

evictions must be carried out in strict compliance with relevant human rights provisions, and that such evictions must not result in individuals being rendered homeless or vulnerable to other human rights violations; emphasized that ultimate legal and political responsibility for preventing forced evictions rests with governments; noted the adoption of general comment No. 7 (1997) on forced evictions by the Committee on Economic, Social and Cultural Rights (E/C.12/1997/4); welcomed the report of the expert seminar on the practice of forced evictions and the comprehensive human rights guidelines adopted on development-based displacement (E/CN.4/Sub.2/1997/7); reaffirmed that forced evictions may often constitute gross violations of a broad range of rights, in particular, the right to adequate housing, the right to remain, the right to freedom of movement, the right to privacy, the right to property, the right to an adequate standard of living, the right to security of the home, the right to security of the person, the right to security of tenure, and the right to equality of treatment; strongly urged governments:

- ▶ to undertake immediately measures at all levels aimed at eliminating the practice of forced eviction by, *inter alia*, ensuring the right to security of tenure of all residents;
- ▶ to confer legal security of tenure on all persons, including all women and men who are currently threatened with forced eviction, and to adopt all necessary measures giving full protection against unreasonable eviction, based upon effective participation, consultation and negotiation with affected persons or groups; and
- ▶ to provide immediate restitution, compensation and/or appropriate and sufficient alternative accommodation of land, consistent with their rights and needs, to persons and communities that have been forcibly evicted.

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EXECUTIONS AND THE DEATH PENALTY

Special Rapporteur on extrajudicial, summary or arbitrary execution (E/CN.4/1997/60; E/CN.4/1997/60/Add.1)

The mandate of the Special Rapporteur (SR) was established by the Commission in 1982. In 1997, the SR was Mr. Bacré W. Ndiaye (Senegal). The mandate currently sets out the following tasks for the SR: continue to examine situations of extrajudicial, summary or arbitrary executions; respond effectively to information brought to the SR's attention; enhance further dialogue with governments; apply a gender perspective to the work; continue monitoring the implementation of international standards on safeguards and restrictions related to capital punishment; pay particular attention to extrajudicial, summary or arbitrary executions related to women and children; pay particular attention to violence against participants in demonstrations and other peaceful public manifestations; pay particular attention to violence against persons belonging to minorities; and pay particular attention to such executions where the victims are individuals carrying out peaceful activities in defence of human rights and fundamental freedoms.

The SR's 1997 report notes that action was taken on cases related to:

- ▶ imposition of the death penalty following unfair trials, or when the right of appeal or the right to seek pardon or commutation of sentence are denied, or in cases involving minors, mentally retarded or insane persons, pregnant women or recent mothers;
- ▶ death threats and fear of imminent extrajudicial/ summary/arbitrary execution by state officials, paramilitary groups, private individuals or groups cooperating with or tolerated by government, and unidentified persons who may be linked to one of the above;
- ▶ deaths in custody owing to torture, neglect, use of force or life-threatening conditions of detention;
- ▶ deaths from use of force, which exceeds the principles of necessity and proportionality, by law enforcement officials or persons acting in direct or indirect compliance with the state;
- ▶ deaths resulting from attacks by security forces, paramilitary groups, death squads or private forces operating with or tolerated by government;
- ▶ deaths during armed conflict, especially among the civilian population and non-combatants, contrary to international humanitarian law;
- ▶ expulsion, refoulement or return of persons to a country or place where their lives are in danger;
- ▶ genocide;
- ▶ breach of the obligation to investigate alleged violations of the right to life and to bring those responsible to justice; and
- ▶ breach of the obligation to provide adequate compensation to victims of violations of the right to life.

The report notes that between 25 November 1995 and 1 November 1996, the SR sent urgent appeals on behalf of more than 1,100 individuals, and allegations of executions on behalf of more than 1,300 other persons. The report notes that violations of the right to life have affected persons from many different professions and class or social status. Victims have included members of certain families, members of trade unions and human rights organizations, community workers, religious activists, writers and journalists, members of political parties, persons belonging to ethnic, linguistic or national minorities, members of rebel groups and civilians caught in areas affected by armed conflict.

In terms of the situation of women, the SR states that action was taken on behalf of more than 80 women. He points out that this figure reflects only those cases in which it was specifically indicated that the victim was female and does not necessarily show the actual number of women on whose behalf the SR intervened. The report notes that in some cases, sources do not indicate whether the victim is male or female and the gender cannot be determined by the name; in other cases, allegations refer to groups of unidentified civilians (e.g., the displaced population of a given region) without gender specification. The SR further states that the relatively low percentage of cases involving women may reflect the underrepresentation of women in the political and economic life of the country, thereby causing women to be perceived as less of