in Tehran, were brought to Court on 1st March 2005 on charges of "illegal participation in a demonstration designed to endanger state security and causing trouble to public opinion in giving interviews to the media". The Prosecutor had requested sentences from two to five years imprisonment.
- Reports also alleged that on 28 February 2005, agents of the Bassidj paramilitary organization burned down a womens' publishing company in Tehran.
- Moreover, on 28 February 2005, Security forces of the State and city of Sanandaj, summoned Ms. **D.A.**, Secretary of the Support Association for Women, for interrogation for having organized a meeting in commemoration of International Womens' Day, and other related activities regarding Women and Children's Rights in March 2004.
- Finally, reports indicated that on 27 February 2005, State Security Forces had forbidden Dr. R.T., founding member of the Kurdish Womens' Centre for Peace and Human Rights, to deliver a speech and had forbidden the Centre's activities.

Urgent appeal

93. On 26 April 2005, the Special Rapporteur, jointly with the Special Rapporteur on extrajudicial, summary or arbitrary executions, and the Special Rapporteur on the independence of judges and lawyers, sent an urgent appeal concerning Ms. **K.R.** Ms. KR had already been the subject of a joint urgent appeal sent by the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on the independence of judges and lawyers and the Special Rapporteur on violence against women, its causes and consequences on 30 April 2004. According to the information received, Ms. K.R. was on death row at the time this communication was sent. On 21 June 2004 the Head of the Judiciary referred her case to the Arbitration Council, which had reportedly scheduled two meetings between the victim and the victim's heirs. At the first meeting (24 October 2004), the victim's heirs did not appear and at the second meeting (5 March 2005), it is reported that the victim's heirs not only refused to forego Ms. K.R.'s punishment, but insisted that she be executed without further delay. Although there had been reports that a third and final meeting would take place, it was not clear whether that meeting was scheduled. The information received alleges that the Arbitration Council had no basis under existing Iranian law to decide such judicial issues and that any solution arrived at by the Arbitration Council which succeeded in convincing the victim's heirs to forego the execution

would not adequately address the harms that Ms. K.R. had suffered during her years of detention. It was emphasized that the Head of the Judiciary is the only person with the legal authority to revoke the conviction based on errors of law and refer the case for a re-trial. However, at the time this communication was sent, the Head of the Judiciary had refused to undertake such action. According to the information received, Ms. K.R. had been detained for 4 and a half years, having been convicted of intentionally murdering her mother-in-law. Ms. K.R. claims that she had acted in self defense. The Special Rapporteur had expressed particular concern that the arrest and trial of Ms. K.R. violated internationally recognized standards of due process and fair trial.

Government reply

94. In a letter dated 9 May 2005, the Government responded to the communication of 26 April 2005, concerning Ms. **K.R.** The Government confirmed that Ms. K.R. had been sentenced to death after having been convicted of first degree murder of her mother-in-law. It was explained that the verdict had not, at the time this reply was received, been carried out based on the direct order of the Head of the Judiciary to allow for further considerations, including consultations between the accused and the victim's heirs. The Government asserted that this case did not present any instances of extra-judiciousness or arbitrariness. The Government also explained that the justice system must protect the rights of the perpetrator, as well as the rights of the victim. Moreover, Ms. K.R. had the right to seek pardon or commutation of the sentence, which she had done. In this regard, the Judiciary of Iran had refrained from carrying out the sentence.

Urgent Appeal

95. On 14 November 2005, the Special Rapporteur jointly with the Special Rapporteur on freedom of religion or belief, and the Special Rapporteur on the question of torture, sent an urgent appeal concerning the imminent execution of Ms. **L.M.** According to information received, her death sentence had, at the time this communication was sent, been commuted and she then faced a sentence of flogging and three and a half years in prison. The Supreme Court reportedly overturned the verdict issued in 2004 but upheld the sentence of flogging, sending the case back to the Court of First Instance in the city of Arak for a retrial. The Court of First Instance acquitted Ms. L.M. of the charges of incest and controlling a brothel. She was however found guilty under Article 637 of the Penal Code of an "unchaste act with a next of kin (other than fornication)." She was sentenced to 99 lashes of the whip for this offence. She was also found guilty of "providing the facilities for corruption and prostitution by being available for sexual acts" and sentenced to three and a half years imprisonment for this offence.

Follow-up to previously transmitted communications

Government reply

96. By letter dated 22 September 2005, the Government responded to the communication of 20 October 2004 concerning Ms. **J.I.** The Government reported that Ms. J.I. had been acquitted of the charges against her and the sentence to death by stoning was categorically denied. With regards to the communication sent on 9 December 2004 concerning Ms. **F.G.** the Government stated that she had been released. Moreover, the Government replied to the communication of 17 September 2004 concerning Ms. **A.R.** The Government informed the Special Rapporteur that

A.R. had been arrested for the fourth time on 2 May 2004 and charged with ‘acts incompatible with chastity’. Based upon her confessions she was sentenced to death according to articles 63 – 70 and 90 of the Islamic Penal Code. The sentence was upheld by the Supreme Court and was carried out on 15 August 2004. The Government reported that Ms. A.R. had legal counsel throughout the proceedings and introduced herself as being 22 years of age. No evidence of physical or mental incompetence was mentioned during the proceedings.

Government reply

97. By letter dated 13 January 2005, the Government responded to the communication of 3 December 2004, sent jointly with the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on freedom of religion or belief, and the Special Rapporteur on the question of torture concerning **H.E.**, who was allegedly at risk of imminent execution at the time the communication had been sent. The Government informed the Special Rapporteur that H.E. had been charged as an accomplice in the murder of her husband and was sentenced to death. The Supreme Court rejected H.E.’s appeal. The Government informed that H.E. had consequently requested a pardon. The request was, at the time this reply was received, under consideration and her sentence had reportedly been put on hold.

Government reply

98. By letter dated 4 February 2005, the Government responded to the communication of 13 December 2004 concerning **L.M.** The Government informed the Special Rapporteur that Ms. .M. had been sentenced to death, but the sentence was not considered final as it was being challenged before the Supreme Court. If the Supreme Court confirmed the sentence, the Government pointed out that there were other provisions of “extraordinary appeal” available to the accused.

Observations

99. The Special Rapporteur thanks the Government for its reply to her communication of 11 February 2005 concerning **Ms. F.P.**, welcomes the cooperation of the Government in this regard and requests that she be kept informed as to the outcome of this case. She would also appreciate receiving information concerning the other cases addressed in her communication of 11 February 2005.

100. The Special Rapporteur looks forward to receiving the Government’s reply to her communications of 13 January, 11 February, 14 February, 16 February, 10 March and 14 November 2005.

101. The Special Rapporteur reiterates her thanks and appreciation to the Iranian authorities for their cooperation during her visit to the country in January 2005. She looks forward to maintaining a positive dialogue with the authorities and in this context deems it important to make reference to her conclusions and recommendations, as provided in her visit’s report - E/CN.4/2006/61/Add.3 of 23 December 2005. Of particular relevance to the allegations concerned are the Special Rapporteur’s recommendations that the Government ensures that the right to a fair trial is fully respected and that all women detained are brought to trial, with access to a lawyer and legal aid where necessary, without undue delay, and finally to ensure that

punishments do not discriminate against women, that they are proportionate to the offense, and that they are determined by a court of law in accordance with the principles of equality and non-discrimination.

Iraq

Letter of allegation

102. On 30 September 2005, the Special Rapporteur, jointly with the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur on the question of torture, the Special Rapporteur on the sale of children, child prostitution and child pornography, and the Special Representative of the Secretary-General on the situation of human rights defenders, sent a letter of allegation concerning **violence against women and girls, women human rights defenders and female political leaders**. According to information received, female political leaders and women campaigning to protect women's rights had been threatened and killed by members of armed group identifying themselves, on many occasions, as Islamic extremists targeting women for their activities in defence of women's rights. In January and February 2004, Mrs. **Y.M.** the Chairperson for the **Organisation of Women's Freedom in Iraq**, OWFI received death threats by e-mail from an Islamist group known as the army of Sahaba. Similarly, **A.S.**, the manager for the US-funded women's centre in Karbala, resigned as a result of repeated death threats against her. On 9 March 2004, US lawyer and civilian employee of the Coalition Provisional Authority (CPA) **F.H.** as well as **S.O.**, her Iraqi assistant, were both killed in an armed attack. Mrs. F.H was very active in supporting US-funded women's rights projects in the governorates of Babil, Karbala and Najaf. She was also involved in setting up women's centres in Hilla and Karbala. Furthermore, on 20 November 2004, **A.M.**, a women's rights activist, co-founder of the Advisory Committee for Women's Affairs in Iraq and the Independent Iraqi Women's Assembly as well as adviser at the Ministry of Municipalities and Public Affairs, was killed together with her secretary, bodyguard and driver in Baghdad. Moreover, **A.H.**, who was one of the three female members in the Iraqi Governing Council (IGC) was killed in September 2003. Her attackers were reportedly armed men opposed to the US-led occupation. **R.K.**, another IGC member received death threats for opposing proposed amendments to the Personal Status Law. Moreover, on 29 March 2004, former Minister of Public Works, **N.M.B.**, who was also the only woman in the cabinet, was attacked. She survived the attack, but two of her body guards were killed. Finally, **L.A.K.**, a member of former Prime Minister Iyad Allawi's political party, was killed upon returning home following a meeting of the National Assembly. Moreover, women and girls, including non-Muslims, are increasingly under pressure, often violent such as being subjected to acid attacks, to wear a veil or headscarf and to wear the traditional abaya. Justification for these attacks is based on the reasoning that when a woman or a girl does not wear a veil or the abaya, she is going against Muslim traditions and should be punished. This has led to a reduction in the number of girls and women attending schools and universities. The Ministry of Higher Education and Scientific Research has reportedly been informed of 3000 cases of women and girls who had requested a postponement of their studies as a result of the security situation linked to this matter. This, together with the general increase in insecurity in the country, has also drastically led to the restriction of women's freedom of movement and their ability or willingness to participate in public life, particularly in education, employment and political decision-making. The prohibition of deciding about one's choice of clothes also leads to a violation of the right to freedom of expression. Women and girls have also reportedly been subjected to sexual threats by

members of the US forces, including at check points and during house searches, for example. Moreover, women and girls have allegedly been beaten, subjected to humiliating treatment, held for long periods in solitary confinements, and sexually abused while in detention by US forces. Rape and killing by criminal gangs, extremist religious groups and armed opposition groups has also increased. Domestic violence continued to be very common and according to article 41.1 of the Penal Code of 1969, which was still in force at the time this communication was sent, a husband who ‘disciplines’ his wife was exempt from criminal liability. Moreover, most victims of domestic violence have no access to medical treatment. Such violence, including forced marriages and sexual abuse, has also led to the increase in suicides and self-immolations, as well as killings. In northern Iraq, the practices of Jin be Jin (exchanging one woman for another) had contributed to the high incidence of forced marriages. Honour killings and mutilations are also condoned in Iraqi legislation. The law allows the mitigation of punishment for perpetrators found guilty of these crimes. Finally, the continued use of female genital mutilation continues to be reported in the northern region of Iraq. Gender discrimination in Iraq’s laws further exacerbates and entrenches the persistence of violence against women.

Observations

103. The Special Rapporteur regrets not having received a reply to her communication of 23 September 2005 from the Government of Iraq. The Special Rapporteur deems it appropriate to make reference to Human Rights Commission Resolution 2005/41 which requested all Governments to cooperate with and assist the Special Rapporteur in the performance of her mandated tasks and duties, to supply all information requested, including with regard to the Special Rapporteur’s communications.

104. Pending this reply, the Special Rapporteur encourages the Government to take all necessary measures to provide women with a safer environment to be able to, inter alia, participate freely in public life. The Special Rapporteur also reiterates her wish to be kept informed of the outcome of any investigations and prosecutions carried out in this regard. In this context, the Special Rapporteur deems it appropriate to make reference to article 7 (c) of the Convention on the Elimination of all Forms of Discrimination against Women which explicitly provides for the promotion and protection of women in freely participating in public matters. Article 7 provides that States agree to take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, to ensure to women, on equal terms with men, the right (...) to participate in non-governmental organizations and associations concerned with the public and political life of the country (Art.7(c)).

Israel

Letter of allegation

105. On 23 May 2005, the Special Rapporteur, jointly with the Special Rapporteur on the sale of children, child prostitution and child pornography, and the Special Rapporteur on trafficking in persons, especially women and children, sent a letter of allegation concerning the **treatment of female victims of trafficking and the administration of awards and compensation payments to victims not residing in Ma’agan**, a women’s state-run shelter in Israel. According to the information received female victims of human trafficking feel pressured to testify in court because certain benefits are being tied to their giving testimony. Reportedly, a legal counsel is

only provided to those who agree to testify. Many victims are not informed about their rights. Secondly, it is police officers, not social workers, who decided who is to be referred to the Ma'agan state-run shelter. As a result, the facilities are reportedly only made available to victims of human trafficking who agree to testify. This is occurring in contravention of a government decision that the state shelter would be open to all victims. Furthermore, access to health institutions is reportedly only granted to victims staying at the shelter. Consequently, access to health benefits would also depend on the victims' willingness to cooperate with the law enforcement authorities. Moreover, the prominent role of police officers in making referrals to the shelter coupled with stiff, yet not properly explained, shelter procedures (particularly with regard to options to leave the shelter temporarily), reportedly lead many victims to assume that they have committed a crime and that they are facing criminal prosecution. Police officers threatened a victim from Belarus that if she did not testify she would be arrested and prosecuted by the authorities in her home country. Furthermore, protection of victims during their trials is reportedly inadequate. Courts allegedly do not make use of certain legal provisions, such as those found under The Prior Testimony in Trafficking of Women Law Act, which allows for the better protection of victims by, for example, either allowing the victims to give evidence outside of court prior to their hearing, or in court without the perpetrator being physically present or in such a way that they cannot be seen. Moreover, according to the information received, when the criminal verdict against traffickers requires them to provide compensation to their victims, the money awarded is deposited with the court and can only be withdrawn by a legal resident holding a bank account. As a consequence, victims who have already been deported to their countries of origin cannot receive the awarded amount. In one reported case, the accused were sentenced to pay 25,000 NIS in compensation to the victims. Since the victims had already returned to their countries of origin, they designated a non-governmental organization to receive the money on their behalf. The court denied the NGO this right arguing that the wording of the relevant statute did not provide for the disbursement of awarded compensation to designated representatives. The common practice of immediately deporting victims after they testified against their traffickers also denies victims the possibility to file a civil suit against the perpetrators who are convicted as a result of their testimony.

Observations

106. The Special Rapporteur regrets not having received a reply to her communication of 23 May 2005. The Special Rapporteur deems it appropriate to make reference to Human Rights Commission Resolution 2005/41 which requested all Governments to cooperate with and assist the Special Rapporteur in the performance of her mandated tasks and duties, to supply all information requested, including with regard to the Special Rapporteur's communications.

107. The Special Rapporteur considers it appropriate to underline that trafficking is, in accordance with, *inter alia*, the Declaration on the Elimination of Violence against Women, explicitly recognized as a form of violence against women, and in this context the Special Rapporteur draws the Government's attention to the concerns expressed by the Committee on the Elimination of Discrimination against Women regarding trafficking in women and specifically on the recommendations that the Government "intensify its efforts to combat all forms of trafficking in women and girls." (CEDAW/C/ISR/3/CO)

Mexico

Llamamiento urgente

108. El 23 de febrero de 2005, la Relatora Especial, juntamente con el Relator Especial sobre la promoción y la protección del derecho a la libertad de opinión y de expresión, el Relator Especial sobre la venta de niños, la prostitución infantil y la utilización de niños en la pornografía y la Representante Especial del Secretario General para los defensores de los derechos humanos, envió un llamamiento urgente en relación con la situación de inseguridad y peligro en la que se encontraba L.C.R., Presidenta del Centro de Crisis para Víctimas, Centro Integral de Atención a las Mujeres (CIAM) en Cancún, Estado de Quintana Roo. De acuerdo con las informaciones recibidas, un ex agente del Cuerpo Especial Anti secuestros de Torreón, de la Agencia Federal de Investigación (AFI), cuyo nombre los relatores conocen, se habría presentado en varios refugios pertenecientes a la red del CIAM, en las ciudades de Saltillo, Monterrey y San Luis Potosí, llevando un arma de fuego y procediendo a amenazar de muerte al personal que trabajaba en dichos Centros. El ex-agente habría realizado dichas amenazas como represalia por la protección que el CIAM habría dado a su esposa, sus dos hijos y una hija luego de que éstos fugaran de su hogar al sufrir presuntos actos de agresión por parte de dicho ex-agente. Según las informaciones recibidas, luego de sufrir los actos de agresión, la esposa del ex-agente fue transferida al refugio de Cancún. La Sra. L.C.R., Presidenta del CIAM, habría sido amenazada de muerte si no entregaba a la esposa del ex-agente. Además, cuando la Sra. L.C.R. notificó al delegado de la Procuraduría General de la República estos actos, habría recibido la recomendación de que “no se metiera con él”, ya que estaba “muy protegido por sus jefes”. El 16 de noviembre de 2004, otro hombre, cuya esposa e hijo de tres años de edad habrían recibido también protección por parte del CIAM, se habría presentado en las oficinas del CIAM en Cancún llevando armas de fuego y amenazando de muerte al equipo, en particular a la Sra. L.C.R., si no le devolvían a su mujer y a su hijo. Se alega que dicho señor habría comenzado a amenazar al equipo del CIAM tras la primera entrevista anónima que ella dio, en el marco de las investigaciones sobre acciones delictivas imputadas a su marido por parte del Centro de Investigación y Seguridad Nacional (CISEN). Desde el mes de diciembre de 2004, el CIAM-Cancún habría recibido amenazas por haber denunciado actos de abuso sexual de niños y niñas por parte de un empresario, cuya identidad los relatores conocen, y quien se encontraba detenido en Arizona, Estados Unidos, acusado de abusos y prostitución infantil. Los integrantes del CIAM habrían recibido amenazas por teléfono y por medio de una lista enviada a la policía de seguridad pública local, en la cual aparece el nombre de la Sra. L.C.R. como una de las personas a quienes dicho señor habría mandado asesinar. Aunque las autoridades habrían sido informadas de los presuntos actos de hostigamiento sufridos por los miembros del CIAM, ni la Representante Especial ni los Relatores Especiales tenían conocimiento de eventuales investigaciones sobre estos hechos ni de medidas de protección a favor de los denunciantes.

Llamamiento urgente

109. El 18 de julio de 2005, la Relatora Especial, juntamente con el relator especial sobre la promoción y la protección del derecho a la libertad de opinión y de expresión, el Relator Especial sobre la venta de niños, la prostitución infantil y la utilización de niños en la pornografía, y la Representante Especial del Secretario General para los defensores de los derechos humanos, envió un nuevo llamamiento urgente en relación con la misma persona, la Sra L.C.R., la cual entre el 25 de abril de 2005 y el 1 de julio habría recibido al menos 42

llamadas telefónicas amenazantes en las oficinas del CIAM. Todas las llamadas habrían sido realizadas por un ex-agente de la Policía Judicial del Estado, que también habría pertenecido a una unidad anti-secuestros de la Agencia Federal de Investigación y cuyo nombre los relatores conocen. La esposa e hijos de aquel hombre habrían sido acogidas en un refugio del CIAM. En algunas de las llamadas telefónicas más recientes, el hombre habría dicho “Esto es para L.C.R., que sepa que pronto estaré en Cancún, cuando menos se lo espere [...] La PGR no puede hacerme nada [...] quienes se meten conmigo sufren hasta la muerte”. El 30 de junio, el ex-agente ente habría visitado el refugio para mujeres en la ciudad de Saltillo, estado de Coahuila, y habría acosado a la directora, exigiéndole que dijera a L.C.R. que dejara de hablar sobre su caso, y que le devolvieran a su esposa y sus hijos.

Respuesta del gobierno

110. Por carta con fecha de 23 de diciembre de 2005 el gobierno de México transmitió la siguiente información en respuesta a la comunicación de la Relatora Especial, con fecha del 15 de julio de 2005 en relación con el caso de la Sra. LCR. La Procuraduría General del Estado de Quintana Roo no tenía documentada ninguna denuncia de las amenazas de las que decía haber sido víctimas LCR y el personal del Centro Integral de Atención a la Mujer e instaba a la afectada a que acudiera a la autoridad ministerial competente para presentar denuncia. No obstante lo anterior, desde el 18 de febrero de 2005, se habrían implementado medidas de protección para salvaguardar la integridad física de LCR, del personal que trabajaba con ella y de las personas que se encontraban bajo su custodia y en todo momento se habían ofrecido garantías para que durante la investigación la víctima se encontrara protegida. La Comisión Nacional de los derechos humanos solicitó a la Procuraduría General de la República la implementación de medidas cautelares a favor de LCR, de acuerdo a la Recomendación General Número 7 relacionada con violaciones a la libertad de expresión de periodistas o comunicadores. Para cumplir con la solicitud, la Procuraduría instruyó a la Agencia federal de Investigación para que sus agentes brindaran protección a L.C.R.

Carta de Alegaciones

111. El 8 de agosto de 2005, la Relatora Especial envió una comunicación en relación con la desaparición y asesinato de **M. T. T. A.** en la región de Ciudad Juárez, Chihuahua. **M. T. T. A.** tenía 18 años cuando desapareció el 13 de marzo de 2001. La primera investigación sobre la desaparición no se habría realizado hasta el 23 de marzo de 2001, es decir diez días después. La familia proporcionó algunas pistas (por ejemplo una llamada anónima sobre el paradero de **M.T.T.A.**; la ropa que portaba **M.T.T.A.**; etc.) las cuales no habrían sido investigadas por la policía. Los expedientes de la desaparición se habrían encontrado deshojados y tirados en el piso de la Unidad encargada de la investigación. La familia fue informada repetidamente por las autoridades de que no tenían obligación de indagar sobre los acontecimientos puesto que la desaparición no es un delito. Además, en diversas ocasiones la familia fue informada de que **M.T.T.A.** había sido localizada con vida. El 16 de julio 2003, se encontró un cuerpo en un campo en las inmediaciones de los Cuernos de la Luna, en las afueras de la ciudad de Chihuahua. Aunque un diario informó del hallazgo del cadáver, la policía al principio no admitió explícitamente el hallazgo y no hizo pública ningún tipo de información. El 25 de enero de 2005, la familia insistió en la necesidad de que se hicieran estudios científicos a los cuerpos no identificados encontrados en el Estado de Chihuahua. El 18 de abril de 2005, se tomaron muestras de ADN a la familia de **M.T.T.A.** Los resultados confirmaron que el cuerpo encontrado

el 16 de julio de 2003 era el de M.T.T.A. La información recibida indica además que las autoridades responsables de la investigación no habrían adoptado las medidas necesarias para investigar la relación entre la escuela de computación ECCO (donde M.T.T.A trabajaba) y el gran número de jóvenes desaparecidas y asesinadas.

Respuesta del gobierno

112. Por carta con fecha de 7 de Octubre 2005, el Gobierno de México, respondió, a la comunicación del 8 de Agosto de la Relatora Especial con relación a la desaparición y asesinato de **M.T.T.A.** en la región de Ciudad Juárez, Chihuahua. En respuesta al cuestionario enviado por la Relatora en la antedicha comunicación, el Gobierno transmitió la siguiente información:

- La desaparición de M.T.T.A. aconteció en el municipio de Chihuahua, no en Ciudad Juárez.
- La Coordinadora de la Unidad Especializada de Delitos Sexuales y contra la Familia dispuso el 14 de marzo 2001, que la policía investigadora realizase las primeras investigaciones, las cuales permitieron esclarecer que en el día su desaparición M.T.T.A. se dirigía a una sesión de capacitación en su nuevo lugar de trabajo, la empresa denominada “Grupo Internacional de Distribuidores”, lo que a su vez permitió la apertura de una de las líneas de investigación del caso.
- La información proporcionada por la familia de M.T.T.A. fue atendida y tomada en consideración para el establecimiento de líneas de investigación, como demuestran los interrogatorios de varios testigos relacionados con la víctima.
- Del igual modo, también se tomaron en consideración todas las referencias indirectas sobre el paradero de la Sra.M.T.T.A., las cuales dieron lugar a un numero de inspecciones en varias entidades federativas.
- El 16 de Julio de 2003 se encontró una osamenta en el monte denominado “Los Picos de la Luna”. Tras una serie de análisis en el Servicio Medico Forense del Complejo Estatal de Seguridad Publica del Estado de Chihuahua, se determinó que el cadáver correspondía a una mujer de 19 a 25 años. Las causas del fallecimiento no pudieron ser determinadas.
- En la actual administración, la Procuraduría General de la Republica contactó a las familias de personas que constaban como desaparecidas, solicitando muestras biológicas, con el objetivo de realizar exámenes comparativos de genética. Como resultado de esta iniciativa, el 20 de Mayo 2005, se determinó que la osamenta encontrada era la de M.T.T.A. Una vez corroborados estos resultados, se entregó el cadáver de la víctima a sus padres, los cuales señalaron que si no habían dado una muestra para el estudio de genética forense antes, era porque no confiaban en las autoridades de la pasada administración.

Llamamiento urgente

113. El 3 de Octubre de 2005, el Relator Especial, juntamente con el Relator Especial sobre la tortura, la Representante Especial del Secretario General sobre la situación de los defensores de los derechos humanos, el Relator Especial sobre los derechos humanos y las libertades fundamentales de los indígenas, el Relator Especial sobre la venta de niños, la prostitución infantil y la utilización de niños en la pornografía, envió un llamamiento urgente en relación con **O. I. L.V.** y **Z. R.S.** de la comunidad indígena mixteca de San Isidro Vista Hermosa, en el distrito de Tlaxiaco, estado de Oaxaca. De acuerdo con la información recibida, el 29 de agosto del 2005, O. I. L.V. de 17 años habría sido secuestrada por un hombre enmascarado que le habría

obligado a entrar en una furgoneta en cuyo interior se encontraba otro hombre y una mujer. Seguidamente, la furgoneta se habría trasladado a un lugar desconocido donde O.I.L.V. habría sido violada por los captores varones. Esa misma tarde la familia habría recibido una llamada anónima en la que se informaba que O.I.L.V. se encontraba secuestrada por autoridades de Santa Cruz de Nundaco. El 30 de agosto del 2005, O.I.L.V. habría sido obligada a decir a Z. R. S., conocida dirigente del grupo de San Isidro, para comunicarle que los secuestradores pretendían secuestrar a la hija de Z. R. S. en lugar de ella. El 31 de agosto del 2005, O. I. L. V. habría sido puesta en libertad a 40 kilómetros de Santa Cruz Nundaco. Los secuestradores le habrían entregado un sobre con amenazas contra Z. R. S. y su familia. Asimismo, O.I.L.V. y su familia se habrían encontrado en una situación de continuo acoso, amenazas e intimidaciones. La familia de O. I. L. V. habría sido seguida por un automóvil con cristales tintados y O. I. L. V. habría sido intimidada en varias ocasiones por varones inidentificables con señales obscenas cuando caminaba por la calle. Las autoridades estatales se habrían mostrado reacias a aceptar las denuncias de acoso a la familia y a prestar alguna medida de seguridad para proteger a O. I. L. V. y su familia.

Respuesta del gobierno

114. Por carta con fecha de 23 de Noviembre de 2005, el Gobierno de México, respondió al llamamiento urgente de la Relatora Especial con fecha del 3 de Octubre de 2005, con respecto a **O. I. L. V.** y **Z. R. S.** de la comunidad indígena mixteca de San Isidro Vista Hermosa, en el distrito de Tlaxiaco. El Gobierno informó a la Relatora Especial que, en respuesta a una denuncia interpuesta por la Sra. O.I.L.V. ante el Ministerio Publico de la Agencia Especializada en Delitos Sexuales el 1 de Septiembre 2005, las autoridades Ministeriales del Estado de Oaxaca estaban investigando las acusaciones, pero que estas investigaciones estaban aun en la etapa de averiguación previa, y por consiguiente, el Gobierno de México no estaba aun en posibilidad de calificarlos.

Observaciones

115. La Relatora agradece al Gobierno de México la información recibida y queda en espera de información adicional sobre las investigaciones en curso. La Relatora alienta al Gobierno a seguir sus esfuerzos para cumplir con las obligaciones de ejercer las diligencias debidas para prevenir, investigar y procesar los responsables de las violencias indicadas en los casos arriba mencionados.

116. La Relatora Especial desea reiterar su agradecimiento y apreciación a las autoridades Mexicanas por la cooperación prestada durante su visita al país durante el mes de febrero del 2005. La Relatora Especial espera poder continuar manteniendo un diálogo positivo con las autoridades, y en este contexto estima importante hacer referencia a las conclusiones y recomendaciones provistas en su informe - E/CN.4/2006/61/Add.4 con fecha del 22 de Diciembre de 2005.

Myanmar

Letter of allegation

117. On 16 June 2005, the Special Rapporteur, jointly with the Special Rapporteur on the human rights of migrants, the Special Rapporteur on the sale of children, child prostitution and child pornography, and the Special Rapporteur on trafficking in persons, especially women and children, sent a letter of allegation concerning corruption in the issuance of mandatory national registration cards, which allegedly restricts freedom of movement and exacerbates the **trafficking of women and girls from Kachin state and Shan state into China and Thailand, as well as within Myanmar**. According to the information received, national registration cards are required in order for citizens to pass police and military checkpoints set up along the main roads, as well as to cross the borders into China or Thailand. However, although national law requires that a national registration card is issued to every citizen, reports indicate that citizens living in Kachin state and the Shan state face considerable difficulties in obtaining these documents, primarily because local officials routinely demand the payment of significant bribes (around 10,000 kyat) before issuing a national registration card. In these circumstances, women and girls are particularly vulnerable to becoming victims of trafficking and sexual exploitation. Due to a reported lack of employment and widespread poverty in Kachin and Shan state, women and girls from these areas feel compelled to migrate and find better opportunities elsewhere. Many young women and girls cannot afford or are unwilling to pay the bribes and remain without a national registration card. In some instances, it was reported that girls want to travel abroad and earn money in order to “buy” a national registration card which is required for the completion of high school exams and entry into university. In addition, the Eastern Shan State Regional Command reportedly imposed rules prohibiting women and girls between the ages of 16 until 25 to cross the border into Thailand without a legal guardian. These circumstances leave women and girls susceptible to traffickers who allegedly promise their victims that they can facilitate travel past the checkpoints and borders even without national registration cards or a legal guardian by either bribing checkpoint officials or posing as their relatives or guardians. Subsequently, these women and girls are frequently forced into prostitution or sold as wives. The victims are afraid to denounce the abuses to state enforcement authorities because they fear arrest and deportation by the Chinese or Thai authorities for illegal entry without proper travel documents followed by punishment by the Myanmar authorities for illegally leaving the country. Also, the existence of checkpoints throughout Myanmar makes it harder for internally trafficked women to escape their situation and return home to their families. A woman who does not have a national registration card (e.g. because the trafficker took it away from her) would face arrest or extortion of bribes at every checkpoint she would have to pass. Furthermore, because of the alleged corruption in the national registration card system, traffickers reportedly hold multiple identity cards under different names, making it nearly impossible to determine their true identity and pursue prosecution.

Urgent appeal

118. On 2 November 2005, the Special Rapporteur, jointly with the Independent Expert on Minority Issues, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur on the question of torture, the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, the Special Rapporteur on the sale of children, child prostitution and

child pornography, the Special Rapporteur on the situation of human rights in Myanmar, and the Special Rapporteur on trafficking in persons, especially women and children, sent an urgent appeal concerning **widespread and systematic violence against women and girls in Myanmar**. According to information received, in all states in Myanmar, both in conflict areas and in ceasefire areas, Government forces subject women and girls to multiple forms of violence including abduction, forced marriage, rape, including gang rape, mutilation, suffocation, scalding, murder, sexual slavery and other forms of sexual violence. These acts are reportedly often committed by commanding officers, or with their acquiescence. In many cases, women and girls are subjected to violence by soldiers, especially sexual violence, as 'punishment' for allegedly supporting ethnic armed groups. Women and girls are in these cases reported to have been detained and repeatedly raped by the soldiers, sometimes leading to their death. In other cases it is reported that the authorities sanction violence against women and girls committed by military officers, including torture, inter alia, as a means of terrorising and subjugating the population, particularly those in the Shan state. One report detailed the alleged rape of 625 women and girls in Shan State by soldiers from 52 different battalions. It was alleged that 83% of the rapes were committed by officers, often in front of their troops; and 61% of the rape incidents involved gang rapes. In only one of these cases was the perpetrator punished by his commanding officer. On many occasions there was apparently no attempt to conceal the bodies of dead women who were raped and subjected to other acts of violence.

119. Women and girls also face violence when they are used as porters and forced to carry heavy military equipment and food, inter alia. Subjected to forced labour by the military troops during the day, they are often used as sex slaves at night. If they try to escape they risk being beaten, deliberately starved, tortured or even killed. Pregnant women are not exempt from forced labour assignments. In Mon State, women and girls have been allegedly subjected to all forms of forced labour, including working on military agricultural projects, and guarding railways, motor roads, gas-pipelines, dams and other government infrastructure projects in order to warn the soldiers of any detected movement from the armed ethnic groups. The isolation of most of these posts makes the women and girls more vulnerable to sexual violence.

120. Moreover, in 2004, it was reported that Government soldiers in Mon State took women and girls from their homes and forced them to participate in so-called 'fashion and beauty shows.' During the course of the fashion shows and immediately thereafter, the women and girls were subjected to sexual harassment and some were purportedly raped by the soldiers after being forced to stay at the army barracks. Also in 2004, it is reported that during military operations in the Mon State, soldiers asked villagers to provide them with a number of women per day. The women were forced to work and serve the soldiers during the day and were also subjected to sexual violence. Some of the women and girls were instructed to visit the soldiers' homes repeatedly.

121. Furthermore, while in detention, particularly in military camps, women and girls, as men, suffer from the existing harsh conditions including overcrowding, poor sanitation, lack of proper food and nutrition as well as a lack of access to adequate medical treatment. In addition to being reportedly subjected to beatings and torture, women are often allegedly subjected to sexual abuse, harassment and rape at the hands of the military authorities. This reality is aggravated by the fact that most prison officials are male and prisons are not necessarily gender segregated. Furthermore, women are not provided with the necessary sanitary supplies for their menstruation, clothes or adequate water to be able to wash, while in detention. Pregnant women

are frequently denied medical or other assistance while giving birth, which often leads to complications for both mother and child.

122. Widespread violence against women and girls also results in their restricted movement as they are often fearful of working in the fields or traveling unaccompanied given the regular military checkpoints where women and girls are often subjected to sexual harassment. This especially affects women and girls in rural areas and their access to necessary public services including access to medical care. As a consequence, many women and girls attempt to leave Myanmar for Thailand to flee the insecure climate. This, however, brings its dangers, as they are sometimes arrested for illegally trying to cross the border and are once again subjected to violence or deported back to their former aggressors. This matter has already been raised with the Government on 16 June 2005 in a letter of allegation jointly sent by the Special Rapporteur on the human rights of migrants, the Special Rapporteur on the sale of children, child prostitution and child pornography, the Special Rapporteur on trafficking in persons, especially women and children and the Special Rapporteur on violence against women, its causes and consequences. No response from the Government had, at the time this communication was sent, been received.

123. In most cases, especially when the perpetrators are Government officials, victims do not lodge complaints to the authorities on any acts of violence committed against them, for fear of retaliation by the perpetrators. In many instances, those that do complain are invariably instructed to accept meagre compensation under the threat that if they do not retract their complaint, they would be subjected to more violence. Alternatively, they are arbitrarily arrested and detained until they withdraw their complaints. Sometimes the families of the victim are threatened as a means of exerting pressure on the victim. On one occasion, a community leader who reported a rape of one of his villagers was beaten and tortured to death by the military. It is also reported that medical personnel who treat a rape victim are reluctant to take any action with the authorities out of fear of possible reprisals against them. As a result of this, victims are entirely discouraged from making complaints; investigations are as a result rarely initiated and perpetrators are seldom brought to justice. The existence of such a widespread culture of impunity exacerbates the magnitude of violence against women and girls in Myanmar.

124. Moreover, in August 2002, Government authorities carried out investigations into the report 'Licence to Rape' where rape cases of Shan women and girls from 1996 to 2001 were documented. It is reported that the authorities forced people throughout central and southern Shan State to sign documents testifying that no incidents of sexual violence had been committed by military troops in their areas. In some places, people were also made to stage public demonstrations to support this claim. It was then publicly announced by the authorities that the findings of the said report were false and fabricated. Moreover, in October 2002, prior to the visit in Shan state of the Special Rapporteur on Myanmar, the authorities threatened Shan villagers not to testify against their troops and sent out military intelligence officers to track down rape survivors. The same warnings were sent to the population prior to the visit of a delegation from the ICRC in Southern Shan State in late 2002. Military officers threatened to cut the tongues and slit the throats of anyone who dared speak to the ICRC delegations about human rights abuses committed by the military troops. The population was similarly threatened when a delegation from Amnesty international visited Myanmar in January 2003. It is deeply regrettable that repeated calls by the Special Rapporteur on the situation of human rights in Myanmar, for an independent investigation to be conducted into allegations of widespread rape against Shan

women, following the publication of the License to Rape report, have not been followed up by the Government.

125. Woman and girls also face serious health concerns. Abortion is illegal in Myanmar in all circumstances, including cases of rape and incest, which leads to unsafe, illegal abortions. It has been reported that 50% of maternal deaths are a result of unsafe abortions. Abortion is also ranked as the third main cause of illness and complications arising from abortions constitute 20% of all hospital admissions. People are not provided with sexual and reproductive health information, and information about birth spacing and safe sex is particularly inaccessible to young single women since they are assumed to be sexually inactive until they are married. Women and girls in rural areas, particularly women and girls members of ethnic minorities are particularly affected. HIV/AIDS and other sexually transmitted diseases are serious threats to women's well-being and have increasingly become recognized as being closely related to the increasing sex trade in Myanmar. High rates of HIV among women and girls are also closely linked to widespread violence against them as rape and sexual assault take away their control over when, with whom and how they experience sex. Despite efforts by the authorities to address these issues, including the organization of AIDS prevention and education, cultural taboos continue to contribute to the lack of knowledge about HIV/AIDS and other sexually transmitted diseases. Moreover, members of Shan communities, for example, cannot take full advantage of such information campaigns since the information is provided only in Burmese. It is deeply regrettable that the Government restrictions and regulations placed upon the operations of the Global Fund which was providing grants to assist in the combat of AIDS, led it to announce in August 2005, its withdrawal of significant funding from Myanmar, citing its inability to effectively conduct its activities.

126. Finally, whilst commending efforts by the Government on the progress that has been made in addressing human trafficking, including educational campaigns and the establishment of a police anti-trafficking unit, it is nevertheless reported that many women and girls continue to be trafficked for forced labour and sexual exploitation. Trafficking is taking place from Myanmar to neighbouring countries, and within Myanmar from poorer agricultural rural areas towards urban centres, mining areas, areas near military bases and cities along trade routes and the border where prostitution is common. Moreover, the spread of HIV/AIDS within the country and from Myanmar to neighbouring countries, due to the extent of trafficking is an issue of rapidly mounting concern in the region. The attitude of families adds to the cycle of migration and exploitation since families are reported to put pressure on their female members to contribute to the family's finances as a result of their extreme poverty. Corruption and complicity amongst local and border officials, who also profit from trafficking, are also a cause for serious concern. Concerning all of the above allegations, on most counts, civilians in ethnic minority areas such as Shan, Karen, Kayah and Mon States have been especially vulnerable to such violations.

Follow-up to previously transmitted communications

Government reply

127. On 30 March 2005 the Government responded to the communication of 21 September 2004. The Government reported that the allegations referred to in the Special Rapporteur's letter were unsubstantiated and false, especially since the military regiments referred to were not carrying out military operations in the area at the time referred to in the allegations, and some of

the places and persons referred to do not exist. Investigations showed that **Ms. N.K.** and her husband **Z.Y.** did not live in Nawng Hai village under such names. Moreover the Light Infantry Battalion 246 had not carried out any operations in that area. With regards to **Ms. N.S.** and **Ms. N.L.**, investigations showed that Saai Murng villega in the Lai-Cha township did not exist and the alleged victims concerned did not live in villages having similar names either. No incidents or related reports of shootings occurred in these villages. Concerning **Mr. S.Z.N.** his wife **Ms. N.N** and **Ms. N.Z.**, investigations showed that they did not live in Pang Sa village and no reports of such shooting were reported. **Ms. N.K.** and **Ms. N.L.** did not live in Lai Kha. Moreover the Light Infantry Battalion 515 did not undertake any operations in that area. Concerning **Ms. P.O.**, investigations revealed that no such village under the name of Khur Nim exists in that township and that Ms. P.O. did not live either in Maak Laang village which exists in that township. Moreover, the Light Infantry Battalion 64 and 515 did not undertake any operations in those areas. Investigations further showed that the allegations concerning **Ms. N.Z.** did not take place as no such village as Murng Su Town exists in the whole area of Shan State and no reports of such incidents were made. Finally, no reports of rape were made in the area of Maing-Lang village in February 2005.

Observations

128. The Special Rapporteur regrets not having received any replies to her communications of 16 June 2005 and 7 November 2005.

129. The Special Rapporteur takes this opportunity to reiterate her concerns at the serious allegations of violence against women in Myanmar and the need for the Government to respect its international human rights obligations as well as internationally recognized norms and standards on violence against women, particularly those concerning due diligence as provided in the Declaration on the Elimination of Violence against Women.

130. Moreover, the Special Rapporteur deems it appropriate to make reference to the conclusions and recommendations of the Committee on the Elimination of Discrimination against Women in its report, A/55/38 paras. 111 to 138, where the Special Rapporteur's concerns, as referred to in her communications, were reiterated. The Committee expressed its concern on, inter alia, the existence of forced labour of women, violations of the human rights of women in particular by military personnel, the existence of little information on the trafficking in women and girls despite the magnitude of the problem, the increase in the number of women with HIV/AIDS and the urgent need for access to health care of persons who have the virus as well as measures to prevent the spread of the disease, the dire situation of women in prisons and police custody including custodial violence, the lack of information on women's sexual and reproductive rights, and the practice of on rape and sexual violence. The Committee urged the Government to, inter alia, prosecute and punish those who violate the human rights of women, including military personnel, and to carry out human rights education and gender sensitization training for all law enforcement and military personnel.

Nepal

Letter of allegation

131. On 9 November 2005, the Special Rapporteur, jointly with the Special Rapporteur on the question of torture, sent a letter of allegation concerning the sexual harassment and beating of **several metis** (men who identify themselves as women) in Thamel, Kathmandu on 24 September 2005. According to the information received, on 24 September 2005 in the evening, in the tourist area of Kathmandu (Thamel), some police officers approached a group of metis. One of the police officers burnt a cigarette on the hand of one of the metis, **P.** (21), forcibly touched her private parts, and demanded that she have sex with him. When she refused, the police officer reportedly became violent towards her, pulling her hair and slapping her. The other metis in the group came to help **P.** and the policeman went away. Later, he returned with other men who started beating the metis and the metis responded by throwing stones at the men. Among the metis who were beaten were: **S** (25), **S** (21), **N**, **U**, and **R**. The policeman was also reportedly injured in the head. Moreover, around 2 am on the 25th September, policemen reportedly captured a metis named **KR**, beat her and took her to the Durbar Marg police station accusing her of having hit one of their colleagues with a stone. **KR** was kept in detention up to 6pm and told that she had to pay a fine of 28,000 rupees on a public offence charge. She was also forced into oral sex with two policemen while in custody. **KR** was reportedly released after having paid 1000 rupees. Attempts were made to lodge a complaint on her behalf at the National Human Rights Commission and the Human Rights Cell of the Nepal Police, but both offices reportedly refused to investigate.

Urgent appeal

132. On 28 November 2005, the Special Rapporteur, jointly with the Special Rapporteur on the sale of children, child prostitution and child pornography, and the Special Rapporteur on the question of torture, sent an urgent appeal concerning **RB** (15) of Khidim VDC, Arghakhanchi and **GN** (15) of Pali VDC in Arghakhanchi. According to the information received, on 17 April 2005, **RB** was arrested by security forces in the district of Arghakhanchi and detained in different places of detention. At the District Police Office in Sandhikara, she was kicked and beaten by members of the security forces. She was also subjected to sexual harassment. Before she was sent to the District Police Office in Sandhikara, she was detained at Thada Army Barracks in the Arghakhanchi District for two days and Sandhikharka Army Barracks in Taulihawa for four days. On 10 May 2005, **GN** was arrested and initially held overnight at Sandhikharka Army Barracks in Taulihawa. She was then transferred to the District Police Office in Sandhikharka where she was kicked and beaten by members of the security forces. On 17 June 2005, they were both transferred from the District Police Office in Sandhikara to Kapilvastu Prison where they were arrested on suspicion of being involved with the Communist Party of Nepal. They were arrested under the Terrorist and Disruptive Activities (Control and Punishment) Ordinance which allows for preventative detention for up to one year. On 4 September 2005, the Appeal Court in the neighbouring district of Butwal ruled that their detention was illegal and they were released in front of the Kapilvastu District Court on 5 September 2005. However, they were re-arrested by the police shortly after being released. It is believed that, at the time this communication was sent, they were being held at Kapilvastu District Police Station in Taulihawa, where they were thought to be at risk of torture or ill-treatment.

Follow-up to previously transmitted communications

Government reply

133. On 8 March, and 14 September 2005 the Government replied to the communication of 2 March 2004. The Government reported that **Ms. RR** was killed in a security operation on 12 February 2004. Her death was being investigated by the RNA at the time this reply was sent. **TL** was also killed in a security operation. **MS** was killed while she tried to escape from army control on the way to army barracks at Panchkhal on 17 February 2004. The case was under investigation by the RNA at the time this reply was sent. The Court of Inquiry was constituted and the Court Martial was ongoing.

Government reply

134. On the 8 March, 2 March and 14 September 2005 the Government replied to the communication of 17 March 2004. The Government reported that **NL** was arrested on 18 March 2004 from Lalitpur. She was not tortured. She was since released.

Government reply

135. On the 8 March, and 14 September 2005 the Government replied to the communication of 8 June 2004. The Government reported that **CMM** was arrested by the RNA for general inquiry. After being interrogated she was released as she was found to be innocent. She was not ill-treated or tortured while in custody, as was confirmed in her written statement.

Government reply

136. On the 8 March, 2 March and 14 September 2005 the Government replied to the communication of 7 July 2004. The Government reported that **Ms. B.K.** was arrested for her involvement in Maoist activities by the RNA. She was taken to the Central Jail, Jagannath Dewal. She was not tortured or ill-treated while in custody. She was under preventive detention at the RNA Barracks at the time this reply was sent.

Observations

137. The Special Rapporteur regrets not having received a reply to her communication of 9 November 2005. She looks forward to receiving a reply to this communication as well as to her communication of 28 November 2005.

138. Whilst thanking the Government for its replies to her communications of 2 and 17 March, 8 June and 7 July 2004, the Special Rapporteur invites the Government to provide her with more information than that which was provided for most cases concerning the date of arrest, place of detention and the date of release. In particular the Special Rapporteur would appreciate receiving replies to the questions specifically addressed in her communications which directly concern violence against women.

Pakistan

Letter of allegation

139. On 8 April 2005, the Special Rapporteur sent a letter of allegation concerning the death of **Ms. A** (18), who was allegedly killed by her new husband, Y, shortly after their wedding. According to the information received, Ms. A was married to Y on 20 March 2005. According to custom, Ms. A went to her new home in Pathan Wah village with her groom, accompanied by her father, brother and another relative, and they all slept there. At around 2:30 am on 21 March, Ms. A's father, woke up to noises, and went outside with his son, and another relative. There, they found Ms. A's dead body in a sack, with bullet holes in her left cheek, left breast, her waist and her left hand. Y, three of his brothers and another person were allegedly also outside and armed. Y reportedly accused Ms. A of not being a virgin and having sexual relations with Mr. SM, and therefore killed her. Y and the other perpetrators allegedly fled the scene. Ms. A's father went to the Khanpur Police Station later that day and filed a First Investigation Report. The Khanpur police had, at the time this communication was sent, sent the case to a civil judge and judicial magistrate, but had reportedly not yet arrested the perpetrators.

Letter of allegation

140. On 18 May 2005, the Special Rapporteur, jointly with the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, and the Special Representative of the Secretary-General on the situation of human rights defenders, sent a letter of allegation concerning the **violent disruption**, by uniformed police from the Punjab police force, as well as plainclothes police from the police and intelligence agencies, **of a peaceful activity organized in support of women's rights** in Lahore on 14 May 2005. According to information received, members of human rights organizations, lawyers, trade union members, journalists, teachers and other persons gathered in Lahore on 14 May at 17.00 to participate in a marathon run organized by the Human Rights Commission of Pakistan (HRCP), an NGO, in collaboration with more than 40 civil society organizations to support women's call for freedom from violence. According to information received, local government authorities were informed 1 week prior to the event, in a letter to the Mayor, of the planned activity, its schedule and its purpose. The event was scheduled to start from the Qadafi Stadium in Lahore. However, police forces reportedly barricaded all entrances to the venue and prevented the participants from gathering there. Police forces also reportedly surrounded the AGHS Legal Aid Cell office of the HRCP Chairperson, **A.J.**, Special Rapporteur on freedom of religion or belief, to prevent her and other lawyers and activists from joining the Marathon. The AGHS second floor office was forcibly locked by the police and everyone inside was confined to the office for one hour. Reportedly, Ms. A.J. and other lawyers present eventually left the second floor office through the fire escape and descended to the street at the rear of the building. They were surrounded immediately by a large contingent of uniformed policemen and women and plainclothes policemen. Ms. A. J., as well as the current Secretary General of the HRCP and other human rights defenders, was reportedly beaten with batons by the police and Ms. A.J. was reportedly dragged along the floor and her clothes were torn. Ms. A.J. and about 15 other defenders were reportedly forced into a vehicle by the police and taken to the Race Course police station. Meanwhile, the police beat other participants who had gathered outside the AGHS office, including Mr. **J.F.**, Mr. **W.Y.**, Ms. **A.M.**, and Mr. **S.S.**, all staff with the Centre for Legal Aid, Assistance and Settlement (CLAAS) and Mr. **I.H.**, a staff member of the HRCP. Both men and

women defenders were reportedly beaten, kicked, punched, slapped and verbally abused by the policemen who then forced them into police vans. According to the information, at this time, Ms. **H. J.**, Special Representative of the Secretary General on human rights defenders and former HRCP Chairperson, arrived at the AGHS office, where she works. Ms. H.J. was arrested along with about 18 other human rights defenders who were then taken to the Model Town police station. In addition to beatings by the police, activists belonging to the Jamaat-e-Islami, a political party, also beat men and women participants in the marathon event. The human rights defenders in both police stations were held for about 4 hours before being released. Moreover, despite repeated requests, they were never informed of the reasons for their arrest and no charges were brought against them. No official statement was issued by the authorities. However, the police are reported to have indicated to the press that the Marathon was stopped because the organizers had not sought permission for the event to take place.

Letter of allegation

141. On 29 June 2005, the Special Rapporteur, jointly with the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Representative of the Secretary-General on the situation of human rights defenders, sent a letter of allegation concerning Ms. **MM**, who had reportedly been prevented from leaving Pakistan in order to speak at an event organized by a human rights group in the United States. According to the information received, in 2002, Ms. MM, 18 at the time, was gang raped under the order of a tribal council after her 11 year old brother had been seen alone with a girl from another caste. The former Special Rapporteur on violence against women, its causes and consequences sent a communication to the Government, a summary of which is provided in E/CN.4/2003/75/Add.2. The case against the perpetrators was brought to court and Ms. MM testified against them. As a result of the incident, she was compensated by the government. She used the money received to build schools and reportedly hopes to establish a shelter for women victims of violence. It was reported that Ms. MM was invited to the United States to speak about her experiences, but in arranging her trip, she discovered that she had been placed on Pakistan's "exit control list." Ms. M was prevented from leaving her home while under strict police watch as of 9 June 2005. At a press conference on 14 June, the Government reportedly announced that Ms. MM was free to travel wherever she wanted, but that she would be accompanied by a police escort for her own protection. However, Ms. MM indicated that she had been put under significant pressure by the Government to withdraw her visa application to visit the United States. It was also reported that the Government had taken away Ms. MM's passport, making it impossible for her to travel abroad. Furthermore, on 18 June, the President of Pakistan stated that he placed a travel ban on Ms. MM in order to protect Pakistan's image abroad.

Government reply

142. In a letter dated 19 September 2005, the Government responded to a communication of 29 June 2005 concerning **Ms. MM**. The Government clarified that Ms. MM was not 18 at the time she was gang raped, but 33. The Government also denied that Ms. MM had not been placed on the exit control list and reported that Ms. MM was free, and had been free, to travel anywhere in the country or abroad. The Government also informed that Ms. MM had her passport, which contained a visa for travel to the United States.

Urgent appeal

143. On 2 September 2005, the Special Rapporteur, jointly with the Special Rapporteur on the sale of children, child prostitution and child pornography, the Special Rapporteur on trafficking in persons, especially women and children, the Special Rapporteur on violence against women, its causes and consequences and the Special Representative of the Secretary-General on the situation of human rights defenders, sent an urgent appeal concerning Mr. **FAK**, Coordinator for the Coalition on Ending Violence Against Women and Director of the NGO Cholistan Development Council and Ms. **S**, 16 (f) resident of Union Council # 90, Ward # 1, Hafiz Colony Tehsil Yazma, Bahawalpur. According to the information received, on 20 August 2005, Mr. FAK filed a request for security assistance with the District Police Office in Bahawalpur, following threats he had been receiving due to his work with the Coalition on Ending Violence Against Women. It is reported that no action had been taken in this regard at the time this communication was sent. Mr. FAK had been involved in the case of the 16 year old girl **S**, who was allegedly kidnapped in May 2005 and held against her will for one and a half months by six men, led by a local landlord who also lives in Union Council # 90. During her time in captivity, **S** was allegedly repeatedly gang raped. Before they released her, her captors tried, unsuccessfully, to force **S** to marry another man in order to cover their own acts. Eventually they took her to a shelter and left her there. **S**' father attempted to lodge a FIR with the police. The police, however, refused to lodge the FIR against the local landlord and suggested that **S** had escaped willfully. Mr. FAK, however, eventually managed to lodge the appeal against the perpetrators and was able to remove **S** from the shelter. This case was before the Bahawalpur High Court at the time this communication was sent. The perpetrators were constantly threatening to kidnap **S**' youngest sister if they spoke about what happened to **S** in court. The perpetrators were also threatening Mr. FAK for his work in recovering **S** from the shelter and for lodging the complaint against them. Mr. FAK reported the continuous harassment of himself and his family members since his involvement in the case. He was forced to send his children to stay with his relatives, for their safety. Furthermore, local newspapers dated 19th July 2005 Mr. FAK in the community by accusing him of being a 'blackmailer' and an 'agent of the West'.

Government reply

144. On 20 December 2005, the Government of Pakistan replied to the communication of 2 September 2005. The Government informed the Special Rapporteur that Ms. **S** testified before a Magistrate that she had run away several times from her home since her parents were attempting to force her to marry an odd man. The Magistrate ordered that Ms. **S** be sent to Darul Aman, a sanctuary for women in distress and dismissed the case.

Follow-up to previously transmitted communications

Government reply

145. In a letter dated 20 September 2005, the Government responded to the communication of 4 August 2004, sent jointly with the Special Rapporteur on torture concerning **Ms. S**, **Ms. Z.S.**, and **Ms. M.S**. The Government informed the Special Rapporteur that Ms. **S** has filed a writ petition in the court of Additional Session Judge, Liaquatpur for the registration of a criminal case against the Head Constable, who allegedly destroyed a wall in her house and beat her with 4 other policemen. It was also reported that Ms. **S** applied to the Police Station Trinda. The

Government explained that information was also sought from notables in the area, but that these informal reports could not confirm the allegations. Thus, the matter would be decided in a court of law. Concerning Ms. Z.S., it was reported that the police raided her house in search of 2 men accused of fraud. The Government informed that Ms. Z.S. had also participated in the fraudulent activities concerning the two men and that they often escaped arrest by hiding in her house. The Government informed that on 28 May 2004, Ms. Z.S. did not allow the police to enter her house and she helped the two men escape. It is reported that witnesses assert that the police did not enter the house nor did they take any valuables. The Government also reports that Ms. Z.S. had filed numerous similar complaints in the past and had never followed up on these complaints or pressed charges. Concerning Ms. M.S., the Government reported that she produced an affidavit to the effect that her issue has been settled by the Court and that, at the time this reply was sent, she had possession of the plot which was the subject of the dispute between the parties.

Government reply

146. In a letter dated 4 April 2005, the Government responded to the communication of 8 October 2004, concerning the killing of **NZAQ**. The Government reported that two persons have been arrested in connection with this and charged before a court of law. Two other suspects had reportedly absconded and the authorities were, at the time this reply was sent, pursuing their arrest.

Government reply

147. In a letter dated 4 February 2005, the Government responded to the communication of 8 December 2004 concerning **Ms. K** and **Ms. E.W**. The Government reported that with regards to the Ms. K, the matter had been investigated and a case of killing was registered against five persons at the Police Station Karampur on 6 March 2004. It is reported that after having killed the girl, the accused fled towards the Balochistan part of the country. A Joint Special Team consisting of senior and professionally competent officers from Watch and Ward and Investigations Branch was constituted to take charge of the arrest of the accused and the recovery of the dead girl's body. Efforts in this regard were ongoing at the time this reply was sent. Concerning Ms. EW, the case had been investigated and the file registered at the Rohri Police Station. The facts of the case, as investigated, are that on 7 March 2004 at 0530hrs three identified armed persons entered her house and opened fire on her, as a result of which she died. The three accused managed to escape and the motive of their murder appears to have been based on a dispute between the parties concerning a plot of land. Efforts to arrest the accused concerned were underway at the time this reply was sent.

Observations

148. The Special Rapporteur thanks the Government for its replies to her communications of 29 June 2005 as well as those of 4 August, 8 October and 8 December 2004.

149. The Special Rapporteur would appreciate receiving updated information on the different investigations being carried out and on any prosecutions in this regard, including the award of compensation to the victims concerned.

150. Moreover, the Special Rapporteur expresses particular concern at the incidents alleged in her communications of 18 May, 29 June and 19 September 2005. In this context, and of particular relevance due to Pakistan's ratification of this Convention, the Special Rapporteur deems it appropriate to make reference to the Convention on the Elimination of all Forms of Discrimination against Women, and specifically to article 7 (c) of the Convention which expressly provides for the promotion and protection of women in freely participating in public matters - states agreed to take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, to ensure to women, on equal terms with men, the right (...) to participate in non-governmental organizations and associations concerned with the public and political life of the country.

Philippines

Letter of allegation

151. On 3 May 2005, the Special Rapporteur, jointly with the Rapporteur on the question of torture, sent a letter of allegation concerning **ABI**, aged 60, Anastacia Mission Village in Brgy., Lumbayao, Aloran, Misamis Occidental. According to the allegations received, on 8 March 2005 at 2pm, she was arrested at her house by 10 masked and armed men, wearing fatigue shorts, who identified themselves as members of the Criminal Investigation and Detention Group. No reasons were given for her arrest. She was blindfolded and handcuffed and taken in a panel truck in the direction of Ozamis City. Three hours later she was brought to the headquarters of the 1st Infantry "Tabak" Division, Philippine Armed Forces, Pulacan, Labangan, Zamboanga del Sur. For the first four days in custody, she was held in solitary confinement, left in a room, hog-tied and blindfolded. On the fifth day, she was taken to the Southern Command Headquarters, Zamboanga City. There she was tortured to force her to confess her involvement with the communist movement and to an ambush of personnel of the 10th Infantry Battalion in Sapang Dalaga, Misamis Occidental. She was slapped and punched on the waist every time she refused to reply, stripped naked, sexually assaulted, insulted, hogtied, blindfolded, and was left naked in a cold room. On 15 March 2005, she was presented to the media. She was later taken back to her detention cell and blindfolded. She was denied visitors. On 17 March 2005, the Southern Command announced that she had been transferred to Molave, Zamboanga del Sur, though she was not taken to Pagadian City Jail until 21 March. She was charged with rebellion and was not granted bail by the Regional Trial Court (RTC) Branch 23, Molave, Zamboanga del Sur. Although she was arrested on 8 March her arrest warrant was issued only on 17 March.

Observations

152. The Special Rapporteur regrets not having received a reply to her communication of 3 May concerning **ABI**. The Special Rapporteur deems it appropriate to make reference to Human Rights Commission Resolution 2005/41 which requested all Governments to cooperate with and assist the Special Rapporteur in the performance of her mandated tasks and duties, to supply all information requested, including with regard to the Special Rapporteur's communications.

Qatar

Urgent appeal

153. On 26 April 2005, the Special Rapporteur, jointly with the Chairperson-Rapporteur of the Working Group on Arbitrary Detention, sent an urgent appeal concerning Ms. **HFJAAT**. According to the information received, Ms. HFJAAT was being forcibly held at her family's home in the capital Doha. According to the reports received, HFJAAT married Mr. SMSS, an Egyptian national, in Egypt on 5 November 2002. Nine days later, she was allegedly drugged and abducted by members of the Qatari security forces, who took her back to Qatar. The reports indicated that she was secretly detained by the authorities in the al-Selyea area of Doha for five months until April 2002. Then, she was reportedly transferred to the offices of the state's Special Security Directorate in Doha, where she was detained until November 2003. It is alleged that the security forces then handed her over to the custody of her family, who have held her against her will at their home since that time. There she was allegedly subjected to beatings by her family and was not permitted, at the time this communication was sent, access to lawyers, doctors or visitors of any kind.

Government reply

154. On 28 September 2005 the Government replied to the communication of 26 April 2005. The Government stated that the allegations concerned are completely unsubstantiated. Following investigations carried out by the authorities, Ms. **HFJAAT** was found residing freely and voluntarily with her family and that she was in good health. Furthermore, she had not lodged any complaints with the competent authorities. There were therefore no legal grounds to justify any such action

Observations

155. The Special Rapporteur thanks the Government for its reply to her communication of 26 April 2005. The Special Rapporteur remains, however, concerned at the situation of Ms. HFJAAT in view of further information received attesting to the fact that HFJAAT was still, until recently, being forcibly confined at her family's home in the capital Doha. The Special Rapporteur would therefore welcome receiving more updated information on the investigations carried out into these allegations and on the status of Ms. HFJAAT.

Russian Federation

Urgent appeal

156. On 4 March 2005, the Special Rapporteur, jointly with the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, and the Special Rapporteur on the independence of judges and lawyers, sent an urgent appeal concerning Ms. **ZM** who was convicted for terrorist activities and sentenced on 17 January 2005 by the Moscow City Court to 9 years imprisonment. According to information received, ZM, part-time student of the Linguistic University of Pyatigorsk and resident of the Naurskiy district of the Chechen Republic, arrived in Moscow in September 2003 in search of work. In December 2003, she was stopped by police for a routine document check and whilst at the police department she

met an ethnic Chechen officer of the Moscow Directorate for Combating Organised Crime (UBOP) who helped her find lodging. ZM accepted the offer and moved in the accommodation with two Russian friends of hers. On 4 March 2004, ZM was once again stopped for a document check by police close to Kitai-gorod, a metro station, and taken to the Department of Internal Affairs (OVD) in Prospekt Vernadskogo. It is reported that while at the OVD a briquette with plastic explosives was planted in her bag, on the basis of which, she was arrested and criminal proceedings were instituted against her for storage and transportation of explosives. The briquette and plastic explosives were allegedly not examined for fingerprints, but were later destroyed. It is furthermore reported that no incriminating evidence was found at the place she was sharing with her two friends. Photos of the three friends at the Okhotny Kulikova shopping mall in Moscow, were used as evidence to prove that the three women had planned to plant a bomb at the mall. Conversations of the women in their accommodation, as recorded by the authorities, concerned general discussions about Chechnya, war and Islam. Her two friends were allegedly pressured by investigators to testify against ZM to say that she recruited them and involved them in terrorist activities. They were reportedly told that if they refused they would be charged as her collaborators. During the first court session, her two friends both retracted the pre-trial statements they had been pressured into making against ZM. It is furthermore reported that her trial, which commenced on 22 December 2004, did not meet international fair trial standards. A lack of impartiality was reportedly shown by the presiding Judge, including refusal to allow audio recording of the trial in violation of the criminal procedural code and also refusal to allow the defence to call additional witnesses to the trial, including the police officer who had helped ZM find accommodation. ZM's lawyer had launched an appeal against the decision of the first instance court, which was, at the time this communication was sent, scheduled to commence on 10 March 2005.

Government reply

157. By a letter dated 19 July 2005, the Government replied to the communication of 4 March 2005. The Government stated that **ZM** was convicted by the Moscow city court under article 30.1 (preparation and attempt to commit a crime), article 222.1 (illegal acquisition, transfer, sale, storage, transportation or carrying of weapons, munitions, explosive substances and explosive devices) and article 205.1 (terrorism) of the Criminal Code of the Russian Federation, and was sentenced to nine years' deprivation of liberty in a common regime correctional colony. The Government stated that the arguments put forward in the Special Rapporteur's communication, that the main reason for ZM's detention was her Chechen origin, are unfounded. The Moscow city court determined that, with the aim of preparing to commit a terrorist act, ZM traveled in September 2003 to Moscow, where in October of the same year she became acquainted with DPV and AMK, whom she tried to persuade of the need to carry out an act of terrorism. She went more than once with them to the "Okhotny Ryad" shopping mall, and visually studied the mall's security system, the presence, number and location of security posts, militia patrols and metal detectors. During the period between 1 and 4 March 2004, ZM, under undefined circumstances, acquired an explosive substance, which she stored and carried with her, but on 4 March 2004 was detained by militia officers. The assertion that the explosive device could have been dropped into her bag by the militia officers is refuted by the testimony of witness YVI, who confirmed the fact of the seizure from the detainee during individual questioning of two yellow-coloured objects wrapped in foil. An expert examination determined the seized substance, weighing 196 grams, to be the standard industrially manufactured explosive "Plastit-4", made from hexogen, and traces of hexogen were discovered in clippings from pockets of the

jacket and lining of the bag of ZM. The seizure of the items was conducted in the presence of official witnesses and after ZM had been informed of all her procedural rights. It followed from the statements of four witnesses that after she had been taken to the Prospekt Vernadskogo Department of Internal Affairs ZM was brought into the duty section, kept all her things with her and did not talk to any strangers. The explosive substance was destroyed during the conduct of the expert examination. It is apparent from the criminal case materials that at the time of the questioning of witnesses DPV and AMK during the investigation and in court, the lawyers chosen by them were present, and before the making of inquiries, all the rights provided for by law were explained to them. In court DPV and AMK confirmed the fact that ZM had been drawing them into a conspiracy with a view to committing an act of terrorism. A search made at ZM's place of residence led to the discovery not only of photographs showing the escalator at the Okhotny Ryad shopping mall, but also a note of an extremist nature which, according to the conclusions of a graphological expert examination, was written by ZM in her own hand. ZM's defence saw a lack of objectiveness in the court proceedings since audiotaping was forbidden. In answering this submission from the defence the court heard the opinions of all the parties and came to the conclusion that audiotaping would hamper work. The course of the hearing of the case is reflected in the record of the court session at which the defence side submitted comments that were considered by the judge in accordance with the criminal procedure legislation. As is apparent from the record, all the petitions made by the defence were considered under the legally established procedure. The argument concerning an unfounded denial of the defence's request to bring additional witnesses forward in the case is also groundless. In accordance with the requirements of the criminal procedure legislation of the Russian Federation, the court is not entitled to disallow a party to question witnesses appearing at the party's initiative. The defence did not present additional witnesses to the court and did not object to the ending of the judicial investigation. The record of the judicial session indicated that ZM's lawyers filed an application for the calling of the militia officer who had helped ZM find accommodation in Moscow. After information was brought to the court's notice that this witness was absent on a long-term mission, the defence gave its consent for his testimony to be read out during the pretrial investigation, and this was done observing the requirements of article 281 of the Code of Criminal Procedure of the Russian Federation. The grounding of the conviction of ZM was verified in a cassational procedure by the Supreme Court of the Russian Federation, which deemed that the trial of this case had been conducted in accordance with the principles of the equality of rights and adversariality of the parties and in observance of the norms of criminal procedure law. However, the Criminal Division of the Supreme Court of the Russian Federation changed the sentence on 17 March 2005. The actions of ZM were reclassified from articles 30.1 and 205.1 of the Criminal Code of the Russian Federation, as worded in the Federal Act of 28 July 2004, to articles 30.1 and 205.1 of the Criminal Code as worded in the Federal Act dated 8 December 2003 and in force at the time of the commission of the offence. In accordance with the requirements of article 66.2 of the Criminal Code, the sentence imposed on the offender was reduced to eight years and six months of deprivation of liberty, with that term to be served in a common regime correctional colony. In accordance with article 402 of the Code of Criminal Procedure of the Russian Federation, ZM and her lawyers are entitled to file complaints under the supervisory procedure against the decisions taken.

Observations

158. The Special Rapporteur thanks the Government of the Russian Federation for its reply to the case concerning **ZM** and looks forward to receiving any relevant updates on her situation.

159. The Special Rapporteur reiterates her thanks and appreciation to the Russian authorities for their cooperation during her visit to the country in December 2004. She looks forward to maintaining a positive dialogue with the authorities and in this context deems it important to make reference to her conclusions and recommendations, as provided in her visit's report E/CN.4/2006/61/Add.2 of 5 January 2006.

Saudi Arabia

Urgent appeal

160. On 27 May 2005, the Special Rapporteur, jointly with the Special Rapporteur on extrajudicial, summary or arbitrary executions, sent an urgent appeal concerning the situation of Ms. **MMM**, a 40-year-old Moroccan woman who was, at the time this communication was sent, reportedly at risk of imminent execution in Saudi Arabia, where she was sentenced to death for the murder of her husband seven years ago. According to the information received, she arrived in Riyadh in 1997 with her husband, the Saudi prince F.I.A.I.M.A.S. Soon after, he was found dead inside their house and MMM was arrested. Initially, and after verifying its authenticity, the Saudi Police reportedly accepted her version of the facts and her statement that the death was accidental. However, following alleged pressure by the prince's family, Ms. MMM was arrested again and transferred to the Milaz prison, where she allegedly spent the last seven years in solitary confinement. The Special Rapporteur expressed her concern that Ms. MMM was sentenced to death by an Islamic Court after a trial that reportedly fell short of international fair trial standards, as, for example, she was reportedly not given a public hearing and did not have access to legal representation. Her parents weren't allowed to visit her and she was prevented from being contacted by the Moroccan consulate. She was, moreover, reportedly given no possibility of appeal. Moreover, Ms. MMM's only remaining option was, at the time this communication was sent, reportedly to seek pardon from the victim's family following the payment of "blood money" or to file an appeal for mercy with the King of Saudi Arabia, who also has the power to commute her death sentence. In the event that these two options fail, she would have been liable to imminent execution.

Government reply

161. In a letter dated 30 August 2005, the Government responded to the communication of 27 May 2005 concerning Ms. **MMM**. The Government reported that Ms. MMM was visited by a representative of her country's embassy and that she was transferred from the Riyadh Women's Prison to the Jiddah Women's Prison in order to be closer to her family, at her request, making it easier for them to visit her. Furthermore, the Government reported that the legal representative of the heirs of prince F.I.A.I.M.A.S agreed to renounce the death penalty. In this respect, legal judgment No. 144/12 of 12/5/1426 A.H. (19 June 2005) confirmed that Ms. MMM was no longer sentenced to death.

Urgent appeal

162. On 23 August 2005, the Special Rapporteur, jointly with the Special Rapporteur on extrajudicial, summary or arbitrary executions, and the Special Rapporteur on the independence of judges and lawyers, sent an urgent appeal concerning **Mrs. S** a married woman with children,

who was, at the time this communication was sent, reportedly at risk of imminent execution. According to the information received, she was arrested in 1999 in connection with the murder of a man who had allegedly tried to force her to have sex with him by threatening her that he would tell her husband that she had sexual intercourse with him when they were teenagers. Mrs. S denied having killed him. The Special Rapporteur had expressed her concern that Mrs. S was convicted and sentenced to death by a Shari'a Court after a trial that reportedly fell short of international fair trial standards as she was, for example, reportedly not given a public hearing and did not have access to legal representation. It appeared at the time that this communication was sent, that Mrs. S' only remaining option was to obtain a pardon from the victim's family following the payment of "blood money". The Special Rapporteur was informed that the Crown Prince had intervened on her behalf with the family of the victim. The family had requested a few days to consider their decision. In the event, however, that this option fails, she would have been liable to imminent execution.

Observations

163. The Special Rapporteur thanks the Government for its reply concerning the case of Mrs. MMM. The Special Rapporteur would appreciate receiving more information on the current status of Mrs. MMM.

164. The Special Rapporteur also looks forward to receiving a reply to her communication concerning Mrs. S, and particularly on receiving an update on her status.

Serbia and Montenegro

Letter of allegation

165. On 2 March 2005, the Special Rapporteur, jointly with the Special Rapporteur on trafficking in persons, especially women and children, sent a letter of allegation concerning a Moldovan woman, known as SC., who is believed to have been trafficked into Montenegro and forcibly made to work as a prostitute in the period from 1999 to November 2002, when she was found taking refuge in a Women's Safe House in the capital Podgorica. According to the information received SC suffered horrendous physical and sexual abuse for over three years resulting in severe injuries including seven broken bones, internal injuries, as a result of which she could not sit down, scars from handcuffs, cigarette burns on her genitals, and bruises in her mouth. SC alleged that Montenegrin politicians, judges, police and civil servants had tortured and raped her as well as other East European women who, like her, had been trafficked and held as sex-slaves. A criminal investigation was opened into the case and four people including the Deputy State Prosecutor were arrested on suspicion of being involved in trafficking women for the purposes of exploitation of prostitution. In 2003, the case against the four suspects was dropped ostensibly for lack of evidence.

Government reply

166. In a letter dated 24 May 2005, the Government responded to the communication of 2 March 2005 concerning SC, a victim of trafficking. The Government confirmed that the criminal investigation had been dropped for lack of evidence. Following the report of the OSCE and the Council of Europe, two public officials were dismissed from their posts within the

government. Furthermore, the Government explained that it undertook efforts to gather new evidence according to the recommendations of the abovementioned report, particularly with regard to obtaining a sample of SC's handwriting for analysis and comparison to the handwriting on hotel registration forms. According to the Government, since SC had left Serbia and Montenegro, the authorities had attempted to locate her through various contacts and eventually learned that SC had moved to Canada. However, the Government reported that it had been unable to contact SC through the Canadian Government due to rules requiring that information about persons residing on Canadian territory not be shared without the prior consent of that person. The Government asserts that it is willing to reopen the case should SC's authentic handwriting be obtained or if other new evidence came to light.

Observations

167. The Special Rapporteur thanks the Government for its reply to her case concerning **Mrs. SC**. In accordance with the Declaration on the Elimination of Violence against Women, inter alia, trafficking and forced prostitution are recognized as forms of violence against women. In this context and in view of the seriousness of the allegations concerned, the Special Rapporteur encourages the authorities to ensure extreme rigour in putting in place the required mechanisms to fight against both phenomena and in ensuring that the recurrence of similar incidents are prevented from taking place. The Special Rapporteur also strongly encourages the Government to provide multi-faceted support to victims, by gender-sensitive trained public officials, and to ensure that investigations and eventual prosecutions of alleged perpetrators are systematically carried out.

Singapore

Urgent appeal

168. On 3 May 2005, the Special Rapporteur, jointly with the Chairperson-Rapporteur of the Working Group on Arbitrary Detention, and the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, sent an urgent appeal concerning Singapore national **NCH** (F) 41, and Chinese national **CL** (F) 37, both Falun Gong practitioners. According to information received, NCH (F) and CL (F) were arrested and charged in May 2004 for having participated in an illegal assembly in February 2003 and for having distributed flyers and VCDs at the Esplanade Park in Singapore exposing the persecution against Falun Gong practitioners. On 27 April 2005, the Court 39 of the Subordinate Courts in Singapore sentenced NCH to S\$20,000 and CL to S\$24,000 on charges including 'assembly without permit' and 'possession and distribution of illegal VCDs'. They both appealed the decision and refused to pay the fine, as a result of which the fines imposed were converted into prison terms: NCH was sentenced to 20 weeks imprisonment and CL to 24 weeks imprisonment. The two women were immediately taken to the Changi Women's Prison and had not, until the moment that this communication was sent, had access to a lawyer or been allowed visitors. NCH, who was not given the time to make arrangements for her six-month old baby girl whom she was reportedly nursing until then, had also been prohibited from seeing her child in prison. At the time this communication was sent, they had both been on hunger strike, in protest of the court decision against them of 27 April 2005 and prison authorities had reportedly threatened to punish them further if they continued their hunger strike.

Government reply

169. On 17 May 2005, the Government of Singapore replied to the communication of 3 May 2005. The Government stated that the allegations as stated in the Special Rapporteur's letter are entirely false. The Government provided that on 23 February 2003, in response to a complaint from a member of the public, the police found several persons in the vicinity of the bridge of the Esplanade Park displaying placards and posters, accosting passers-by and handing out pamphlets to them. These persons did not have the necessary permits, as a result of which, they were in breach of the offence of Participating in an Assembly without a Permit. The police gave them a warning to stop their activities; these warnings were ignored. Both **NCH** and **CL** were charged with Participating in an Assembly without a Permit under Rule 5 of the Miscellaneous Offences (Public Order and Nuisance) (Assemblies and Processions) Rules, with being in Possession of Uncertified Films under Section 21.1.b Cap 107 under the Films of Acts and with Distribution of Uncertified Films under Section 21.1.b.Cap 107 of the Films Act. Their trial lasted 15 days over the course of three months, and they were both represented by legal counsel of their own choice. 23 witnesses appeared for the prosecution and all were cross-examined by the defence. The hearings were always open to the public and the media, and in fact the proceedings were heard in a larger court room to accommodate the number of members of the public wishing to attend. Both **NCH** and **CL** were dealt with in accordance with the due process of the law and the criminal proceedings were conducted fairly and publicly and before an impartial judiciary. On 27 April 2005, they were both found guilty as charged. They were also allowed visits and had access to their lawyer while in detention. Finally, as **Mme. CL**, who was the one who had a 6 month old daughter, nor her family members did not make a request to the prisons for **Mme. CL** to see her daughter, the request was denied, as no family member was present to verify the identity of the baby girl and her relationship to **Mme. CL**. Prison staff, together with medical staff counselled both **NCH** and **CL** to eat the meals provided to them., and were also offered glucose water, milk and bread in addition to their usual meals. They were both closely monitored, medically speaking and were examined by the Prisons medical officers and found to be in good health throughout their incarceration.

Observations

170. The Special Rapporteur thanks the Government for its reply to the communication concerning **NCH** and **CL**. However, whilst questioning the compatibility of the charges brought against them with their rights to freedom of opinion and expression, and assembly and association, the Special Rapporteur expresses her concern at what she feels are the disproportionate sentences handed down.

171. Moreover, and particularly in view of specific reference being made to mothers with nursing infants in the UN Standard Minimum Rules for the Treatment of Prisoners, inter alia, the Special Rapporteur deems it appropriate to strongly encourage the Government to act with particular care when doubt exists as to whether a detained mother has a nursing child.

Sri Lanka

Letter of allegation

172. On 28 November 2005, the Special Rapporteur, jointly with the Special Rapporteur on the sale of children, child prostitution and child pornography, sent a letter of allegation concerning **SDR** a 14 year-old girl from Lindula. According to information received, on 19 September 2005, SDR was abducted by three men while waiting for a bus in the town of Talawakelle. The men forced her into their car and took her to the town of Nagastenne where she was locked inside a room, located above a shop, and raped by the men. The girl was also beaten with a wooden pole, as a result of which she sustained severe bruising to her face. Although she was given food on the first day, she had nothing to eat for the two following days. She was released on 22 September 2005. After searching in vain for his grand daughter on 19 September, SDR's grand father went to the police station in Lindula to file a complaint with the police. The police refused to file the complaint and instead suggested he continues to look for her. When SDR was released by her abductors, she went together with her grand father to the same police station to file a complaint. They were directed to go to the Talawakelle police. After having lodged a complaint there, the girl was sent to the Nuwara Eliya Hospital where she stayed until 25 September. On 26 September, the Talawakelle police arrested two suspects who were identified by the girl. On 11 October, even after SDR re-confirmed the identity of the alleged perpetrators, they were granted bail pending the next hearing which, at the time this communication was sent, was due to take place on 22 November 2005. No measures were taken to protect the victim who feared reprisals from her aggressors.

Follow-up to previously transmitted communications

Government reply

173. By letter dated 24 March 2005, the Government responded to a communication of 1 October 2004, concerning **D.M.R.**, a 10 year old girl who was reportedly raped by several people, including family members, over the course of a year. The Government reported that an investigation into this case was initiated by the Hingurakgoda police in July 2004 and four suspects, including the father of the victim were arrested on 31 July 2004. The Government also indicated that two suspects had absconded. The arrested suspects were reported to be on remand and the investigations were ongoing at the time this reply was sent.

Observations

174. The Special Rapporteur thanks the Government for its reply to her communication of 1 October 2004. The Special Rapporteur invites the Government to keep her informed of any developments on this case, particularly on the outcome of the investigations and any eventual prosecutions carried out in this regard.

175. The Special Rapporteur looks forward to receiving a reply to her communication of 28 November 2005.

176. The Special Rapporteur deems it appropriate to refer the Government to the recommendations of the Committee on the Elimination of Discrimination against Women in its

report, A/57/38/Part.a paras. 284 and 285, where, while commending the Government for the introduction of legal reforms adopted since 1995, in particular the amendments to the Penal Code which introduced new offences and more severe punishments with regard to violence against women, it expressed its concern about the high incidence of violence against women in Sri Lanka. Moreover, the Committee expressed its concern that the police fail to respond to complaints of violence against women with gender sensitivity and effectively. The Committee urged the State party to ensure the full implementation of all legal and other measures relating to violence against women, to monitor the impact of those measures and to provide women victims of violence with accessible and effective means of redress and protection.

Sudan

Letter of allegation

177. On 8 April 2005, the Special Rapporteur sent a letter of allegation concerning **3 women from the Kalma IDP camp**, 17 kilometres east of Nyala, in southern Darfur. According to the allegations received, on 9 March 2005, at 3 pm, they were attacked by five armed men wearing military uniforms while fetching firewood. The men allegedly attempted to rape the three women and then shot one of the women, Ms. **MAAR**, age 23, and killed her. Ms. MAAR was a member of the Fur tribe, living in Kalma camp centre No. 7. The other two women managed to escape and returned to the Kalma camp.

Urgent appeal

178. On 1 June 2005, the Special Rapporteur, jointly with the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Representative of the Secretary-General on the situation of human rights defenders, sent an urgent appeal concerning **P.F**, country director of Médecins Sans Frontières (MSF)-Holland in Sudan, **V.H**, the coordinator of Médecins Sans Frontières (MSF) Holland in Western Darfur and **two local senior MSF staff**. MSF in Sudan provides medical and other humanitarian assistance to internally displaced persons and other vulnerable groups. According to the information received, on 30 May 2005, P.F, a British national, was arrested by security forces, presented to the prosecutor of the crimes against state attorney in Khartoum and charged under articles 66 (Publication of False News), 69 (Disturbance of Public Peace) and 53 (Espionage against the Country) of the 1991 Penal code. It was reported that these charges bear a maximum sentence of death. Mr. F was released on bail but was prohibited from leaving the country. He appeared before the prosecutor for further questioning on, Tuesday and Wednesday 31 May and 1 June 2005 respectively. On Tuesday 31 May 2005, V.H. was arrested by security services in Nyala, West Darfur and taken to Khartoum for interrogation. He was later released on bail. He had also been charged under articles 66 (Publication of False News), 69 (Disturbance of Public Peace) and 53 (Espionage against the Country) of the 1991 Penal code. Bail for both P.F. and V.H had been set at 1,000,000 Sudanese Dinar (approximately 4,000 US\$). This amount would have to be paid only if they absconded. Moreover, two local senior MSF staff had been made to stand as bond guarantors for P.F and V.H. The information received indicated that both Paul Foreman and Vincent Hoedt were arrested in response to MSF Holland publication in March of a briefing paper entitled "The Crushing Burden of Rape: Sexual Violence in Darfur" detailing alleged rape and other sexual violence in Darfur on the occasion of International Women's Day. Reports of widespread and systematic rape and other forms of sexual violence in Sudan have been

documented and corroborated by diverse sources, including the United Nations Sudan Commission of Inquiry. Nevertheless, it is alleged that the Government requested MSF-Holland through the Humanitarian Aid Commission (HAC) to refrain from publishing the report on the grounds that the information contained in the report was 'false' and would "damage the image of Sudan'. It is also reported that prior to PF's arrest, authorities asked MSF-Holland to provide them with the medical documents used in the publication which MSF-Holland refused on the basis of doctor-patient confidentiality.

Letter of allegation

179. On 1 June 2005, the Special Rapporteur, jointly with the Special Rapporteur on the sale of children, child prostitution and child pornography, sent a letter of allegation concerning **X**, 14, member of the Beni Halba tribe in Nyala, **four girls and a boy**, 6, all IDPs at the Outash camp in Nyala, and **two women**, IDPs at the Kalma camp. According to information received, on 19 May 2005 in Nyala Valley, members of the Popular Police Forces, attacked and raped X. She was taken to hospital for treatment and the medical report confirmed that she was raped and had sustained physical injuries. Her family reported the incident to the police in Nyala and a case was lodged against the alleged perpetrators, as identified by the victim. The first trial session took place on 26 May 2005. The second sitting was, at the time this communication was sent, scheduled for 2 June 2005. Moreover, on 3 May 2005, 3 km northeast of the Outash IDP camp in Nyala, armed officers from Gedel Haboub attacked four girls and a boy aged six while they were outside the camp looking for firewood. The officers flogged the children and raped two of the girls aged 14 and 12. The other three children managed to escape and returned to the IDP camp. Two of the perpetrators were identified by the two rape victims and were, at the time this communication was sent, in military intelligence custody in Nyala. No date had yet been set for a court hearing against them. Finally, on 9 March 2005 at around 1500, five armed men in military uniform attacked two women from the Kalma IDP camp, 17 km east of Nyala in Southern Darfour, while they were looking for firewood. The attackers attempted to rape the women, but they managed to escape and return to Kalma camp. No investigations into the attempted rape of the two women had been initiated reportedly as a result of pressure having been put on the women from security offices.

Letter of allegation

180. On 22 June 2005, the Special Rapporteur sent a letter of allegation concerning **five internally displaced women** belonging to the Fur tribe, including **FAAK**, 60, **HS**, 22, **KSA**, 24, **X** and **Y**. According to information received, on 31 May 2005 near Baba village, outside Kalma IDP camp in Nyala, southern Darfur, armed Janjaweed militia attacked the women while they were fetching firewood, killing FAAK, raping X and Y and wounding HS, and KSA. HS, KSA, X and Y were, at the time this communication was sent, being treated at the Amel Centre for the Treatment and Rehabilitation of Victims. The families of the victims filed a complaint with the African Union forces outside Kalma IDP camp and also with the Belail police station.

Letter of allegation

181. On 21 September 2005, the Special Rapporteur, jointly with the Special Rapporteur on the question of torture, the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, and the Special Rapporteur on the sale

of children, child prostitution and child pornography, sent a letter of allegation concerning **widespread sexual violence in Darfur**. According to the information received, large numbers of women and girls in Darfur continue to be subjected to sexual violence, including rape. Victims of these acts of sexual violence reported that the perpetrators are most frequently members of law enforcement agencies or the armed forces. Women and girls who are internally displaced are particularly at risk, especially when they leave the camps to search for firewood or other basic needs. Often victims do not report sexual violence because they fear retaliation by the perpetrators or because they lack faith in the authorities' willingness and ability to hold the perpetrators accountable. When women and girls who have been subjected to sexual violence report the violence to the authorities, they face numerous obstacles to having their case investigated and the perpetrator held accountable. In some cases, the police refuse to register cases; in other cases, the police fail to investigate claims of sexual violence effectively. Also, legal and procedural barriers make holding accused members of the police and armed forces extremely difficult as State agents may benefit from immunity or may only be subject to prosecution by a military court. Some victims report having been intimidated and harassed by the police when attempting to report on sexual violence. In these circumstances, very few perpetrators of sexual violence are held accountable and women and girls who have faced sexual violence have not received adequate protection and support. Victims also face barriers to access to justice because of evidentiary requirements for proving rape. While the Special Rapporteur was informed that Criminal Form 8 (a medical evidence form which must be completed by a qualified medical professional in order to lodge a complaint of sexual violence) is meant to standardize the evidence collected during criminal investigations, it is reported that this Form has hindered women's access to confidential medical treatment, and does not allow medical professionals to include all relevant information for proving rape and other forms of sexual violence. It is reported that some police claim that no medical treatment can be given to a victim of sexual violence until the Form 8 is completed, even though the Government has officially explained that urgent medical treatment should be provided regardless of whether the Form 8 has been completed. Women who are unable to prove that they were raped may face criminal charges of adultery. The health consequences for women and girls who have faced sexual violence are severe, including the physical injuries arising directly from the violence, mutilation of the genitals by the perpetrators with knives, sexually transmitted diseases, pregnancy, and psychological trauma. It is reported that many women in Darfur who have been raped avoid seeking medical treatment because of the stigma associated with such violations. Furthermore, women's access to medical care is hindered by the lack of adequate medical facilities and the unavailability of free medicines.

Observations

182. The Special Rapporteur regrets not having received any replies to the communications she sent. The Special Rapporteur deems it appropriate to make reference to Human Rights Commission Resolution 2005/41 which requested all Governments to cooperate with and assist the Special Rapporteur in the performance of her mandated tasks and duties, to supply all information requested, including with regard to the Special Rapporteur's communications.

183. Her concern is heightened in view of the serious nature of reports received concerning allegations of widespread violence against women, especially sexual violence and related violence, particularly in the Darfur region. The Special Rapporteur urges the Government to

respect its international human rights obligations of due diligence in taking all the necessary measures to prevent, investigate and punish all violence against women.

Syria

Urgent appeal

184. On 30 September 2005, the Special Rapporteur, jointly with the Chairperson-Rapporteur of the Working Group on Arbitrary Detention, the Special Rapporteur on the question of torture, the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, and the Special Rapporteur on the sale of children, child prostitution and child pornography, sent an urgent appeal concerning **RAI-K** born in 1985 and pregnant, **NAI-S** who had, at the time this communication was sent, just given birth a few months before, and **HAI-k** born in 1988 and pregnant. According to information received, on 3 September 2005, following a conflict in the Hama province between Syrian Anti-Terror Squad and militants of the Jund-al-Sham (Soldiers of the Levant), Syrian forces arrested the three women; **NAI-S** with her child. These women were arrested instead of their husbands since the security forces were unable to find them. The security forces claimed that the husbands were involved with the Jund-al-Sham. The women were being detained incommunicado in the filthy underground cells, known as ‘tombs’, at the Military Intelligence Palestine Branch in Damascus. These “tombs” are two metres high, less than two metres long and one metre wide. The Palestine branch is known to be infested with cockroaches and other insects, as well as rats. Other pregnant women and young children were also being detained in this prison, and one woman had already suffered a miscarriage as a result of being tortured there.

Observations

185. The Special Rapporteur regrets not having received a reply to her communication of 30 September 2005. The Special Rapporteur deems it appropriate to make reference to Human Rights Commission Resolution 2005/41 which requested all Governments to cooperate with and assist the Special Rapporteur in the performance of her mandated tasks and duties, to supply all information requested, including with regard to the Special Rapporteur’s communications.

186. Pending this reply and without making any judgements on the facts of this case, the Special Rapporteur reminds the Government of its duties and obligations pursuant to the principle of non-discrimination provided by the International Covenant on Civil and Political Rights vis-à-vis, inter alia, Article 9 on the right to liberty and security of the person. The Special Rapporteur also deems it appropriate to make reference to the different UN documents concerning the minimum standards of treatment of prisoners under any forms of detention or imprisonment.

Thailand

Letter of allegation

187. On 26 April 2005, the Special Rapporteur, jointly with the Special Rapporteur on the human rights of migrants, sent a letter of allegation concerning a delay in proceedings against the alleged perpetrators of the murder of **MS** in 2002. Information regarding this case was sent to the

Government on 7 November 2002, a summary of which, as well as the government's reply appeared in the Special Rapporteurs' 2003 report on Communications (see E/CN.4/2003/85/Add.1, paras. 218-219 and 229 and E/CN.4/2003/75/Add.2, paras 208-209). According to the information received, the trial of the persons accused of being responsible for the death of MS, a Burmese migrant worker who died after being beaten and set on fire by her employers in July 2002, was being delayed. The accused, a Thai airforce officer and his wife had reportedly not yet been tried reportedly because of the officer's influence and position of authority. According to the reports received, on June 25 2004, the provincial police station in the capital of Uthaithanee province issued a summons for the arrest of the three persons suspected of participating in the crime. SA and his wife allegedly appeared in court, and were granted bail on the grounds that he is a state officer, although the prosecutor opposed bail. It is also reported that the third accused had agreed to appear as a witness in the case against the other two, and could escape prosecution. Hearings were reportedly held to collect evidence twice on 26 July and 4 August 2004. After hearing a number of witnesses and obtaining solid evidence, the public prosecutor charged the accused, with murder, confinement and harbouring an illegal alien, and the case went to the full court on 1 November 2004 (Black No. 1089/2547 at Uthaithanee Provincial Court). However, the court allegedly delayed the trial by setting the next hearing for January 2006 stating that the court needed to handle pending cases before new ones. MS's lawyer had reportedly expressed concern that the case would be weakened by this delay.

Government reply

188. By letter dated 27 July 2005, the Government of Thailand replied to the communication of 26 April 2005, concerning MS. The Government stated that the allegation that the Thai court set the next hearing for January 2006 as a delaying tactic is unfounded. On 1 March 2005, the state attorney filed a motion to the court to reschedule the hearing so that proceedings would not be delayed. The court rescheduled the date for examining with the plaintiff on 18, 19, and 25 October and 23-25 November 2005 and rescheduled the date with the defendants for 8-9 December 2005. There is therefore no delay in the proceedings, which were, at the time this reply was sent, expected to be finalized during the said period. Regarding the release on bail of the alleged perpetrators, the Provincial Court of Uthaithanee Province ruled that the decision had been taken according to law as the state attorney did not oppose bail; both of the alleged perpetrators are permanent residents and one of them had turned himself in.

Observations

189. The Special Rapporteur thanks the Government for its reply to her communication of 27 July 2005 and looks forward to an update of the proceedings brought against Ms. MS' alleged perpetrators, including information regarding any sentence handed down and compensation awarded to her family.

Turkmenistan

Letter of allegation

190. On 4 May 2005, the Special Rapporteur sent a letter of allegation concerning GD and GB. According to the information received, on 5 September 2004, GD and GB, both female members of Jehovah's Witness, were held overnight at a police station in Gagarin district in the

town of Turkmenabad, Turkmenistan, allegedly as punishment for peacefully exercising their right to freedom of religion. The reports indicated that a procuracy official called GB to his office around 11 pm, when he allegedly sexually harassed her. When she refused to comply with his demands, he reportedly threatened to rape her and hit her several times. It is also reported that another man, who introduced himself as an investigator, also threatened her with rape. It is alleged that another procuracy official was present throughout this incident but did not intervene to help Ms. GB.

Government reply

191. On 20 June 2005, the Government of Turkmenistan replied to the communication of 4 May 2005. The Government stated that the allegations concerned had not been confirmed and the conclusions arrived at were therefore that the incidents referred to did not take place.

Observations

192. The Special Rapporteur thanks the Government for its reply. The Special Rapporteur would however appreciate receiving more information on the investigations carried out in this regard.

United Kingdom of Great Britain and Northern Ireland

Letter of allegation

193. On 2 December 2005, the Special Rapporteur, jointly with the Special Rapporteur on the sale of children, child prostitution and child pornography, and the Special Rapporteur on trafficking in persons, especially women and children, sent a letter of allegation concerning **children trafficked to and abused in the United Kingdom and the alleged failure of the social and immigration services in protecting vulnerable children**. According to information received, children, particularly girls, as young as 2 years old, were reported to be increasingly trafficked into the country for domestic servitude, prostitution or to facilitate benefit fraud. Between August and November 2004, 1,738 children reportedly arrived in Heathrow under suspicious circumstances. An unknown number of children are also said to be trafficked from Africa to be used in ritualistic abuse and sacrifice offerings in the UK. Concerns on this first came to light in London four years ago when the torso of a young boy was found floating in the Thames. Reports also provide that children are smuggled into Britain to have sex with HIV sufferers in the belief that by doing so they would cure the infection of the person they have intercourse with. Moreover, according to a report issued by the Metropolitan police in June 2005, young boys and girls had been sacrificed as part of religious ceremonies after being branded as witches by some pastors. The investigations alleged that these children were beaten and murdered because they were believed to be possessed by evil spirits. This report is said to have been launched in response to recommendations made after the inquiry into the death of V. C., an eight-year-old girl from the Ivory Coast who died from abuse at the hands of her aunt and her aunt's partner. V. C. was beaten, burnt with cigarettes and forced to sleep in a bin liner inside an empty bath. She reportedly died in hospital in February 2000, after having suffered from hypothermia and malnutrition. The report's findings also emerged three weeks after two women were convicted at the Old Bailey for torturing an **eight-year-old Angolan girl** they accused of being a witch. The Special Rapporteur expressed particular concern that many cases of trafficked

and abused children might not be detected because of serious shortcomings within social services, the police and immigration officials, and also because professionals working in these sectors lack awareness of the problem and lack the relevant training to deal with such cases. The children in these situations are also said to be treated as 'absconders' or asylum seekers by police officers, rather than being protected. On 16 June, 40 members of Parliament voted a House of Commons motion calling for a new register to log the identities of children as they enter the country. The motion reportedly described the situation as "alarming". It is also in this context that the Special Rapporteur had expressed her concern about information that police had been able to trace all but two of the 300 African children who appeared to have vanished from their schools from July and September 2001.

Observations

194. The Special Rapporteur looks forward to receiving a reply to her communication of 2 December 2005.

195. Without implying any determination on the facts of the case, and pending the Government's reply, the Special Rapporteur considers it appropriate to make reference to the Committee on the Elimination of Discrimination against Women's report, A/54/38/Rev.1 para. 311, which, while noting that legislation and measures were in place to address violence against women, stated a clear concern at the absence of a national strategy on the prevention and elimination of violence against women in the United Kingdom. The Committee recommended that a unified and multifaceted national strategy to eliminate violence against women be implemented to include legal, educational, financial and social components, in particular support for victims.

United States of America

Letter of allegation

196. On 30 September 2005, the Special Rapporteur, jointly with the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur on the question of torture, the Special Rapporteur on the sale of children, child prostitution and child pornography, and the Special Representative of the Secretary-General on the situation of human rights defenders, sent a letter of allegation concerning **violence against women and girls, women human rights defenders and female political leaders**. According to information received, female political leaders and women campaigning to protect women's rights had been threatened and killed by members of armed group identifying themselves, on many occasions, as Islamic extremists targeting women for their activities in defence of women's rights. In January and February 2004, Mrs. **Y.M.** the Chairperson for the **Organisation of Women's Freedom in Iraq**, OWFI received death threats by e-mail from an Islamist group known as the army of Sahaba. Similarly, **A.S.**, the manager for the US-funded women's centre in Karbala, resigned as a result of repeated death threats against her. On 9 March 2004, US lawyer and civilian employee of the Coalition Provisional Authority (CPA) **F.H.** as well as **S.O.**, her Iraqi assistant, were both killed in an armed attack. Mrs. H was very active in supporting US-funded women's rights projects in the governorates of Babil, Karbala and Najaf. She was also involved in setting up women's centres in Hilla and Karbala. Furthermore, on 20 November 2004, **A.M.**, a women's rights activist, co-founder of the Advisory Committee for Women's

Affairs in Iraq and the Independent Iraqi Women's Assembly as well as adviser at the Ministry of Municipalities and Public Affairs, was killed together with her secretary, bodyguard and driver in Baghdad. Moreover, **A.H.**, who was one of the three female members in the Iraqi Governing Council (IGC) was killed in September 2003. Her attackers were reportedly armed men opposed to the US-led occupation. **R.K.**, another IGC member received death threats for opposing proposed amendments to the Personal Status Law. Moreover, on 29 March 2004, former Minister of Public Works, **N.M.B.**, who was also the only woman in the cabinet, was attacked. She survived the attack, but two of her body guards were killed. Finally, **L.A.K.**, a member of former Prime Minister Iyad Allawi's political party, was killed upon returning home following a meeting of the National Assembly. Moreover, women and girls, including non-Muslims, are increasingly under pressure, often violent such as being subjected to acid attacks, to wear a veil or headscarf and to wear the traditional abaya. Justification for these attacks is based on the reasoning that when a woman or a girl does not wear a veil or the abaya, she is going against Muslim traditions and should be punished. This has led to a reduction in the number of girls and women attending schools and universities. The Ministry of Higher Education and Scientific Research has reportedly been informed of 3000 cases of women and girls who had requested a postponement of their studies as a result of the security situation linked to this matter. This, together with the general increase in insecurity in the country, has also drastically led to the restriction of women's freedom of movement and their ability or willingness to participate in public life, particularly in education, employment and political decision-making. The prohibition of deciding about one's choice of clothes also leads to a violation of the right to freedom of expression. Women and girls have also reportedly been subjected to sexual threats by members of the US forces, including at check points and during house searches, for example. Moreover, women and girls have allegedly been beaten, subjected to humiliating treatment, held for long periods in solitary confinements, and sexually abused while in detention by US forces. Rape and killing by criminal gangs, extremist religious groups and armed opposition groups has also increased. Domestic violence continued to be very common and according to article 41.1 of the Penal Code of 1969, which was still in force at the time this communication was sent, a husband who 'disciplines' his wife was exempt from criminal liability. Moreover, most victims of domestic violence have no access to medical treatment. Such violence, including forced marriages and sexual abuse, has also led to the increase in suicides and self-immolations, as well as killings. In northern Iraq, the practices of Jin be Jin (exchanging one woman for another) had contributed to the high incidence of forced marriages. Honour killings and mutilations are also condoned in Iraqi legislation. The law allows the mitigation of punishment for perpetrators found guilty of these crimes. Finally, the continued use of female genital mutilation continues to be reported in the northern region of Iraq. Gender discrimination in Iraq's laws further exacerbates and entrenches the persistence of violence against women.

Observations

197. The Special Rapporteur regrets not having received a reply to her communication of 30 September 2005. The Special Rapporteur deems it appropriate to make reference to Human Rights Commission Resolution 2005/41 which requested all Governments to cooperate with and assist the Special Rapporteur in the performance of her mandated tasks and duties, to supply all information requested, including with regard to the Special Rapporteur's communications.

198. In light of reports documenting serious allegations of violence against women in Iraq, the Special Rapporteur encourages the Government to work with the Iraqi authorities to provide

women with a safer environment to be able to, inter alia, participate freely in public life, and in so doing to have their rights and freedoms equally respected. The Special Rapporteur also deems it appropriate to make reference to article 7 (c) of the Convention on the Elimination of all Forms of Discrimination against Women which explicitly provides for the promotion and protection of women to freely participating in public matters. Article 7 provides that States shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, to ensure to women, on equal terms with men, the right (..) to participate in non-governmental organizations and associations concerned with the public and political life of the country.

Uzbekistan

Urgent appeal

199. On 24 March 2005, the Special Rapporteur, jointly with the Chairperson-Rapporteur of the Working Group on Arbitrary Detention, and the Special Rapporteur on the question of torture, sent an urgent appeal concerning Mrs. **RA**, aged 43. According to the allegations received, on 8 March 2005 at 5:30am, she was arrested without a warrant at her home by officers from the National Security Service (SNB), and taken to an unknown place believed to be a basement cell at the Ministry of Internal Affairs (MVD) or at the SNB detention centre. Her family was denied access to her, and she was also denied her heart medication. RA was imprisoned between 21 September 2001 and 17 January 2004 for allegedly undermining the constitutional order of the country. While in detention she was ill-treated, including having her hijab torn off her head, insulted, threatened, and denied her medication. After being released, she was repeatedly detained for questioning and harassed by MVD officers in relation to attacks on police checkpoints in Tashkent and Bukhara between 28 March and 1 April 2004.

Government reply

200. By letter dated 31 May 2005, the Government responded to the communication of 24 March 2005, concerning **R.A.** According to the Government, R.A. was previously convicted under article 159 (Crime against the constitutional order) and article 244 (preparation or distribution of material containing threats to public order and security) of the Criminal Code in connection with allegations that she led “underground women’s cells of the extremist religious movement in Uzbekistan” and instructed children on the theory of “jihad.” Under this conviction, in 2000, she was sentenced to 7 years deprivation of liberty but released in 2003 under an amnesty based on humanitarian grounds. The Government asserts that she was not subsequently arrested at her home on 8 March 2005 but at the Alat-5 border post where she was entering Uzbekistan from the Kingdom of Saudi Arabia with a false passport. On 11 March 2005, she was charged under article 223, part 2, paragraph (b) (unlawfully leaving or entering the Republic of Uzbekistan) and article 228, part 3 (manufacture, counterfeiting, sale or use of documents, stamps, seals or forms) of the Criminal Code and she was put under remand in custody. The investigations in this case were still ongoing at the time this reply was sent. The Government reported that R.A. visited the doctor in the remand center on 15 March 2005 for complaints about a goiter; Ms. R.A. also underwent medical examinations in the National Security Service’s clinic on 1 and 5 April 2005. The Government reported her to be in good health and that she had not complained of any physical or psychological pressure against her.

The Government also reported that R.A. had been authorized to communicate with her family, but that, her relatives had not requested any such meetings.

Urgent appeal

201. On 18 July 2005, the Special Rapporteur, jointly with the Special Representative of the Secretary-General on the situation of human rights defenders, sent a communication concerning 10 women human rights defenders who were reportedly threatened as a result of their nomination in connection with the initiative “1000 Women for the Nobel Peace Prize.” **AA** (Tashkent), **DM** (Fergana), **SB** (Nukus), **SE** (Kokand), **TC** (Tashkent), **DA** (Tashkent), **RY** (Tashkent), **TC** (Tashkent), **MT** (Fergana), and **SK** (Samarkand) had all been nominated as laureates for the “1000 Women for the Nobel Peace Prize” initiative. This initiative aimed at recognising the work of women who promote peace around the world through a variety of activities. The day before a ceremony was scheduled to take place to announce the names of the nominees, the local coordinator of the initiative, Ms. **PM**, was reportedly threatened by the Government, accused of not supporting the Government nominees for the initiative and for having placed undeserving candidates on the list instead. These threats resulted in the cancellation of the ceremony as scheduled and Ms. **PM** was forced to hold a smaller event further from the city centre, inviting only 10 of the original nominees and with no mass media present. The ten women had also reportedly received threats from the Government to withdraw their names as nominees. They feared for their safety and that of their children. While the names of all of the other nominees worldwide had been made public by the “1000 Women for the Nobel Peace Prize” initiative, the threats had been deemed sufficiently serious that the initiative had not released the names of these ten women, fearing for their safety.

Government reply

202. On 10 August 2005 the Government replied to the communication of 18 July 2005 in connection with the nomination under the “1,000 women for the Nobel Peace Prize” project. The Government stated that on 17 June 2005, the project’s regional coordinator, **PM**, requested the Ministry of Foreign Affairs to assist her in the holding of a conference in Tashkent on 29 June to announce the results of the Nobel Prize nominee from each of the nine CIS republics. According to **PM**, there were six nominees from Uzbekistan: **AA**, chair of the Tashkent oblast women’s committee, director of the “Tolerantnost” international friendship club; **DA**, chair of the Uzbekistan Association of Businesswomen; **TC**, director of the NGO “Bolalar va kattalar”; **SB**, professor in the Nukus Institute of History, Languages and Literature in the Karakalpak Academy of Sciences; **SE**, chair of the Kokanda Association of Businesswomen; and **DM**, director of the world languages gymnasium in Fergana, founder of the International Friendship Club for Young People. The Government stated that it knew nothing of the proposed candidatures of **RY** (Tashkent), **TC** (Tashkent), **MT** (Fergana) and **SK** (Samarkand). The Uzbekistan Women’s Committee and other State organizations had no information and did not put forward any candidates. As far as the Government was informed, there was no pressure or threats against the nominees. All the nominees kept their participation in this activity strictly secret, and only on the day before did information on the project become public when the Ministry of Foreign Affairs was approached for assistance in holding the conference. No State machinery took part in the procedure for putting forward candidates. Ms. **PM** did indeed hold a meeting with the Uzbek Deputy Prime Minister and Minister for Foreign Affairs, the day before the conference, during which she was advised not to embark on the undertaking and not to give it

a political dimension. Ms. PM was told that the holding of such an event without State involvement testified to an unprofessional approach to the project. The Government stated that this question arose from the fact that a certain committee was holding a conference in Tashkent and was nominating candidates for the Nobel Peace Prize whereas the initiator of the project was in Switzerland. Events which take place in the country must be agreed with the official machinery, and not be held on a semi-legal basis. There was no official or legal basis for the holding of the event. PM was not the subject of any threats or other actions. No one prevented her from holding the conference in the Viva Hotel, which is in the city centre. No demands were made of the nominees either by the Government or by any other bodies. Moreover, only AA, representing Uzbekistan, was scheduled to take part in the conference, so that the number of participants was in line with the plans. No complaints were lodged or other actions taken by the participants in the projects or the nominees. No investigations or legal proceedings were carried out. No disciplinary, administrative or criminal penalties were imposed on anyone in connection with this event.

Urgent appeal

203. On 27 October 2005, the Special Rapporteur, jointly with the Chairperson-Rapporteur of the Working Group on Arbitrary Detention, and the Special Representative of the Secretary-General on the situation of human rights defenders, sent an urgent appeal concerning Ms. **MT**, head of the Ut Yuraklar human rights organisation, an unregistered women's rights organisation, member of the Organisation for the Defence of Rights and Freedoms of Uzbek Journalists, the Human Rights Society of Uzbekistan (HRSU) and the Committee for Freedom of Speech and Expression. MT also a Nobel Peace Prize Laureate (part of the initiative "1000 Women for the Nobel Peace Prize") was the subject of a communication sent by the Special Rapporteur on violence against women, its causes and consequences and the Special Representative of the Secretary-General on the situation of human rights defenders on 18 July 2005. According to the information received, on 7 October 2005, at approximately 23:00, MT was arrested at her home in the Ferghana Valley by a group of heavily armed police and Special Forces officers. The arrest took place one day before she was due to travel to Ireland to participate in an international conference on human rights defenders. MT had reportedly been charged under article 165, part 2, paragraph b of the Criminal Code of the Republic of Uzbekistan, which refers to extortion and carries a potential sentence of ten to fifteen years imprisonment.

Government reply

204. On 29 November 2005 the Government replied to the communication of 27 October 2005. This reply was still being translated at the time this report was finalised.

Observations

205. The Special Rapporteur thanks the Government for its replies to her communications. She remains, however, concerned, particularly in light of reports regarding increasing repression of civil society in Uzbekistan.

206. The Special Rapporteur, moreover, considers it appropriate to draw attention to the concerns expressed by the Committee on the Elimination of Discrimination against Women in its report, A/56/38 para. 177, where the Committee requested the Government to pass a law against

violence against women, and to ensure that violence against women and girls constitutes a crime punishable under criminal law and that women and girls victims of violence have immediate means of redress and protection. The Committee finally recommended that the Government organize awareness-raising campaigns to address all forms of violence against women and girls.

207. Moreover, the Human Rights Committee, in its report of 26 April 2005, CCPR/CO/83/UZB, stated its concern about de facto limitations on the right to freedom of religion or belief and about the use of criminal law to penalize the apparently peaceful exercise of religious freedom and the fact that a large number of individuals have been charged, detained and sentenced and that, while a majority of them were subsequently released, several hundred remained in prison.

208. Finally, the Special Rapporteur deems it appropriate to make reference to article 7 (c) of the Convention on the Elimination of all Forms of Discrimination against Women which explicitly provides for the promotion and protection of women in freely participating in public matters -states agreed to take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, to ensure to women, on equal terms with men, the right (..) to participate in non-governmental organizations and associations concerned with the public and political life of the country.

Viet Nam

Urgent appeal

209. On 10 January 2005, the Special Rapporteur, jointly with the Chairperson-Rapporteur of the Working Group on Arbitrary Detention, the Special Rapporteur on freedom of religion or belief, the Special Rapporteur on the question of torture, the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health and the Special Representative of the Secretary-General on the situation of human rights defenders, sent an urgent appeal concerning **Ms. LTHL**, a 21 year-old teacher for the Vietnamese Mennonite Christian Church. She was the subject of a joint letter of allegation sent by the Special Representative of the Secretary General on the situation of human rights defenders and the Special Rapporteur on freedom of religion or belief on 25 November 2004. According to the allegations received, at the time this communication was sent, Ms. LTHL was being detained in the prison infirmary at Chi Hoa Prison, Ho Chi Minh City, where she was suffering severe mental illness. Prison guards told relatives that they did not have the means to care for inmates with such a severe illness and explained that they had resorted to tying her hands and feet to the bed. Ms. LTHL was said to be receiving no treatment for her condition, which was likely to deteriorate further. She was arrested in June 2004 along with a number of other members of the Mennonite community, and was sentenced on 12 November 2004 to 12 months in prison on charges of “resisting a person performing official duty”. These charges reportedly arose from her collaboration with the General Secretary of the Mennonite Church in Ho Chi Minh City and an activist, who defended land rights cases of impoverished farmers. It is reported that during her imprisonment she was beaten by prison guards, especially from a guard escorting her to and from her trial.

Government reply

210. By letter dated 24 January 2005, the Government responded to the communication of 10 January 2005 concerning Ms. **L.T.H.L.** The Government informed the Special Rapporteur that the allegations received were untrue and that the rights to freedom of religion and belief are fully guaranteed in Vietnam. It was explained that Ms. LTHL was charged with “fighting against on-duty public officers,” and sentenced to 1 year in prison. The Government assured that Ms. LTHL enjoyed her right to health and that her right to physical and mental integrity had been protected.

211. By letter dated 27 April 2005, the Government further responded to the communication of 10 January 2005. The Government informed the Special Rapporteur that the President of Viet Nam had signed a decision to grant special amnesty to 7,820 inmates, including Ms. LTHL.

Observations

212. The Special Rapporteur thanks the Government for its replies to the communication of 10 January 2005 and welcomes the decision of the Government to release **Ms. LTHL**. The Special Rapporteur would appreciate receiving further information on whether investigations, into the legality of her arrest and her reported maltreatment while in detention, were carried out.

213. The Special Rapporteur, considers it appropriate to draw attention to the concerns expressed by the Committee on the Elimination of Discrimination against Women in its report, A/56/38, where it urged Viet Nam to implement general recommendation No. 19 of the Committee on violence against women, and to ensure that all forms of violence against women and girls constitute crimes and that victims are provided with protection and redress. The Committee also recommended organizing gender training for all public officials, in particular law-enforcement personnel, the judiciary and members of local committees, on violence against women and girls, and the launch of public awareness campaigns on all forms of violence against women and girls and the impact of such violence.

Zimbabwe

Letter of allegation

214. On 20 May 2005, the Special Rapporteur, jointly with the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Representative of the Secretary-General on the situation of human rights defenders, sent a letter of allegation concerning several hundred protestors, including, **JW**, **MM** and other members of *Women of Zimbabwe Arise* (WOZA), a grassroots organization working to promote and protect women’s activism, whose members had already been the subject of previous communications by the Special Rapporteurs on 29 September 2004 and 26 September 2003. According to new information received, on the evening of 31 March 2005, in Africa Unity Square, in Harare, police arrested approximately 260 women at a peaceful post-election prayer vigil. It had been reported that not all those arrested were participating in the demonstration. Some of the women were elderly, or were accompanied by small children. Several of the women were allegedly beaten by members of the police during their arrest. Some were forced to lie on the ground and were beaten on the buttocks by police officers. Others were beaten while trying to get out of police vehicles. As a result, several were injured, and at least three of them, seriously injured.

They were reportedly denied any access to medical treatment. The women were detained at Harare Central Police Station, where they were allegedly detained overnight in overcrowded conditions, which led to many of them spending the night in an open-air courtyard. The women were denied access to their lawyers. The following day, 1 April 2005, the police reportedly informed the detainees that they could either plead guilty to offences under the Road Traffic Act, pay a fine and be released, or remain in detention over the weekend until the court reopened on 4 April, after which they would face charges under the repressive Public Order and Security Act (POSA). Over the course of 1 April, all the women elected to pay the fines and were released.

Urgent appeal

215. On 28 June 2005, the Special Rapporteur, jointly with the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur on the question of torture, and the Special Representative of the Secretary-General on the situation of human rights defenders, sent an urgent appeal concerning **29 members of the Women of Zimbabwe Arise (WOZA)**. According to information received, on 20 June 2005 at around 11:00 in Bulawayo, 100 women carrying placards and banners started a peaceful demonstration against alleged forced evictions of thousands of people in the context of Operation Murambatsvina (Drive out the rubbish). Soon after, police officers blocked their way and the women sat down in protest. Twenty-nine women were arrested. They were all detained for 48 hours before appearing in court to face charges of blocking the traffic in violation of the Miscellaneous Offences Act. They were all released on bail. The first trial hearing before the Provincial Magistrate's Court was, at the time this communication was sent, scheduled for 11 July 2005. Many of the arrested women were themselves vendors who had lost their homes as a result of Operation Murambatsvina. It was moreover reported that the conditions of detention were inadequate and that the women were kept in small, dirty cells, without food and with only two blankets for them to share. While in detention, some of the women were assaulted. SM, for example, was indiscriminately picked out from the women and beaten with a baton on her back and on her feet by plain clothes officers. The officers tried to force her to give them names of the leaders and funding partners of WOZA.

Government reply

216. By letter dated 31 August 2005, the Government responded to the communication of 28 June 2005 **concerning the detention of 29 members of WOZA**. The Government clarified that the incident took place on 18 June 2005 rather than 20 June 2005. The Government confirmed that the women concerned were blocking traffic, that they were detained and charged under the Miscellaneous Offences Act, and that they were released on bail. According to the Government, no complaint had been filed by S.M. concerning the alleged abuse she suffered, and the Government expressed its commitment to investigating the case if a claim was filed.

Urgent appeal

217. On 16 November 2005, the Special Rapporteur, jointly with the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, and the Special Representative of the Secretary-General on the situation of human rights defenders, sent an urgent appeal concerning Mrs. **NM**, Coordinator of the Women's Coalition, an umbrella body of women's rights groups in Zimbabwe. According to the information received, on 8 November 2005, NM was arrested and detained, allegedly for convening a meeting under the name of 'Women Peacemakers International'. The meeting was a workshop aimed at training women in

the use of non-violent means as a tool for dispute resolution. On 10 November 2005, NM was charged with contravening section 24 (6) of the Public Order and Security Act (POSA), that is, organizing a political meeting without informing a regulatory authority. She was released on the same day but had been warned by the police that she would be summoned to appear in court once they had completed their investigations.

Observations

218. The Special Rapporteur thanks the Government for its reply to her communication of 28 June and looks forward to receiving a reply to her communication of 16 November 2005.

219. With reference to her communications of 20 May and 28 June 2005 the Special Rapporteur deems it appropriate to make reference to the internationally recognized international norms concerning the minimum standards required vis-a-vis women being kept under any form of detention or imprisonment, as provided for inter alia under the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment.

220. The Special Rapporteur would also like to make reference to the report of the Special Rapporteur on the right to freedom of opinion and expression in his report, E/CN.4/1999/64, where he provided that any real consideration of how to ensure the realization of all human rights for all women necessarily includes consideration of the rights to opinion, expression, participation, information, association and assembly. There can be no doubt that in the absence of these rights, *de jure* or *de facto* or both, women will remain underrepresented and societies will continue to ignore not only their rights and needs but the creative contribution they can make towards a general improvement of societies. It is therefore imperative that real, qualitative and quantitative measures be taken to ensure women's participation, as equal partners, in private and public life.

Reference is also made to the Convention on the Elimination of all Forms of Discrimination against Women, which provides that states are to take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, to ensure to women, on equal terms with men, the right (..) to participate in non-governmental organizations and associations concerned with the public and political life of the country (Art.7(c)).

221. Finally with reference to the communication of 28 June, the Special Rapporteur, jointly with the Special Rapporteur on the right to freedom of opinion and expression the Independent Expert on Liberia, the Special Rapporteur on the Highest Attainable Standard of Physical and Mental Health, the Special Rapporteur on the Right to Education, the Special Rapporteur on Torture, the Special Rapporteur on Indigenous People, the Special Representative of the Secretary-General on Human Rights Defenders, the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living and the Special Rapporteur on Migrants, issued a press release on 24 June expressing serious concerns at the mentioned mass forced evictions, as well as at the disruption by the police on 18 June 2005 of a peaceful demonstration against the evictions, organized by Women of Zimbabwe Arise, particularly in light of several years of reports of widespread violations against human rights defenders, including beatings, arbitrary arrests and detention, violations of the rights to freedom of association, assembly and expression.

- - - - -