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### HUMAN RIGHTS COUNCIL

Fourth session

#### SUMMARY RECORD OF THE 20th MEETING

Held at the Palais des Nations, Geneva,  
on Friday, 23 March 2007, at 10 a.m.

President: Mr. De ALBA (Mexico)  
later: Mr. LOULICHKI (Morocco)  
(Vice President)

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The meeting was called to order at 10.05 a.m.

IMPLEMENTATION OF GENERAL ASSEMBLY RESOLUTION 60/251 OF  
15 MARCH 2006 ENTITLED “HUMAN RIGHTS COUNCIL” (agenda item 2) (continued)

Reports of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 (continued) (A/HRC/4/17 and 116)

Follow-up to decisions of the Human Rights Council (continued)

Update on the High-Level Fact-Finding Mission to Beit Hanoun established pursuant to Human Rights Council resolution S-3/1 (continued) (A/HRC/4/113)

1. Ms. VADIATI (Observer for the Islamic Republic of Iran) said that the failure of the High-Level Fact-Finding Mission established pursuant to Human Rights Council resolution S-3/1 to carry out its mandate and the lack of cooperation on the part of the Israeli Government were regrettable. Taking note of the challenges facing the Mission, she called for urgent implementation of that resolution for the sake of the human rights of the Palestinian people and the credibility of the Council.
2. Mr. ANNAN (Observer for the Syrian Arab Republic) drew attention to the killing of seven children in Beit Hanoun on 8 November 2006 and the gang rape and subsequent brutal murder of a 14-year-old girl by American soldiers in the Iraqi town of Al-Mahmudiyah. Those crimes, which were indicative of the grave human rights situation in the Occupied Palestinian Territory and Iraq, had been committed with total impunity.
3. The attack launched at the previous meeting by the observer for Israel against the Council and the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 exemplified Israel's position with regard to its international legal obligations. Moreover, Europe's silence regarding those crimes came as a surprise, given its claim to championship of human rights and its strong condemnation of the situation in Darfur. The time had come for the Council to stake out a clear moral ground and to call the above-mentioned human rights violations by their true name.
4. Mr. MARTABIT (Observer for Chile) said that during the Council's consideration of the situation in Darfur members had agreed that there could be no excuse for a fact-finding mission's failure to carry out its mandate. The Council should therefore redeploy the failed mission to Beit Hanoun and ensure effective follow-up. The Council could only fulfil its universal human rights protection mandate if all States assumed their responsibilities and turned it into a credible institution.
5. Ms. SIEFKER-EBERLE (Germany), speaking on behalf of the European Union, said that full cooperation by States with all Council mechanisms was paramount. It was therefore regrettable that the High-Level Fact-Finding Mission to Beit Hanoun had been unable to carry out its mandate. The European Union remained concerned about the human rights situation in the Occupied Palestinian Territory and had repeatedly expressed those concerns to both parties to the conflict, reminding them of their responsibility to exercise restraint, cooperate for peace and respect civilian lives.

6. Ms. CLARK (BADIL Resource Centre for Palestinian Residency and Refugee Rights), speaking also on behalf of the International League for the Rights and Liberation of Peoples, the Union of Arab Jurists, the Mouvement contre le racisme et pour l'amitié entre les peuples (MRAP), International Educational Development, the World Peace Council, Women's International League for Peace and Freedom, Interfaith International, the International Organization for the Elimination of All Forms of Racial Discrimination, Indian Movement Tupaj Amaru and Al-Haq, said that Israeli practices affecting the Palestinian people were among the most long-standing and urgent denials of human rights. States had a duty to protect Palestinians' right to self-determination, denounce discrimination, racism and colonization, and enable Palestinian refugees and internally displaced persons to return home. The United Nations and its Member States must act to prevent further population transfers within Israel and the Occupied Palestinian Territory. Unless a rights-based approach was taken to addressing the situation, the conflict would deepen and undermine world peace.

7. The Council should consider the legality and implications of Israel's historic policy of institutionalized discrimination within Israel and the occupied territories and request the International Court of Justice to issue an advisory opinion on the legal consequences of the Israeli occupation. The Council should extend the mandate of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 and appoint a special rapporteur or independent expert to examine discriminatory practices affecting Palestinians and other minorities in Israel. It should consider urging Member States to impose economic or diplomatic sanctions on Israel for its breaches of international law and failure to implement United Nations resolutions and should call for the deployment of United Nations forces to protect Palestinian civilians.

8. Ms. SHARFELDDIN (International Organization for the Elimination of All Forms of Racial Discrimination), speaking also on behalf of the Arab Lawyers' Union, the Union of Arab Jurists and the Organization for Defending Victims of Violence, said that in conflict-settlement, States had a responsibility to abide by the rule of law and act in compliance with General Assembly resolutions. Accordingly, action should be taken to implement General Assembly resolution ES-10/15, entitled "Advisory opinion of the International Court of Justice on the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, including in and around East Jerusalem", in which the Assembly had acknowledged the Court's advisory opinion and called for States' compliance with the legal obligations mentioned therein. States must also pressure Israel into abiding by the advisory opinion, thus restoring peoples' confidence in the rule of law and the international system.

9. Mr. NEUER (UN Watch) reminded the Council that the Commission on Human Rights had been established in the aftermath of the holocaust to reaffirm the principle of human dignity. Sixty years later the Human Rights Council's only response to reports of torture, persecution and gender-based violence around the world had been to enact a series of resolutions condemning Israel; Hezbollah and Hamas were granted impunity and millions of victims of human rights violations around the world were being ignored.

10. It was hardly credible that the racist murderers and rapists of Darfur women, the occupiers of Tibet or the butchers of Muslims in Chechnya truly cared about the human rights of the Palestinian people. More than 130 Palestinians had been killed by Palestinian forces in recent months, yet the champions of Palestinian rights had remained silent because Israel bore no

responsibility. In fact, the despots who ran the Human Rights Council did not care about Palestinians or human rights, but sought instead to demonize Israeli democracy, cast doubt on the legitimacy of the Jewish State, scapegoat the Jewish people, and distort and pervert the very idea of human rights. The terrible lies and moral inversion of the Council were turning the dream of the founders of the Commission on Human Rights into a nightmare.

11. The PRESIDENT said that the way in which the representative of UN Watch had referred to the Council and its members was unacceptable. In memory of the founders of the Commission on Human Rights, and for the sake of the cause of human rights, speakers should choose their words more carefully. In future, statements of a similar nature would not be reflected in the official records.

12. Mr. MATAS (B'nai B'rith International and the Coordinating Board of Jewish Organizations) thanked the representative of UN Watch for his statement. The report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 (A/HRC/4/17) was a tired repetition of accusations levelled against Israel. Those who assigned unilateral blame understood nothing about the conflict in the Middle East. In his lengthy description of Israeli measures taken to defend the population against terrorist attacks, the Special Rapporteur had not once mentioned the fact that those attacks emanated from the West Bank and Gaza. Nor had any reference been made to Israel's withdrawal from Gaza in August 2005. The Special Rapporteur had not shied away from using Nazi vocabulary by labelling Jews a "racial" group contrasted with the Palestinian "racial" group, language that would fuel the worldwide upsurge in anti-Semitism.

13. The Special Rapporteur's long-standing one-sidedness was being compounded by attempts to perpetuate his mandate until further notice, a step which prejudged the review of all mandates by the Council, thus violating the principle of non-selectivity. Extension of the current Special Rapporteur's mandate would only serve to perpetuate the conflict in the Middle East. The mandate took no account of the progress that had been made since its establishment in 1993 or of the human rights violations that were perpetrated in the context of inter-Palestinian conflict. Accordingly, the Council should reject such selectivity and appoint a new, more objective mandate-holder, thereby encouraging Israel's cooperation.

14. Mr. KHOURI (Union of Arab Jurists) thanked the Special Rapporteur for his professional and courageous report. The tragedy of the human rights situation in the Occupied Palestinian Territory undermined the entire human rights system. In addressing violations of Palestinians' right to life and self-determination, the Council had an opportunity either to prove its impartiality or to confirm old double standards. Despite the adoption of countless resolutions condemning the human rights violations in the occupied territories, Israel had done nothing to end those practices. Unfortunately, the resolutions adopted lacked effective implementation mechanisms.

15. The situation in Palestine was being reproduced in Iraq, where United States army personnel and the militia appeared to be competing in an escalating spiral of killing and destruction. The Council should take effective measures to address the serious human rights situations in both Palestine and Iraq, and should extend the Special Rapporteur's mandate until the end of the occupation.

16. Mr. AHMAD (Al-Haq), speaking also on behalf of the International Federation for Human Rights and the Palestinian Centre for Human Rights, said that the Israeli occupation of Palestinian territories, with its pervasive violations of human rights and international humanitarian law, was irreconcilable with the enjoyment of fundamental human rights and the very notion of self-determination. Illegal Israeli settlements continued to expand. Israelis moved freely through Palestinian land, while the Palestinian's freedom of movement was severely restricted. Some 30 per cent of Palestinian land was off limits to Palestinians, and water resources were exploited for the benefit of Israeli settlers. The work of human rights defenders was severely curtailed by restrictions that had prevented the director of Al-Haq from travelling to Geneva to attend the current session of the Council. Despite its so-called disengagement from Gaza, Israel effectively controlled the area, as illustrated by repeated military incursions, the closure of border crossings and the refusal to grant entry to the fact-finding mission deployed by the Council.

17. As a body mandated to protect human rights, the Council must do its utmost to end the violations perpetrated against Palestinians, inter alia by requesting the International Court of Justice to issue an advisory opinion on the legal consequences of Israel's prolonged occupation of the Palestinian territories. An end to occupation was the only chance for lasting peace.

18. Ms. PEREIRA (Organization for the Solidarity of the Peoples of Asia, Africa and Latin America) said that the forum provided by the United Nations and the Council would never suffice to denounce and condemn the criminal acts committed by Israel against the Palestinian people. The incidents described in the Special Rapporteur's report painted an ever bleaker picture of the situation, which was characterized by impunity, Israel's geographical expansion and a flagrant disregard for human rights and international law.

19. Her organization wished to express its solidarity with all efforts of the United Nations to change a situation which brought unimaginable suffering to the Palestinian people, undermined the international human rights protection system and posed a serious threat to world peace. She urged the Government of the United States of America to consider diverting the resources it currently allocated for financial and military support for Israel towards humanitarian relief for the Palestinian people, thereby demonstrating that its purported concern over the situation in the occupied territories was genuine.

20. Ms. DORRI (Organization for Defending Victims of Violence) deplored the fact that the High-Level Mission had been unable to assess the situation in Beit Hanoun. The Israeli military incursions into Palestinian territory constituted collective punishment and exacerbated the humanitarian crisis there. She called on the Council to adopt a resolution condemning the violations of human rights law and of international humanitarian law perpetrated by all parties in Israel and the Occupied Palestinian Territory. The Council should also request the Security Council to deploy an interposition force to ensure the supply of food, water, medicine, fuel and electricity to Palestinian civilians; demand that the Quartet should review humanitarian aid mechanisms proposed by the World Bank in order to facilitate the payment of salaries to Palestinian public servants; and request the Israeli Government to stop withholding taxes owed to the Palestinian Authority.

21. Mr. SPLINTER (Amnesty International) said that the failure of the Governments of Israel and the Sudan to cooperate with the high-level missions deployed by the Council undermined the

Council's authority and credibility. When determining how to address that problem, the Council should look at the way in which it established specific measures requiring cooperation from States. The Governments participating in the Council must put aside political considerations and adopt measures that would actually make tangible improvements in the particular human rights situations. Having attempted to do so with regard to Darfur, the Council must make a greater effort to achieve real dialogue on the situation in the Occupied Palestinian Territory. It must adopt specific measures to address both the ongoing systematic gross human rights violations committed by the Israeli authorities and the human rights abuses committed by the Palestinian authorities and armed groups. In addition, Israel should be offered a real opportunity to cooperate with the Council and its mechanism, but if it failed to do so, it should be held to account.

Report of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea (A/HRC/4/15)

22. Mr. MUNTARBHORN (Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea), introducing his report (A/HRC/4/15), invited the Democratic People's Republic of Korea to consider his mandate as a window of opportunity to engage with the United Nations. To date, the authorities had declined to cooperate with him, but he recalled that, on the constructive side, the country was party to four human rights treaties and had on occasion allowed a number of United Nations agencies to maintain a presence in the country. The country had also undertaken some key law reforms, such as revision of the Criminal and Criminal Procedure Codes in 2004 and 2005.

23. Nevertheless, the human rights situation remained grave. First, the country faced a severe food shortage caused by natural disasters and mismanagement, and aggravated by overemphasis on militarization and unsustainable agricultural development. The 2005 harvest had provided some relief, but major floods had wrought havoc in 2006 and the World Food Programme (WFP) had begun its two-year Protracted Relief and Recovery Operation, which sought to provide food aid to 1.9 million people. Outside aid, meanwhile, had been less than forthcoming in the wake of the missile and nuclear tests carried out by the country. WFP had been able to reach only 29 out of a projected 50 counties, covering only 740,000 beneficiaries. The food shortage would have a major impact on the population, which was also faced with a decline in medical services, a shortage of medicines, fertilizers and electricity, and widespread tuberculosis. There was thus an urgent need to achieve food security, for which no foreign aid could be a substitute.

24. The country had improved its legislation dealing with security of the person, yet a large number of legislative provisions concerning anti-State activities gave rise to concern, owing to their excessively broad scope and the fact that they could be used to repress political dissent. Basic freedoms were significantly constrained. There were continuing reports of violence committed by State authorities, such as torture, public executions, persecution of political dissidents and substandard prison conditions. There was a wide variety of detention centres, re-education camps and forced labour camps. Freedom of expression, association and access to information were impeded by the closed nature of the State and rigid State control over the flow of information and the media. Despite official claims of religious freedom, reports indicated the contrary.

25. On another front, human rights violations in the form of abduction had particularly affected foreigners. In the 1970s a number of Japanese nationals had been abducted by agents of the

Democratic People's Republic of Korea, probably with the aim of using them to train spies or to use their identity for espionage purposes. Although five individuals had returned to Japan, other cases remained unresolved, in large part owing to inadequate cooperation and follow-up on the part of the authorities. There were also cases of missing nationals of other countries who might have been abducted.

26. Human smuggling, trafficking and extortion were rampant. Under international law, refugees must not be returned to their country of origin, even if they feared persecution only after their departure. In such case they were characterized as “refugees sur place”. Many of those who had fled from the Democratic People's Republic of Korea were either refugees or refugees sur place, including those who had left for economic reasons, since they could be punished if they were returned to the country for leaving without the required exit visa. Furthermore, the practices of first-asylum countries varied: some of them forcibly returned refugees, while others offered temporary refuge; some prosecuted them for illegal entry, while others did not. International burden-sharing was needed in dealing with the problem: the international community should help countries of origin address the root causes of refugee outflows, but it should also help first-asylum countries find durable solutions to the refugee problem. Because neighbouring countries might take different approaches to the problem, those seeking refuge sought access to countries that took a more lenient approach. Women and children were especially vulnerable when they sought refuge; many had been victims of human smuggling or trafficking in persons.

27. Various problems relating to child survival and development needed more effective responses. Access to food remained a key concern, and child protection was at risk in cases where children faced situations of violence, neglect or abuse. Children with disabilities and street children tended to be placed in substandard institutions. Elderly people were also increasingly vulnerable to the mounting deprivations.

28. The Democratic People's Republic of Korea should comply with its international obligations under the various human rights treaties to which it was party; shift military expenditure to the human development sector and reallocate national resources to protect human rights; facilitate access to humanitarian aid while respecting the need for monitoring to ensure that aid reached the target groups and building food security through sustainable agricultural development with public participation; reform its prison system and eliminate violence by prison officials; promote due process of law, including safeguards for the accused, a fair trial and the building of an independent judiciary; enunciate a clear policy not to punish those who left the country without permission; tackle the root causes of refugee outflows and criminalize those who engaged in human smuggling, trafficking and extortion; protect the rights of women, children and other vulnerable groups; prevent and curb human rights violations by means of law reform and the substantive implementation of human rights in practice; allow the Special Rapporteur to enter the country to assess the human rights situation and advise on needed improvements; engage in an ongoing dialogue with human rights monitoring bodies by following up their recommendations and inviting them to visit the country; and seek technical assistance from the Office of the United Nations High Commissioner for Human Rights (OHCHR).

29. Mr. CHOE Myong Nam (Observer for the Democratic People's Republic of Korea) said that his delegation categorically rejected the Special Rapporteur's report. It did not recognize the resolution on which it was based because its purpose was not to improve the human rights

situation but to eliminate his country's social system. The Special Rapporteur's mandate was the product of a conspiracy by the United States of America, Japan and the European Union, in an extreme manifestation of politicization, double standards and selectivity. The United States resorted to every possible means to stifle his country's social system, while Japan, its stooge, was fanatical in the implementation of United States policy yet declined to resolve its own past crimes against the Korean nation. The European Union was also pursuing its own political interests. The Democratic People's Republic of Korea attached importance to dialogue and cooperation in the area of human rights but had no intention of begging for them when its sovereignty and dignity were infringed by deliberate provocation. The Government would further consolidate its socialist system, chosen and established by the people, and continue to make every effort to protect human rights.

30. Mr. CHANG Dong-hee (Republic of Korea) said that the Special Rapporteur's recommendations to the Democratic People's Republic of Korea provided useful guidelines for improving the human rights situation in that country. He noted that the Special Rapporteur had called on the Democratic People's Republic of Korea to seek technical assistance from OHCHR. In view of the country's lack of response in that area, he wondered what sort of technical assistance was required and what immediate contribution could be expected from the international community. Secondly, he asked whether the Special Rapporteur had in mind any specific form of regional cooperation in East Asia for protecting the human rights of refugees.

31. Ms. KONRAD (Germany), speaking on behalf of the European Union, reiterated the need for full cooperation between States and the special procedures. It was regrettable that the Government of the Democratic People's Republic of Korea had not cooperated satisfactorily with the Special Rapporteur. Given that the Permanent Representative of that country had stated that he had taken note of the High Commissioner's willingness to offer technical assistance, she wondered what could be done to follow up that statement and whether there was any indication that the authorities might make it easier for international food aid to be delivered. She also asked whether there were any indications that the Government might be considering a change in course with regard to cooperation with the Special Rapporteur and with regard to human rights in general. In view of the fact that China was considered to have great influence on the Democratic People's Republic of Korea, she wished to know whether the Special Rapporteur was in contact with the Chinese authorities and whether he had asked to visit the Chinese border region in order to get a picture of the situation there. Lastly, in his report, the Special Rapporteur had mentioned cases in which the Government had responded to his communications but had rejected their content; she wondered whether, in his view, his communications had nevertheless had some impact.

32. Mr. GUO Jiakun (China) said that his delegation was opposed to the politicization of human rights, of which country-specific reports could be a glaring example. The Special Rapporteur's report was, however, fair and constructive and might be useful.

33. On the question of illegal migration, he wished to note that a refugee was not the same as an asylum-seeker. Since different international practices applied to the two groups, it was unfair to blame receiving countries for treating them differently. As a neighbour of the Democratic People's Republic of Korea, China hoped that progress could be achieved through dialogue and constructive discussion.



34. Mr. FERNÁNDEZ PALACIOS (Cuba) said that it was unfortunate that the one-year extension of mandates established by the Commission on Human Rights applied also to country-specific mandates. The report on the situation of human rights in the Democratic People's Republic of Korea was part of a wider strategy by the United States of America to demonize the country, force regime change and deprive its people of their right to self-determination. The errors that had brought down the Commission - double standards and politicization - must not be repeated. The Council should not renew the Special Rapporteur's mandate.
35. Ms. SAMSON (Netherlands) commended the Special Rapporteur for his efforts in fulfilling his important mandate and asked him whether he thought that a visit by the Secretary-General to the Democratic People's Republic of Korea could help to improve the human rights situation in that country.
36. Mr. THORNE (United Kingdom) asked what impact the withdrawal of the United Nations Development Programme (UNDP) would have on food security in the Democratic People's Republic of Korea.
37. Ms. MUDIE (Observer for Australia) said that the reports of legislative provisions being used in the Democratic People's Republic of Korea to repress political dissent and suppress fundamental freedoms were deeply troubling. The regime's oppressive attempts to silence its critics involved methods that in themselves constituted human rights abuses, such as close control over the media and the flow of information, reported forced repatriation of citizens caught attempting to leave the country and the regime's persistent refusal to allow visits by the Special Rapporteur. Her delegation urged the Democratic People's Republic of Korea to engage fully with the international community and allow the United Nations and other organizations access to the country so that humanitarian assistance might reach those most in need.
38. Mr. MIYAGAWA (Japan) expressed appreciation for the Special Rapporteur's efforts to improve the human rights situation in the Democratic People's Republic of Korea, which should extend him an invitation as soon as possible. The issue of the abduction of foreign nationals from other States, including Japan, remained unresolved. Regrettably, the Democratic People's Republic of Korea had not made a sincere effort to address the matter at the last session of the working group on normalization of relations between the two countries. His delegation once again urged the Democratic People's Republic of Korea to ensure the safety and return of all the abductees, clarifying the circumstances and handing over the perpetrators. Enforced disappearances required greater cooperation and awareness on the part of the international community. Country-specific special rapporteurs constituted an indispensable tool for dealing with protracted human rights violations in countries that refused to cooperate with the Council.
39. Ms. BLITT (Canada) said that her delegation continued to harbour grave concerns about the human rights situation in the Democratic People's Republic of Korea, especially with regard to the treatment of dissent as a political crime, the use of torture in political prison camps and other detention facilities, and the forcing of abortions on female prisoners. Moreover, recent reports that the Government had been imposing harsher punishment on citizens caught fleeing the country, if true, not only violated the freedom of movement but failed to address such factors as the policy mismanagement and economic collapse that drove citizens to leave their country for survival. The Democratic People's Republic of Korea should engage with the international

community in order to bring about an improvement in its human rights situation. In the final paragraph of his report the Special Rapporteur recommended that the international community should “support processes which concretize responsibility and accountability for human rights violations, and an end to impunity”; she wondered what form such processes might take.

40. Ms. LAURENSEN (Observer for New Zealand) said that her delegation shared the concerns expressed by previous speakers regarding food shortages in the Democratic People’s Republic of Korea, which were aggravated by the expansion of militarization. It was, however, particularly concerned by the plight of women and children, and she wondered how, in the Special Rapporteur’s view, the Council could best help them.

41. Ms. DE PIRRO (Observer for the United States of America) said that her delegation remained deeply concerned about the human rights situation in the Democratic People’s Republic of Korea and urged the authorities there to allow the Special Rapporteur access to the country. The regime controlled many aspects of its citizens’ lives, denying them freedom of speech, religion, the press, assembly and association. An estimated 150,000 to 200,000 people were believed to be held in detention camps in remote areas, many for political reasons. It was to be hoped that recent progress in the six-party talks on initial actions to implement the 2005 Joint Statement on denuclearization of the Korean peninsula would ultimately lead to better lives for the people of the Democratic People’s Republic of Korea.

42. Mr. MUNTARBHORN (Special Rapporteur on the situation of human rights in the Democratic People’s Republic of Korea) expressed pride in the fact that he had not lobbied for his post but had been offered it quite unexpectedly in 2003. He had always acted independently and in the best interests of the people of the Democratic People’s Republic of Korea. He worked closely with the neighbouring countries, whether or not they approved of his mandate, and took pains to engage in dialogue. He urged the Government not to punish citizens who returned to the country and to improve the justice system with the help of OHCHR. He noted that in the 1980s Asia had had a plan of action for refugees, which had been effective.

43. He urged the international community to provide more support to WFP, whose work urgently needed to be continued, and to ensure adequate monitoring of aid delivery. It was important that the information in his report should be documented, particularly in view of the fact that the Democratic People’s Republic of Korea had not cooperated with his mandate. As for the question of illegal migration, the Council should consider the matter from the point of view of protection rather than semantics. The fact was that persons not protected by their country of origin needed international protection and were thus refugees. Illegal immigrants, by contrast, were unquestioningly admitted by their country of origin.

44. As for a possible visit by the Secretary-General, he suggested that it would be useful for the Secretary-General, with his much broader remit, to look at other aspects of the situation in the Democratic People’s Republic of Korea. He noted that UNDP had been contemplating a programme that would help the Democratic People’s Republic of Korea achieve food security on a permanent basis, whether or not the Programme remained in the country. A framework for providing assistance to women and children already existed, in the form of the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child; as a party to the latter, the Democratic People’s Republic of Korea interacted with the Committee on the Rights of the Child. All that was needed was for both Conventions to

be implemented fully. Lastly, he welcomed the progress of the six-party talks, which gave an opportunity to improve the human rights situation in the Democratic People's Republic of Korea.

Interim report of the Independent Expert on the situation of human rights in Burundi (A/HRC/4/5)

45. Mr. OKOLA (Independent Expert on the situation of human rights in Burundi) said that the Government of Burundi, which had given him its full support and cooperation during his missions, was forging ahead with the implementation of programmes to provide universal primary education and free medical care for children under the age of 5 and for expectant mothers. Food security was, however, a perennial problem, mainly because of overpopulation. The situation had been aggravated during the current year by the destruction of crops by unusually heavy rains. At the time of his most recent visit, more than 50 people had reportedly died from famine. The residents of all of the northern provinces of the country, which had been affected by the crisis, were migrating to other provinces, or even to Rwanda and the United Republic of Tanzania. Many children had reportedly dropped out of school in 2006/2007 because of a lack of food. A state of emergency had been declared in 9 of the country's 14 provinces.

46. The economic reconstruction of Burundi was imperative. Since the signing of the Arusha Agreement the people of Burundi had set up democratic structures and institutions, drafted and adopted a new Constitution and held free and fair elections. Unfortunately, while the international community had raised the hopes of Burundians through a succession of pledges of development assistance made in Paris, Geneva and Brussels, to a large extent it had not followed through on them. Instead of supplying assistance, it had constantly demanded greater accountability from the Government of Burundi. Admittedly, the Government's human rights record was not exemplary, but it was asking too much of a country that had just emerged from a conflict to achieve utopian ideals as a precondition for assistance. The people who were suffering from that lack of assistance were not the politicians who were responsible for some of the failings, but ordinary Burundians. In short, the expected peace dividend had not materialized.

47. On the political front, the ceasefire agreement concluded between the Government and the last armed group (FNL-Palipehutu) on 7 September 2006 had not been fully implemented. Tension between the Government and the ruling party on the one hand and the opposition parties, civil society and the media on the other, had sharply escalated, reaching a critical point after the arrest and detention of the former President and Vice-President and other opposition members in August 2006 for allegedly planning a coup d'état. However, the situation had calmed considerably after the acquittal of five of the accused and the release of four journalists who had been detained for revealing information relating to the case.

48. The human rights situation had been expected to improve following the signing of the ceasefire agreement, especially in the provinces where rebel activity was continuing. Confrontations between Government and rebel forces had in fact ceased, thereby considerably reducing human rights violations associated with the war.

49. During July and August 2006, a total of 30 people had been summarily executed by the defence forces in Muyinga Province after having been accused of being members of a rebel movement. In October 2006, the Government had appointed a judicial commission to look into the matter following an outcry by Burundians and the international community. In its report to the Government the commission had recommended the arrest of several persons, including the regional military commander. Arrest warrants had been issued but were awaiting execution pending further investigations. The report of the second commission of inquiry appointed in February 2007 had not yet been published. He therefore urged the Government of Burundi to make the report public and to bring to justice all those responsible for the massacre.

50. The relationship between the Government and civil society, particularly the press, had been deteriorating during the period covered by his first visit in 2006, especially after the arrest and detention of the four above-mentioned journalists. The media association, the Independent Expert and the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression had condemned the arrests and had asked the Government to put an end to violations of freedom of expression. By the time of his second visit, relations between the Government and the media had improved considerably: the national media were reporting on all public matters without any interference from the Government.

51. Turning to the question of transitional justice mechanisms, he said that, unfortunately, the Government of Burundi and the United Nations delegation which had visited the country in March 2007 had failed to reach agreement on the relationship between the Truth and Reconciliation Commission and the Special Tribunal for Burundi or on the principles of amnesty for genocide, war crimes and crimes against humanity. He therefore urged the Government to demonstrate its political willingness to establish the two-pronged mechanism so that it could address past human rights violations. There were many weaknesses in the administration of justice owing to a lack of equipment, poor staff training, interference by politicians and corruption. That had caused the population to lose faith in the system, which in turn had led to mob justice.

52. He recommended that the Government of Burundi should create a judicial commission of inquiry to investigate the Muyinga massacre and bring to justice those implicated in the killings. In addition, the lack of assistance to Burundi, was causing unnecessary suffering to the people of that country; that problem must be addressed.

53. Ms. NGENDAHAYO (Observer for Burundi) said that although the interim report of the Independent Expert on the situation of human rights in Burundi (A/HRC/4/5) generally reflected reality, some points required further clarification. The Government's political will to cooperate with the Independent Expert and to implement his recommendations had led to significant progress in some areas.

54. The new Constitution included provisions giving effect to all the national and international instruments to which her Government had acceded, and 55 articles were devoted to the fundamental rights and duties of individuals and citizens. An independent National Human Rights Commission had been set up on 20 December 2006, as the human rights body that had been established by the Transitional Government no longer met the international standards set out in the Paris Principles. The President's address on the anniversary of the adoption of the Universal Declaration of Human Rights had been a declaration of war on impunity. It had been

accompanied by the revision of the Penal Code to bring it into line with international human rights instruments by abolishing the death penalty and introducing more severe punishments for torture, domestic violence and rape, as well as provisions to guarantee children's rights.

55. Further measures indicative of the Government's political will had been the ceasefire agreement signed between the Government and the FNL-Palipehutu movement, and the release of political prisoners and prisoners of opinion. On 31 December 2006, the President had granted provisional amnesty to persons held without any evidence, persons in pretrial detention who had not been brought before a court within the requisite period of time and persons whose detention order had expired and not been extended. Talks on the modalities for the establishment of the Truth and Reconciliation Commission and the Special Tribunal had reached an advanced stage.

56. The first commission investigating the Muyinga massacre had been dismissed because its findings had been inconclusive, and a second commission of inquiry had been set up. The delay in the submission of its report was due to the fact that its remit had been extended to cover some administrative and political authorities. As a ceasefire agreement had been concluded between the Government and FNL-Palipehutu, there was no likelihood of any further arbitrary arrests in the future.

57. Her Government would do its utmost to promote and protect human rights. To that end it intended to cooperate fully with the special procedures in order to receive the support it needed to rebuild the country, establish the rule of law and revive the national economy.

58. Mr. OWADE (Observer for Kenya) said that Burundi had come a long way and must not regress to internal conflict. The East African Community had recently admitted Rwanda and Burundi as members. The Human Rights Council and the international community must also take the necessary steps to assist the Government and people of Burundi to overcome the challenges they were facing so that the country's authorities could concentrate on development based on democracy and respect for human rights.

59. Ms. KONRAD (Germany), speaking on behalf of the European Union, said that the Government of Burundi must continue to cooperate fully with the Independent Expert, since cooperation to date had already brought about substantial improvements in the human rights situation in that country. In that connection she asked what could be done to consolidate a culture of human rights in Burundi and what specific actions should be undertaken by the Government and by the international community to that end. She wondered what role civil society and the media could play in reinforcing democracy and the rule of law.

60. Ms. RONDEUX (Observer for Belgium) said that the delay in establishing the Truth and Reconciliation Commission and the Special Tribunal for Burundi was worrying because justice and the fight against impunity were essential to the long-term stability of Burundi. She was thus curious to hear the Independent Expert's assessment of that issue after his recent visit.

61. Ms. ELAMIN (Observer for the Sudan) said that given the dangerous famine which WFP claimed was causing one person to starve to death every day, the pressures being put on Burundi by the international community were unfair.

62. Mr. MUTOMB MUJING (Observer for the Democratic Republic of the Congo) said that political stability in Burundi would have a positive impact on all countries in the Great Lakes region, whose peoples wished to live in peace. His Government therefore supported the peace and reconciliation process in Burundi in the hope that it would have lasting results. Economic and social progress was crucial to national stability and security. A well-fed, well-educated population was a guarantee of peace, as it would not easily fall for the empty promises of greedy politicians. All African countries and the international community should therefore provide Burundi with economic support.

63. Mr. HEINES (Observer for Norway) asked the Independent Expert what implications the developments in the political landscape of the country would have on the human rights situation. The Government and FNL-Palipehutu must implement the ceasefire agreement they had signed, and the international community should support that process. The Government of Burundi, its partners and international actors must achieve targeted measurable results in their efforts to encourage the promotion of human rights and to secure lasting peace. He asked how the Peacebuilding Commission could contribute to that process.

64. Mr. KAJANGWE (Observer for Rwanda) said that Burundi was emerging from a long sociocultural crisis. The Government was striving to promote and protect human rights and fulfil its obligations under the various international instruments to which it was party, and its efforts to that end deserved the international community's support. Cooperation between all the countries of the Great Lakes region was also vital if the human rights situation in the region was to be improved. He therefore encouraged the Government and people of Burundi to continue along the path towards democracy, national unity and pluralism.

65. Mr. Loulichki (Morocco), Vice-President, took the Chair.

66. Mr. TICHENOR (Observer for the United States of America) commended the Government of Burundi for its cooperation with the Independent Expert and said that his own Government would support Burundi's efforts to establish a stable and peaceful environment. Since the Human Rights Council must focus its attention on ways of helping the Government of Burundi to build on the progress it had already made, he would be grateful if the Independent Expert could outline some priority areas where the Council's assistance would be most effective.

67. Mr. CORMIER (Canada) expressed alarm that no progress appeared to have been made in inquiries into the murders in Muyinga and that little had been done to investigate the killing of people whose bodies had been recovered from the Rusizi River in October 2006. Moreover, the rate of sexual and other kinds of violence against women and girls was disturbingly high. He wondered what specific measures could be taken to address impunity in Burundi and whether an alternative could be found to the incarceration of children in prisons with adults.

68. Mr. OKOLA (Independent Expert on the situation of human rights in Burundi) said that the Burundian Government's lack of political will to tackle the culture of impunity was a problem. The only way to overcome that culture was to set up transitional justice mechanisms that would lead to reconciliation and address the issue of justice for a certain category of crimes. He had already expressed his concern regarding the timely establishment of such mechanisms to all the Government officials he had met in Burundi. While the Government appeared to be

committed to establishing the Truth and Reconciliation Commission, the justice aspect of that mechanism seemed to be a big stumbling block. He had not received any answers to the questions he had raised regarding that problem.

69. During his most recent visit to Burundi he had not seen any children in prisons. He therefore assumed that the Government was taking the necessary steps to ensure that children were not incarcerated alongside adults.

70. Almost every politician to whom he had spoken in Burundi had emphasized that it was imperative that the international community should maintain its presence for some time to come if it wanted to help the country consolidate improvements in the human rights situation. One way to ensure such a continued presence would be to retain the independent expert mandate as a mechanism for sustaining a dialogue with the Government and informing the international community about problem areas.

71. The relationship between the Government and civil society had improved. Civil society should be allowed to continue to play the important role it had taken on in Burundi following the elections, as it was often his only source of information on questions to which the Government was unable to reply.

72. Burundi remained in dire need of help with reconstruction and food security. Accordingly, the international community should concern itself not just with civil and political rights in the country, but also with social and economic rights. He hoped that the international community would honour its pledges to the Government of Burundi.

Report of the Special Rapporteur on the situation of human rights in Myanmar (A/HRC/4/14; A/HRC/4/NGO/25, 65, 66, 92 and 94)

73. Mr. PINHEIRO (Special Rapporteur on the situation of human rights in Myanmar), introducing his report (A/HRC/4/14), said that the Council should keep the human rights situation in Myanmar high on its agenda. The severe restrictions imposed on the reform process proposed in the seven-point road map for national reconciliation and democratic transition had adversely affected the work of the National Convention, although some progress had been made in drafting a new Constitution.

74. In May 2006 the house arrest of Aung Sang Suu Kyi, the General Secretary of the National League for Democracy (NLD), had been extended for a further 12 months despite international appeals. In February 2007 the house arrest of the Vice-Chairman of NLD had also been extended for a year. As at 16 December 2006, the number of political prisoners had been estimated at 1,201. While he welcomed the Government's decision in January 2007 to grant amnesty to 2,831 prisoners and to release 52 political prisoners, including 5 prominent political leaders, he deplored the fact that none of the 79 political activists arrested in 2006 had been released and that 73 severely ill political prisoners were still in custody.

75. A few days previously two activists had been detained for distributing the text of the Universal Declaration of Human Rights. He invited the Government to explain why a basic United Nations human rights instrument was deemed to be subversive. The stability of Myanmar was not well served by the criminalization of the exercise of fundamental freedoms by political

opponents, human rights defenders and victims of human rights abuses. Moreover, the capacity of law-enforcement institutions and the independence and impartiality of the judiciary had been hampered by impunity.

76. He welcomed the progress made in containing widespread forced labour practices and noted with satisfaction the conclusion of a Supplementary Understanding between the Government of Myanmar and the International Labour Organization (ILO) on a mechanism to enable victims of forced labour to seek redress. He thanked the Ministry of Health for its comments on his report and took note of its efforts to combat HIV/AIDS and tuberculosis as well as the Government's rapid and effective action to address the outbreak of avian influenza. Lastly, he welcomed the Government's decision to prepare its second and third periodic reports to the Committee on the Elimination of Discrimination against Women.

77. He was deeply concerned about the impact that the increased militarization of ethnic areas in eastern Myanmar, especially the targeting of civilians during attacks, was having on human rights. He had recently received testimony from villagers who had been forcibly displaced on several occasions who told of such abuses as summary executions, sexual abuse, the destruction of villages and food supplies, forced labour and various forms of extortion that had occurred in 2006. The military operations had led to an increase in food shortages and internal displacement. The groups at risk required immediate humanitarian assistance, which should not be made hostage to politics. He urged the Government to grant the United Nations and humanitarian organizations access to the affected areas. He was deeply concerned about the drastic restrictions imposed on the International Committee of the Red Cross (ICRC), which had led to the closure of two of that organization's offices in Myanmar despite the Committee's sustained efforts to engage in constructive dialogue with the Government.

78. As his six-year mandate drew to an end, he drew the Council's attention to the urgent need for more effective coordination of the approaches taken by Member States to supporting Myanmar's transition towards democracy and promoting better living standards for the people.

79. Mr. SWE (Observer for Myanmar) said that the National Convention had met from October to December 2006 and had completed its consideration of the seven remaining chapters of the draft Constitution. A committee would complete the drafting process in 2007 in the light of the basic principles adopted by the National Convention. The Government was fully committed to the successful implementation of the seven-step road map to democracy.

80. To demonstrate its goodwill and commitment to national reconciliation, the Government had granted a general amnesty to 2,831 prisoners in January 2007, bringing the total number of amnestied prisoners in the past two years to 22,417. The Government had also fulfilled the priority requirement of the ILO Governing Body by signing a Supplementary Understanding with the Organization on 26 February 2007 on the eradication of forced labour in the country. That agreement provided for a mechanism to deal with complaints of forced labour.

81. Since the establishment in Myanmar of the Committee for Prevention of the Recruitment of Minors, steady progress had been made in addressing the issue of child soldiers. Representatives of the United Nations Development Programme (UNDP) and the United Nations Children's Fund (UNICEF) had met with new recruits at recruitment centres and had undertaken field trips with representatives of ICRC to meet new recruits in Mandalay in October 2006.



Between 2004 and 2006, 567 persons who were under age and lacked the necessary qualifications had been discharged from the armed forces. On instructions from the Judge Advocate-General, military command officers and other ranks had been ordered to prevent the military recruitment of under-age children. There was no forced recruitment, and no one under the age of 18 was allowed to enlist.

82. The National Committee for Women's Affairs had taken steps to submit Myanmar's combined second and third periodic reports to the Committee on the Elimination of Discrimination against Women.

83. Myanmar was not in a situation of armed conflict. With the return to the legal fold of 17 out of 18 armed groups, the country was enjoying unprecedented peace and tranquillity. Only the Kayin National Union (KNU) and remnants of the former armed groups of narcotic traffickers were still fighting the Government. Nevertheless, the Government continued to extend the olive branch to KNU, and a KNU/Kayin National Liberation Army (KNLA) Peace Council led by Major-General Htay Maung had recently joined hands with the Government to develop their region.

84. He rejected allegations that the armed forces targeted civilians in their counter-insurgency activities. Diplomats and media representatives had taken a Government-organized tour of Kayin State and Bago Division to obtain first-hand evidence of the acts of terror committed by KNU insurgents.

85. Myanmar consistently cooperated with the United Nations by responding to communications from the Human Rights Council's country and thematic rapporteurs. It had agreed to two visits by the Under-Secretary-General for Political Affairs, both of which had been deemed successful by all concerned.

86. Myanmar was fully aware of the need to improve and promote human rights and was making every effort to do so. However, objectivity and non-selectivity were essential in addressing human rights issues, and double standards and politicization should be avoided. The best way of achieving the desired goals was through genuine cooperation and constructive dialogue.

87. Mr. STROMMAN (Observer for Norway) said that Norway was very concerned about the deteriorating human rights and humanitarian situation in Myanmar. The Government seemed less willing to address those problems now than at the beginning of the Special Rapporteur's mandate. He asked the Special Rapporteur for an overall assessment of developments since 2000. In addition, as Norway had repeatedly urged the Government to release all political prisoners immediately, he wished to know what the Special Rapporteur thought of the recent release of five profiled activists.

88. Most efforts by the international community seemed to have produced limited results. He asked how countries in the region and regional organizations could improve the prospects for more positive developments. He wondered in particular how the international community could help to prevent a further deterioration in the situation in eastern Myanmar.

89. Noting that the culture of impunity was one of the main underlying causes of deteriorating economic and social conditions, he expressed support for the Special Rapporteur's recommendation that the Government should seek international technical assistance in establishing an independent and impartial judiciary. He asked what kind of action the Human Rights Council might take in that regard.

90. Ms. KONRAD (Germany), speaking on behalf of the European Union, expressed deep concern at the Special Rapporteur's findings of serious infringements of human rights in Myanmar. The European Union particularly regretted the suspension by Myanmar of cooperation with the Special Rapporteur, who had visited the country on six occasions but had been denied entry since 2003. Although the authorities had not officially replied to his letters, they had recently responded to other special procedures of the Council, and the Under-Secretary-General for Political Affairs had undertaken two missions to Myanmar in 2006. She asked whether the Special Rapporteur had any indications that Myanmar might be willing under certain circumstances to cooperate with him or any other special procedures mandate-holders in the near future.

91. According to the Special Rapporteur, the culture of impunity was one of the greatest obstacles to promoting and protecting human rights and to socio-economic development. She asked for his views on how the situation might be improved and how widespread and systematic human rights violations might be prevented. She also asked whether he had seen any improvements in the areas of law enforcement, investigations and the prosecution and punishment of perpetrators.

92. Mr. CHANDER (India) said that his delegation had always emphasized the importance of dialogue and cooperation in promoting human rights. The Government of Myanmar had been engaging in a dialogue with the United Nations system and had twice received the Under-Secretary-General for Political Affairs in the framework of good offices missions. There were ongoing discussions with ILO on the establishment of a mechanism to handle complaints of forced labour. Moreover, the Government had granted amnesty to more than 2,800 prisoners and had subsequently released several political prisoners. The international community should encourage that trend and support the Government's efforts to make the political reform process more inclusive and broad-based.

93. Mr. KAASJAGER (Netherlands) said that his country had received disturbing reports of violations of the freedom of religion of both the Christian and Muslim communities in Myanmar. The military regime was allegedly mounting a campaign of repression against Rohingya Muslims in northern Rakhine State. There were also reports of the destruction of churches, the forced conversion of Christians to Buddhism, and the arrest, torture and, in some cases, killing of religious leaders. He asked the Special Rapporteur for an assessment of the freedom of religion in Myanmar and suggested that his next report should contain a comprehensive analysis of the situation.

94. He noted that ILO was the only international organization with a field presence in Myanmar, that it had concluded an agreement with the authorities on a forced labour complaint mechanism that would be managed by ILO and that the Organization's liaison officer would be guaranteed freedom of movement. The agreement also provided for an expansion of the ILO

liaison office. Given the unique position of ILO in the field and its expertise in the area of fundamental rights and principles, he asked the Special Rapporteur to elaborate on his cooperation with that Organization.

95. Mr. HNATIK (Czech Republic) said it was unfortunate that the Special Rapporteur had not been granted access to Myanmar since November 2003.

96. He asked for more details regarding the treatment of refugees from Myanmar in neighbouring countries. In particular, he wished to know whether there had been any recent significant changes in the approach taken by those countries to the refugees. He also wished to know whether the Special Rapporteur had received any indication that the Government would consider ratifying any international human rights instruments in addition to those mentioned in paragraphs 74 to 78 of the report. With regard to the Government's amnesty and release of political prisoners, he asked the Special Rapporteur whether those developments could be interpreted as the beginning of a new approach by the Government to political prisoners.

97. Mr. BERG (Sweden) noted that the military regime had placed severe restrictions on ICRC and asked whether there were any signs of willingness on the part of the authorities to engage in international cooperation with the United Nations and humanitarian organizations in order to allow humanitarian assistance to reach the areas most in need, including those inhabited by ethnic minorities.

98. Military activity, especially in provinces where ethnic minorities were predominant, led to widespread human rights violations such as forced labour, arbitrary killings, sexual violence, arbitrary detention and displacement. He asked whether the Special Rapporteur saw any willingness on the part of the Government and ethnic resistance organizations to engage in an inclusive national reconciliation process.

99. Ms. LAURENSEN (New Zealand) said that the Special Rapporteur's conclusion that there had been little improvement in the situation in Myanmar since the establishment of his mandate was discouraging. The report highlighted issues such as the stalemate in the process of democratic reform, the number of political prisoners, the absence of due process and the culture of impunity, all of which warranted the scrutiny of the international community. Her delegation was particularly concerned about the increase in the number of internally displaced persons over the past 12 months as a result of military activity in ethnic areas.

100. Consequently, her delegation considered that the Special Rapporteur's mandate was an important one, and it was disappointed that he had not been granted access to Myanmar. The Security Council was on record as stating that the situation in Myanmar should be appropriately addressed in the Human Rights Council. Given the lack of progress over the past five years and the looming humanitarian crisis, she wished to know how the Council could be more effective than the former Commission on Human Rights in promoting positive change in Myanmar.

101. Mr. GUO Jiakun (China) said that, as a developing country, Myanmar was confronted with many political, economic and social problems, including serious challenges pertaining to refugees, children, AIDS and human rights. The promotion and protection of human rights by the Government was a gradual process, and national reconciliation in any country was bound to be a long and arduous exercise. The international community should be patient with the Government

and support Myanmar in achieving long-term stability and development instead of heaping blame on the country and subjecting it to isolation, pressure and sanctions. As its neighbour, China wished to see political stability, economic development and national harmony in Myanmar and encouraged the Government and other parties concerned to speed up the process of dialogue and reform.

102. Mr. TICHENOR (United States of America) deplored Burma's refusal to cooperate with the Special Rapporteur and said that the situation in the country, one of the most repressive in the world, was deteriorating. The regime's disregard for accountability and transparency had been strikingly demonstrated by the fact that ICRC had been forced to halt most of its activities there. He called on the regime to lift the restrictions on ICRC, United Nations and other international agencies, and NGOs providing humanitarian relief.

103. While welcoming the release of some political prisoners, he noted that more than 1,100, including Aung San Suu Kyi, remained in detention. Genuine national reconciliation called for the immediate and unconditional release of all political prisoners, an end to military attacks on ethnic minorities and the initiation of a credible and inclusive political dialogue with representatives of all the people of Burma.

104. Ms. FRÖBERG (Finland) deplored the failure of the Government of Myanmar to allow ICRC to discharge its humanitarian mandate. She asked the Special Rapporteur whether he had any indications that the organization would be allowed to resume independent prison visits and its work with civilians in the border areas.

105. The Supplementary Understanding concluded between the Government and ILO concerning a mechanism for alleged victims of forced labour and permitting the submission of complaints to the ILO liaison officer in Yangon was potentially encouraging. The document contained guarantees that no retaliatory action would be taken against complainants and that the liaison officer would be free to travel within Myanmar to meet complainants and other relevant persons. She asked the Special Rapporteur how he thought the Supplementary Understanding could improve the situation regarding forced labour.

106. Mr. JANG Hyun-cheol (Republic of Korea) said that the Special Rapporteur's recommendations to the Government of Myanmar and the international community provided useful guidance on how the human rights situation in Myanmar might be improved. His Government shared the belief that national reconciliation and stability were not well served by the arrest and detention of political leaders or severe restrictions on fundamental freedoms.

107. He called on the Government to engage in dialogue and a process of reconciliation with all political actors and to do its best to address impunity. He expressed the hope that the recent release of political prisoners would create a more favourable climate for national reconciliation and an improvement in the human rights situation.

108. Ms. MUDIE (Australia) said that Australia remained very concerned about the bleak political, economic and humanitarian situation in Myanmar and shared the Special Rapporteur's assessment that the space for the establishment of civilian and democratic institutions had been

severely curtailed. She urged the Government to undertake genuine political reform, arrest the economic decline and ensure that all citizens enjoyed international standards of human rights. She further urged the regime to engage in genuine dialogue with all ethnic groups and to take action to protect the rights of children in conflict situations.

109. Expressing concern about the continued detention of over 1,000 political prisoners, she called for the unconditional release of all such prisoners, including Aung San Suu Kyi. She also strongly urged Myanmar to allow international organizations to deliver humanitarian assistance efficiently and effectively.

110. Welcoming the concern expressed by members of the Security Council regarding the situation in Myanmar and recent efforts by the Association of Southeast Asian Nations (ASEAN) to promote reform, she urged Myanmar to work with the Special Rapporteur and the Council to improve its human rights performance.

111. Mr. MIYAGAWA (Japan) said that the fact that the Special Rapporteur had not been allowed to enter Myanmar since 2003 was a source of concern. Although there had been some positive developments in the country's human rights situation, such as the recent release of political prisoners, it was regrettable that many other persons remained in detention for political reasons.

112. While welcoming the convening of a National Convention to establish the basic principles of Myanmar's new Constitution, he expressed concern that Aung Sang Suu Kyi and others had not been allowed to participate. He hoped that the democratization process would be expedited and that all stakeholders would be involved.

113. He welcomed the conclusion of the Supplementary Understanding between the Government and ILO on the question of forced labour and called for firmer action to address issues related to illegal drugs and HIV/AIDS and other diseases.

114. He wished to express his delegation's appreciation to the Under-Secretary-General for Political Affairs, who had visited Myanmar twice in 2006. He encouraged the United Nations to continue its efforts to promote democratization and asked the Special Rapporteur what kind of approach he thought the United Nations should adopt in that regard.

115. Ms. BLITT (Canada) deplored the fact that the Special Rapporteur had been denied access to Myanmar since 2003. She agreed that national reconciliation should be achieved through a process of genuine dialogue involving all political representatives without exception, but noted that there had been no such dialogue to date. She asked what steps the international community could take to promote a sincere and constructive dialogue.

116. Her delegation was seriously concerned about Myanmar's failure to respect the fundamental freedoms of the population. While it welcomed the release of political prisoners in September 2006, it noted that many prisoners remained in detention. It shared the Special Rapporteur's concern regarding impunity and supported his recommendations, including the

recommendation that the Government of Myanmar should subject all officials who committed human rights abuses to strict disciplinary control and punishment and put an end to the culture of impunity in the country. She asked how the international community could help to engender a culture of responsibility in Myanmar.

117. Mr. PINHEIRO (Special Rapporteur on the situation of human rights in Myanmar), replying to the question about religious repression, said that although he had received allegations of discrimination against both Muslim minorities and Christians, he was not in a position to verify whether they were the result of a deliberate policy or merely constituted a succession of incidents.

118. United Nations bodies, humanitarian agencies and NGOs were doing valuable work, but their main problem was lack of access to the eastern part of the country. He deeply regretted the fact that ICRC was no longer visiting prisons because the authorities refused to accept normal ICRC visiting procedures.

119. The release of prisoners was always welcome, but it was a painfully slow process. He had repeatedly sought to persuade the authorities of the positive role that political prisoners could play in the process of political transition following their release. Other countries in the region and regional groupings could also play a crucial partnership role in that process.

120. He had been patient for seven years, but, as the representative of China had said, the time had come to speed up the process of dialogue and reform. The international community should take a coordinated approach to the problems in Myanmar rather than pursue a disorderly jumble of initiatives. The Council could perhaps serve as a coordinator in that effort. More generally, he suggested that if the Council decided to maintain the special procedures, it should find an effective means of persuading States to accept visits by mandate holders.

The meeting rose at 1.05 p.m.