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Overview

The main focus under the women's rights agenda item this year was the resolution on violence against women.¹ The Third Committee avoided addressing exclusively the controversial issue of honour crimes, and focused its energies, as it has in recent years, on a broader resolution covering all forms of violence against

¹ General Assembly *Resolution 63/155*.

women. This year, the co-sponsors focused on ending impunity, although a number of countries, including the Russian Federation and Egypt, ensured the focus was not only on ending impunity but on preventing violence as well.

The Third Committee heard for the last time from the current Special Rapporteur on violence against women, who highlighted the mandate's success over the last 15 years as an institutional mechanism for regular in-depth review and reporting on violence against women. Among other impacts, the mandate contributed to the expansion of human rights beyond the conventional focus on violations perpetrated mainly by State actors in the public sphere, to include actions by private individuals under the doctrine of State responsibility.

Although not on the agenda of the Third Committee, human rights and women's rights groups were closely watching the session to see if States moved the 'gender equality architecture' process forward. In a positive step on the eve of the close of the 62nd session in September 2008, States adopted a consensus resolution to move the process forward during the following session. Specifically, the text requested the Secretary-General to draft a detailed paper to discuss the four institutional options² proposed in a document by the Deputy Secretary-General from August 2008. The document is supposed to spotlight the 'composite entity',³ the option supported by NGOs in the GEAR campaign,⁴ a group which has actively advocated for effective civil society participation in the process. The tentative timeline for discussion by the General Assembly of the Secretary-General's paper is in early 2009.

The 'omnibus' resolution on the rights of the child was the centrepiece of the agenda item on this topic, and was similar to previous years except for a few modifications, including a new section on child labour. As in previous years, several States expressed frustration that the process and framework for negotiations were not as open as they could have been, and that such a long resolution could lose its power by being 'unwieldy' and by giving the impression that issues not included were not important. Nonetheless it was adopted in the General Assembly by 159 votes in favour and only the US against, with no abstentions.⁵

One major disappointment during the session was the lack of appointment of a Special Representative of the Secretary-General on violence against children (SRSG on violence against children), which had been requested by the General Assembly in its *Resolution 62/141*. Some States, supported by NGOs, pushed for this year's omnibus resolution to include a strong call to the Secretary-General to move more quickly on the issue. The resolution ultimately contained language criticising the delay and requesting the Secretary-General to appoint the Special Representative at the highest possible level and without delay. However no appointment had been made by the end of the year.

A separate procedural resolution enabling the Committee on the Rights of the Child to meet in parallel chambers was also adopted.⁶

² The options are: retaining the status quo; establishing a fund or programme; creating a department; or developing a hybrid or composite entity.

³ The GEAR campaign believes this model will help ensure that the entity has a strong country presence, significant funding capacity, high-level leadership, and a strategic normative and policy-making function.

⁴ The GEAR is a global campaign to strengthen the Gender Equality Architecture at the UN. See <http://gear.collectivex.com/main/summary>

⁵ General Assembly *Resolution 63/241*.

⁶ General Assembly *Resolution 63/244*.

Women's rights

Presentation by the Special Rapporteur on Violence against Women⁷

Ms. Yakin Ertürk, the Special Rapporteur, gave an oral presentation and engaged in an interactive dialogue with the Third Committee, in which she highlighted the following issues:

- Noted that her last report to the Human Rights Council (Council) focused on the establishment of indicators for measuring violence against women. She emphasized that States must use reliable indicators that are internationally comparable and context specific, and should refine their legal and political responses to better combat violence against women. She also stressed the importance of obtaining current data on human rights violations against women and girls and ensuring that data is accessible and can be understood by non-specialists;
- Highlighted the importance of her consultations with non-governmental organisations (NGOs) throughout the year;
- Outlined the contents of her next thematic report to the Council, which focuses on the political economy of women's rights and its implications for violence against women. Part of the report will analyse the tension between women's economic and social rights and the prevailing macro-economic policy environment, as well as problems inherent in the characterization by some actors of social/economic rights as aspirations rather than entitlements;
- Noted that it was her last presentation to the Third Committee in her capacity as Special Rapporteur, and highlighted the mandate's success over the last 15 years as an institutional mechanism for regular in-depth review and reporting on violence against women, and for raising awareness and understanding of the issues, and helping clarify the root causes and consequences of violence. Among other impacts, the mandate had contributed to the expansion of human rights beyond the conventional understandings of violations perpetrated mainly by State actors in the public sphere, to include actions by private individuals under the doctrine of State responsibility. She noted that a study on the further potential of the mandate would soon be made public.

She noted that she had reported at the Council's seventh session in March 2008 on country visits to Algeria, Ghana, and the Democratic Republic of Congo (DRC) undertaken in 2007, and would report her findings and recommendations on her 2008 missions to Saudi Arabia, Tajikistan, and Moldova⁸ to the Council in June 2009. She indicated that she had released a press statement after each of these visits. She also reported to the Third Committee on her plans to visit the Kyrgyz Republic in April 2009.

Interactive dialogue⁹

Key themes and questions raised in the dialogue included:

- Women and peacekeeping, including 2008 Security Council *Resolution 1820* on women and peace and security¹⁰ (Chile). *The Special Rapporteur welcomed Resolution 1820, in which sexual violence is explicitly linked with the maintenance of international peace and security. She warned that progress should not be measured only in quantitative terms but also by progress in identifying the causes of*

⁷ More information on this special procedure is available at <http://www2.ohchr.org/english/issues/women/rapporteur/>

⁸ The Special Rapporteur visited Moldova with the Special Rapporteur on torture.

⁹ The UN press release that covers the interactive dialogue is available at <http://www.un.org/News/Press/docs/2008/gashc3927.doc.htm>

¹⁰ Security Council *Resolution 1820*, available at <http://www.un.org/News/Press/docs/2008/gashc3927.doc.htm>

violence against women. She hoped the resolution would have an impact on ending impunity and eliminating threats against women human rights defenders, who often become victims and targets of violence. She stressed the importance of taking measures to protect these defenders;

- Assessment of the development of internationally-accepted statistics and indicators (Canada); statistics available on femicide (Chile), and the role of NGOs in collecting data and collaborating with national statistician experts (France on behalf of the EU). *With respect to a data collection system, the Special Rapporteur highlighted a General Assembly mandate to the UN Statistical Commission to work on violence against women indicators, and stressed that persons with expertise in the relevant issues need to be involved. On the femicide question, the Special Rapporteur warned of the danger of isolating sexual violence from violence against women and encouraged the creation of a reliable database which records homicide in a sex-desegregated manner and tracks the sex of the victim and the perpetrator;*
- Poverty as a form of violence against women (Lebanon, Cameroon). *The Special Rapporteur stated that poverty is not defined as form of violence against women in the United Nations Declaration on Violence against Women, but she identified it as a major impediment to eliminating violence against women and emphasised that women must be economically self-sufficient so as not to be dependent. She further insisted that unless the norms are taken as a whole, no progress will be made;*
- Areas demanding future attention (Canada, Brazil, United Kingdom (UK), Norway). *The Special Rapporteur noted that the forthcoming report on the assessment of the mandate will bring to light the progress made in the last ten years. She discussed the importance of consolidating efforts amongst the various UN institutions in order to build on each other's work and better fight violence against women. For instance, she would like to see the Special Rapporteur coordinate efforts with the Secretary-General on his campaign on violence against women. She identified the need for sustainable funding for special procedures and support for follow-up mechanisms. She also welcomed ideas from States which could make future reports more relevant;*
- The situation on women with disabilities (New Zealand). *The Special Rapporteur said that more specific types of vulnerable women, including disabled and elderly women, would be examined in the future.*

Key resolutions and outcomes

Sponsored by the Netherlands and Belgium with the support of more than 100 co-sponsors, the **intensification of efforts to eliminate all forms of violence against women**¹¹ resolution provides concrete follow up on the resolutions on violence against women adopted in the previous two sessions.¹² This year, the resolution's main focus is on ending impunity.

A general issue that spurred debate during informal consultations on the text was that a number of countries, including Russian Federation and Egypt, wanted the spotlight in the text be not only on impunity but prevention too.

Another key issue was the reference to family and its role in violence against women in the resolution. A debate took place about the best way to balance the reality that the family itself can often be a part of the problem in violent situations for women, and the fact that the family can also be an important support system and actor in the fight to end violence against women. The final draft included references to both perspectives in operative paragraph six.

¹¹ A/C.3/63/L.12/Rev.1, available at <http://www.un.org/ga/third/63/docslist.shtml>

¹² A/RES/61/143, available at <http://www.un.org/Depts/dhl/resguide/r61.htm> A/RES/62/133, available at <http://www.un.org/ga/62/resolutions.shtml>

Discussion also centred around the language in paragraph 6(l) regarding the prosecution of perpetrators with or without the victim's consent in order to ensure accountability and avoid impunity due to victim intimidation. The final draft contained language which carried the intended meaning, although it was weakened from the original provision.

A reference to the report of the Secretary-General's report on the elimination of rape and other forms of sexual violence in all their manifestations, including in conflict and related situations,¹³ was initially controversial, and language "welcoming" the Secretary-General's report was ultimately amended to an "acknowledgement" of it.

Including language on foreign occupation was also contentious, in the context of operative paragraph 12, which calls on States and the international community to ensure that perpetrators of violence against women and girls do not enjoy impunity in areas of armed and other conflict, including those under foreign occupation. A reference to Security Council *Resolution 1820* on women, peace and security of 19 June 2008 was eventually included after much debate of how to introduce it; the final provision in preambular paragraph six welcomed its adoption.

The reference in operative paragraph 18 to the International Criminal Court's (ICC) role in ending impunity for violence against women and the significance of that role was changed by the main sponsor just before the resolution was adopted in the Third Committee. The final version of the provision referenced the contribution to ending impunity that the ICC *can* make rather than contribution it currently makes. The last-minute revisions provoked statements by nine delegates (Brazil, Costa Rica, Chile, Lichtenstein, Mexico, New Zealand, Slovenia, Sweden, Venezuela), who raised reservations with regard to the changes, and expressed their support for the previous language, which in their view did not equivocate about the contribution of the ICC to ending impunity for acts of violence against women. The US also explained its position on paragraph 18 by stating that the ICC could not yet have made a significant contribution to the end of impunity because it had not yet tried or convicted a case.

Japan expressed its support for the resolution but indicated concern, as it had in informals, over a paragraph urging States to end impunity for violence against women, by investigating, prosecuting with due process, and punishing all perpetrators. Japan's concern focused on the phrase on punishing all perpetrators: some mentally disabled, for example, are not prosecuted in Japan but are subject to other mechanisms. Japan stated that it understood the provision to not conflict with the principle of discretionary prosecution, an established part of the Japanese national legal system.

The US, while also supporting the resolution, identified several areas for commentary. Regarding operative paragraph four, which refers to the Secretary-General's report on rape in conflict situations, the US was pleased with the reference to the report but disappointed that the report itself contained limited information on situations in which rape was used to advance political and military objectives. The US supported the indirect reference to Security Council *Resolution 1820* in paragraph 13, but wanted to clarify that it understood the words "killing and maiming" to reference deliberate acts targeting women and girls. Finally, the US stated its understanding that the references to the Beijing Declaration and Platform for Action cannot be construed to create any rights, particularly to abortion.¹⁴

The draft resolution was also adopted by consensus in the General Assembly.¹⁵

¹³ A/63/216

¹⁴ The UN press release on the *introduction* of the resolution at the Third Committee is available at <http://www.un.org/News/Press/docs/2008/gashc3924.doc.htm> The UN press release on the *adoption* of the resolution at the Third Committee is available at <http://www.un.org/News/Press/docs/2008/gashc3936.doc.htm>

¹⁵ The UN press release on the General Assembly adoption of this resolution and others mentioned in this report is available at <http://www.un.org/News/Press/docs/2008/ga10801.doc.htm>

Rights of the Child

Presentation by the Special Representative of the Secretary-General for Children & Armed Conflict¹⁶

In her presentation to the Third Committee the Special Representative of the Secretary-General, Ms. Radhika Coomaraswamy:

- Stressed that the international community must give equal attention to grave violations against children other than the recruitment and use of children as child soldiers, including killing and maiming, abduction, denial of humanitarian access, attacks on schools and hospitals, and, particularly, sexual violence;
- Highlighted the need to incorporate child protection provisions and demobilisation programmes that are sensitive to the needs of children into ongoing peacekeeping efforts and peace agreements;
- Praised Security Council *Resolution 1612*, which implemented a monitoring and reporting mechanism on the use of child soldiers, but stressed the need for member States to develop a mechanism for taking targeted measures against the remaining persistent violators;
- Highlighted, in the context of Iraq, Israel and Afghanistan, that children were increasingly the innocent victims of collateral damage as a result of aerial bombardments and precision bombing, and criticised member States in this respect for undermining a central tenet of international humanitarian law regarding the separation of civilian from combatant and the rule of proportionality;
- Highlighted the lack of programmes for the care, protection, and reintegration of children back into society via community-based initiatives.

Interactive dialogue¹⁷

Key themes and questions raised in the dialogue included:

- Request for feedback on how States might help the Special Representative better address the violations not covered by Security Council *Resolution 1612* (Benin). *The Special Representative recommended a review of the violations that trigger the listing of a party in the annexes of the Secretary-General's reports, in addition to recruitment of child soldiers. A mechanism, she said, must also be enacted to allow the Security Council to target sanctions against the 16 most persistent violators;*
- Request for direction on how the GA might further contribute to strengthening the UN system to hold accountable parties using child soldiers beyond renewed support for the mandate of the Special Representative (France). *The Special Representative suggested that the GA strengthen the resolution on the Ten-Year Review of the World Programme of Action for Youth through use of more explicit language on sexual violence, prosecution and reintegration, as well as by emphasising the range of children's rights, including the right to education, nutrition, and health;*
- Request for further information on the delayed appointment of the SRSG on violence against children (Egypt, Uruguay and Iraq). *The Special Representative stated that the SRSG on violence against children would be appointed soon and that she looked forward to coordinating the efforts of their offices, perhaps in country visits;*

¹⁶Further information on the special procedure is available at <http://www.un.org/children/conflict/english/theoffice40.html>

¹⁷The UN press release that covers the interactive dialogue is available at <http://www.un.org/News/Press/docs/2008/gashc3920.doc.htm>

- Request to provide more details on how to address continuing challenges in Iraq and Afghanistan (Iraq and Afghanistan). *The Special Representative reemphasized the importance of long-term sustainable funding for programs which would reintegrate children into the community. In light of the ten year strategic review of the Graca Machel study¹⁸ by her office and UNICEF, the Special Representative again stated the importance of: harsher prosecution for sexual violence; better funding and programming for reintegration of children previously engaged in armed conflict; the need to address all rights of children including education and health rather than just the extreme violations; and the importance of incorporating these three elements more clearly into the omnibus resolution on children;*
- Request for more specific direction from the Special Representative concerning action to be taken regarding children in detention in Lebanon (Egypt). *The Special Representative stated that her office had already put out guiding principles for juvenile justice in detention which essentially revolve around the best interests of the child.¹⁹*

The Special Rapporteur also engaged with States on several other issues: children in the Occupied Palestinian Territories (OPT) including the lack of reference to them in the Special Representative's report (Lebanon and OPT); and concerns about the request by the Committee on the Rights of the Child to carry on simultaneous meetings in dual chambers (Egypt).

Key resolutions and outcomes

The annual omnibus resolution on the rights of the child,²⁰ sponsored by Uruguay (on behalf of Group of Latin America and Caribbean Countries (GRULAC)) and France (on behalf of the EU), sought to address the rights of the child. This year the sponsors focused in particular on addressing the issue of child labour and its underlying causes, including requesting that the Secretary-General include, in his next report, information on progress made in fighting child labour and efforts towards its elimination.

Programme budgetary implications were a point of concern throughout the development of this resolution, particularly in regard to the funding of the mandate of the Special Representative for Children and Armed Conflict. The primary debate was whether various efforts and activities by her Office should be funded through voluntary State contributions or by the UN regular budget.

The reference in preambular paragraph two on the Convention on the Rights of the Child (CRC) in establishing a standard for the promotion and protection of the rights of the child was, as in the past, particularly a problem for the US, the only State to vote against the resolution. The final wording was left as it was in the original draft, stating that the CRC “must constitute” the standard. A reference in operative paragraph 31 recognizing the contribution of the ICC in ending impunity for the most serious crimes against children was also a point of contention for the US, but remained in the resolution unaltered.

As in previous years, several States expressed that the process and framework for negotiations should be more open and that an omnibus resolution of this length could lose its power by being “unwieldy” and might give the impression that issues not in the omnibus were not important (Norway, New Zealand, Switzerland).

¹⁸ More information on the strategic review of the Graca Machel study is available at <http://www.un.org/children/conflict/english/machel10.html>

¹⁹ The Guidance Note of the Secretary-General on the UN Approach to Justice for Children is available at <http://www.juvenilejusticepanel.org/resource/items/U/N/UNGuidanceNoteSGUNApproachJChildren08EN.pdf>

²⁰ A/C.3/63/L.16/Rev.1, available at <http://www.un.org/ga/third/63/propolist.shtml>

The vote

The resolution was adopted by an overwhelming majority of 180 in favour, 1 against (US), and no abstentions.

Points of concern cited during adoption of the text included: the reference to the International Labour Organisation Conventions Nos. 138 and 182 (for those States not party to those conventions, including India); the budgetary implications of operative paragraphs 54 and 55 (Turkey, Japan); and the absence of reference to Security Council *Resolution 1820* from the section on children in armed conflict (Liechtenstein); rejection of the language in operative paragraph two urging States to “consider” becoming parties to the Convention, and objection to the language on the ICC (US).²¹

The resolution was adopted in the GA by 159 in favour, with only the US against, and no abstentions. The vote on this resolution during the 62nd session was similar: 176 votes in favour and one against, also by the US.²²

The resolution on the Committee on the Rights of the Child²³ proposed that the Committee temporarily meet between October 2009 and January 2011 in two parallel chambers for ten working days during each of its regular sessions and for five working days during pre-session meetings in order to eliminate a backlog of reports. Despite some States expressing concerns on the minimization of fair geographic distribution amongst Committee members in the two chambers, and the budgetary implications of this action, the Third Committee approved the draft, as orally revised, without a vote.²⁴

The resolution on the Committee on the Rights of the Child was also adopted by consensus in the GA.²⁵

Looking forward

If the appointment process moves forward in 2009, the Committee will likely be hearing from the new SRSG on violence against children at its 64th session. The Committee will also likely hear from and hold an interactive dialogue with the new Special Rapporteur on violence against women, since the current mandate holder's 6-year term is up.

Background

The General Assembly is the main deliberative organ of the UN. It is composed of representatives of all member States and has a general mandate to discuss and make recommendations on any matters within the scope of the United Nations Charter. Under Article 13 of the Charter, the General Assembly is specifically mandated to ‘initiate studies and make recommendations for the purpose of ... assisting in the realization of human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion’. The regular session of the General Assembly runs from the beginning of September to the end of December. Each year the GA addresses over 150 agenda items, which are considered either in the plenary or in one of its six committees.²⁶ The Third Committee (Social, Cultural, and Humanitarian) addresses most agenda items

²¹ The UN press release on the adoption of the resolution at the Third Committee is available at <http://www.un.org/News/Press/docs/2008/gashc3941.doc.htm>

²² A/C.3.62/L.24/Rev.1, available at <http://www.un.org/ga/62/resolutions.shtml>

²³ A/RES/63/244 is available at <http://www.un.org/ga/63/resolutions.shtml>

²⁴ The UN press release on the adoption of the resolution in the Third Committee is available at <http://www.un.org/News/Press/docs/2008/gashc3942.doc.htm>

²⁵ The UN press release on the adoption of the resolution in the General Assembly is available at <http://www.un.org/News/Press/docs/2008/ga10804.doc.htm>

²⁶ For further information on the main committees of the GA, refer to the ISHR's [General Assembly Fact Sheet: the General](#)

relevant to human rights defenders, including advancement of women, children's rights, the rights of indigenous peoples, the elimination of racism, and human rights questions. Numerous special procedures also report to the Third Committee on a number of these issues and engage in an interactive dialogue with States. The Fifth Committee (Administrative and Budgetary) is also particularly relevant to human rights defenders since it evaluates and approves the budgetary requirements arising out of the work of the other five committees. After completing their work, the Third and the Fifth Committee, as well as the other three main committees, submit draft resolutions to the General Assembly for final adoption.

Technical Annex: Rights of Women and Children²⁷

Reports

- Report of the Secretary-General on intensification of efforts to eliminate all forms of violence against women (A/63/214)
- Report of the Secretary-General on eliminating rape and other forms of sexual violence in all their manifestations, including in conflict and related situations (A/63/216)
- Report of the Committee on the Rights of the Child (A/63/41)
- Report of the Secretary-General on the Status of the Convention on the Rights of the Child (A/63/160)
- Note by the Secretariat on the promotion and protection of the rights of children (A/63/203)

Special procedures

Special procedure	Date for renewal of mandate	GA report number	Date report presented	Last presentation of report/s to Human Rights Council	Next report to Council due
Special Rapporteur on violence against women, its causes and consequences	2011	Oral report	24 Oct 08	7th session on 12 March 08 ²⁸ (A/HRC/7/6)	11 th session June 09
Special Representative of the Secretary-General for children and armed conflict	2011	A/63/227	15 Oct 08	9 th session on 9 September 08 ²⁹ (A/HRC/9/3)	Not yet scheduled

²⁷ The technical annex provides information on the UN resolutions and reports we covered in this report. All other resolutions relating to women's rights and children's rights in general from the 63rd session can be found at <http://www.un.org/ga/third/63/doclist.shtml> (Third Committee) and at <http://www.un.org/ga/63/resolutions.shtml> (General Assembly)

²⁸ Ms Etürk presented her report highlighting indicators on violence against women. A report on the interactive dialogue of the Council with Ms Etürk is available at http://www.ishr.ch/hrm/council/dailyupdates/session_007/12_march_2008.pdf

²⁹ Ms Coomaraswamy presented her report identifying the changing nature of warfare as a primary challenge.

See UN press release on the interactive dialogue:

[http://www.unog.ch/80256EDD006B9C2E/\(httpNewsByYear_en\)/7D31D35279D99AAAC12574BF0046F100?OpenDocument](http://www.unog.ch/80256EDD006B9C2E/(httpNewsByYear_en)/7D31D35279D99AAAC12574BF0046F100?OpenDocument)

Key resolutions

Initial resolution number/final number	Main Sponsor	Title	Previous GA resolution	Action
A/C.3/63/L.46/Rev.1 and A/RES/63/244	New Zealand	Committee on the Rights of the Child		Adopted by C3 25 Nov 08 by consensus Adopted by GA 24 Dec 08 by consensus
A/C.3/63/L.16/Rev.1 and A/RES/63/241	Uruguay (GRULAC)/ France (EU)	Rights of the child	62/141 ³⁰ annual	Adopted by C3 24 Nov 08 vote: 180-1-0 Adopted by GA 24 Dec 08 vote: 159-1-0
A/C.3/63/L.12/Rev.1 and A/RES/63/155	Belgium/ Netherlands	Intensification of efforts to eliminate all forms of violence against women	62/433 ³¹ annual	Adopted by C3 6 Nov 08 by consensus Adopted by GA 18 Dec 08 by consensus

³⁰ See ISHR's report on Rights of the Child from the GA's 62nd session, available at http://www.ishr.ch/index.php?option=com_content&task=view&id=131&Itemid=192

³¹ See ISHR's report on Women's Rights from the GA's 62nd session, available at http://www.ishr.ch/index.php?option=com_content&task=view&id=131&Itemid=192

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