



General Assembly

Seventy-third session

Official Records

Distr.: General

8 January 2019

Original: English

Third Committee

Summary record of the 30th meeting

Held at Headquarters, New York, on Tuesday, 23 October 2018, at 3 p.m.

Chair: Mr. Saikal (Afghanistan)
later: Ms. Shikongo (Vice-Chair) (Namibia)
later: Mr. Saikal (Afghanistan)

Contents

Agenda item 74: Promotion and protection of human rights (*continued*)

- (a) Implementation of human rights instruments (*continued*)
- (b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*)
- (c) Human rights situations and reports of special rapporteurs and representatives (*continued*)
- (d) Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action (*continued*)

This record is subject to correction.

Corrections should be sent as soon as possible, under the signature of a member of the delegation concerned, to the Chief of the Documents Management Section (<mailto:dms@un.org>), and incorporated in a copy of the record.

Corrected records will be reissued electronically on the Official Document System of the United Nations (<http://documents.un.org/>).

18-17649 (E)



Please recycle



The meeting was called to order at 3.05 p.m.

Agenda item 74: Promotion and protection of human rights (continued)

- (a) Implementation of human rights instruments (continued)** ([A/73/40](#), [A/73/44](#), [A/73/48](#), [A/73/56](#), [A/73/140](#), [A/73/207](#), [A/73/264](#), [A/73/281](#), [A/73/282](#) and [A/73/309](#))
- (b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (continued)** ([A/73/138](#), [A/73/139](#), [A/73/139/Corr.1](#), [A/73/152](#), [A/73/153](#), [A/73/158](#), [A/73/161](#), [A/73/162](#), [A/73/163](#), [A/73/164](#), [A/73/165](#), [A/73/171](#), [A/73/172](#), [A/73/173](#), [A/73/175](#), [A/73/178/Rev.1](#), [A/73/179](#), [A/73/181](#), [A/73/188](#), [A/73/205](#), [A/73/206](#), [A/73/210](#), [A/73/215](#), [A/73/216](#), [A/73/227](#), [A/73/230](#), [A/73/260](#), [A/73/262](#), [A/73/271](#), [A/73/279](#), [A/73/310/Rev.1](#), [A/73/314](#), [A/73/336](#), [A/73/347](#), [A/73/348](#), [A/73/361](#), [A/73/362](#), [A/73/365](#), [A/73/385](#) and [A/73/396](#))
- (c) Human rights situations and reports of special rapporteurs and representatives (continued)** ([A/73/299](#), [A/73/308](#), [A/73/330](#), [A/73/332](#), [A/73/363](#), [A/73/380](#), [A/73/386](#), [A/73/397](#), [A/73/447](#), [A/73/398](#) and [A/73/404](#))
- (d) Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action (continued)** ([A/73/36](#) and [A/73/399](#))

1. **Ms. Lee** (Special Rapporteur on the situation of human rights in Myanmar), presenting her report ([A/73/332](#)), said that, in September 2018, the Human Rights Council had adopted resolution 39/2, in which it had established a new independent mechanism to collect, consolidate, preserve and analyse evidence of the most serious international crimes and violations of international law committed in Myanmar since 2011 and to prepare files in order to facilitate and expedite fair and independent criminal proceedings, in accordance with international law standards. In the resolution, the Council also called for the establishment of a trust fund to support victims, an action which in itself would not be sufficient unless it was directed at addressing the long-standing trauma suffered by victims, ensuring their livelihood and supporting their pursuit of justice.

2. The repeated denial by the Government of Myanmar of access to her mandate and to the independent international fact-finding mission on Myanmar was contrary to the Government's pledges to undertake democratic transition, achieve the rule of law

and uphold human rights. Despite repeated statements by the Government that it would investigate allegations of human rights violations if presented with evidence, that was clearly not the case. The Government failed to live up to its obligations under international law. The much-used defence of government officials was that the civilian branch of the Government did not have control over the military branch. While the Constitution did vest significant power in the military, the civilian branch had power over many things but was either tacitly or explicitly choosing not to use it. Although the Government could choose to undertake reforms to end the ongoing shrinking of the democratic space, it had failed to amend or repeal repressive laws and continued to adopt new ones that were also repressive and did not conform to international human rights norms and standards, resulting in a culture of silence and self-censorship.

3. She regularly received reports of new charges brought against lawyers, journalists and activists while exercising their legitimate rights and freedoms. The farcical trial of the Reuters journalists Wa Lone and Kyaw Soe Oo had received significant international attention. Since their conviction, Khin Kyaw, a lawyer who had defended students who had participated in protests against a discriminatory education policy in 2015, had been sentenced to six months' imprisonment. Three journalists from Eleven Media, Nayi Min, Kyaw Zaw Lin and Phyo Wai Win, had recently been charged in connection with publishing an article criticizing the Yangon regional government.

4. The Government's plan to close camps for internally displaced persons was not in accordance with international standards. People in Kachin State had been relocated under duress to places not of their choosing. Despite their wish to return to their former homes, some people in Rakhine who had been living in camps since 2012 had reportedly been moved to newly built houses in the vicinity of the camps, further cementing the segregation of Muslims from other communities and creating an apartheid-like situation. Reports indicated that life in Rakhine was particularly precarious for the remaining Rohingya, who faced harassment, extortion and forced labour.

5. More than 1 million Myanmar refugees of different ethnicities and religions were living in precarious situations in Bangladesh, India and Thailand as a result of persecution by the Government and the military. Although plans were ongoing for their repatriation, she was not convinced that the areas to which they would return were safe, given the continual clashes on the borders with India and Thailand and the lack of discernible efforts to address the underlying

denial of human rights that was the primary cause of the mass atrocities perpetrated against the Rohingya. She also had serious misgivings about the plan of the Government of Bangladesh to relocate some refugees to Bashan Char, as it did not appear that a technical or humanitarian assessment of whether the island was habitable had been undertaken.

6. She welcomed the recent decision of the Pre-Trial Chamber of the International Criminal Court that the Court could exercise jurisdiction over the alleged deportation of the Rohingya from Myanmar to Bangladesh. Although serious crimes under international law, including the crime of genocide and crimes against humanity in Rakhine State and war crimes and crimes against humanity in Shan and Kachin States, had been alleged, the Government of Myanmar continued to deny any wrongdoing. While the current developments towards accountability through the International Criminal Court and the Human Rights Council were important, they might not be sufficient to address the long-standing impunity for crimes committed across Myanmar.

7. **Mr. Poveda Brito** (Bolivarian Republic of Venezuela), speaking on behalf of the Movement of Non-Aligned Countries, said that, at the eighteenth session of the Mid-Term Ministerial Conference held in April 2018, ministers had reaffirmed their commitment to the promotion and protection of universally recognized human rights and had reiterated their dismay and unequivocal condemnation of gross and systematic violations of human rights and fundamental freedoms. They had stressed that human rights issues should be addressed in a fair and equal manner, guided by respect for national sovereignty, territorial integrity and non-interference in the internal affairs of States. The political, historical, social, religious and cultural particularities of each country should also be taken into account. The Human Rights Council, as a subsidiary organ of the General Assembly, was responsible for the consideration of human rights situations in all countries in the context of the universal periodic review.

8. They had expressed their deep concern at the continued and proliferating practice of the selective adoption of country-specific resolutions in the Third Committee and the Human Rights Council, which was a means of exploiting human rights for political purposes and, as such, breached the principles of universality, impartiality, objectivity and non-selectivity. There was a need to promote coherence between the Committee and the Council with a view to avoiding duplication and overlap.

9. The universal periodic review was the main intergovernmental mechanism for examining human rights issues at the national level in all countries without distinction and was conducted with the full involvement of the country concerned and with due consideration for its capacity-building needs. As an action-oriented, cooperative mechanism, based on objective and reliable information and interactive dialogue, the review must be conducted in an impartial, transparent, non-selective, constructive, non-confrontational and non-politicized manner.

10. **Mr. Suan** (Myanmar) said that his country consistently opposed country-specific mandates, which ran counter to the principles of non-selectivity and non-politicization in addressing human rights. The Government had nevertheless cooperated with successive Special Rapporteurs, in line with the country's policy of cooperating with the United Nations, and had facilitated visits of independent experts and special rapporteurs of the Human Rights Council and special advisers and special envoys since the 1990s. Despite such continuous cooperation, Myanmar was still discriminated against under the pretext of human rights.

11. Notwithstanding some recognition by the Special Rapporteur of progress by the Government, she continued to make negative and unconstructive criticisms and allegations on the basis of unverified information, ignoring the Government's relentless efforts to bring about national reconciliation and peace, the rule of law and sustainable development. The recommendations in paragraph 80 of her report appeared to have been formulated with ulterior political motives and would not contribute to mutual trust and constructive cooperation between the United Nations and Myanmar. Myanmar had cooperated fully with the Special Rapporteur, allowing her to visit the country six times between 2015 and 2017. She had gone far beyond her mandate, however, forcing the Government to suspend its cooperation with her and to request the United Nations to replace her. Myanmar would continue to work with the mandate of the Special Rapporteur in the spirit of mutual respect and understanding to bring about positive results.

12. Myanmar had welcomed the appointment of Christine Burgener as the Special Envoy of the Secretary-General on Myanmar in June 2018. The Government had consented to the opening of her office in Nay Pyi Taw during her first visit to the country and had facilitated three visits in the five months since she had assumed her position. During her most recent visit, in October 2018, she had held consultations with government and military leaders and visited Kachin and

Rakhine States. The Government agreed with the Special Envoy that patience, mutual trust and a political solution were needed to address the deep-rooted, multifaceted problems of the country. The forced imposition of external political agendas would only have a negative impact on the current complex situation. Myanmar was also addressing human rights issues in close cooperation with the Special Representative of the Secretary-General for Children and Armed Conflict and the Special Representative of the Secretary-General on Sexual Violence in Conflict.

13. Lasting peace would be possible only when a democratic federal union was established by political means. The ending of ethnic strife and armed conflict was essential to realizing that objective. The Government was therefore holding a conference to reach an agreement on the fundamental principles for a democratic federal union. Addressing the issues in Rakhine State was fundamental to building peace, national reconciliation, security and governance in Myanmar. The Government was working to establish conditions conducive to the safe, voluntary and dignified repatriation of the people who had fled to Bangladesh. In accordance with the bilateral agreements and arrangements with Bangladesh, Myanmar had been ready to receive the first batch of verified returnees since January 2018.

14. At an informal high-level meeting between Bangladesh, China and Myanmar during earlier in the seventy-third session of the General Assembly, consensus had been reached on resolving the issue of displaced persons in a friendly and expeditious manner. The Government had invited the Association of Southeast Asian Nations (ASEAN) Troika to visit the country in November 2018 to discuss how ASEAN could assist Myanmar in addressing the complex issues in Rakhine State. Myanmar had signed a memorandum of understanding with the United Nations Development Programme (UNDP) and the Office of the United Nations High Commissioner for Refugees (UNHCR) for the speedy and efficient resettlement and rehabilitation of returnees. The United Nations team had completed the first phase of its field assessment in 23 villages in northern Rakhine and was currently conducting the second phase in an additional 26 villages. The Government had been implementing 81 of the 88 recommendations submitted by the Advisory Commission on Rakhine State. With regard to accountability in Rakhine, the Government had established an independent commission of enquiry, which would conduct its mandate impartially and objectively. The Government was willing to investigate

any alleged human rights violation where there was sufficient evidence.

15. Myanmar was committed to building a democratic federal union where justice, freedom and equal opportunities for all citizens were guaranteed. The best way for the international community to assist Myanmar in that endeavour would be by making constructive contributions on the basis of mutual respect and understanding.

16. **Ms. Wagner** (Switzerland) said that, after the progress of recent years, the shrinking of the democratic space in Myanmar was an alarming development. Myanmar must conduct credible, transparent and independent investigations into the allegations of violations of international humanitarian law and human rights and hold the perpetrators accountable. In that context, Switzerland underlined the complementary role of international criminal courts. The difficulties faced by United Nations mechanisms and special procedures in gaining access to the country were a significant impediment to their work, and Myanmar should cooperate fully with them. Switzerland would continue to support the efforts of Myanmar to transition to peace, democracy and prosperity.

17. **Mr. Browne** (United Kingdom) said that his country called upon the Government of Burma to cooperate with the Special Rapporteur and grant her access. Accountability was needed to break the ongoing cycle of violence in the country. If domestic processes were not credible, transparent and independent, the demand for an international process would continue to strengthen. The United Kingdom therefore welcomed the establishment by the Human Rights Council of a new mechanism to collect and preserve evidence of violations and abuses. He wondered how, when pursuing international routes to justice, domestic engagement and acceptance in support of long-term reconciliation could be encouraged.

18. **Mr. Bin Momen** (Bangladesh) said that the environment of fear and persecution in Rakhine State showed little sign of dissipating and was not conducive to the voluntary, safe and dignified return of the Rohingya. Despite the readiness of Bangladesh to commence repatriation as envisaged, it would be hard for the Rohingya to opt for voluntary repatriation until meaningful efforts were made to address the root causes of the systematic discrimination against them and their persecution in Myanmar. Bangladesh hoped that the Myanmar authorities, the Security Council and the international community would respond adequately, not only to ensure that such crimes would never be committed again, but also for truth and reconciliation to

emerge in Myanmar. It was disturbing that Muslim communities in other parts of Myanmar were also facing multiple forms of discrimination.

19. **Ms. Levin** (United States of America) said that her country called upon Myanmar to ensure accountability for those responsible for human rights violations and abuses and to remove them from positions of authority. Myanmar should also give unrestricted access to the United Nations, humanitarian organizations and the media, and fully implement the recommendations of the Advisory Commission on Rakhine State. The United States called for the immediate and unconditional release of those unjustly imprisoned, including the Reuters journalists Wa Lone and Kyaw Soe Oo and the Eleven Media journalists Kyaw Zaw Lin, Nayi Min and Phyo Wai Win. The establishment of civilian control of the military and other constitutional reforms were essential to advance the democratic transition and end military impunity. How could the international community support such reforms?

20. **Mr. Kelly** (Ireland) said that his country joined the calls for the Government of Myanmar to reengage with the mandate of the Special Rapporteur. It also urged Myanmar to engage with the independent impartial investigative mechanism established at the most recent session of the Human Rights Council to ensure full accountability for perpetrators and justice for victims and to begin the journey towards lasting peace in the country. Lastly, Ireland urged the Government to restore the citizenship of the Rohingya and to grant them the full protections attached to citizenship. He asked what more could be done to address the emerging risks related to long-term emergency refugee camps.

21. **Mr. Arbeiter** (Canada) said that his country called for the investigation and prosecution of those responsible for atrocities, including genocide and crimes against humanity. In the wake of decades of oppressive authoritarian rule, Myanmar had repeatedly professed its desire to cultivate a peaceful, democratic federal union, but a true commitment to such values unfortunately had yet to be seen. Strengthening the rule of law and respect for diversity were critical components of a successful democratic transition, and Canada was prepared to support all efforts to bring people together to achieve that goal. His delegation would be interested to know in which areas there had been the most progress and which areas had suffered the most setbacks.

22. **Ms. Příkrylová** (Czechia) said that her country stood ready to assist the Government of Myanmar in the complicated process of democratic transition and, in that respect, had repeatedly stressed the need to reform the

legal system, in particular to amend controversial laws misused against the media and civil society. Czechia reiterated its serious concern about the sentencing of the two Reuters journalists to seven years of imprisonment in September 2018. It urged the Government to end the persecution of journalists, human rights activists and lawyers who were defending them, including the human rights lawyer Khin Kyaw.

23. **Ms. Wundsche** (Germany) said that her country had repeatedly urged the Government of Myanmar to cooperate fully with the Special Rapporteur and regretted that those calls remained unanswered. The crimes committed in Myanmar would not have been possible without widespread hatred within society, fuelled by extremist forces within the majority population. She asked whether the international community could positively influence the domestic debate and strengthen reconciliation and mutual understanding.

24. **Ms. Bird** (Australia) said that her delegation called upon Myanmar to restore cooperation with the Special Rapporteur without delay. Australia urged all parties in Myanmar to bring an end to the fighting, protect civilians and allow safe and unfettered access for humanitarian actors. While acknowledging progress since 2011, Australia was concerned by the ongoing detention of Reuters journalists. Their early release would signal important support for the democratic principle of media freedom. Australia reiterated its commitment to support Myanmar in its efforts to address ongoing human rights challenges, achieve national peace and reconciliation, and transition to full democracy.

25. **Mr. Ahmad Tajuddin** (Malaysia) said that, as a host to some 70,000 Rohingya refugees, his country paid close attention to the humanitarian crisis in Myanmar. While recognizing the principle of non-interference, Malaysia noted that the short- and long-term consequences of that crisis had an impact on the entire region. Under international law, the Government of Myanmar had the primary responsibility to take action against the perpetrators of the crimes committed against the Rohingya community and other minorities in the country. In the light of the legal and institutional obstacles to accountability in Myanmar, Malaysia would support the establishment of an appropriate international judicial mechanism to try the individuals responsible for those crimes. Malaysia also supported the establishment of an independent mechanism in line with Human Rights Council resolution 39/2.

26. **Mr. Dang Dinh Quy** (Viet Nam) said that it was urgent to restore normal conditions in Rakhine State,

create an environment conducive to repatriation and find long-term and comprehensive solutions to address the root cause of the issue. Viet Nam welcomed the efforts made by the Government of Myanmar in that regard, including the establishment of an independent commission of enquiry, its invitation to the ASEAN Troika to exchange views on addressing the issue and the signing of a memorandum of understanding with UNDP and UNHCR for the resettlement and rehabilitation of returnees. Such efforts could be sustained only with the constructive engagement and cooperation of the international community. Disproportionate pressure and coercion served only to undermine mutual trust and hamper progress.

27. **Mr. Lu Yuhui** (China) said that the Government of the National League for Democracy of Myanmar had made significant progress in such areas as economic development, improving livelihoods, and advancing the peace process. The international community should respect the sovereignty of Myanmar, be comprehensive, fair and objective in reviewing the progress on human rights in that country, understand the difficulties and challenges it faced, and provide constructive assistance in the area of human rights capacity-building.

28. The issue of Rakhine State involved complex historical, ethnic and religious factors and could not be resolved overnight. With that in mind, China envisaged a three-stage solution. In June informal meetings at the ministerial level had been held with representatives of Myanmar and Bangladesh during their visits to China, and the meetings had resulted in a four-principle consensus on an appropriate solution. Recently the three parties had once again met informally and had arrived at a three-point consensus. First, Myanmar and Bangladesh had agreed to resolve the Rakhine State issue through amicable consultations. Second, Bangladesh had indicated that it was prepared to repatriate a first group of displaced persons and Myanmar had expressed its readiness to receive them. Third, the two parties had agreed to convene a joint working group meeting to formulate a roadmap and timetable for completing the first round of repatriations.

29. The international community should cherish the hard-won progress achieved so far towards the resolution of the Rakhine State issue, remain patient, assist with the promotion of bilateral dialogue and negotiations and the resolution of real problems, and move forward with the first set of repatriations. External conditions that would facilitate the achievement of those aims should be created rather than exerting pressure on the parties.

30. **Mr. Whiteley** (Observer for the European Union) said that the European Union called upon the Government of Myanmar to reverse its decision to discontinue cooperation with the Special Rapporteur. In the light of the high levels of incitement to hatred and violence in Myanmar, it would be useful to learn how the underlying factors driving hate speech could be better addressed. He asked what could be done, in addition to initiatives at the international level, to strengthen efforts within Myanmar to secure justice for those who had suffered from terrible violations of human rights.

31. **Ms. Andersen** (Norway) said that her country called upon the Government of Myanmar, including its military forces, to take further steps to reform the Constitution and strengthen democratic institutions, good governance and the rule of law. In the light of reports of widespread threats and the use of sexual violence as a calculated terror tactic, Myanmar should take steps to investigate and hold perpetrators accountable. The Governments of Myanmar and Bangladesh and the United Nations must work together to ensure the safe, voluntary and dignified return of all refugees. Norway welcomed the memorandum of understanding between the Governments of Myanmar and Bangladesh to repatriate refugees and commended the Government of Myanmar for granting the United Nations and other humanitarian actors access to Rakhine State. It was important that children be provided with education in the camps in Bangladesh.

32. **Ms. Ndayishimiye** (Burundi) said that the progress made in Myanmar should be underlined. Dialogue, cooperation and the universal periodic review were the only acceptable means of ensuring the promotion and protection of human rights in Myanmar. Her delegation was concerned about the policy of selectivity, bias and double standards adopted by certain rapporteurs, which ran counter to the principles of the universality and indivisibility of human rights. Her delegation categorically rejected country-specific mandates and commissions of inquiry.

33. **Ms. Suzuki** (Japan) said that the rule of law, freedom of expression, improved access to adequate health care and education, a ceasefire in the minority-dominated areas and an environment conducive to the repatriation of the displaced population in Rakhine State were all equally important with regard to the human rights situation in Myanmar. Japan welcomed the commencement of initial assessments by UNHCR and UNDP in northern Rakhine State. It was important for Myanmar to carry out investigations into the alleged human rights violations in order to promote peace and reconciliation in Rakhine State. The Government and

the military should take appropriate measures to provide the necessary information to the independent commission of enquiry to enable it to carry out a credible and transparent investigation.

34. **Mr. Ri Song Chol** (Democratic People's Republic of Korea) said that his delegation reiterated its consistent opposition to country-specific mandates, as they were based on politicization, selectivity and double standards. The universal periodic review of the Human Rights Council was the mechanism for considering the human rights situations of all countries equally and on an impartial basis. Permanent peace, stability, national reconciliation and development for all in Myanmar would be brought about through constructive dialogue and cooperation between the parties concerned, rather than accusations, pressure and polarization.

35. **Mr. Vongxay** (Lao People's Democratic Republic) said that his country welcomed the efforts of the Government of Myanmar to collaborate with the international community and parties concerned to address the situation in Rakhine State, including the ASEAN Troika arrangements and the signing of a memorandum of understanding with UNDP and UNHCR. Country-specific human rights resolutions did not help to address the human rights situation in any country. The international community and the Government of Myanmar should continue to engage in genuine dialogue and cooperation to address human rights issues. The universal periodic review was the only appropriate venue for addressing the human rights situations of countries.

36. **Mr. Park Chull-Joo** (Republic of Korea) said that, while welcoming the measures taken by the Government of Myanmar to prepare for the return of Rohingya refugees from Bangladesh, including the signing of a memorandum of understanding with UNDP and UNHCR, his delegation remained concerned about the lack of tangible progress. Conditions conducive to the safe, dignified, voluntary and sustainable return of refugees and displaced persons were needed. His delegation acknowledged the establishment of an independent commission of enquiry by the Government of Myanmar and expected that an impartial, independent and thorough investigation would be carried out by the Commission, in close cooperation with United Nations bodies. His delegation encouraged the Government to grant full access for United Nations humanitarian and human rights mechanisms to the affected areas. The Republic of Korea had recently contributed \$2 million through the United Nations Children's Fund and the United Nations Population Fund to prevent and respond to gender-based violence against Rohingya refugees.

37. **Mr. González Behmaras** (Cuba) said that his country opposed country-specific special procedures. They encouraged a confrontational approach, which did not foster cooperation or respectful dialogue or settle any human rights concerns. The universal periodic review was the best framework for examining the human rights situations in all countries on an equal basis and through constructive dialogue. His delegation stood ready to address the situation in Myanmar through cooperation and respectful dialogue and in accordance with the principles of equality, non-selectivity and impartiality.

38. **Ms. Lee** (Special Rapporteur on the situation of human rights in Myanmar) said that the most progress had been made in the area of economic development, including the development of infrastructure. Significant improvements had also been made in the health sector, in particular in terms of immunization, and in the educational sector, with more opportunities for students, even in remote areas. The least progress had been made in the democratic space, including with regard to the freedoms of speech, the media and association and assembly.

39. A strong legislative framework was needed to combat the false narratives and incitements against minority populations in Myanmar. Throughout her mandate, she had emphasized adherence to the Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence.

40. Bangladesh had been generous and humane to the refugees from Myanmar. However, she urged donors to fulfil their pledges, as they had not been keeping up with needs.

41. In terms of supporting reforms inside Myanmar and addressing the atrocities and the injustices that had occurred and continued to occur in the country, she noted that the establishment of the independent mechanism by the Human Rights Council was just an interim step and that accountability was not part of the mandate of the recently established commission of enquiry. The international community must continue to work to ensure that individuals who had been identified as being responsible for serious crimes were prosecuted by the International Criminal Court or a credible judicial body. The Security Council must refer the situation of Myanmar to the International Criminal Court without delay. Should the Council fail to reach consensus, the international community should consider commencing cases under universal jurisdiction and establishing an ad hoc tribunal.

42. The lack of compliance by Myanmar with the Convention on the Prevention and Punishment of the Crime of Genocide and its lack of adherence to obligations arising from international treaties and customary international law to investigate and prosecute allegations of crimes against humanity and war crimes must not be tolerated.

43. She had had the privilege to work with brave women human rights defenders of Myanmar who, in the face of violent threats and serious hardship, had worked tirelessly to advocate accountability for human rights violations in the country. It must be ensured that their work was not in vain.

44. Some of her colleagues had regrettably faced serious difficulties in scheduling their presentations to the Committee, with some being unable to present their reports in person. That contravened the agreement reached in 2017 with the Coordination Committee of Special Procedures that consultations with mandate holders would be improved and that they would have the option to propose change. She hoped that a better consultation process would be in place next year.

45. **Mr. Darusman** (Chair of the Independent International Fact-Finding Mission on Myanmar), introducing his report ([A/HRC/39/CRP.2](#)), said that it documented the utter disregard shown by the armed forces of Myanmar, known as the Tatmadaw, for human life and for international law. It presented horrific patterns of human rights violations inflicted not only on the Rohingya but also on ethnic Rakhine, Kaman Muslims and ethnic and religious minorities in Kachin and Shan States and was based on an intensive, year-long investigation conducted in accordance with international best practices on fact-finding methodology.

46. Much of the report was dedicated to the Tatmadaw's "clearance operations", which had been marked by large-scale massacres, mass rape and looting, and which had led to a mass exodus of Rohingya to Bangladesh. Such extreme violence could only be understood against the backdrop of decades-old State practices of marginalization of the Rohingya, which had in recent years been facilitated by social media.

47. The international community should take a unified and comprehensive approach towards Myanmar. It should not subscribe to a false dichotomy of peace versus justice, or of development versus human rights, as the case of Myanmar showed how all those aspirations were mutually reinforcing. Because accountability at the domestic level was currently impossible, the Fact-Finding Mission recommended that the Security Council refer the situation in Myanmar to

the International Criminal Court (ICC) or another international ad hoc tribunal. In the meantime, the Fact-Finding Mission welcomed the recent resolution of the Human Rights Council to establish an independent mechanism to prepare for eventual prosecutions, and it urged the General Assembly to support that initiative.

48. It was his hope that Myanmar would ultimately take the initiative to refer its situation to the ICC or instruct its new Commission of Enquiry to follow international best practices in its investigations. It could organize a meaningful national dialogue on constitutional reform with a view to guaranteeing human rights for all and providing civilian oversight of the Tatmadaw. It was also hoped that the Myanmar authorities would engage with the Mission in the future.

49. **Mr. Suan** (Myanmar) said that his country had objected to the establishment in 2017 of the Fact-Finding Mission. Furthermore, it was concerned that the report, which was based on narratives and not on evidence, would inflame tensions and hinder the Government's efforts to strengthen social cohesion in Rakhine State. The report was based on interviews with selected groups of displaced persons in Cox's Bazar, Bangladesh, as well as information gathered from non-governmental organizations and human rights groups with predetermined agendas. The Mission had not interviewed non-Muslim displaced persons in Cox's Bazar.

50. The current humanitarian crisis in Rakhine State had started in August 2017 with the unprovoked attacks by the terrorist Arakan Rohingya Salvation Army (ARSA) on 30 police outposts and a military headquarters. The Mission had conveniently ignored the deliberate strategy of ARSA to provoke a harsh response and instead condemned the security forces and the Government of Myanmar for its legitimate security response. ARSA terrorists had killed security personnel and innocent civilians and had caused thousands of innocent people to flee their villages to other parts of Rakhine State. According to credible international intelligence sources, the group was supported by foreign terrorist groups including Al-Qaida and Islamic State in Iraq and the Levant.

51. The Government was strongly committed to accountability for human rights violations in Myanmar, and, in that regard, had established an Independent Commission of Enquiry that would investigate allegations of human rights violations and related issues following the terrorist attacks of 9 October 2016 and 25 August 2017 by ARSA in Rakhine State. The Commission would fulfil its mandate in accordance with the principles of independence, impartiality and

objectivity. Furthermore, the Government rejected the ICC ruling of 6 September 2018 in connection with Rakhine State, as Myanmar was not a party to the Rome Statute of the International Criminal Court and thus not under ICC jurisdiction. In addition, domestic remedies had not been exhausted. The delegation of Myanmar rejected the use of the term “genocidal intent” to describe the legitimate counterterrorist actions by the security forces in Rakhine.

52. Placing accountability above all else while ignoring positive developments would lead to failure. Unilateral coercive measures and politically motivated external pressure would undermine cooperation between the Government of Myanmar and the international community. As Myanmar was currently transitioning to fully functioning democracy, patience and trust-building were critical to a viable and sustainable solution to the current humanitarian crisis.

53. **Ms. Charrier** (France) said that her delegation called on Myanmar to cooperate with the Fact-Finding Mission. The report served to remind the Committee of the scope and gravity of the crimes against the Rohingya in Rakhine State and other minorities in Kachin and Shan States. The report also found evidence of genocide, crimes against humanity and war crimes and named those responsible. The Chair of the Mission had noted that impunity was entrenched in the political and justice systems in Burma, placing the army and security forces above the law. The recent conviction of two Reuters reporters demonstrated that the judiciary was neither impartial nor independent, and France called for their immediate release.

54. The ICC had declared itself competent to rule on cases of forced deportation and had accordingly begun to review the situation. She asked how the cooperation with the ICC and other mechanisms created to combat impunity in Burma would take place. She also asked how regional organizations such as the European Union could support civil authorities in restoring rule of law.

55. **Mr. Sigurdsson** (Iceland) said that his delegation was alarmed by the report, which showed that genocide had possibly been committed by security forces in their campaign against the Rohingya. Furthermore, in a disturbing development, the military had harnessed Facebook to disseminate hate propaganda and fake news. The international community must do everything in its power to ensure accountability through national and international courts, including the ICC. He asked how the Fact-Finding Mission viewed the debate in the Committee on possible pathways to accountability in the case of Myanmar and how it viewed the role of social media.

56. **Ms. Bird** (Australia) said that her country had imposed financial sanctions and travel bans on five Myanmar military officers cited for human rights violations committed by their units. Australia urged Myanmar to engage with the Fact-Finding Mission and strongly encouraged the Government’s Commission of Enquiry to examine the facts and circumstances outlined in the report. Given the gravity of the conclusions in the report, Australia also supported the establishment by the Human Rights Council of an independent mechanism to promote accountability. The Myanmar authorities must create conditions conducive to the safe, dignified and voluntary return of the Rohingya. Australia acknowledged the partial access granted to UNHCR and UNDP in northern Rakhine State under the tripartite memorandum of understanding.

57. **Ms. Oehri** (Liechtenstein) said that her delegation welcomed the creation of the independent mechanism by the Human Rights Council to collect, consolidate, preserve and analyse evidence of the most serious crimes committed in Myanmar. Liechtenstein encouraged the use of best practices developed by the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011, including investigations of gender-based violence. In September, Pre-Trial Chamber I of the ICC had ruled that it had jurisdiction over the forced deportation of Rohingya to Bangladesh, paving the way for meaningful accountability. She asked for his views on a joint State referral of the situation in Myanmar to the ICC as a means of securing justice for the victims.

58. **Ms. Suzuki** (Japan) said that her country shared the concerns of the international community regarding human rights in Myanmar and believed that United Nations engagement was critical for the repatriation of displaced persons. Japan appreciated the efforts of United Nations agencies in that regard and expected practical assistance to commence promptly. The Government of Myanmar must carry out credible and transparent investigations into human rights violations and provide the requisite information to its Independent Commission of Enquiry. Japan believed that the international community should patiently support the Government’s efforts to establish democracy and protect human rights.

59. **Mr. Oppenheimer** (Netherlands) said that his delegation called for immediate and full accountability for the perpetrators of systematic and gross human rights violations in Rakhine State. The recent decision to establish an independent mechanism to collect

evidence of the most serious crimes, while a crucial first step, would unfortunately not guarantee accountability. The Netherlands therefore called on Myanmar to become a party to the Rome Statute or to otherwise accept ICC jurisdiction, while noting also that the Security Council had the authority to refer the situation in Myanmar to the ICC. He asked how the international community could facilitate cooperation between the Fact-Finding Mission and the newly established independent mechanism.

60. **Mr. Bin Momen** (Bangladesh) said that the report unambiguously showed that the armed forces of Myanmar had committed atrocities against the civilian Rohingya population with genocidal intent. The question of accountability was critical for ensuring the voluntary and sustainable return of the forcibly displaced Rohingya to their ancestral homes in Rakhine in safety and dignity. Bangladesh hoped that the Commission of Enquiry would discharge its responsibilities in a credible manner, but, in a case of continued obstruction of justice, the international community might need to find innovative ways to hold the perpetrators to account. Member States should also consider the recommendation of the Fact-Finding Commission that a trust fund be set up for the victims.

61. **Ms. Wundsch** (Germany) said that her delegation was alarmed by the reported mass killings, sexual violence, grave violations against children and systematic destruction of entire villages, crimes that had followed decades of brutal discrimination against the targeted communities. Germany appreciated the willingness of Bangladesh to shelter the almost 1 million Rohingya who had been forced to leave their home country. The recent ruling of the ICC regarding its jurisdiction over forced deportations would help to ensure accountability for those crimes, and the new independent mechanism would be tasked with investigating atrocities. She asked which steps currently seemed most urgent in terms of facilitating independent criminal proceedings.

62. **Mr. Whiteley** (Observer for the European Union) said that the information contained in the report had galvanized international attention and action. The wide-ranging remit of the Fact-Finding Mission, encompassing the situation in Kachin, Rakhine and Shan States since 2011, had placed the Rohingya crisis in a wider context of ongoing human rights violations by the military and security forces. The list of perpetrators compiled by the Mission would serve as a vital resource for future accountability processes. The European Union had taken measures to respond to those concerns, imposing restrictive measures on several individuals and strengthening the arms embargo. He

asked how the Fact-Finding Mission would ensure that its work would be shared with and used by the new independent mechanism and what steps should be taken by Myanmar authorities, regional actors, the international community and the United Nations to prevent further atrocities.

63. **Ms. Levin** (United States of America) said that her delegation was appalled at systematic and premeditated abuses by the Myanmar security forces and was concerned that most Rohingya living in Myanmar remained stateless, in part due to the discriminatory provisions of the 1982 Citizenship Act. The United States called on the Myanmar authorities to establish conditions that would allow for the voluntary, safe and dignified return of Rohingya refugees, primarily by ensuring accountability for the perpetrators of human rights abuses. Those responsible for ordering the atrocities should be removed from their positions and the military must be placed firmly under the control of a civilian government. The United States hoped that the new mechanism to collect and analyse evidence would build on the work of the Mission and receive appropriate funding.

64. **Mr. Allen** (United Kingdom) said that the report was a damning verdict on the culpability of the Tatmadaw for ethnic cleansing in Rakhine and underlined that genocide, war crimes and crimes against humanity might have taken place. Without accountability for such acts, refugees would not return. He had listened with concern to the statement of the delegate of Myanmar, whose explanations were unconvincing; denying events would not make Myanmar safer. States must work to ensure that the mechanism established by the Human Rights Council was set up quickly and that it received the necessary support. He asked how States could ensure that the mechanism, once it had been set up, would be transformative, victim-centred, comprehensive and inclusive.

65. **Ms. Příkrylová** (Czechia) said that the report of the Fact-Finding Mission contained horrific findings that required immediate steps both nationally and internationally. Czechia condemned all the human rights violations described in the reports and called for justice for the victims. It furthermore supported the mechanism established by the Human Rights Council and the mandate of the Fact-Finding Mission, which should continue its work until the new mechanism was fully functioning. Czechia stood ready to help Myanmar in the complicated processes of democratic transition and national reconciliation, but the country must combat the growing phenomenon of hate speech before it could achieve those goals. She asked him to elaborate on the

concrete measures States could take to help Myanmar address that issue.

66. **Ms. Tang** (Singapore) said that the crisis in Rakhine State was complex, with causes that went back hundreds of years. Singapore condemned human rights violations committed by all parties in Rakhine State. The Independent Commission of Enquiry must carry out impartial and credible investigations, but it should be remembered that its goal was to allow refugees to return home and live in peace with other communities. Singapore welcomed the memorandum of understanding between Myanmar, UNDP and UNHCR and noted that the repatriation process would require reconciliation, fairness and better prospects for all communities in accordance with the recommendations of the Advisory Commission on Rakhine State. Myanmar, together with United Nations agencies, was undertaking concrete infrastructure improvements in northern Rakhine State.

67. **Mr. Wardhana** (Indonesia) said that his delegation welcomed the establishment of the Independent Commission of Enquiry and called on the Government of Myanmar to conduct a full, transparent and independent investigation. Indonesia welcomed the invitation to visit Myanmar extended to the ASEAN troika and the ASEAN Secretary-General. Accountability processes were part of the solution to the crisis and should be developed in parallel with efforts to address the deteriorating humanitarian situation of the Rohingya refugees. Furthermore, it was important to work with the Government in order to foster a sense of national ownership over the process.

68. **Ms. Benjasil** (Thailand) said that, as a neighbour of Myanmar, Thailand was aware of the complex challenges the country faced. Thailand supported a holistic approach and close consultation with the Government in order to find tangible and sustainable solutions. Myanmar should take steps to build trust, including through a credible investigation by the Commission of Enquiry and implementation of the memorandum of understanding signed by Myanmar, UNDP and UNHCR, and should create a climate conducive to the return of displaced persons. Thailand was committed to enhancing development assistance to Myanmar and sharing its own experience in ending statelessness.

69. **Mr. Al Mutairi** (Saudi Arabia) said that his Government had followed with serious concern the plight of the Rohingya and other minorities in Myanmar and was grievously pained by the gross human rights and international law violations committed by the armed forces. The report revealed that the armed forces had

burned down entire villages and detailed the crimes of arbitrary killing, mass rape, abuse of children and forced disappearance. Saudi Arabia condemned the terrorist massacres and genocide against the Rohingya Muslims in Myanmar, as well as the systematic destruction of villages and houses. It had recently sought to aid the Rohingya victims through support for rehabilitation programmes.

70. **Ms. Fangco** (Philippines) said that her country supported the Myanmar Government's establishment of the Independent Commission of Enquiry, led by an eminent diplomat with vast human rights experience, and was confident that that Commission would demonstrate independence, competence and impartiality. The Philippines was particularly concerned about the situation of displaced persons and, in that regard, welcomed the hospitality and generosity of the Bangladeshi people and Government. The Philippines welcomed all efforts, including the bilateral agreement between Myanmar and Bangladesh, for the repatriation of displaced Rohingya. The Government of the Philippines was willing to offer its assistance to Myanmar in addressing the complex issues in Rakhine State.

71. **Ms. Sukacheva** (Russian Federation) said that the information presented in the report of the mission was unfortunately based on one type of source and could hardly be considered completely objective. In order to analyse the background and origin of the situation, the mission had begun with the year 1962. Had the experts looked a little further back, they would have had to conclude that the problems in Kachin, Shan and Rakhine States were a direct consequence of the inhuman colonization policy of the British Empire, which had planted that time bomb waiting to explode 70 years ago. With respect to the mission's recommendation to establish a mechanism to collect and analyse evidence, similar to the one established by the General Assembly for Syria, there was no need to repeat mistakes or entrust an illegitimate body with important tasks. The Russian Federation noted the readiness of the Myanmar authorities to actively endeavour to prevent violations of human rights and adhere fully to its international human rights obligations. It welcomed the measures taken by Myanmar and Bangladesh to resolve the situation on their border. Only through open and honest dialogue and cooperation would those States be able to overcome the grave legacy of British colonialism.

72. **Mr. Darusman** (Chair of the Independent International Fact-Finding Mission on Myanmar) said that certain points made by the representative of Myanmar required correction. While he had claimed that the Fact-Finding Mission had not interviewed

non-Rohingya ethnic groups in Cox's Bazar, the Mission had in fact interviewed members of the Bamar ethnic group, ethnic Rakhines, Kaman Muslims, Hindus, Rohingya and members of the Kachin and Shan ethnic groups. Myanmar had barred the Fact-Finding Mission from the country on the basis that its work would not be helpful, implicitly recognizing a problem; but had the Fact-Finding Mission been given access to Myanmar, it would have interviewed the same individuals from the Rohingya community and other communities who had later fled to Bangladesh. Therefore, the Mission stood by its findings and its methodology.

73. The Fact-Finding Mission had condemned ARSA attacks and invited the Government of Myanmar to read the report in its final version. Before the report had been issued, the Fact-Finding Mission had provided a copy to the Permanent Mission of Myanmar in Geneva and had asked for comments but had received no response.

74. Advocating patience and trust-building in the face of impunity was dangerous. It must be asked why the situation in Myanmar had persisted for so long. None of the eight Commissions of Enquiry established by Myanmar since 2011 had issued a report, and now a new Commission had been set up. Patience, then, could not solve the Myanmar problem.

75. The Fact-Finding Mission had found reason to believe that grave violations, including crimes against humanity, genocide, and war crimes had been committed. The Mission had found that four of the conditions of genocide had been fulfilled, namely, killing members of the group, causing serious bodily and mental harm, inflicting conditions designed to destroy the group and imposing measures to prevent births. Such acts alone did not necessarily constitute genocide; the question was whether they had been carried out with genocidal intent. That question could be linked to the issue of social media, which had been raised by some delegations. The Fact-Finding Mission had been guided by the principle that it should be led by the facts, and thus, when it came time to draw conclusions it had noted the role of social media, specifically Facebook, in the atrocities. Genocidal intent could be inferred from posts by the Tatmadaw military leadership. Facebook had removed those accounts and had pledged to preserve them for prosecutorial purposes.

76. The Fact-Finding Mission hoped that the Committee, and perhaps the Security Council, would create a path towards an accountability process in the near future. The role of the independent mechanism was to prepare a file for prosecutorial purposes. The

recommendation in the report that the situation be referred either to an international tribunal or to the ICC allowed the Committee to deliberate on the best course of action.

77. **Mr. Ojea Quintana** (Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea), introducing his report ([A/73/386](#)), said that the pace of the rapprochement between the Democratic People's Republic of Korea and the Republic of Korea since he had last reported to the General Assembly had been extraordinary. Following 70 years of division and confrontation, a lasting peace in a denuclearized Korean Peninsula was now a possibility.

78. Given his insistence on the importance of dialogue with the Government of the Democratic People's Republic of Korea, the geopolitical developments of the past year were very welcome. There had been many positive results, including the release of United States nationals, the resumption of family reunions and discussions on returning the remains of United States soldiers. Shortly after he had called on the Government of the Democratic People's Republic of Korea to free political prisoners through a general amnesty as an indication of its commitment to universal human rights principles, domestic media in the country had reported that there would be a move to grant a general amnesty to prisoners convicted of crimes against the country and the people on 9 September. He hoped that there would also be a breakthrough in the deadlock on the issue of the Japanese abductees, which was long overdue.

79. It was deeply regrettable, however, that human rights had remained off the agenda during the high-level dialogues. The Panmunjom Declaration on Peace, Prosperity and Reunification of the Korean Peninsula and the joint statement issued by the Democratic People's Republic of Korea and the United States were aimed at achieving peace and prosperity of the Korean people of the North and the South, yet neither included any specific references to the human rights situation of the people of the Democratic People's Republic of Korea.

80. The international community needed no reminder of the findings of the 2014 United Nations commission of inquiry on human rights in the Democratic People's Republic of Korea. Addressing human rights in the country was a responsibility of the United Nations as a whole as well as the negotiating parties.

81. The Member States of the United Nations must therefore face the uncomfortable truth that the marked improvement in the geopolitical situation had not been accompanied by any substantial change in the human

rights situation in the Democratic People's Republic of Korea. The achievement of peace, denuclearization and prosperity, however, would require action on multiple fronts that would have implications for human rights, such as the provision of humanitarian aid and the improvement of economic and social statistics. For those reasons, the rapprochement should be seized as an opportunity to lay the foundations for a human rights dialogue with the Government of the Democratic People's Republic of Korea.

82. Although the Government of the Democratic People's Republic of Korea had continued to reject his mandate and his requests to carry out a visit, the missions he had conducted to the North-East Asia region and to Europe over the past year had enabled him to collect, evaluate and cross-check data on the situation in the country. Conditions in the country were described in detail in his report and included chronic food insecurity, the situation of persons in detention and the ill-treatment of women repatriated from China, whose forcible return should be considered as an act of refoulement.

83. The recent appointment of a new High Commissioner for Human Rights offered a unique opportunity for meaningful engagement and cooperation with the Government and he strongly supported a visit by the High Commissioner as a first step towards bringing human rights into the context of the rapprochement. While responsibility for fulfilling economic, social and cultural rights lay primarily with the Government, he encouraged the international community to continue to facilitate the provision of humanitarian aid. Accountability for violations remained as important as ever and a dedicated team had been set up within the Office of the High Commissioner for Human Rights (OHCHR) to monitor and document them. Such activities should be undertaken hand in hand with ongoing efforts to support confidence and peacebuilding initiatives.

84. The promotion and protection of human rights was inextricably linked to the conditions needed for a sustainable peace. History had shown that, whenever human rights were put aside in a peace process, it posed risks for the future. As the former Special Rapporteur on the situation of human rights in Myanmar, he had sounded the alarm that any deal would remain fragile if past atrocities were not addressed and the rights and needs of the population were not met. Human rights had been seen as an inconvenience, even toxic, at a delicate moment, yet as the report of the current Special Rapporteur on the situation of human rights in Myanmar showed, when the past was buried for political expediency, there could be no genuine, peaceful and sustainable transition.

85. It was imperative that the parties involved in the peace negotiations, the United Nations and the international community as a whole develop a clear strategy for improving the human rights situation in the Democratic People's Republic of Korea. He called on the Member States and the United Nations to integrate human rights throughout its consideration of and negotiations with that country, and not to restrict the subject to discussions in the Third Committee. He also called on the Government of the Democratic People's Republic of Korea to open up to the human rights agenda, end an era of isolation and allow access to its territory.

86. *Ms. Shikongo (Namibia), Vice-Chair, took the Chair.*

87. **Mr. Lu Yuhui** (China) said that disputes in the area of human rights should be resolved through constructive dialogue, cooperation and collective action. China opposed the politicization of human rights issues. It had consistently advocated for the denuclearization of the Korean Peninsula and the maintenance of peace and stability. Any issues should be resolved through dialogue and negotiation. There had been positive developments on the Peninsula since the beginning of the year and progress towards resolution of the issues was back on the right track, but some challenges remained. His delegation hoped that the relevant parties would advance the peace process and work towards the long-term peace and stability of the region.

88. On the issue of forced repatriation raised by the Special Rapporteur, it was important to note that North Koreans who had illegally entered the territory of China were not refugees, and the Government of China always handled such cases appropriately in accordance with domestic law, international law and humanitarian principles.

89. **Ms. Sukacheva** (Russian Federation) said that the consideration of the human rights situations in individual countries by the Committee brought no added value in terms of improving the human rights situation in those countries or promoting human rights globally and served only to exacerbate confrontation between Member States. States bore the primary responsibility for the promotion and protection of human rights, while the international community should provide technical assistance in that regard. The United Nations already had a well-established platform for the consideration of the human rights situations in individual countries, namely, the universal periodic review of the Human Rights Council, which provided an opportunity for constructive and mutually respectful cooperation.

90. **Mr. Aldahhak** (Syrian Arab Republic) said that his delegation rejected the use of United Nations

mechanisms by certain influential countries to target countries such as the Democratic People's Republic of Korea. The Syrian delegation also rejected the blatant double-standards on display in the treatment of human rights issues, evidenced by the focus on specific States while ignoring the grave violations committed by others. Confrontation and hostility were not conducive to achieving shared goals.

91. **Mr. García Moritán** (Argentina) said that, in light of the recent openness to dialogue on peace and denuclearization, he wondered how those talks could contribute to improving the human rights situation in the country and what action the international community should take.

92. **Mr. Gonzalez Behmaras** (Cuba) said that his delegation was not in favour of country-specific mandates that were not supported by the country concerned, as they were selective, discriminatory and politically motivated. Genuine international cooperation, based on the principles of objectivity, impartiality and non-selectivity was the best way to effectively promote and protect human rights.

93. The emphasis on punishment and sanctions did not help to improve the human rights situation; on the contrary, sanctions undermined the human rights of the population of the Democratic People's Republic of Korea. Cuba would not support punitive sanctions. His country was in favour of exploring all possible avenues for deepening a constructive and respectful dialogue with the Democratic People's Republic of Korea.

94. *Mr. Saikal (Afghanistan) resumed the Chair.*

95. **Ms. Wacker** (Observer for the European Union) said that the human rights issues highlighted by the Special Rapporteur in his report indicated a pragmatic approach, since all were pressing and acting on them would improve the lives of many people.

96. She asked what States could do to help fulfil his mandate and how likely it was that he or other Special Rapporteurs would be invited to visit the country in the near future. She would also be interested to hear how the recent developments in inter-Korean relations might translate into concrete improvements in human rights in terms of worker protection and the implementation of international labour standards. Lastly, she asked how the international community could use the upcoming universal periodic review of the Democratic People's Republic of Korea to accelerate progress.

97. **Mr. Kawamura** (Japan) said that almost five years had passed since the report of the commission of inquiry on human rights in the Democratic People's Republic of Korea had been issued, according to which the human

rights situation in the Democratic People's Republic of Korea had no parallel in the contemporary world. Among the most serious violations was the abduction of foreign nationals. The victims and their families were getting older and Japan demanded their immediate return.

98. Japan understood that OHCHR capacity had been strengthened through the appointment of a high-level expert to lead the project on accountability for human rights violations and a full report on progress would be presented to the Human Rights Council at its fortieth session. He asked what additional efforts needed to be made going forward.

99. Lastly, his delegation urged caution in drawing conclusions regarding the possible negative effects of sanctions in the absence of statistical data.

100. **Mr. Playford** (Australia) said that respect for human rights was critical to peace and stability in all States. While Australia welcomed the easing of tensions on the Korean Peninsula, the Democratic People's Republic of Korea must take urgent action to relieve the suffering of its people and the international community needed to continue to press that country to improve the human rights situation of all its citizens. The Secretary-General's report (A/73/308) had reaffirmed the grim human rights situation faced by the North Korean people and his delegation urged the Democratic People's Republic of Korea to engage constructively with United Nations processes and representatives, including by facilitating a visit by the Special Rapporteur.

101. **Ms. Wessel** (Norway) said that her country welcomed the ongoing diplomatic efforts aimed at achieving peace and stability on the Korean Peninsula and shared the view of the Special Rapporteur and the Secretary-General that the protection of human rights was inseparable from the conditions needed for sustainable peace. Human rights should be an integral part of the peace, security and denuclearization agenda and the protection of human rights in the Democratic People's Republic of Korea should remain high on the international agenda. Sanctions might have an adverse impact on humanitarian needs and in that regard her delegation supported the call on the Government of the Democratic People's Republic of Korea to cooperate fully with the Special Rapporteur and other United Nations processes. The recent rapprochement between the two Koreas was a significant step forward and represented an opportunity to improve the situation through closer cooperation with the international community.

102. **Ms. Wundsch** (Germany) said that her country was particularly concerned by the plight of detainees

held in appalling conditions. Having been imprisoned without fair trial, they suffered torture and ill-treatment and were systematically denied their most basic human rights. Many had not even been accused of any wrongdoing but were simply being detained as family members of alleged dissidents. Under international law and practice, accountability for those extreme human rights violations was a legal obligation. Her delegation urged the Government of the Democratic People's Republic of Korea to take immediate and effective steps to end all human rights violations and to cooperate with the special procedures, including the OHCHR office in Seoul. She asked whether the political developments on the Korean Peninsula offered the international community any new opportunities for improving the human rights situation in the Democratic People's Republic of Korea.

103. **Ms. Levin** (United States of America) said that the President of the United States had raised the human rights record of North Korea in his summit meetings with Chairman Kim Jong Un and would continue to do so. The United States was working with international partners to shine a spotlight on the egregious human rights violations committed by the Government of the Democratic People's Republic of Korea, to promote accountability for those most responsible for abuses, and to increase the flow of information into, out of and within that closed society.

104. Rather than invest in its people and address their suffering, the regime had chosen to invest in illicit weapons programmes. North Korea could choose a new and better path: it could choose between complete isolation or international acceptance. The United States joined in the call for the immediate release and amnesty for prisoners of conscience and an end to severe restrictions on fundamental freedoms.

105. **Mr. Park Chull-Joo** (Republic of Korea) said that his delegation welcomed the progress made in 2018 toward the complete denuclearization and establishment of permanent peace on the Korean Peninsula and hoped that it would lead to a substantial improvement in the human rights situation of the North Korean people. It also welcomed the resumption of family reunions as part of implementation of the Panmunjom Declaration and wished to highlight the commitments made at the inter-Korean summit in September 2018 to strengthen humanitarian cooperation on the issue of separated families.

106. Given the cooperation of the Democratic People's Republic of Korea with certain treaty bodies, his Government wished to encourage it to further expand its cooperation with United Nations mechanisms. The

Special Rapporteur had recommended that the Government of the Democratic People's Republic of Korea engage with the Special Rapporteur on the human rights to safe drinking water and sanitation and he would be interested in hearing more about possible forms of engagement that would substantially improve the human rights situation.

107. **Ms. Vasilevskaya** (Belarus) said that her delegation consistently opposed the selective and politically motivated establishment of country-specific mandates. Such mandate holders were incapable of carrying out their work impartially, and their monitoring functions were reduced to the collection of information that deliberately discredited the State. It was therefore not surprising that the reports presented by country-specific mandate holders were biased and one-dimensional and presented a distorted picture of the human rights situation on the ground. The recommendations of country-specific special procedures often were detached from reality in terms of their practical implementation and ran counter to the provisions of the Charter of the United Nations. Only through respectful dialogue with States could the objectives of promoting and protecting human rights be achieved.

108. **Ms. Přikrylová** (Czechia) said that grave human rights violations continued to be committed despite signs of de-escalation on the Korean Peninsula. While welcoming the rapprochement between the Democratic People's Republic of Korea and the Republic of Korea and the willingness of the Government of the Democratic People's Republic of Korea to engage in talks on peace and denuclearization, Czechia agreed that human rights must be integrated into the agenda of those talks and called on the leadership of the Democratic People's Republic of Korea to engage in an open and genuine dialogue on human rights with the international community. Any road map for lasting peace must tackle the dire human rights situation in that country and there was no time to lose. She asked whether the Special Rapporteur had seen any signs that the Democratic People's Republic of Korea might cooperate with his mandate in the near future alongside its engagement in peace talks.

109. **Ms. Ndayishimiye** (Burundi) said that her delegation remained concerned that the United Nations human rights mechanisms continued to be used for political purposes. Dialogue and cooperation were crucial and had enabled the recent rapprochement and improvements in the region. Indeed, all the positive developments referred to in the report had resulted from dialogue. While that was currently only at the political

level, improvements in the human rights situation could be expected to follow political progress.

110. **Mr. Thein** (Myanmar) said that his delegation was steadfastly opposed to country-specific reports or discussions on human rights in the General Assembly or the Third Committee. It was vital to abide by the principles of universality, impartiality, objectivity, non-selectivity and non-politicization in the consideration of human rights issues and avoid double standards.

111. The universal periodic review was a unique mechanism and the most effective means of addressing human rights challenges in all Member States on an equal basis. A constructive approach and genuine cooperation were the only way to promote and protect human rights, especially when it came to issues that had a far-reaching impact on a State's sovereignty.

112. **Mr. Vongxay** (Lao People's Democratic Republic), reiterating that country-specific mandates did not help address human rights issues, said that his delegation firmly believed that the universal periodic review was the only appropriate mechanism for discussing and examining the human rights situation in any country. He called on the international community and the Democratic People's Republic of Korea to build on the recent positive developments by further engaging in a constructive and genuine dialogue.

113. **Mr. Tennakoon** (United Kingdom) said that the Constitution of the Democratic People's Republic of Korea spoke of freedom of expression, religion, speech and the press. Yet in practice, the State sought to control all aspects of its citizens' lives, even their beliefs. As the Special Rapporteur's report made clear, citizens of the Democratic People's Republic of Korea faced ill-treatment, torture and even death in detention if they or their families expressed beliefs not deemed acceptable by the regime. Many basic food and health needs went unmet.

114. The United Kingdom once again called on the Government of the Democratic People's Republic of Korea to engage with the Special Rapporteur, to demonstrate its commitment to improving the lives of the people of North Korea and to allow independent experts immediate and unhindered access to the country.

115. He asked what opportunities there might be, in light of recent developments, for opening up a dialogue with the Government of the Democratic People's Republic of Korea on human rights, whether directly or through the OHCHR office in Seoul.

116. **Ms. Ershadi** (Islamic Republic of Iran) said that her delegation wished to reiterate its principled position

that the selective adoption of country-specific mandates, in particular in the Third Committee, and their use for political ends ran counter to the principles of universality, non-selectivity and objectivity in addressing human rights issues and undermined cooperation and dialogue as the basis for the promotion and protection of human rights. The universal periodic review process made it possible to review human rights situations and issues in all Member States on an equal footing without recrimination or naming and shaming. The United Nations mechanism for country reporting must be based on professionalism, justice, non-discrimination and non-politicization and must not be weakened by parallel mechanisms.

117. **Mr. Ojea Quintana** (Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea) said that he wished to highlight first and foremost the absence of the representative of the Democratic People's Republic of Korea in the room. Given the enormous significance of the peace talks and the rapprochement between the Democratic People's Republic of Korea and the Republic of Korea, he would have expected that a representative would at least attend the meeting and participate, regardless of the country's political position regarding the mandate. He hoped that there would be the opportunity in 2019 to interact with the delegation and establish a constructive dialogue. His goal had always been to work with the Government to improve the human rights situation in the country.

118. The recent developments offered multiple opportunities to improve the human rights situation; it would be necessary to be creative and put forward specific proposals. Infrastructure projects, for example, such as the construction of railways, could have a significant impact on workers' rights. If all the projects that were currently under discussion went ahead, they would have implications for human rights and the international community must be ready to provide the assistance and advice needed to improve the human rights situation.

119. Regarding the possibility of visiting the Democratic People's Republic of Korea in the near future, the Government had resisted all contact with the mandate holder to date. While the outlook was not promising, he remained committed to turning that around. Regardless of whether the Government accepted his mandate, it had always been challenging to persuade the country to open up to United Nations mechanisms. As the mandate holder, it was his job to provide leadership on human rights as the peace talks advanced.

120. The new High Commissioner for Human Rights had an opportunity to build a relationship with the

Government and he hoped that she would take advantage of it. There were also opportunities for other thematic rapporteurs to establish links with the Government, as in the case of the Special Rapporteur on the rights of persons with disabilities. He had encouraged engagement between the Government and the Special Rapporteur on the human rights to safe drinking water and sanitation. While a meeting with the delegation in Geneva would be important, it was vital, however, that it should result in concrete action. The international community should keep in mind those opportunities in order to encourage those mandate holders to take advantage of them.

121. The concepts of accountability, truth and justice were frequently touched upon in the Third Committee, but they needed to be seized and translated into results. Events in Myanmar had demonstrated that, without accountability, problems might not be tackled at their roots and would simply recur, meaning that communities would continue to suffer terrible human rights abuses. In the case of the Democratic People's Republic of Korea, OHCHR was running an accountability project, which entailed gathering information and evidence and creating a repository.

122. The previous year, he had referred to information he had received on the possible negative impact of sanctions. Currently, he had received no information and was therefore unable to comment on it. In addition, negotiations were ongoing regarding the sanctions. Nevertheless, humanitarian aid was crucial, and should continue to be provided in line with the relevant principles.

123. Lastly, he did not agree with the representative of Burundi that political problems should be addressed before human rights concerns. History had shown that politics and human rights should be dealt with at the same time, and in the case of the Democratic People's Republic of Korea, where opportunities for dialogue were opening up on all fronts, human rights should be part of the discussion.

The meeting rose at 6.05 p.m.