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Chair: Mr. Braun (Luxembourg)

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

Agenda item 70: Promotion and protection of human rights (continued)

(a) Implementation of human rights instruments (continued) (A/74/40, A/74/44, A/74/48, A/74/55, A/74/56, A/74/146, A/74/148, A/74/228, A/74/233, A/74/254 and A/74/256)

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(c) Human rights situations and reports of special rapporteurs and representatives (continued) (A/74/166, A/74/188, A/74/196, A/74/268, A/74/273, A/74/275, A/74/276, A/74/278, A/74/303, A/74/311, A/74/342 and A/74/507)

(d) Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action (continued) (A/74/36)

1. **Ms. Schraner Burgener** (Special Envoy of the Secretary-General on Myanmar), introducing the report of the Secretary-General (A/74/311), said that, in the light of the upcoming 2020 general elections in Myanmar and against the backdrop of continued communal tensions and ethnic strife throughout the country, more had to be done to address the root causes of violence and institutionalized discrimination. The Government had committed to taking critical steps in that direction, including by following the recommendations of the Advisory Commission on Rakhine State chaired by former Secretary-General Kofi Annan and implementing a national strategy to close the camps for internally displaced persons. However, after two years, it was high time that the affected communities saw tangible measures and genuine political will to build an inclusive and vibrant democracy, which required durable solutions based on a consultative and rights-based approach. She called on the civilian and military authorities to take a unified stance against incitement to hatred and promote an

inclusive, transparent and accessible electoral process. The Government had repeatedly stated that its cooperation with the United Nations would remain the cornerstone of its foreign policy.

2. She had returned to Myanmar once since the report of the Secretary-General had been published and was currently planning her ninth visit to the country, which would take place in November 2019. She would continue to use her visits to engage with State Counsellor Aung San Suu Kyi and other leaders and convey her first-hand observations as well as the deep grievances shared with her by all communities affected by the violence, including communities in Rakhine State and people who had taken refuge in Bangladesh. The State media had recently reported that, on 10 October 2019, the Committee for Implementation of the Recommendations on Rakhine State had discussed the suggestions she had made during her previous field visit to Rakhine. There was room for dialogue.

3. In close cooperation with the United Nations Children's Fund (UNICEF) and other key stakeholders, she continued to focus on making the Myanmar school curriculum available in the refugee camps and improving education opportunities in Rakhine State to prevent the creation of a lost generation. Considerable international and regional support would be needed to ensure that international standards and principles were upheld. However, access for United Nations entities and their partners, especially to areas affected by violence such as the western and north-eastern peripheries, remained generally problematic.

4. Nonetheless it was important to recognize the progress made and help to build on any positive momentum. In that regard, the signing by the Government on 6 June 2018 of a memorandum of understanding with the United Nations Development Programme (UNDP) and the Office of the United Nations High Commissioner for Refugees (UNHCR) on the voluntary, safe, dignified and sustainable repatriation of refugees to their places of origin or choice was an important step. Since then, access had improved to more locations covered by the memorandum of understanding related to quick-impact projects, which supported the recovery and resilience-based development of all communities in Rakhine State. She hoped that the United Nations and its partners would be granted even more access without further delay.

5. She would remain in close dialogue with the Association of Southeast Asian Nations (ASEAN). States members of ASEAN, including Myanmar, had acknowledged the importance of coordinating regional

efforts with the United Nations. More needed to be done to safeguard the rights, dignity and security of all communities in Rakhine State, which would require freedom of movement and equal access to livelihoods and non-segregated basic services, including mainstream education, jobs and health services, for internally displaced persons in the camps as well as for others.

6. Although the Government had acted on the proposals made to simplify and expedite citizenship applications, tangible measures had yet to materialize. Moreover, the Citizenship Act of 1982, on which the process was predicated, did not meet international standards on non-discrimination and the prevention and reduction of statelessness, and must be reformed. The authorities had also distributed a fact sheet to refugees in Bangladesh and had established a complaints mechanism. Furthermore, in July 2019, officials representing the central Government had engaged refugees in Cox's Bazar, Bangladesh, together with representatives of Bangladesh and ASEAN.

7. The United Nations would continue to urge Myanmar to build on its recent efforts to facilitate dialogue and take other confidence-building measures. It was ultimately the Government's responsibility to create sustainable conditions in which the refugees could return to their homes voluntarily, in safety and with dignity. The authorities should sustain a dialogue with them and help to ensure that their views were central to real solutions.

8. There had recently been reports that around 300 refugees had returned to Rakhine of their own volition. How they would be treated and whether they would be able to live in their places of origin or choice and under more dignified conditions would be a key indicator of the current situation. Meanwhile, her field visits to Rakhine had left her with a sense that strong communal tensions prevailed on the ground and that more interfaith and intercommunal dialogue was needed to address them.

9. Clashes between the separatist group Arakan Army and the armed forces, known as the Tatmadaw, had exacerbated the precarious situation in Rakhine State, one of the poorest parts of the country, and had shed light on the long-standing grievances of the Rakhine ethnic group against the majority Bamar ethnic group, as well as on the disenfranchisement of the Rohingya community. Yet, there had been minimal international condemnation of the suffering of Rakhine civilians. The United Nations needed to speak on their behalf, especially in the wake of the increasing numbers of casualties, the restriction of access to information and

the burning of homes belonging to members of the Rakhine community. Meanwhile, the suffering of the Rohingya and others continued and had even increased due to the latest violence. Some had been killed and their homes had been burned. The General Assembly should promote social cohesion and the well-being of all affected communities.

10. Fighting had resumed in Kachin State and northern Shan State. Both there and in Rakhine State, advocacy was needed to ensure that all civilians on all sides were protected and that the Government fulfilled its responsibilities under international humanitarian and human rights law. It was regrettable that the mistrust between the military and ethnic armed organizations continued, as was apparent from the military's announcement made in September that, in many of the affected areas, the unilateral ceasefire would not be extended.

11. All sides were responsible for exercising restraint and avoiding actions that could reverse the peace gains, while protecting and providing access to those in need. Doing so was necessary for a more inclusive peace process. According to the report of the Secretary-General, the military had demonstrated some openness in engaging constructively with the United Nations, in particular with the Special Representative of the Secretary-General on Sexual Violence in Conflict and the Special Representative of the Secretary-General for Children and Armed Conflict. Myanmar had recently ratified the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.

12. She had continued to urge the Government to cooperate with all human rights entities in the United Nations system, as effective international cooperation was needed to ensure that the country's accountability mechanisms were credible, independent and effective in delivering justice for victims. Accountability measures must include national ownership and the responsibility to conduct credible investigations and prosecutions, as those were critical components from the vantage point of the victims. Therefore, it was vital for the Independent Commission of Enquiry to follow a credible, transparent process and produce an effective outcome.

13. The preponderant political role of the military in Myanmar remained an obstacle to the ongoing democratic transition. Positions were already hardening ahead of the 2020 elections. That was immensely challenging for the civilian leadership, which was forging ahead with democratic reforms that included constitutional amendments. The United Nations must be

mindful of the tense and precarious situation, and engage in a manner favouring the empowerment of those speaking out for and acting to achieve progress. That included the many civil society organizations and some religious leaders who were courageously campaigning for tolerance, genuine representation and strength in diversity.

14. **Mr. Suan** (Myanmar) said that the highest priority of his Government for Rakhine State was the humanitarian issue and the repatriation of displaced people at the first opportunity. The Government was working closely with UNHCR, UNDP and ASEAN to facilitate the implementation of the bilateral agreements between Myanmar and Bangladesh on the repatriation, resettlement and development of returnees. Myanmar strongly held the view that issues between neighbours, including the issue of displaced persons in Cox's Bazar, must be resolved bilaterally and amicably.

15. Myanmar was grateful for the political, financial, material and logistic support received from the region in creating a conducive environment for the repatriation process in a voluntary, safe and dignified manner. The preconditions set by some countries to put international pressure on Myanmar, such as attempts to bring the case of Myanmar to the international judicial bodies for accountability, to set up a "safe zone" inside Myanmar, and outright citizenship demands, were unwarranted and not workable.

16. Despite obstacles to the repatriation process, including killings and threats by the Arakan Rohingya Salvation Army inside the camps, some displaced families had been returning under their own arrangements and of their own volition. Most recently, on 21 October, 29 people had returned safely to Rakhine of their own free will, which had brought the total number of returnees to date to 341.

17. At the informal ministerial meeting between Myanmar, Bangladesh and China during the high-level week of the current General Assembly, agreement was reached to form an informal tripartite working group in Dhaka at the ambassadorial level. The working group would work together for the successful implementation of the repatriation process on the ground.

18. Faithful implementation of the bilateral agreements was the only feasible way to resolve the issue of displaced persons. The support of the international community to the bilateral efforts would help to accelerate the repatriation process.

19. His Government had made its position on the issue of citizenship very clear. Citizenship would be granted in accordance with the Citizenship Act of 1982. Verified

returnees would receive a national verification card upon arrival at the reception centre, after having their biometric data taken. The card was a temporary document and a first step on the way to citizenship status. The card was solid proof that the holder was a resident of Myanmar. Myanmar applied procedures similar to those of other sovereign States concerning applications for citizenship. Cards were being issued throughout the country, not just in Rakhine State. Card holders who met prescribed requirements were entitled to applying for citizenship.

20. It was critically important that the report of the Independent Commission of Enquiry was credible with regard to the accountability question. Members of the Commission had visited Bangladesh from 17 to 22 August 2019 to prepare the groundwork. The Commission was currently waiting for the Government of Bangladesh to allow its evidence collection and verification team to visit Cox's Bazar to interview and collect evidence from alleged victims. He called on Bangladesh to allow the visit as soon as possible.

21. A military investigation into the allegations relating to Rakhine was ongoing. A recent announcement suggested that there would soon be a court martial. It would be in the best interest of all, including the affected persons, if the international community supported domestic efforts to ensure accountability.

22. Myanmar had made great strides in implementing the majority of the recommendations made by the Advisory Commission on Rakhine State. For some, there might not immediately be tangible results. The Government was focusing on the human aspects by prioritizing the recommendations on citizenship, freedom of movement, closure of camps for internally displaced persons and the promotion of education and health care.

23. Myanmar had been under intense scrutiny by the Human Rights Council since 1992. Five special rapporteurs had been appointed. Between 1995 and 2016, three special envoys had been appointed as part of the good offices of the Secretary-General to help Myanmar in its democratization process. The Government had never failed to cooperate with the United Nations in good faith throughout those years.

24. The transition to democracy was as yet incomplete. The democratic Government was relentlessly striving to deliver its commitments to peace and national reconciliation, social and economic development, the rule of law and the full alignment of the Constitution with democratic norms and principles. Despite grappling with numerous daunting challenges,

the Government and people of Myanmar were determined to build a democratic federal union that would guarantee peace, development and human dignity.

25. **Mr. Roscoe** (United Kingdom) said that Myanmar continued to face three overlapping challenges that would take time to resolve: the Rohingya crisis, which remained a humanitarian and human rights catastrophe; the peace process to end the decade-long conflict between the military and the armed organizations of ethnic groups across the country; and the advancement of democracy and human rights after decades of repressive military rule. Nonetheless, immediate action should be taken by the Government of Myanmar to cease human rights violations in Rakhine State and other conflict-affected areas, such as Kachin and Shan States; to end the discrimination against the Rohingya, improve the situation in Rakhine State and allow the safe, voluntary and dignified return of Rohingya refugees in partnership with the United Nations and ASEAN; and to hold accountable all those responsible for serious human rights violations.

26. **Mr. Roijen** (Observer for the European Union) said that it was the primary responsibility of the Government of Myanmar to end the continuing discrimination and incitement to hatred and violence against members of ethnic and religious minority groups, including the denial of full citizenship of the Rohingya; to uphold human rights and the rule of law and make major efforts to implement the recommendations contained in the report of the Advisory Commission on Rakhine State, thus fostering peace and reconciliation; and to create an environment allowing for the voluntary, safe and dignified return of the refugees.

27. The Government was not sufficiently addressing the root causes of the conflict. New violations and abuses were being documented and the space for civil society was shrinking. Immediate and real improvements were needed. The situation in Rakhine State had been dominating the political dialogue of the European Union with Myanmar, including at high-level meetings and the human rights dialogue between the European Union and Myanmar. The European Union was a key provider of humanitarian assistance and development cooperation benefiting Rakhine State and areas in Bangladesh that hosted members of the Rohingya community.

28. The latest reports of the independent international fact-finding mission on Myanmar had confirmed the gravity of the situation. The European Union was deeply concerned about the findings in the report of the Human

Rights Council entitled “Sexual and gender-based violence in Myanmar and the gendered impact of its ethnic conflicts”, in particular that widespread sexual and gender-based violence had been committed, and by the conclusion of the fact-finding mission that the nature and scale of those crimes constituted crimes against humanity, war crimes and underlying acts of genocide accompanied by factors allowing the inference of genocidal intent.

29. He asked the Special Envoy what her views were on the implementation of the recommendations contained in the independent inquiry into the involvement of the United Nations in Myanmar from 2010 to 2018 by Gert Rosenthal; how she would recommend the meaningful participation of Rohingya in decisions about their future be ensured, including the safe and voluntary return of refugees; and how the protection of the Rohingya and their access to inclusive education could be significantly improved in both Myanmar and Bangladesh.

30. **Ms. Lendenmann Winterberg** (Switzerland) said that her country remained concerned by the human rights violations in Myanmar, some of which could constitute genocide, war crimes or crimes against humanity, and by the fact that the perpetrators were not being held to account. The Government of Myanmar should step up its efforts to find a long-term solution to the root causes of the various conflicts across the country and fulfil its primary responsibility to pursue justice. In that context, the Security Council could refer a situation to the International Criminal Court and Myanmar could accept its jurisdiction ad hoc.

31. The Governments of Myanmar and Bangladesh and the international institutions that supported them must ensure the safe, voluntary and dignified return of refugees and internally displaced persons, and guarantee the human rights of the Rohingyas in the long term, in particular their access to citizenship and freedom of movement.

32. She asked what tangible action the Government of Myanmar should take to improve the situation and to rebuild confidence so as to ensure the safe, voluntary and dignified return of refugees and internally displaced persons

33. **Ms. Lee** (Canada) said that the Rohingya crisis had arisen because of the long-standing structural problems underlying the multiple conflicts in Myanmar. Tens of thousands of people across the country were being subjected to renewed daily violence, forcing them to leave their homes behind for long periods without guarantees that they would be able to return.

34. To improve the situation, it was essential to uphold fundamental human rights. The root causes of the situation could not be addressed without ensuring inclusive political participation, recognizing the identity and citizenship of minorities and restoring freedom of movement.

35. She welcomed the recent ratification by Myanmar of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict and hoped that Myanmar would cooperate fully with the other special mechanisms and procedures of the United Nations.

36. She asked what measures Myanmar was taking to implement the recommendations contained in the final report of the Advisory Commission on Rakhine State and to ensure that those who returned did so voluntarily, safely and with dignity.

37. **Mr. Sparber** (Liechtenstein) said that his Government continued to be concerned about the lack of tangible, decisive measures on the part of the Government of Myanmar. Tangible action was particularly urgent to address the root causes of the violence, in particular the deep-rooted discrimination in law and fact against minorities. As long as there was impunity for the atrocities committed against the Rohingya in particular, there could be no voluntary, safe and dignified return for the many displaced persons. Liechtenstein supported efforts to end impunity, most notably those of the International Criminal Court, and looked forward to the operationalization of the Independent Investigative Mechanism for Myanmar. It was important that the United Nations system spoke with one voice on that issue.

38. He asked the Special Envoy to elaborate further on the closure of camps for internally displaced persons in Rakhine State and to give more specific information about how the lack of action to counter corruption affected progress towards peace and the rule of law.

39. **Mr. Koba** (Indonesia) said that much remained to be done to repatriate refugees. All parties needed an environment in which trust could grow. Therefore, Indonesia and ASEAN had been engaging with all parties to build such an environment with a view to achieving a peaceful and sustainable solution. In the face of the pressing humanitarian crisis, the Government of Myanmar needed to intensify its efforts to create a conducive environment in Rakhine as a prerequisite for the voluntary, safe and dignified return of refugees. The security of all people must be guaranteed and humanitarian assistance must be secured.

40. The deep-rooted and multifaceted nature of the challenges should not be used as an excuse to retreat from finding a durable solution in Rakhine State. A tolerant and pluralist society should be nurtured and economic activity stimulated to improve people's living conditions. Indonesia had established a number of schools and hospitals in Rakhine State and had facilitated dialogues between faith communities.

41. It was crucial for the international community to maintain its constructive engagement in support of a sustainable and comprehensive solution in Myanmar, as ASEAN was doing through the ASEAN Coordinating Centre for Humanitarian Assistance on Disaster Management and by facilitating dialogue between the Government of Myanmar and refugees. A durable solution required a gradual process in which humanitarian concerns came first. That could only be achieved with the involvement of all stakeholders, including the United Nations and the broader international community.

42. **Mr. Schroeder** (Germany) said that Germany continued to be concerned about the situation in the whole of Myanmar, not only in Rakhine. There were restrictions on journalists and, more generally, on the freedoms of expression and assembly. Those developments were not conducive to the fragile democratic transition and did not bode well for the upcoming elections. Germany was also concerned about restrictions on access to parts of Myanmar, including humanitarian access.

43. There was a culture of impunity in the armed forces and other security forces of Myanmar. He asked how the Special Envoy was including questions of accountability in her dialogue, considering that accountability was the only way to sustainable peace and reconciliation. He also asked what stance the Independent Commission of Enquiry was taking in that regard, and when its report would be forthcoming.

44. Germany was concerned that the Government of Myanmar was not addressing the root causes of the conflict in Rakhine. He asked the Special Envoy to set out her views on the 1982 Citizenship Act, in particular, the national verification card system, and on the best way forward.

45. **Mr. Mack** (United States of America) said that his Government encouraged the Special Envoy to support progress on the democratic transition in Myanmar, the establishment of civilian control of the military and respect for human rights. It also encouraged her to consult with the victims of human rights abuses and to press the authorities to take victims' views and needs into account. The restrictions on human rights and

freedoms, including the constraints imposed on civil society and the increasingly hostile environment for journalists, remained matters of concern. Meaningful reforms were needed to achieve a peaceful, prosperous and democratic country. The ongoing abuses and the culture of impunity within the security forces were another matter of grave concern. The military must take steps to end policies that promoted abusive behaviour and hold the perpetrators accountable.

46. His delegation was also deeply concerned about the people of Myanmar who had been forced to flee their homes, including the 1 million Rohingya refugees residing in Cox's Bazar and the internally displaced persons in Rakhine State. The Government had made very little progress in improving the conditions in Rakhine State so as to allow the voluntary, safe, dignified and sustainable return of members of the Rohingya community. He urged the Special Envoy to continue to press the Government to allow unhindered humanitarian access, create the conditions for the voluntary return of refugees and internally displaced persons and address the root causes of the crisis in Rakhine State, including by improving the living conditions for those members of the Rohingya community who had remained, in line with the recommendations of the Advisory Commission on Rakhine State.

47. He asked what additional steps the international community could take to support the establishment of civilian control over the military in both the political and economic domains.

48. **Mr. Islam** (Bangladesh) said that, as the Special Envoy had pointed out, accountability and inclusive dialogue were two of the pillars on which national reconciliation in Myanmar rested. The Rohingya community itself was calling for accountability, which could enable the return of its members to Myanmar.

49. He asked what specific efforts the Special Envoy had made to facilitate processes relating to accountability. He also asked what her experiences had been with interfaith and intercultural dialogue, which were critical for the encouragement of freedom of expression and for countering hate speech and intolerance.

50. His country noted with appreciation the regular consultations the Special Envoy was holding with regional organizations such as the Organization of Islamic Cooperation, ASEAN and the European Union. The tripartite arrangement with UNHCR and UNDP had been extended by another year. He asked the Special Envoy whether that extension had facilitated the work of United Nations system entities on the ground, in

particular whether their access across Rakhine State had improved.

51. In his independent review of the involvement of the United Nations in Myanmar from 2010 to 2018, the author, Gert Rosenthal, had raised serious concerns about the systematic and structural failures that had prevented a unified United Nations strategy. Against that backdrop, he asked to what extent the Special Envoy had been able to promote a coherent, system-wide engagement based on close cooperation with various mandate holders and other senior United Nations officials.

52. Bangladesh called for the full and effective implementation of the recommendations contained in the report of the Advisory Commission on Rakhine State, backed by the practical recommendations offered by various mandate holders based on a road map for a peaceful, just and viable solution to the Rohingya crisis.

53. **Mr. Bin Jadid** (Saudi Arabia) said that his delegation would welcome information on recent developments relating to the introduction of the Myanmar school curriculum in the Cox's Bazar refugee camps and the extent to which Myanmar and Bangladesh had cooperated in that regard.

54. **Mr. Prongthura** (Thailand) said that ASEAN was prepared to step up its cooperation in providing humanitarian assistance, facilitating the repatriation process and promoting sustainable development in the area. Thailand was the current ASEAN Chair.

55. **Ms. Schraner Burgener** (Special Envoy of the Secretary-General for Myanmar) said that the Rosenthal inquiry had drawn attention to the need for close cooperation within the United Nations framework. For her part, she had maintained close contact with the regional coordinators in Myanmar and Bangladesh, as well as with all relevant United Nations system entities and representatives, including the Special Representative of the Secretary-General on Sexual Violence in Conflict, the Special Representative of the Secretary-General for Children and Armed Conflict, UNHCR, the International Organization for Migration, the Office of the United Nations High Commissioner for Human Rights (OHCHR), the Office for the Coordination of Humanitarian Affairs, UNDP, UNICEF and others. It was important that all spoke with one voice and created synergies. Further follow-up to the Rosenthal inquiry would be ensured by the Secretary-General.

56. The Government was seeking dialogue with those involved in the repatriation of the Rohingya community. A delegation of the Government had visited Cox's Bazar

in July 2019 to distribute a fact sheet and give information about repatriation. However, follow-up was needed. The dialogue with the refugees needed to be continued to learn about their wishes, so that their repatriation could be voluntary, safe and dignified.

57. Wishing to prevent the creation of a lost generation in Cox's Bazar, she had advocated strongly in favour of teaching the Myanmar school curriculum in Cox's Bazar, and both Bangladesh and Myanmar had agreed. She was currently in contact with UNICEF about the implementation. The search for textbooks and teachers, which was where the initiative currently stood, was not a straightforward matter, because enough teachers had to remain available in Myanmar itself and there were armed conflicts not just in Rakhine, but in many other regions as well.

58. The 88 recommendations made by the Advisory Commission on Rakhine State were still valid and should be implemented. She recommended that the Government speed up implementation. Furthermore, with the support of international experts, the Government had finalized a strategy for the closure of camps for internally displaced persons. Implementation would start in Kachin. A number of internally displaced persons had already returned from Kachin to their places of origin.

59. Camps in Rakhine were also to be closed. However, that closure must be accompanied not only by the construction of new housing, but also by freedom of movement and unhindered access to livelihood activities, health care and education, and the freedom to return to the place of origin or choice. The fact sheets mentioned many of those conditions, but the conditions would have to materialize so that people could return with confidence.

60. The Government should be supported in its efforts to counter corruption, as corruption was frequently encountered in the citizenship application process. Those who wanted to return should feel safe to do so. However, communities were still divided and distrustful of each other. While it was the task of the Government to ensure security, that task was complicated by the lack of trust between the central Government and the government of Rakhine State. She urged dialogue between the two bodies, as well as between the communities involved. Non-governmental organizations and international experts were involved in efforts to bring communities together.

61. She urged the Government to accelerate the citizenship verification process. Having citizenship gave people rights, freedom of movement and access to all services. All citizens deserved equitable treatment,

and the 1982 law on citizenship must therefore be amended. Whether or not to return was a decision that belonged to the refugees themselves. Therefore, every individual refugee should be listened to.

62. She used every meeting with the Government to reiterate that accountability was a prerequisite for reconciliation and justice. There should be no recurrence of the terrible events from the past, in particular those of August 2017. Accountability needed to be accompanied by ownership to ensure sustainability. The Independent Commission of Enquiry had already started to interview people and its final report was expected for the end of January. She would await the results to see whether the Commission had really worked independently and whether its findings would be credible.

63. She had been pleased to learn from the Government that the army had launched investigations, but would await the results before drawing conclusions. The root causes of the situation needed to be addressed, in particular through dialogue between the various communities. The constitutional amendment would be a crucial step in the democratization process. A committee had been constituted in parliament, but as elections were to be held at the end of 2020, the Government did not have enough time to finalize all amendments, all the more so because opposition and demonstrations were being held in the streets.

64. Lastly, people would need to feel confident about their safety before being able to return. At every opportunity, she had urged the Government to allow the United Nations and all humanitarian actors full access on the ground in Rakhine, Kachin and Shan States. In Rakhine, UNHCR and UNDP had a memorandum of understanding. She looked forward to its speedy implementation, in particular with regard to quick-impact projects. The fact that nine more projects had been accepted the previous week would enable more access on the ground. Access had been particularly difficult in Rakhine State owing to the ongoing conflict. She had urged the Arakan Army and the military to stop the violence and to find solutions through dialogue and had also informed the Government on every occasion that she stood ready to facilitate peace negotiations.

65. **Mr. Diène** (Chair of the Commission of Inquiry on Burundi), introducing the note by the Secretariat (A/74/303) transmitting the Commission's report (A/HCR/42/49), said that an in-depth investigation of human rights violations in Burundi remained a necessary task that other international human rights mechanisms, including the universal periodic review, had been unable to accomplish. Ongoing human rights

violations persisted in Burundi as a result of actions by the authorities, including their refusal to prosecute perpetrators and grant reparation to victims, their continued suppression of any mention of those violations and their repeated allegations of political manipulation and international conspiracy against the country.

66. In three years, the Commission had collected more than 1,200 statements from victims, witnesses and other sources, including perpetrators, both inside and outside Burundi. Serious human rights violations had continued since May 2018, increasing in the context of preparations for the 2020 elections and mainly targeting political opponents, whether real or perceived, with the definition of such opponents having broadened significantly. Targets also included family members, and women in particular. Restrictions on civil liberties had heightened against independent media, human rights defenders and national and foreign non-governmental organizations. Burundians repatriated under the voluntary return programme had also faced widespread hostility, suspicion and intimidation, often feeling compelled to flee again. Some documented violations could be considered crimes against humanity under the Rome Statute of the International Criminal Court. Most had been committed by the youth wing of the ruling party, the Imbonerakure, acting either alone or with local administrative officials, police or National Intelligence Service officers, the latter now solely under the direct authority of the President and no longer subject to government or civilian oversight. The closure of the Burundi Office of OHCHR and the threats made against the Catholic Church were also worrisome. The relative calm prevailing in the country was thus based primarily on fear.

67. Burundi continued to be one of the poorest and least developed countries in the world, owing largely to continued forced political contributions and frequent violations of the rights to food, clothing, shelter, work and education, which exacerbated persisting socioeconomic struggles stemming from the 2015 political crisis. Moreover, the Government's refusal to declare an epidemic in the face of malaria afflicting half the Burundian population since December 2018 precluded any increased support from the international community, leading to regular medicine shortages.

68. In the light of rising tensions associated with the elections scheduled for 2020, the Commission had conducted a risk analysis with regard to human rights violations and atrocity crimes in the country. The outcome had revealed the presence of all eight common risk factors. The dangers they signalled, however, could be prevented through an early warning approach and

risk mitigation measures taken by the Government. The most urgent such measure would be for it to agree to, and participate genuinely in, an inclusive inter-Burundi dialogue, based on respect for human rights. It should then implement the remaining recommendations contained in the reports of the Commission. Recent action had already been taken in that regard to bring some members of the Imbonerakure to justice. There was considerable international goodwill to help the Government counter its current dangerous trajectory. To benefit, however, it would need to open the country for assistance, whether for development or humanitarian purposes, or for the promotion and protection of human rights, in order to give Burundians the freedom to ensure a stable and peaceful Burundi.

69. **Ms. Ndayishimiye** (Burundi) said that her delegation publicly rejected the so-called report on the human rights situation in Burundi as biased, selective and politically motivated and having the sole aim of destabilizing her country. It was insulting, denigrating and shameful, and its authors, under foreign influence since 2015, had shown absolutely no professionalism, integrity or respect for the adversarial system or for the ethics of the United Nations. The Commission of Inquiry issued virtually identical reports every year, forgetting that its readers knew the truth.

70. Her delegation wished to express its indignation at the false allegations in the report, which was a mishmash of lies aimed at regulating the internal affairs of Burundi by overpoliticizing its human rights situation. Given the defamatory nature of the report, her delegation wished to remind the authors that the smear campaign against her country and the attempts to destabilize Burundi in order to benefit foreign Powers would not go unpunished forever.

71. The report had been drafted on the basis of social media messages and testimonials from refugees who had fled the country after having committed crimes as part of the coup d'état of May 2015. It was destined to be biased from the start, in particular as its sampling methodology did not respect the adversarial system. From its preamble to its final point, the report systematically incriminated the Government of Burundi but covered up the hateful crimes publicly claimed by the radical opposition or committed by insurgents and putschists operating under the umbrella of certain States, protecting them from prosecution. The deliberate tolerance shown for criminal acts against civilians and State authorities targeted for assassination in 2015 and early 2016 plainly illustrated the lack of independence of the Commission and its Chair.

72. The report took a lenient tone towards the radical opposition while adopting a virulent and accusatory stance towards her Government. The members of the Commission, who had not set foot in Burundi, could have used their sources to gather information about crimes committed by the opposition, but had not done so because they had been instructed to cover them up. The Commission had also flagrantly overstepped its mandate by calling upon the Security Council to keep Burundi on its programme of work, speaking for a small minority of States that supported that approach while ignoring the Council members that disagreed.

73. She enumerated several facts and contradictions that clearly showed that the report had been politically motivated and that the interests of the Commission did not lie in Africa, despite being led by an African. It was not the first time that Africans had sold out other Africans to the highest bidder, but it was regrettable to find behaviour that had been seen in the eras of slavery and colonialism appearing in another form in the twenty-first century.

74. Burundi was committed to human rights but rejected the trend of United Nations bodies being used to exert political pressure on developing countries, in particular in Africa. Such practices were at odds with the noble objectives that the Human Rights Council had been founded to achieve. Politicization, selectivity and double standards were incompatible with the principle of the universality of human rights.

75. Members of the Committee were entitled to know that what had been happening since 2015 was nothing more than the relentless political and diplomatic harassment of Burundi with a view to satisfying geopolitical interests, not addressing human rights.

76. She concluded by expressing disappointment that the Chair of the Commission of Inquiry had left the meeting as soon as her delegation had begun to speak.

77. **Ms. Moutchou** (Morocco) said that the best way to promote human rights, which were universal, indivisible and interrelated, was through constructive and cooperative dialogue, capacity-building and technical assistance. Member States bore the primary responsibility for promoting and protecting human rights, through universally accepted mechanisms, in order to build collective and sustainable peace and prosperity across the world. Evaluations of Member States should be grounded in mutual respect and conducted fairly and in accordance with the principles of national sovereignty and territorial integrity. The emphasis on dialogue and cooperation in General Assembly resolution [60/251](#) on the Human Rights Council stemmed from the recognition by the

international community that the Commission on Human Rights had been politicized. Double standards, politicization and the villainization of certain States should be replaced by a respectful and mutually beneficially dialogue.

78. **Mr. Poveda Brito** (Bolivarian Republic of Venezuela), speaking on behalf of the Movement of Non-Aligned Countries, said that at the Ministerial Meeting of the Non-Aligned Movement in July 2019, ministers had reaffirmed their commitment to the promotion and protection of universally recognized human rights and fundamental freedoms. They had reiterated that human rights were universal, inalienable, indivisible, interdependent and interrelated. They had also stressed that human rights issues should be addressed in a fair and equal manner, guided by respect for national sovereignty, territorial integrity, non-interference in the internal affairs of States and the principles of impartiality, non-selectivity and transparency. Furthermore, 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. The universal periodic review, which was conducted on the basis of dialogue and cooperation with the country concerned, was the primary intergovernmental mechanism for the examination of human rights issues.

79. **Mr. Roscoe** (United Kingdom) said that his delegation welcomed the renewal of the mandate of the Commission of Inquiry on Burundi. It was disappointed by the response of Burundi to the report, which was meant to serve as an early warning and should be taken in that spirit. The lack of progress made by the Government of Burundi in addressing human rights violations demonstrated the importance of the Commission's work. The international community, including the Security Council, must remain committed to resolving the crisis in Burundi that was likely to result in atrocity crimes related to the 2020 elections. His delegation urged the Government of Burundi to protect human rights and hold accountable those responsible for violations, and to cooperate with OHCHR to that end. He asked what steps the Government of Burundi should take to address the common risk factors identified in the Framework of Analysis for Atrocity Crimes and how the international community could provide support in that regard.

80. **Mr. Mack** (United States of America) said that it was unfortunate that the Government of Burundi refused to acknowledge the mandate of the Commission of Inquiry, which had found, for the third consecutive year,

reasonable grounds to believe that crimes against humanity continued to be committed in a climate of impunity in Burundi. The refusal by the Government of Burundi to acknowledge those violations or engage with international and regional human rights mechanisms was deeply troubling. The United States urged Burundi to allow human rights observers unhindered access to the country so that they could obtain accurate information. The Government must also ensure that the upcoming elections were free and fair, and that they were not marred by violence, extortion, threats, harassment or undue government interference. Credible elections would allow Burundi to break out of the pattern of cyclical violence and move towards peace, development and security. The Government of Burundi should ensure that the press and civil society were able to make their voices heard. He asked how the international community could strengthen its engagement with Burundi.

81. **Mr. Biang** (Gabon), speaking also on behalf of Angola, Burundi, Cameroon, Chad, the Central African Republic, the Democratic Republic of the Congo, Equatorial Guinea and the Republic of the Congo, said that those countries were committed to the promotion and protection of human rights through dialogue and cooperation. Member States bore the primary responsibility for promoting and protecting human rights, through universally accepted mechanisms, with a view to building collective and sustainable peace and prosperity across the world. The universal periodic review, which had been developed to further the primary objective of the Human Rights Council, namely the improvement of human rights situations through capacity-building and technical assistance, remained the only universally accepted tool for addressing human rights situations in individual Member States. Manipulation and politicization of the Human Rights Council would undermine the purpose for which it had been created.

82. **Mr. Roijen** (Observer for the European Union) said that the Government of Burundi should immediately put an end to all violations of human rights and international law; open credible, independent and transparent investigations into violations and prosecute the suspected perpetrators; and engage with international human rights mechanisms, including by granting them access to Burundi. He asked how the international community could use the risk analysis provided in the report for prevention purposes ahead of the 2020 elections in Burundi.

83. **Ms. Sandoval** (Nicaragua) said that her delegation rejected the practice of adopting country-specific reports and resolutions, which promoted selectivity and

politicization in the consideration of human rights issues. The way to resolve problematic human rights situations was through dialogue and cooperation, not external pressure or foreign interference. In that connection, the universal periodic review provided an ideal means of evaluating national situations on the basis of universality, impartiality, objectivity and non-selectivity.

84. **Ms. Tripathi** (India) said that the primary responsibility to protect and promote human rights lay with the State and that country-specific mandates should therefore only be established with the consent of the country concerned. They should also be implemented with transparency, objectivity, non-selectivity and impartiality. The universal periodic review was the appropriate mechanism for considering the human rights records of Member States and for assisting them in upholding the highest standards. With regard to the situation in Burundi, the international community should focus on the provision of capacity-building and technical assistance, in consultation with the Government.

85. **Ms. Birkeland** (Norway) said that her delegation was disappointed that the Government of Burundi had refused to cooperate with the Commission. Norway was also concerned about the continuing human rights violations in Burundi, the general climate of impunity and the potential for a wave of atrocities in connection with the 2020 elections. Given the opportunity presented by the elections for the country to embark on a path of democratization, stabilization and socioeconomic progress, it was disappointing to hear reports of a shrinking democratic space.

86. The Government of Burundi should level the playing field for political parties and establish an enabling environment for human rights defenders and journalists. Norway urged the Government and other stakeholders to engage in a constructive dialogue in order to resolve the human rights crisis. Peace, respect for human rights, and free and fair elections would reinvigorate the Burundian economy, enhance investor confidence and enable the resumption of full development cooperation.

87. **Mr. Moussa** (Djibouti) said that his delegation was extremely concerned about the increasing politicization, selectivity and subjectivity in evidence in the handling of human rights issues. That trend undermined the principles of dialogue and cooperation, which were enshrined in the Charter of the United Nations and international law and provided the best means of promoting and protecting human rights. The Government of Burundi was making an effort to address

human rights concerns ahead of the elections, and that positive step should be supported by the international community.

88. **Mr. Vorobiev** (Russian Federation) said that his delegation was carefully following the political situation in Burundi and noted a trend towards stability. However, the attempts of individual forces to undermine the fragile processes under way, including through the Human Rights Council, was alarming. Interference in the internal affairs of Burundi was completely unacceptable, including in the context of its presidential and parliamentary elections to be held in 2020. Peace and stability were prerequisites for human rights to be respected in any country.

89. The consideration of the situation of human rights in Burundi by the Human Rights Council, including through the report of the Commission of Inquiry, shifted the blame from the radical opposition and extremists and only helped to destabilize the situation. It was worth asking the question in whose interest the Commission was in fact acting and who was using the Commission to support the rebels. The Commission's mandate should therefore be ended and consideration of the human rights situation in Burundi should be transformed into technical assistance in which Burundi and its regional neighbours participated constructively. African Union mediation efforts should also continue with a view to resuming the negotiating process and finding an appropriate African solution.

90. **Mr. Kim Nam Hyok** (Democratic People's Republic of Korea) said that his delegation remained strongly opposed to all country-specific mandates such as the Commission of Inquiry on Burundi, which pursued politically motivated interference in the internal affairs of Burundi. All countries were treated equally when their human rights situations were considered under the universal periodic review mechanism of the Human Rights Council. Politicization, selectivity and double standards were incompatible with the genuine promotion and protection of human rights. Political pressure and fabricated information bred mistrust and confrontation and impeded dialogue and cooperation.

91. **Mr. Eger** (Czechia) said that his delegation welcomed the extension of the mandate of the Commission of Inquiry and considered the decision by Burundi to declare the members of the Commission *personae non grata* to be unacceptable. The increase in violations of civil and political rights as the Burundian elections drew nearer gave serious cause for concern. His delegation supported the Commission's recommendations that Burundi ensure the independence of the national electoral commission, provide access to

international election observers and follow the Guidelines for African Union Electoral Observation and Monitoring Missions. Without significant improvements on the ground, there was only a slim chance that the 2020 elections would be free and democratic.

92. **Ms. Yayi** (Cameroon) said that it was impossible to carry out effective human rights work in a country without the cooperation of its Government. The methods of investigation used to produce the report had resulted in potentially seeming biased, despite the Commission's efforts to demonstrate its impartiality. The principles of universality, transparency, impartiality, non-selectivity, non-politicization and objectivity should be respected in the consideration of human rights issues. Divisions caused by the politicization of human rights topics undermined the possibility of engaging in the dialogue and cooperation necessary for progress. The universal periodic review was the sole legitimate mechanism for addressing human rights situations in Member States.

93. **Ms. Lohmann** (Germany) said that her delegation called on the Government of Burundi to cooperate with OHCHR and the relevant treaty bodies and special procedures. Germany was deeply concerned by the severe human rights violations committed by the Government of Burundi and associated groups, in particular the Imbonerakure. It was particularly alarmed by the reports of violence against members of the political opposition and their families and urged the Government of Burundi to demonstrate its commitment to free, transparent and fair elections. The continued shrinking of the already small space for civil society and human rights defenders gave cause for concern. The regional tensions resulting from the political crisis in Burundi were also worrying. She asked what the international community could do to support an inclusive inter-Burundian dialogue.

94. **Mr. Cepero Aguilar** (Cuba) said that it was disappointing that the Chair of the Commission of Inquiry had left the meeting without hearing the comments from Member States. Human rights should be promoted and protected in all countries through genuine cooperation and dialogue and the universal periodic review was the mechanism that would fulfil that aspiration. Cuba therefore opposed country-specific mandates, all of which targeted developing countries. He called for cooperation and dialogue to be given another chance, and for the increased participation of regional and subregional organizations in addressing human rights issues in Africa. Efforts to find effective solutions in any country must include the national authorities and take their concerns into account.

95. **Ms. Wang Yi** (China) said that his Government commended Burundi for the socioeconomic and human rights measures that it had undertaken and its efforts to implement the Arusha Peace and Reconciliation Agreement for Burundi. The good offices and mediation of regional organizations had a key role to play in addressing human rights concerns in Burundi. With regard to the 2020 elections, the international community should respect the leadership of Burundi and refrain from interfering in its internal affairs. Human rights concerns must not be used as a pretext for putting pressure on other States; genuine disagreements should be addressed through constructive dialogue and cooperation. China was opposed to the forced establishment of special procedure mandates without the consent of the country concerned and considered that the Burundian Government's stated opposition to the Commission of Inquiry should be respected. Demanding that Burundi cooperate with the Commission and accept its recommendations would only lead to confrontation and further complicate the situation.

96. **Ms. Gebrekidan** (Eritrea) said that her country strongly opposed country-specific mandates, which did nothing to promote human rights but rather vilified and antagonized the targeted countries and derailed their efforts to promote human rights. The most effective way to protect and promote human rights was by respecting the principles of universality, non-selectivity and objectivity. In that regard, the universal periodic review remained the most appropriate mechanism for addressing national human rights situations fairly and with full respect for national sovereignty. Moreover, human rights questions should be considered within the Human Rights Council; submitting country-specific human rights resolutions to the General Assembly was an inefficient use of time and resources and created duplication of effort. Eritrea opposed politicization and the application of double standards in the consideration of human rights issues.

97. **Mr. Mutua** (Kenya) said that his Government called for full adherence to the Universal Declaration of Human Rights, including with regard to the right to equal access to services, civil liberties and the right to development. The most effective way to ensure that Member States were fulfilling their obligation to promote and protect human rights was through the universal periodic review mechanism. Kenya firmly supported the Arusha Agreement and the African Charter on Human and Peoples' Rights and was in favour of seeking African-owned solutions to problems on the continent. Kenya called on the international

community to foster people-centred multilateralism in order to address human rights challenges effectively.

98. **Mr. Mazaffarpour** (Islamic Republic of Iran) said that the continued consideration of specific national human rights situations by the Third Committee amounted to the exploitation of the Committee for political ends, which contravened the principles of universality, non-selectivity and objectivity. Such an approach also impeded cooperation and dialogue, which were essential for the promotion and protection of human rights. The universal periodic review provided the means to address human rights situations on an equal footing and without recrimination, and its effectiveness must not be weakened by the implementation of parallel mechanisms.

99. **Ms. Hampson** (Member of the Commission of Inquiry on Burundi), speaking on behalf of the Chair of the Commission in response to the comments made by the representative of Burundi, said that the three annual reports of the Commission were far from identical; they in fact revealed an evolution in the human rights situation in Burundi. The violations documented in the first report, issued in 2017, had been directed primarily against civil society leaders and persons who had taken part in the 2015 demonstrations, while the primary victims identified in the 2018 and 2019 reports were persons who had simply not given active support to the political party in power.

100. With regard to the Commission's methodology, all evidence was gathered directly by members of the Commission through interviews conducted in person or by telephone. Many interviewees were still in Burundi. The Commission had repeatedly stated its desire to investigate abuses carried out by armed groups and opposition political parties against government officials, but it had not been able to do so because of the difficulty of identifying and contacting victims within the Government. The Commission's capacity to investigate such violations would be greatly enhanced if its members were allowed to visit Burundi.

101. Regarding the assertions that Burundi had a multiparty political system, the Commission had been encouraged by the fact that Congrès national pour la liberté had been able to register as a political party in February 2019. However, the party had never been allowed to establish political premises, and during the course of 2019 it had become increasingly difficult for Burundians to attend political gatherings. The Government was also seeking to impose a specific code of conduct on journalists in relation to the elections.

102. The universal periodic review was a useful tool; however, it did not provide the means for carrying out

in-depth investigations. With regard to the questions about how the international community could support Burundi, she regretted that there were currently no signs that the Government was open to cooperation. It had closed the OHCHR country office in 2019, after 23 years of operation, and in 2018 it had taken the surprising step of denying access to the country to three independent experts who had been appointed to facilitate technical cooperation under a Human Rights Council resolution that Burundi itself had proposed. It would be extremely useful if the international community could persuade Burundi to engage in some measure of cooperation with international organizations, such as human rights organizations or the World Health Organization, in order to enable a genuine interactive dialogue to begin. She concluded by highlighting that the risk factors and risk indicators in the Commission's report could be a useful tool for a variety of bodies.

103. **Mr. Nyanduga** (Independent Expert on the situation of human rights in Somalia), introducing the note by the Secretariat (A/74/166) transmitting his report (A/HRC/42/62), said that the independent experts on Somalia who had served over the past 25 years had documented incremental improvements in the human rights situation, notably the adoption of a provisional constitution and the establishment of the Federal Government in 2012. The establishment of relative peace in large areas of Somalia, the development of federalism and the consolidation of security and governance institutions at the federal and State levels had all contributed to the improvement of the situation. However, many challenges remained. In particular, the security situation and the delay in the adoption of legal frameworks to ensure credible elections could have a negative impact on the elections planned for late 2020 or early 2021.

104. The instability and insecurity resulting from frequent terrorist attacks, inter-clan fighting and clashes in eastern Somaliland had a negative impact on human rights. Judicial infrastructure had been destroyed in many parts of the country and had yet to be reconstructed. An ineffective law enforcement and judicial system contributed to the state of insecurity, and Al-Shabaab continued to pose a major challenge. He condemned the recent attacks on the base camp in Mogadishu, which were intended to demoralize the international community in its support for Somalia, and commended the resilience of the people and Government of Somalia and their determination to defeat Al-Shabaab and establish a viable democratic State.

105. The technical review of the 15 contentious chapters of the draft permanent constitution had now been completed. The text did not guarantee the political representation of women or other marginalized groups, although the electoral law, which had not yet been adopted, was expected to provide for a 30 per cent quota for women in Parliament. Following the adoption of the Political Parties Act in 2016, a total of 57 political parties were now provisionally registered. Most officials seemed satisfied that the clan-based electoral system used in recent electoral processes would be replaced by a proportional representation system.

106. The adoption of the new permanent constitution had been delayed but would hopefully take place in June 2020. Public consultations and civic education would take place before the draft was submitted to Parliament. The Federal Government should continue to strengthen national security institutions, governance structures and legal frameworks in order to consolidate the protection of human rights in Somalia.

107. Sexual and gender-based violence, including in the context of conflict, were endemic in Somalia. The victims were mostly internally displaced women and girls from minority clans. The Federal Government should develop a new action plan on sexual violence and fulfil the commitments set out in the 2013 Joint Communiqué of the Federal Republic of Somalia and the United Nations on the Prevention of Sexual Violence.

108. The recently adopted Somali Women's Charter reiterated the central role of women as equal partners in governance, development and peacebuilding. In that Charter, the Federal Government and Federal Member States were called on to guarantee the security, safety and equal representation of women. With support from the United Nations and other donors, the Ministry of Women and Human Rights Development was implementing the Joint Human Rights Programme to ensure that Somalia fulfilled its obligations.

109. However, despite the will at the national and international levels, there were shortcomings in the implementations of programmes to protect women. The Federal Parliament had been unable to adopt the sexual offences bill owing to religious sentiments. Somaliland and Puntland had outlawed rape and other sexual offences, but enforcement of the laws was difficult for similar reasons. He urged Somalia to follow the lead of other Muslim countries by adopting legislation on sexual offences, and to adopt the draft bill prohibiting female genital mutilation. Efforts were being made to ensure that sexual offences were handled by the police

and the formal court system, rather than by traditional elders.

110. At the institutional level, the Federal Government still needed to establish an independent national human rights commission. Sixteen alternative dispute resolution centres had been established to handle civil disputes that had previously been adjudicated through the traditional dispute resolution system.

111. Children were still at risk of abduction or forced recruitment by Al-Shabaab and mistreatment at the hands of government security agencies. With support from UNICEF, measures had been adopted to rehabilitate and reintegrate children who had been rescued or escaped from Al-Shabaab, and a comprehensive child rights bill had been drafted. Somalia had recently ratified the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities and had signed the African Charter on the Rights and Welfare of the Child.

112. He encouraged the Federal Government to ratify other international and regional human rights instruments. Journalists and private media institutions in Somalia continued to face challenges and harassment, and legislation adopted to protect their freedom of expression did not meet international standards. Military courts continued to apply the death penalty, even though in 2013 Somalia had committed to implement a moratorium.

113. A lack of employment opportunities was a major challenge, in particular for youth. The international community should ensure that Somalia had access to the concessionary financing it required to reform and revive its economy. The Federal Government should redouble its efforts to combat corruption, in particular in the light of reports that donor funds provided under a crucial Intergovernmental Authority on Development initiative had been diverted.

114. Competition over access to water, a major cause of violent inter-clan conflicts, was being aggravated by further shortages resulting from the effects of climate change. Water conservation measures and the provision of adequate boreholes could alleviate that situation. The Federal Government had adopted policies and programmes to address security, capacity, climate and geographic challenges impeding the provision of water, education and health services. United Nations agencies, funds and programmes and other international organizations and bilateral donors had played a crucial role in efforts to ameliorate the humanitarian crisis in the country.

115. The establishment of a sustainable national security architecture was essential for human rights and development to flourish in Somalia. Capacity-building for the national armed forces was continuing, with the support of the international community. The unification of the regional armed forces would be critical in the fight against Al-Shabaab. He commended the national army, the African Union Mission in Somalia (AMISOM) and troop- and police-contributing countries for their support to Somalia and urged all forces fighting in the country to respect human rights and international humanitarian law, so as to avoid promoting impunity and becoming complicit in the human rights violations and suffering inflicted on the people of Somalia.

116. He encouraged the Security Council to ensure that the implementation of its resolutions on the drawdown of AMISOM forces and the transfer of security responsibilities to the national armed forces did not leave a vacuum that could be filled by extremist forces. He urged the people and the Federal Government of Somalia to consider the possibility of peace talks and encouraged the international community to support any efforts in that direction. Lastly, he paid tribute to the civil society organizations in Somalia, which were promoting human rights under very difficult conditions.

117. **Mr. Moussa** (Djibouti) asked what the effect of a premature withdrawal of AMISOM forces would be on the promotion and protection of human rights in Somalia and on the upcoming elections. He also wished to know whether the various regional and international bodies working in Somalia, which all recruited their own human rights officers, would be able to improve their efficiency by rationalizing those posts.

118. **Mr. Bentley** (United States of America), commending the progress made by Somalia in countering Al-Shabaab and reducing instability, said that the development of democratic institutions was critical for the upcoming elections and would establish a foundation for long-term prosperity. The United States was concerned about restrictions on the freedom of expression, including the targeting of independent journalists. It abhorred the recruitment and use of child soldiers by armed groups and urged the Federal Government to implement an action plan to end such practices as a matter of urgency. He asked what could be done to ensure the political participation of women, minorities and other marginalized groups.

119. **Ms. Birkeland** (Norway) said that expediting the establishment of the national human rights commission and intensifying work on the constitutional review process would contribute to the enjoyment of human rights in Somalia. Norway commended the efforts of the

Ministry of Women and Human Rights Development for its efforts to involve women in all aspects of national and institutional life and looked forward to continuing to cooperate with the Ministry on the prevention of sexual and gender-based violence. Her Government was proud to support the Joint Human Rights Programme and encouraged all international partners to consider contributing to it. She asked how broad partnerships could be fostered with a view to significantly enhancing the participation of women in peace and development efforts.

120. **Mr. Roscoe** (United Kingdom) said that his delegation welcomed the commitment by Somalia to hold “one-person, one-vote” elections and enact an electoral law. It also commended the progress made by Somalia with regard to persons with disabilities and welcomed its commitment to developing a national action plan to combat sexual violence in conflict. However, the number of civilian casualties, persistently high levels of sexual and gender-based violence, use of children in armed conflict and restrictions on the freedom of expression gave serious cause for concern. Where it had control of the situation, the Federal Government should make every effort address those issues. He called on the Federal Government to ensure that captured child soldiers were treated as victims; adopt the pending legislation on female genital mutilation and sexual offences; and take legislative action to establish a safe operating environment for journalists.

121. He asked the Independent Expert to elaborate on his assessment of the measures taken by the Federal Government to promote inclusivity in the upcoming elections, in particular with regard to the equal representation of women, displaced persons and youth at all stages of the electoral cycle.

122. **Mr. Roijen** (Observer for the European Union) said that his delegation welcomed both the extension of the mandate of the Independent Expert on the situation of human rights in Somalia and the Federal Government’s constructive engagement in the universal periodic review process, its ratification of the Convention on the Rights of Persons with Disabilities and the submission of its initial report under the Convention on the Rights of the Child. While there was a need for enhanced dialogue between the Federal Government and the Federal Member States, the efforts of both in relation to peace, reconciliation, institution building and the constitutional review process were highly appreciated. Somalia should finalize and adopt the electoral law by the end of 2019 and establish and fund the national human rights commission as a matter of priority.

123. His delegation remained concerned about continuing human rights violations, in particular those affecting women and children, and noted with concern the persistent lack of access to basic services, water, education and training. The European Union encouraged Somalia to enact legislation on children’s rights, sexual offences and female genital mutilation in order to help ensure that social development was anchored in human rights and the rule of law. The protection and empowerment of women and girls must also be at the heart of development efforts. In that connection, Somalia should take measures to combat violence against women, promote sexual and reproductive health, create safe learning environments for girls and ensure the meaningful participation of women in decision-making processes.

124. He asked what the international community could do further support the country’s efforts to address violence against women and children, including female genital mutilation.

125. **Ms. Wang Yi** (China) said that her delegation commended the Federal Government’s efforts to promote reconciliation, recovery and livelihoods but was concerned about persisting challenges related to the political process, socioeconomic development and the threat posed by terrorism to regional security. China had supported the peace process in Somalia through the provision of humanitarian assistance, human resources and training opportunities for Somali students in China. Her Government stood ready to work with the rest of the international community to promote peace and stability in Somalia and the wider region, and to help Somalia improve its own development capacity. She encouraged the Independent Expert to engage in consultations with the Somali Government in order to play the most constructive role possible in the promotion and protection of the human rights of the Somali people.

126. **Mr. Nyanduga** (Independent Expert on the situation of human rights in Somalia) said that his successor would likely be appointed in March 2020. The Security Council was responsible for taking decisions concerning the drawdown of AMISOM forces, but he had stressed that there was a need for caution. Situations where the Somali armed forces and AMISOM had not been able to hold areas they had previously liberated from armed groups had resulted in further violence. Moreover, such situations had had a psychological impact on the local populations, which had believed themselves to be freed from Al-Shabaab control. It was therefore important to ensure that the drawdown of AMISOM forces did not put the security of the civilian population at risk. The region most at risk in that regard

was Jubaland, where Al-Shabaab still controlled some territory.

127. The potential risk to the safety of voters in the upcoming elections must also be taken into account when planning the AMISOM drawdown. During the previous election cycle, Al-Shabaab had killed a number of electoral delegates. The general population had not been a particular target, since the use of an indirect voting system had meant that most people had not gone to the polls in person. However, since a “one-person, one-vote” system would be used in the 2020–2021 elections, Al-Shabaab would certainly conduct attacks on inadequately protected polling stations.

128. The United Nations and African Union human rights officer posts in Somalia were specific and complementary; there was no duplication of effort. For instance, the AMISOM civilian human rights component had been established to investigate allegations that some troops had committed sexual exploitation or abuse. Moreover, the human rights officers from certain bodies held regular meetings to discuss the challenges they faced. The current system appeared to be having a positive impact on the civilian population.

129. The participation of women and other marginalized groups in governance had seen a marked improvement following the 2016–2017 elections. The number of women had increased substantially, to almost 25 per cent. However, the authorities did not seem open to considering the possibility of drafting a constitutional provision establishing a 30 per cent quota for women in Parliament. They had argued that the new proportional representation system gave them little control over how many women were elected, unlike in 2016–2017 when the delegate system had enabled them to deliberately increase the number of women in office. However, they apparently intended to stipulate in the new electoral law that women must comprise at least 30 per cent of party lists for general elections.

130. With regard to the protection of women and girls, there had been pushback by certain religious elements in the Somali Parliament against draft legislation on matters such as banning early marriage. He had consistently encouraged the authorities to examine the best practices of other Muslim countries that had outlawed such practices. There was also a need for grass-roots action to ensure that traditional elders understood that certain traditions violated basic human rights. Somalia would be in a better position to tackle the challenges that it faced if it ratified the Convention on the Elimination of All Forms of Discrimination against Women. The Government had begun to take

measures to implement the recommendations that it had received from the relevant Human Right Council entities, and the long-standing lack of capacity was being overcome. However, Somalia would still require support from the international community in order to implement the recommendations.

The meeting rose at 6 p.m.