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Chair: Mr. Braun (Luxembourg)

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The meeting was called to order at 3 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/74/179, 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 and A/74/342)
- (d) **Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action** (continued) (A/74/36)

1. Ms. Lee (Special Rapporteur on the situation of human rights in Myanmar), presenting her report (A/74/342), said that the Government of Myanmar continued to deny her access to the country. Human rights issues, abuses and violations were still reported to her, and there had been no discernible improvement in the situation in the country. She acknowledged that Myanmar had ratified the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict in September 2019 and urged it to fulfil its new obligations and ensure that child soldiers remained firmly in its past.

2. Despite her repeated calls, the Government had neither repealed nor amended repressive laws and continued to weaponize them against those attempting to exercise their rights to freedom of expression, association and assembly. In September 2019, government officials had filed criminal complaints against two satirists and a cartoonist for criticizing the ruling National League for Democracy in their social

media posts. With the forthcoming general elections in 2020, that trend was deeply worrying.

3. Conduct that violated international humanitarian law and might amount to war crimes was again being witnessed, and impunity for such crimes prevailed. In Rakhine State, heavy fighting continued between the armed forces of Myanmar, known as the Tatmadaw, and the Arakan Rohingya Salvation Army. It was reported that the Arakan Army had recently abducted 31 people and was depriving them of their liberty. In 2019, as many as 60,000 people had been displaced by the conflict in Rakhine, together with another 10,000 in Chin State. The Internet shutdown that had been in place in four townships in Rakhine State for 123 days was depriving people of many rights and set an alarming precedent that must be addressed by companies in the information and communications technology sector. In August 2019, fighting in Shan State had suddenly escalated following coordinated attacks by an alliance of ethnic armed organizations, including the Arakan Army. Talks between the Government's National Reconciliation and Peace Centre and the armed organizations in September 2019 had led to a decrease in fighting, but clashes had erupted later that month when the Tatmadaw's declared unilateral ceasefire had expired.

4. Despite frequent conversations about the repatriation of Rohingya refugees, it would be unsafe for them to return to Myanmar until the fundamental circumstances leading to their expulsion had been remedied. In September 2019, up to 30 Rohingyas had been arrested for leaving Rakhine State, charged with criminal offences, denied access to lawyers and sentenced by a court. Such abhorrent treatment was completely antithetical to the human rights and child rights obligations of Myanmar and was indicative of the treatment that returning Rohingyas would face if they wished to exercise freedom of movement. The Rohingya rejected the national verification card that was forcibly issued to them because they believed that it branded them as foreigners and did not confer citizenship status or rights. In his statement to the General Assembly in September 2019, the Union Minister for the Office of the State Counsellor had compared the national verification card to the green card issued to permanent residents of the United States of America, thus confirming that the national verification card was indeed for foreigners and provided residency rights only. It would not resolve the denial of citizenship, nationality and rights of the Rohingya.

5. The international community must accept that the Government's Independent Commission of Enquiry did not represent a possible end to impunity. It had not

produced a single report after nearly 15 months. While significant headway had been made in the past year with the operationalization of the Independent Investigative Mechanism for Myanmar, the opening of an investigation into alleged crimes on the border between Bangladesh and Myanmar by the Prosecutor of the International Criminal Court and the Gambia considering instituting proceedings against Myanmar at the International Court of Justice under the Convention on the Prevention and Punishment of the Crime of Genocide, an end to impunity in Myanmar nonetheless remained a lofty, far-off goal.

6. She urged Member States not to pursue their own economic interests in Myanmar at the expense of human rights. The international community must not hesitate to impose targeted sanctions against Tatmadaw-owned companies and the Tatmadaw commanders identified as being most responsible for serious violations. In addition, it should either refer the situation in Myanmar to the International Criminal Court or consider establishing an international tribunal. It should also work with civil society to develop transformative processes in accordance with the pillars of justice, truth, reparations and guarantees of non-recurrence.

7. She could never have anticipated that, five years following her appointment, she would be calling out the perpetration of the most serious crimes under international law by the military in Myanmar, with the complicity of the civilian-controlled arms of the Government.

8. **Mr. Suan** (Myanmar) said that his country had cooperated in good faith with successive Special Rapporteurs, despite its opposition to such selective and country-specific mandates. In return, however, it had received nothing but increased international scrutiny, numerous country-specific resolutions and more and more unprecedented politically motivated mechanisms for exerting pressure on the country under the pretext of human rights. The statement of the Special Rapporteur had been full of unsubstantiated, unconstructive, biased and provocative allegations and would not contribute to solving the complex problem in Rakhine State.

9. Despite facing many challenges in a country with a young democracy, the Government and people of Myanmar had never relented in their efforts to transform the country into a democratic federal union. The Government had placed national reconciliation and peace as a top priority while striving for economic prosperity, social equity and development, the prevalence of rule of law and a reliable justice system. The Government was amending the Constitution to improve the protection and advancement of the

democratic rights of the people. Three sessions of the Union Peace Conference had been held, at which 51 basic principles had been adopted for inclusion in the peace accord that would form the foundation for the democratic federal union. Significant progress had also been made in the economic and social sectors under the democratic Government in the past four years. Myanmar had experienced rapid economic growth, with a growth rate of 6.5 per cent in 2018/19, and poverty had been halved from 48.2 per cent in 2005 to 24.8 per cent in 2017.

10. Recently, there had been calls to restrict investments in and impose sanctions against companies and businesses in Myanmar for human rights reasons. Such sweeping punitive actions would have a negative impact on the democratization process, the Government's efforts to combat poverty and the economic and social development of the people. The almost 30 years of economic sanctions imposed by the West on Myanmar had failed to achieve most of their objectives, bringing only hardship and poverty to ordinary people.

11. The people of Myanmar continued to exercise their rights to freedom of expression, association and assembly. As Myanmar was a multi-ethnic and multireligious country, freedom of religion was guaranteed by the Constitution. Although Myanmar was an overwhelmingly Buddhist country, there was no discrimination against other faiths.

12. With regard to the situation in Rakhine State, the Government was working hard to expedite the repatriation of and create a more conducive environment for verified returnees, in cooperation with Bangladesh, the United Nations Development Programme (UNDP), the Office of the United Nations High Commissioner for Refugees (UNHCR) and the Association of Southeast Asian Nations (ASEAN). The only feasible way to address the issue of displaced persons was to strictly implement the existing bilateral agreements and arrangements. Patience, understanding and good faith were key to the success of the repatriation process; finger pointing, political grandstanding and setting new conditions would only prolong the plight of the displaced persons.

13. His delegation categorically rejected the Special Rapporteur's recommendation to refer the situation of Myanmar to the International Criminal Court or, alternatively, to consider establishing an international tribunal. His Government was not opposed to accountability for any wrongdoing related to the allegations of serious violations of human rights in Rakhine State. Accordingly, the Independent

Commission of Enquiry was currently preparing a report with recommendations for further action. The military had recently established a court of inquiry to investigate the allegations contained in human rights reports. The integrity of those independent investigations should not be compromised by international actors. The Government had the will and the ability to address the accountability issue.

14. The Independent Investigative Mechanism for Myanmar had been established beyond the mandates of the General Assembly and the Human Rights Council. His delegation therefore did not recognize and would not cooperate with the Mechanism. The more than \$25 million allocated to the Mechanism for two years would be a waste of the scarce resources of the United Nations, especially given the serious liquidity crisis currently facing the Organization.

15. When the human rights situation in a country was under consideration, the country's particular circumstances must be taken into account. While the primary responsibility to safeguard the rights and freedoms of people lay with Governments, the international community should help Governments to build their capacities to fulfil their responsibility. The international community should therefore maintain constructive cooperation with and support the democratization process in Myanmar.

16. **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 Movement held in Caracas in July 2019, ministers had reaffirmed their commitment to promoting universal respect for human rights and protecting universally recognized human rights and fundamental freedoms in accordance with the Charter of the United Nations, relevant human rights instruments and international law.

17. The ministers had expressed their deep concern at the 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. As such, it breached the principles of universality, impartiality, objectivity and non-selectivity in addressing human rights issues and weakened cooperation as the basic principle for the effective promotion and protection of universally recognized human rights.

18. The universal periodic review was the main intergovernmental mechanism for examining human rights issues at the national level in all countries without distinction and was conducted with the full involvement

of the country concerned and with due consideration for its capacity-building needs.

19. **Mr. Forax** (Observer for the European Union) said that the Government of Myanmar should cooperate with the Special Rapporteur and grant her full, unrestricted and unmonitored access. He asked how business operators and the international community could ensure that economic activity in Myanmar resulted in a tangible improvement in the standard of living of the population. With Myanmar entering a period of electoral campaign, it would be useful to learn how the international community could guarantee that the people of Myanmar would be able to freely make their electoral choices and that the electoral campaign would reflect democratic standards. He asked what next steps should be taken by the international community to ensure accountability while continuing to engage with the civilian branch of the Government in support of a democratic transition. How did the Special Rapporteur envisage follow-up to the recommendations of the fact-finding mission and her cooperation with the Independent Investigative Mechanism for Myanmar?

20. **Mr. Sparber** (Liechtenstein) said that accountability was a key precondition for the secure, voluntary and dignified return of the many displaced persons, in particular the Rohingya minority, and the United Nations system must speak with one voice on the issue of accountability. He would therefore be interested to learn the extent of the Special Rapporteur's cooperation with other United Nations mandates. His delegation fully supported the Special Rapporteur's call for the case to be referred to the International Criminal Court by the Security Council and was frustrated by the lack of action in the Council. He asked to what extent the Special Rapporteur would cooperate with the investigation undertaken by the Court.

21. **Mr. Tierney** (Ireland) said that the Government of Myanmar should take note of the detailed recommendations contained in the report of the Special Rapporteur. Of particular concern were the continued incidents of online incitement to violence and hatred towards ethnic and religious minorities and reports of a recent increase in incitement against ethnic Rakhines and human rights defenders. Myanmar should develop an inclusive and comprehensive plan to address the root causes of discrimination and protect fundamental freedoms. With regard to the Special Rapporteur's call on the home Governments of multinational companies investing in Myanmar to take all the steps necessary to prevent human rights violations in Myanmar by business enterprises domiciled in their territory and/or jurisdiction, he asked what precise steps were envisaged.

22. **Mr. Islam** (Bangladesh) said that the continued refusal by Myanmar to cooperate with United Nations human rights entities and mechanisms, including the Special Rapporteur, was regrettable. The call for accountability had yet to be addressed through a credible process and a focus on meeting the justice needs of victims and affected communities. He asked how complementarity between judicial mechanisms could be ensured, given the need for such complementarity in order to generate confidence among victims.

23. The Special Rapporteur had made valuable recommendations, including referring the situation to the International Criminal Court or establishing an international tribunal. The provision of aid under the pretext of development alone would not suffice; human rights, accountability and issues such as freedom of movement and sustainable livelihoods also needed to be addressed, as noted by the Rohingya and the Special Rapporteur. His delegation looked forward to the implementation of the recommendations of the Special Rapporteur, including the restoration of citizenship rather than a pathway to citizenship.

24. **Mr. Roscoe** (United Kingdom) said that it was regrettable that the Government of Myanmar continued to deny the Special Rapporteur access. The best way for the Government to deal with the report of the Special Rapporteur would be to invite her to the country and engage directly with her. The Government should cooperate fully with all United Nations mandate holders. His delegation commended the Governments of Thailand and Malaysia for cooperating with the Special Rapporteur.

25. All sides to the conflict in Rakhine, Kachin and Shan States should de-escalate hostilities and engage in meaningful dialogue. Any repatriation of refugees must meet the standards of UNHCR for being safe, dignified and voluntary. The Government of Myanmar should create conditions conducive to returns by granting unfettered access to UNHCR and UNDP, engaging in a substantive dialogue with displaced Rohingya and presenting a transparent and credible plan for the implementation of the recommendations of the Advisory Commission on Rakhine State. His delegation welcomed the operationalization of the Independent Investigative Mechanism for Myanmar and called for all States to support its mandate. He asked how civil society could help the Government to move forward.

26. **Ms. Přikrylová** (Czechia) said that the Government of Myanmar should grant the Special Rapporteur full access to the country and allow her to fulfil all duties mandated by the Human Rights Council.

All parties to the conflict in Myanmar should immediately cease human rights violations against civilians and put an end to indiscriminate killings, rape, forced displacement and forced labour. Her delegation urged the Government to stem the recruitment of children as combatants and to ratify and implement the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction. In relation to the closure of camps for internally displaced persons, the Government must ensure that any relocation was voluntary, safe and dignified. More information on the current situation of political prisoners would be welcome.

27. **Mr. Bjordal** (Norway) said that his delegation commended 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 the enactment of a new law on the rights of children, but remained concerned about the lack of improvement in the human rights situation in the country. The Government of Myanmar should take additional steps to strengthen democratic institutions, good governance and the rule of law. The Government should also increase its efforts to implement the recommendations of the Advisory Commission on Rakhine State to ensure the safe, voluntary and dignified return of all refugees without further delay. Those responsible for violations of international law must be held to account through a credible national or international criminal justice mechanism. His delegation urged the Government of Myanmar to cooperate with all United Nations mechanisms and grant them access to the country. He asked how international businesses operating in and conducting work related to Myanmar could help to end human rights abuses in the country.

28. **Mr. Leval** (France) said that the authorities of Myanmar should cooperate with the Special Rapporteur and the Independent Investigative Mechanism for Myanmar. Condemning the continuing grave violations of human rights in Myanmar and the resumption of fighting with the Arakan Army, his Government urged the authorities to make every effort to overcome the stalemate. All parties must put an end to sexual violence in conflict areas, and the authorities of Myanmar must ensure that the perpetrators of such crimes were brought to justice. The civil and political rights of all people in Myanmar must be protected, in particular in view of the general elections in 2020, which would be a milestone in the democratic transition. In that regard, his Government extended its support to the civilian branch of the Government of Myanmar and urged it to ensure that the elections ran smoothly.

29. **Mr. Lauer** (Luxembourg) said that his delegation was disappointed by the continued refusal by the authorities of Myanmar to cooperate with the Special Rapporteur and urged them to accept the jurisdiction of the International Criminal Court. The authorities should give humanitarian personnel safe and unimpeded access to the entire country. He asked how development and humanitarian aid could be improved to enhance support for minorities in Myanmar to enable them to fully enjoy their human rights.

30. The authorities of Myanmar should guarantee the human rights of ethnic minorities and the rights to free expression and free association for all persons. In view of the 2020 elections, the authorities should make every effort to protect civil and political rights and to allow journalists to carry out their work independently. He asked what the main risks were in view of the elections in Myanmar and what could be done by the international community to guarantee freedom of expression for journalists and human rights defenders.

31. **Mr. Fifield** (Australia) said that all parties to the conflict in Myanmar should cease hostilities, protect civilians and return to meaningful dialogue. Full and effective access must be granted to humanitarian agencies for the delivery of much-needed assistance. The Government of Myanmar should create conditions for the voluntary, safe, dignified and sustainable return of displaced persons to Rakhine State, including by implementing the recommendations of the Advisory Commission on Rakhine State. His delegation welcomed the 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 encouraged Myanmar to continue its efforts towards signing the International Covenant on Civil and Political Rights. While the withdrawal of the lawsuit against Reverend Samson was welcome, many other journalists, artists and activists continued to face charges for carrying out activities central to their work. The Government of Myanmar must ensure that its legislative framework allowed for a safe and enabling environment for civil society, journalists and lawyers. It would be interesting to learn how regional partners could help to advance the peace process and support the democratic transition in Myanmar.

32. **Ms. Cue Delgado** (Cuba) said that her country opposed country-specific special procedures. They encouraged a confrontational approach, which did not foster cooperation or respectful dialogue or settle any human rights concerns. The universal periodic review was the best framework for examining the human rights situations in all countries on an equal basis and through constructive dialogue. Her delegation stood ready to

address the situation in Myanmar through cooperation and respectful dialogue and in accordance with the principles of equality, non-selectivity and impartiality.

33. **Mr. Rohland** (Germany) said that the continued cycle of violence, injustice and impunity in Myanmar would end only with accountability. Germany had therefore organized an Arria-formula meeting of the Security Council with a focus on accountability in Myanmar in August 2019. The Government of Myanmar should grant unrestricted access to the country to the United Nations, civil society and humanitarian workers. He asked what effect the limiting of freedom of expression would have on the legitimacy of the electoral campaign.

34. **Mr. Dinger** (United States of America) said that the Government of Myanmar should re-engage with the Special Rapporteur. The Government of the United States called for the unconditional and immediate release of all those who had been arbitrarily detained, including film-maker Min Htin Ko Ko Gyi, and for an end to the use of problematic laws to stifle freedom of expression, freedom of religion and other fundamental freedoms. His Government also called for unhindered humanitarian and media access to Rakhine, Kachin and Shan States and other areas affected by violence across the country, and the creation of conditions allowing for the safe, dignified, voluntary and sustainable return of refugees and internally displaced persons to their places of origin or to places of their own choosing. The Government of Myanmar should implement the recommendations of the Advisory Commission on Rakhine State, including those relating to freedom of movement, access to health services, livelihood, security reform and meaningful access to citizenship for the Rohingya remaining in Rakhine State. He asked how the international community could support credible accountability mechanisms, such as the Independent Investigative Mechanism for Myanmar.

35. **Ms. Park** (Republic of Korea) said that the international community should assist the Government of Myanmar in implementing genuine reform and complying with international human rights standards. Inclusiveness and transparency were crucial in every phase of the peace process, and the Government should strengthen its engagement with stakeholders. The Government had taken significant steps to improve the legal protection of children's rights and should effectively and thoroughly implement those measures to enable all children in Myanmar to enjoy their rights. Her delegation welcomed the development by the Government of a national strategy on the closure of camps for internally displaced persons in consultation with the United Nations. The strategy should address the

root causes of displacement, and any return or relocation should be voluntary.

36. **Mr. Ahmed** (Maldives) said that all relevant stakeholders must accelerate efforts both to protect the rights of those affected by the ongoing humanitarian crisis in Myanmar and to establish the institutional frameworks needed for their safety. The Government of Myanmar should also take concrete steps not only to cease all atrocities and hostilities against the Rohingya people but also to allow for the repatriation efforts to be conducted humanely and in a timely fashion.

37. **Mr. Kim In Ryong** (Democratic People's Republic of Korea) said that his delegation reiterated its consistent opposition to country-specific mandates, as they were based on politicization, selectivity and double standards. The universal periodic review of the Human Rights Council was the mechanism for considering the human rights situations of all countries equally and on an impartial basis. Human rights issues should neither be politicized nor used as an instrument of international politics under any circumstances. Permanent peace, stability, national reconciliation and development for all in Myanmar would be brought about through constructive dialogue and cooperation between the parties concerned, rather than accusations, pressure and polarization.

38. **Ms. Ndayishimiye** (Burundi) said that her delegation reiterated its principled position of opposing country-specific mandates and commissions of inquiry, which were counterproductive. Her delegation was concerned that certain United Nations bodies were being used for political purposes, thus undermining cooperation as an essential principle for the effective promotion and protection of universally recognized human rights in accordance with the Charter of the United Nations and international law. The United Nations already had suitable mechanisms for analysing the human rights situations in all countries without discrimination, namely, the universal periodic review, which was more likely to achieve tangible results in Myanmar and other countries.

39. **Mr. Bui Thai Quang** (Viet Nam) said that his delegation was grateful to Bangladesh for its generosity and tremendous efforts in hosting and providing support for more than 1 million displaced persons. The international community should strengthen dialogue and cooperation with Myanmar and relevant parties to find comprehensive and durable solutions to the issue in Rakhine State. His delegation welcomed the recent efforts of ASEAN and the steps taken by Myanmar, working closely with relevant parties and the international community, to address the issue. Viet Nam

supported the enhancement of the role of ASEAN in helping Myanmar to bring peace, harmony, stability and development in Rakhine State and would continue that effort when chairing ASEAN in 2020.

40. **Mr. Vongxay** (Lao People's Democratic Republic) said that his delegation welcomed the progress made by the Government of Myanmar and the parties concerned in addressing the situation in Rakhine State, especially the efforts of the Government in close collaboration with Bangladesh, ASEAN, UNHCR and UNDP. His delegation commended the ratification by Myanmar of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. Country-specific human rights resolutions did not help to address the human rights situation in any country. The universal periodic review was the only appropriate venue for addressing the human rights situations of countries. The international community and the Government of Myanmar should engage in genuine dialogue and cooperation to address human rights issues.

41. **Ms. Xu Daizhu** (China) said that, as a friendly neighbour of Myanmar, China hoped that Myanmar would achieve stability and development that were in the interest of Myanmar and in the shared interest of the countries in the region. China would continue to support Myanmar in following a developmental path suited to its national conditions. The international community should respect the sovereignty of Myanmar, be comprehensive, fair and objective in reviewing the progress on human rights in that country and understand the difficulties and challenges it faced.

42. The Ministers for Foreign Affairs of China, Myanmar and Bangladesh had recently held meetings in New York, at which they had arrived at a three-point consensus. First, there was strong political will for early repatriation, with both Myanmar and Bangladesh believing that the repatriation of displaced persons could no longer be delayed and should be resolved at an early date. Second, all parties had agreed to establish a working mechanism. Thirdly, development was fundamental to solving the Rakhine State issue. The three countries had agreed to strengthen tripartite cooperation, in particular by making optimum use of the existing bilateral cooperation mechanisms between China and Myanmar and between China and Bangladesh to create more jobs and promote development.

43. The international community should cherish the hard-won progress towards the resolution of the Rakhine State issue and create conditions conducive to the settlement thereof. Special procedure mandate holders should abide by the purpose and principles of

the Charter of the United Nations and engage in dialogue and cooperate with Governments, pay attention to the authoritative information provided by them and cease openly exerting pressure on them.

44. **Mr. Srivihok** (Thailand) said that his delegation took note of the positive developments in Myanmar, in particular the enactment of legislation on children's rights and the ratification of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. Constructive dialogue among all stakeholders was key to finding practical and durable solutions to the highly complex and multifaceted challenges in Rakhine State. As the current Chair of ASEAN, Thailand was ready to strengthen the role of ASEAN in assisting and cooperating with Myanmar. Thailand had experience in successfully repatriating displaced persons on a voluntary basis to neighbouring countries in cooperation with United Nations agencies and had returned more than 1,000 people to Myanmar between 2016 and 2019. The Government of Myanmar should fully implement the recommendations of the Advisory Commission on Rakhine State to address the root causes of the problem and promote long-term sustainable development for all in Rakhine State.

45. **Ms. Lee** (Special Rapporteur on the situation of human rights in Myanmar) said that, on the question of how businesses could help to advance the peace process and eliminate human rights violations in Myanmar, companies should adhere to the Guiding Principles on Business and Human Rights and conduct human rights due diligence prior to and throughout the process of engaging with Myanmar, especially before implementing projects in conflict-affected areas, in particular in Rakhine and Chin States, and suspend projects and investment on the basis of due diligence where necessary. She welcomed the fact that some Governments had already begun to cease further engagement with the military-affiliated companies listed by the independent international fact-finding mission on Myanmar.

46. The transition to democracy must be inclusive and transparent, involve all affected minorities and have a gender focus. Any accountability processes or mechanisms should be holistic, locally owned, context appropriate and victim driven. Instead of adopting the hate speech bill, which would stifle freedom of expression in the lead up to the elections, the Government should conduct a campaign to promote tolerance, peace and harmony. Social media had contributed enormously to hate speech in Myanmar. Internet companies should therefore conduct human rights due diligence and allocate sufficient resources to

content moderation so as to meet the business responsibility to respect human rights in line with the Guiding Principles on Business and Human Rights.

47. To date, 606 people had been persecuted for their political activities, including 56 who were serving prison sentences, 187 who were awaiting trial inside prison and 363 who were awaiting trial outside prison. To improve humanitarian aid in support of minorities, it was key to ensure access to conflict-affected areas. Neither international nor local humanitarian aid organizations had been able to reach Kachin and Shan States or the eastern part of the country. Difficulties had also been experienced in reaching affected areas in Rakhine State.

48. She welcomed the Arria-formula meeting organized by Germany. The Security Council should invite special rapporteurs of all special procedure mechanisms to the Arria formula. Special rapporteurs had not reported to the Security Council at such a meeting in decades. The funds that had been endorsed by the Fifth Committee for the Independent Investigative Mechanism for Myanmar must remain intact. She would do her utmost to follow up on the recommendations of the fact-finding mission before her mandate came to an end in March 2020.

49. It was up to Member States to determine the future of the mandate. The Government of Myanmar had said that it would cooperate with a different special rapporteur, and Member States should ensure that it did so. She vividly remembered meeting the State Counsellor and Minister for Foreign Affairs, Aung San Suu Kyi, for the first time in 2014 and their frank and candid conversations, and she hoped to meet her again before the end of her mandate.

50. **Mr. Darusman** (Chair of the independent international fact-finding mission on Myanmar) said that many of the serious crimes under international law that had been previously reported by the independent international fact-finding mission on Myanmar continued to be committed by the Myanmar military throughout the country, affecting all the main ethnic communities. The near complete absence of accountability for past grave human rights violations confirmed the mission's previous conclusion that the cycle of impunity enabled and fuelled such reprehensible conduct on the part of the security forces.

51. The blatant persecution of the Rohingya community in Myanmar continued unabated, and the situation of the some 600,000 Rohingya remaining in Rakhine State was largely unchanged. Continued genocidal intent could be inferred on the part of the State in relation to the Rohingya, giving rise to a serious risk

of the recurrence of genocide. Myanmar was failing to meet its obligations under the Convention on the Prevention and Punishment of the Crime of Genocide to prevent, investigate and enact effective legislation criminalizing and punishing genocide, given that the policies, laws, individuals and institutions that had laid the groundwork for the brutal “clearance operations” in 2016 and 2017 remained in place. In complete disregard of the recommendations of the Advisory Commission on Rakhine State, discriminatory laws, including the 1982 Citizenship Act, remained in effect. The Government’s insistence on a citizenship process based on the national verification card scheme was disingenuous. Instead of leading to inclusion through citizenship, the cards further excluded the Rohingya, many of whom had historically been accepted as citizens of Myanmar and should again be recognized as such.

52. Contrary to the Government’s claims, camps for internally displaced persons had not been closed. If anything, the situation of the Rohingya in Rakhine State has worsened, as they had endured another year subjected to discrimination, segregation, movement restrictions and insecurity, without adequate access to livelihood, land, basic services or justice for past crimes committed against them by the Tatmadaw. The return of almost 1 million Rohingya refugees to Rakhine State was simply impossible under the current circumstances. Rohingya lands and villages had been destroyed, cleared and confiscated, and new structures resembling camps with Rohingya forced labour had been built. The Government’s repatriation plans were clearly inadequate.

53. Serious violations of human rights and humanitarian law had been committed in a series of Tatmadaw attacks in northern Rakhine State and southern Chin State in the past months. In northern Myanmar, relative lulls in active hostilities in Kachin State were contrasted with intensified hostilities in Shan State, most notably since August 2019. A number of attacks by parties to the conflict had led to civilians being killed and injured. Sexual and gender-based violence against women and girls in northern Myanmar continued.

54. In full compliance with its mandate, the fact-finding mission had completed the transfer to the Independent Investigative Mechanism for Myanmar of its materials, including 1,227 interviews with victims and witnesses and a list of more than 150 people suspected of involvement in international crimes, which would serve as an important foundation upon which prosecution cases could be prepared.

55. The Government of Myanmar bore the primary responsibility to protect its people from human rights violations, but the mission’s findings had shown that it had failed to do so. The international community must therefore remain seized of the situation in Myanmar. The Human Rights Council, the General Assembly and the Security Council must put an end to continued violations and prevent their recurrence. In order to take effective action, the international community must have reliable and verified information. The Human Rights Council must therefore mandate properly resourced, regular, robust and independent monitoring, investigations and reporting, and the General Assembly should grant the political and financial support necessary to ensure the effectiveness of such mandates.

56. The General Assembly should continue to monitor progress on accountability and recommend action in the absence of tangible results. A number of accountability initiatives were under way at the international level that required support, including the investigation by the Office of the Prosecutor of the International Criminal Court and plans for the Gambia, on behalf of the Organization of Islamic Cooperation, to pursue a case against Myanmar before the International Court of Justice for breaching the Convention on the Prevention and Punishment of the Crime of Genocide. However, neither initiative could address the full spectrum of the accountability deficit, and Member States should consider additional measures, including the creation of an ad hoc tribunal. Governments should indicate their willingness to exercise jurisdiction over the crimes under international law identified by the mission. Member States should avail themselves of the work of the Independent Investigative Mechanism for Myanmar to support such endeavours.

57. In the absence of accountability at the domestic level, alternative avenues should be explored to deter human rights violations, including targeted sanctions, financial and political disengagement from the Tatmadaw and a moratorium on investment and development in Rakhine State. The mission’s report (A/HRC/42/50) provided a solid road map and guidance in that regard and had already resulted in disengagement by Governments and businesses. The General Assembly should consider endorsing such disengagement, while recommending targeted sanctions and an arms embargo by the Security Council.

58. **Mr. Suan** (Myanmar) said that his delegation’s participation in the interactive dialogue should not be interpreted as signifying its recognition of the international independent fact-finding mission on Myanmar, its mandate or any of its reports. The Chair of the fact-finding mission had presented one-sided views,

unsubstantiated allegations and misleading information, completely ignoring contradictory evidence and facts, including the devastating situation experienced by the innocent Hindu minority and the other ethnic groups in Rakhine State. All the work conducted by the fact-finding mission validated his Government's rejection of the Independent Investigative Mechanism for Myanmar.

59. His Government had clearly and repeatedly stated that the perpetrators of all human right violations causing a large outflow of displaced persons to Bangladesh must be held accountable. However, it would never accept any attempt to exert unjust and unwarranted political pressure under the pretext of accountability. The Rakhine State issue was just one of the many challenges facing Myanmar as a young democratic nation. The Government had given high priority to finding a lasting solution to the protracted problems in Rakhine State, which had resulted in the formation of the Advisory Commission on Rakhine State. The issue should not be seen solely as humanitarian and human rights problems affecting one particular community, but rather needed to be looked at from a wider and holistic point of view.

60. Despite the Government's genuine efforts to solve the long-standing complex problems in Rakhine State, the Arakan Army terrorist attacks on Myanmar border guard posts in October 2016 had caused the initial outflow of displaced persons across the border. Subsequently, the Office of the United Nations High Commissioner for Human Rights (OHCHR) had sent a team to Bangladesh, which had compiled a flash report based on the information gathered from interviews with displaced persons in the camps in Cox's Bazar without established facts. The Government had objected to the subsequent formation of the fact-finding mission by the Human Rights Council owing to its serious concerns about the advisability and mandate of the mission, warning the international community that the mission would serve only to increase hostilities between the communities in Rakhine State.

61. The three reports of the fact-finding mission contained mostly narratives of the alleged victims of the displacement with no hard evidence. The mission had portrayed the Myanmar security forces as perpetrators of mass atrocity crimes while deliberately ignoring or discounting the provocative and premeditated armed attacks of Arakan Army terrorists on various security posts in October 2016 and August 2017, which were the undeniable causes of the current humanitarian situation. Furthermore, the mission had never condemned the well-documented atrocity crimes committed by the Arakan Army that had resulted in the deaths of security personnel and hundreds of innocent people in Rakhine,

including 100 Hindu villagers, in August 2017. His delegation was appalled by the politically motivated and harmful recommendations contained in the final reports. The reports clearly demonstrated hostile intentions towards the democratically elected Government and the peace-loving people of Myanmar.

62. Death threats and intimidation by the Arakan Army against displaced persons in the camps in Cox's Bazar had made it impossible to begin the repatriation process. The security threat from the Arakan Army urgently needed to be addressed to create conditions conducive to the speedy implementation of the repatriation process. Myanmar had never fallen short of its commitment to accountability for human rights violations in Rakhine or any other place in the country and was willing and able to address accountability for any alleged human rights violation where there was sufficient evidence. The Independent Commission of Enquiry had been established by the Government in July 2018 to investigate allegations of human rights violations and related issues following the terrorist attacks by the Arakan Army, seek accountability and reconciliation and submit a report to the President of Myanmar with its recommendations. The Commission had visited Bangladesh from 17 to 22 August 2019 and was currently awaiting approval from the Government of Bangladesh for its evidence collection and verification team to visit Cox's Bazar to interview and collect evidence from the alleged victims.

63. The Government cooperated with the international community on the basis of its faith in the principles and purposes of the Charter of the United Nations and multilateralism. The success of multilateralism depended on the extent to which States adhered to the Charter and international law governing the conduct of inter-State relations, including respect for sovereignty and territorial integrity, non-interference in the internal affairs of States, mutual respect and the peaceful settlement of disputes. If the United Nations – the centrepiece of the multilateralism – acted beyond its mandates in the interest of certain groups of countries and failed to defend Member States without discrimination in line with the Charter, it would lose the trust and confidence of the people of Member States.

64. **Mr. Forax** (Observer for the European Union) said that the European Union welcomed the request of the Prosecutor of the International Criminal Court for authorization to open an investigation into the alleged deportation of Rohingya from Myanmar to Bangladesh and to investigate alleged crimes, and he encouraged all relevant actors to cooperate with the Court. He asked what steps the General Assembly should take with regard to the recommendation made by the fact-finding

mission on the economic interests of the military, and on sexual and gender-based violence and the gendered impact of ethnic conflicts in Myanmar.

65. **Mr. Fifield** (Australia) said that his country recognized the complex challenges faced in Myanmar and remained committed to assisting it in transitioning towards democracy and reconciliation. An important part of that transition involved ensuring accountability for the atrocities committed and justice for the victims. Continued impunity was only likely to create the conditions for further violence and deter those displaced from returning to their homes. His delegation urged Myanmar to cooperate with the Independent Investigative Mechanism as it carried out its mandate. As the mandate of the Mechanism was substantial and its investigations would need to be comprehensive, he asked how Member States could support its work in pursuing accountability for serious international crimes.

66. **Mr. Roscoe** (United Kingdom) said that the warning given in the report of the fact-finding mission that the Government of Myanmar continued to harbour genocidal intent towards the Rohingya should lead States to take appropriate action. His Government supported the Independent Investigative Mechanism for Myanmar in its mandate to collect and preserve evidence of atrocities, an essential means for ending impunity for grave humanitarian rights violations. His delegation welcomed the handover of information from the fact-finding mission to the Mechanism in order to prepare files for criminal prosecution.

67. The independent commission of inquiry established by the Government of Myanmar was due to report on its findings in early 2020. However, his delegation did not expect the commission to deliver accountability. In the light of the findings of the fact-finding mission, it would be useful to learn what the international community could do to best support the work of the Mechanism.

68. **Mr. Sigurdsson** (Iceland) said that the final report of the fact-finding mission served to confirm fears that genocide and crimes against humanity might have been committed by the Myanmar security forces. The lack of cooperation with the mission's work by the Government of Myanmar and its refusal to cooperate with the Special Rapporteur on the situation of human rights in Myanmar was deeply disappointing. The Government of Myanmar appeared to be unwilling to end impunity for human rights violations, especially those committed by security forces. The international community must therefore maintain its focus on ensuring accountability. He asked how accountability may best be ensured, including with

regard to sexual and gender-based violence and the gendered impact of the conflict.

69. **Mr. Koba** (Indonesia) said that his delegation welcomed the establishment of the independent commission of inquiry, which would require a strong commitment and concrete action from the Government of Myanmar. The Indonesian Minister for Foreign Affairs had met with the Chair of the commission to express the support and readiness of Indonesia to provide assistance. The pursuit of accountability should not hamper joint efforts in bringing a permanent solution to the pressing humanitarian situation.

70. The international community must extend its full support to a sustainable and comprehensive solution to the situation in Myanmar, as outlined in the recommendation of the Advisory Commission on Rakhine State. In that respect, his delegation commended Bangladesh for the generous assistance provided to the refugees in Cox's Bazar and urged Myanmar to ensure the implementation of the Memorandum of Understanding that the Government of Myanmar had signed with UNDP and UNHCR. ASEAN was working closely with Myanmar to address humanitarian issues, in particular in the area of repatriation.

71. **Mr. Islam** (Bangladesh) said that the report of the fact-finding mission described evidence of gross human rights violations and abuses suffered by the Rohingya, which amounted to the gravest crimes under international law. The report also included new information on human rights abuses against the Rohingya and other minorities in Myanmar, the deplorable living conditions of the estimated 600,000 Rohingya who were still in the country and the Tatmadaw's economic interests in the region. Those facts underscored the complexity involved in ensuring the safe return of the more than 1 million Rohingya refugees in Bangladesh. With more time, resources and cooperation, the Independent Investigative Mechanism for Myanmar would be able to facilitate fair and independent criminal proceedings in accordance with its mandate.

72. Against a background of domestic impunity and the inordinate delay of the commission of inquiry in submitting its report, the fact-finding mission had concluded that accountability could only be advanced by the international community. In accordance with his country's zero tolerance policy towards terrorism and violent extremism, the security forces had closely monitored the camps of Cox's Bazar and no Arakan Army elements had been found. Unfounded rumours should not be spread as a pretext to divert attention.

Accountability was essential not only for confidence-building but also for ensuring reconciliation among communities and parties.

73. **Mr. Sparber** (Liechtenstein) said that the fact-finding mission had established that very frequent and grave crimes had been committed against the Rohingya in Myanmar, which pointed towards their systematic nature as part of a broader policy with genocidal intent. He asked for further details about the extent of command responsibility and how findings could be used by the Independent Investigative Mechanism for Myanmar and the International Criminal Court to establish individual criminal responsibility.

74. **Mr. Kuzmenkov** (Russian Federation) said that, in addition to the already politicized mandate of the fact-finding mission, its members had taken a biased approach and had prepared a report that was obviously politically motivated, in violation of the provisions of the Code of Conduct for Special Procedures Mandate-holders of the Human Rights Council, in particular those on the use of sources of information. Furthermore, the mission had presented its own highly controversial conclusions from its previous report as the absolute truth and had encroached upon the area of expertise of the Security Council. The recommendations put forward by the mission had little to do with human rights; rather, the mission was proposing a fundamental revamp of the corporate sector of Myanmar with a change of ownership, much like a corporate raid.

75. The mandate of the mission should be discontinued. The results of its work clearly did not justify the budgetary funds spent on it. The crisis on the border between Myanmar and Bangladesh should be resolved through dialogue and cooperation, and constructive initiatives to that end should be supported and not torpedoed by the international community and the United Nations. Attempts by certain forces to inflate the situation and give it an interreligious dimension and to block the delicate process of returning forcibly displaced persons, all the while pretending that such actions were out of concern for human rights, were counterproductive and undermined international efforts to protect human rights.

76. **Mr. Cohen** (United States of America) said that his Government urged the Government of Myanmar to acknowledge human rights abuses, hold perpetrators accountable and lay the groundwork for reconciliation and justice for victims, including by establishing conditions that would allow for the safe, dignified and voluntary return to Myanmar of Rohingya and members of other communities displaced by the conflict. His Government implored Member States to heed the

recommendation of the fact-finding mission to take steps, in the absence of action by the Government of Myanmar, to promote justice, accountability and non-recurrence and to take targeted action against perpetrators of human rights violations and abuses. He asked what action the international community could take to change the behaviour of Myanmar security forces and others responsible for egregious human rights abuses and violations. What could be done to reduce the economic influence of the military in Myanmar?

77. **Mr. Darusman** (Chair of the independent international fact-finding mission on Myanmar) said that the United Nations had been addressing the case of Myanmar since 1992. An analysis of the reports that had been issued since then would show the consistent pattern of violations and the enormity of the atrocities that had been committed in the country, which had led to the tragic events of 25 August 2017 in Rakhine State. It was disingenuous for the representative of Myanmar to bring up the issue of the atrocities committed by the Arakan Army given that the report of the fact-finding mission included the whole range of atrocities that had taken place, including the results of investigations into actions by the Arakan Army.

78. The fact-finding mission had performed in accordance with its mandate, as requested by the Human Rights Council and the General Assembly. During the extension that had been granted, the fact-finding mission had accomplished the task of consolidating its findings, which had led to an investigation into the business activities of the Tatmadaw. The fact-finding mission had established that the Tatmadaw had been operating without the structural constraints of the national budget, which had enabled it to commit atrocities with impunity in correlation with the resources mobilized through its business activities in Myanmar. It was necessary to terminate any economic business relations involving the Tatmadaw and redirect them to other sectors. Support from the international community should be geared towards the International Investigative Mechanism for Myanmar with a view to ensuring accountability.

79. He called for additional public reporting on Myanmar to monitor the implementation of the recommendations of the fact-finding mission, taking into account that none of the recommendations of the Advisory Commission on Rakhine State had been implemented over the past two years. The next step would be to fully support the Mechanism through resources, goodwill, public reporting and continued monitoring of the situation on the ground.

80. **Mr. Suan** (Myanmar), responding to the comment made by the Chair of the independent international fact-finding mission on Myanmar, said that the United Nations had indeed been scrutinizing the situation of human rights in Myanmar since 1992, which meant that it was necessary to revisit the system and question why the mandate had been unsuccessful so far.

81. **Mr. Ojea Quintana** (Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea), introducing his report (A/74/275), said that food insecurity was at an alarming level in the Democratic People's Republic of Korea, where nearly half of the population were undernourished. The Government of the country was violating its human rights obligations through its failing economic and agricultural policies. The country's economic resources were being diverted from the essential needs of the people; there was pervasive discrimination in the public distribution system; and the collectivization of farming, and the restrictions on farmers' ability to tend and benefit from individual plots of land, further exacerbated the situation of food insecurity.

82. The Government of the Democratic People's Republic of Korea had failed to put in place conditions where people could securely engage in trade without facing criminalization, extortion and other forms of abuse. The failure of the Government to properly regulate that nascent market activity was leading to increasing inequality in the country. Climate conditions, infertile land, natural disasters and the negative impact of sanctions had also contributed to food insecurity. In that regard, he welcomed the Security Council's efforts to exempt humanitarian actors from sanctions in order to enable them to carry out their tasks, and encouraged the Security Council Committee established pursuant to resolution 1718 (2006) to broaden its notion of what humanitarian work involved so that those actors could fully implement their mandate.

83. The surveillance and close monitoring of citizens and other severe restrictions on basic freedoms continued to be widespread in the Democratic People's Republic of Korea. All forms of media were controlled by the Propaganda and Agitation Department of the Workers' Party of Korea; there was a peer monitoring system in place, which several escapees from the country had described as suffocating; and people lived in the entrenched fear of being sent to a political prison camp.

84. He had called for the gradual release of political prisoners, in particular those who had been arbitrarily detained under international law. During the third cycle of the universal periodic review held in May 2019, the

representative of the Democratic People's Republic of Korea had said that showing leniency to prisoners would be detrimental to State security. However, as Special Rapporteur, he was not calling for the Government to show leniency, but rather to uphold the basic human rights of prisoners, including guarantees against arbitrary detention. He further urged the Government to grant international observers access to the camps and to disclose information regarding their administration.

85. Enforced disappearances in the Democratic People's Republic of Korea included individuals abducted from the Republic of Korea during and after the Korean War, and Japanese and other foreign nationals abducted during the 1970s and 1980s. The resolution of the issue of abductions needed to be included in peace negotiations as they constituted a continuing violation of the rights of those abducted and their family members.

86. There had been an increase in the number of detentions of citizens of the Democratic People's Republic of Korea in China. Escapees in China should not be forcibly repatriated to the Democratic People's Republic of Korea given that there were substantial grounds to believe that they would be in danger of being subjected to torture or other serious human rights violations. The principle of non-refoulement applied to those cases. It was hoped that the increased engagement of the Government of China would lead to greater compliance with international standards.

87. Despite the efforts made, he had seen no improvement in the human rights situation in the country. It was essential for the international community to make further efforts towards ensuring accountability for widespread and systematic human rights abuses, and constructively engaging with the authorities of the Democratic People's Republic of Korea with a view to improving the human rights situation. In that regard, the country had participated in the third cycle of the universal periodic review and had accepted 132 recommendations from Member States. The United Nations system, including agencies working on the ground, should engage with the Government in helping to implement those recommendations. Following the universal periodic review, representatives of the Democratic People's Republic of Korea had also taken part for the first time in a three-day human rights workshop organized by OHCHR.

88. He reminded the Government of the Democratic People's Republic of Korea that there were international human rights standards that went beyond the sovereignty of the State and must be respected and protected by all countries. Integrating those

fundamental human rights into negotiations was crucial for the sustainability of any agreement for denuclearization and peace on the Korean Peninsula and beyond.

89. **Ms. Wacker** (Observer for the European Union), noting that a delegation of North Korean officials had travelled to Geneva to engage with OHCHR, said that talking openly about controversial issues in the framework of such an exchange was an important first step in addressing human rights concerns. In that respect, she asked how such cooperation and exchange could be extended and operationalized, including through the field-based structure of OHCHR in the region.

90. Human Rights Council resolution 40/20 extended the mandate of accountability experts, whose work would be crucial in future peace and justice processes. It would be useful to learn more about the linkages between the work of the Special Rapporteur and that of accountability experts and what the international community could do to further support their respective endeavours.

91. She asked what steps the international community should take to strengthen the opportunity provided by inter-Korean meetings and people-to-people contacts, including family reunions.

92. **Mr. Dinger** (United States of America) said that his delegation condemned the involvement of the Government of the Democratic People's Republic of Korea in international abductions and forced disappearances. Migrant smuggling and trafficking in persons, especially to China, were increasing. The reported use of torture, coerced abortions and infanticide following individuals' forced repatriation to the Democratic People's Republic of Korea were matters of grave concern. The United States also remained concerned about abuses of labour rights; chronic food insecurity and malnutrition shaped by mismanagement and misappropriation; and dire socioeconomic conditions. It was also troubling that the Government of the Democratic People's Republic of Korea had failed to support 63 of the recommendations made in the course of the universal periodic review.

93. **Ms. Wagner** (Switzerland) said that her country called on the Government of the Democratic People's Republic of Korea to respect the aspiration for freedom of its own people and urged it to take immediate measures to close the political prison camps. The Democratic People's Republic of Korea should build on the universal periodic review and strengthen its cooperation with OHCHR and the special procedures mechanism. She asked how respect for human rights

could be better promoted in political dialogues with the Democratic People's Republic of Korea.

94. **Mr. García Moritán** (Argentina) said that his Government deplored the fact that, despite the commitment of the parties to keep dialogue open in order to make progress towards the peace process, denuclearization and inter-Korean relations, there had been no improvements in the human rights situation in the Democratic People's Republic of Korea. He asked what course of action needed to be taken to achieve active participation by the international community and promote the inclusion of human rights on the peace agenda. What role could civil society play in those negotiations in promoting the inclusion of citizens' voices within the Democratic People's Republic of Korea?

95. **Ms. Přikrylová** (Czechia) said that her country fully supported the call to integrate a human rights agenda into peace talks. The existence of a political prison camp system and the numerous reports that pointed to the grave human rights violations committed in those camps were a cause of deep concern. Her Government urged the leadership of the Democratic People's Republic of Korea to give independent international monitors access to the camps. She asked what more the international community could do to ensure justice for victims of human rights violations in the country.

96. **Ms. Suzuki** (Japan) said that the human rights situation in the Democratic People's Republic of Korea, including the abduction of foreign nationals, continued to be a matter of grave concern. Japan demanded the immediate return of all victims of abduction. She asked what kind of efforts were needed to further build the capacity of OHCHR, including its field-based structure in Seoul.

97. The international community should continue to call on the Democratic People's Republic of Korea to stop the diversion of its resources to nuclear and missile development and focus on the welfare of its people. It was necessary to be careful in making reflections on the negative impact of sanctions, as had been recommended in the report, until statistical and other data were available with which to assess the impact of those sanctions.

98. **Mr. Park Chull-Joo** (Republic of Korea) said that his Government emphasized the importance of dialogue and engagement in promoting human rights and achieving sustainable peace. His delegation noted the recent cooperation of the Democratic People's Republic of Korea with OHCHR and hoped that the country would peacefully fulfil its commitment to the universal

periodic review by taking concrete measures. It also encouraged the Democratic People's Republic of Korea to increase consultations and cooperation with international organizations.

99. One of the most urgent and significant human rights and humanitarian issues was that of separated families. His Government noted with appreciation that the Democratic People's Republic of Korea had accepted the recommendation made in that regard during the universal periodic review. His delegation encouraged the Democratic People's Republic of Korea to expedite humanitarian cooperation with the Republic of Korea to resolve the issue. It shared the concerns regarding the alarming levels of food insecurity in the Democratic People's Republic of Korea and agreed with the view that humanitarian cooperation should be extended without politicization.

100. **Mr. Al Khalil** (Syrian Arab Republic) said that his delegation rejected the use of United Nations mechanisms to target countries, including the Democratic People's Republic of Korea, for political purposes. It also rejected double standards in the treatment of human rights issues, which was evidenced by the focus on specific States while the grave violations committed by others were ignored. Confrontation and hostility were not conducive to achieving shared goals. Under the Charter of the United Nations, disputes should be settled on the basis of dialogue, ensuring respect for the principles of sovereignty and non-intervention in the domestic affairs of countries.

101. **Ms. Feldman** (Australia) said that respect for human rights was essential to achieving lasting peace and stability on the Korean Peninsula. It was saddening to hear that human rights violations continued unabated in the Democratic People's Republic of Korea. The international community must maintain pressure on the Government of the Democratic People's Republic of Korea to improve the human rights situation of its citizens, implement accountability measures and engage with United Nations processes and representatives, including the Special Rapporteur. Her Government was concerned by the recent request by the Democratic People's Republic of Korea for United Nations agencies to reduce the number of staff in the country by the end of 2019, which would only impede the ability of the Organization to carry out its human rights and humanitarian work in the country.

102. **Mr. Kuzmenkov** (Russian Federation) said that the consideration of the human rights situations in individual countries by the Committee brought no added value. It not only exacerbated confrontation between Member States but was also a misguided and ineffective

use of funds. The inclusion of the agenda item on the human rights in the Democratic People's Republic of Korea was nothing more than a manifestation of politicization, selectivity and double standards. States bore the primary responsibility for the promotion and protection of human rights, while the international community should provide technical assistance to them on the basis of dialogue. The human rights situations in individual countries should be considered through the universal periodic review of the Human Rights Council, which was a well-established platform that provided an opportunity for constructive and mutually respectful cooperation.

103. **Mr. Rohland** (Germany), urging the leaders of the Democratic People's Republic of Korea to give international humanitarian organizations more access and ensure unhindered monitoring, welcomed the visit of the Special Rapporteur on the Rights of Persons with Disabilities to the country but said that systematic and widespread human rights violations and the plight of detainees held in appalling conditions in political prison camps was a matter of deep concern. He asked whether the political developments on the Korean Peninsula offered the international community any new opportunities for improving the human rights situation in the Democratic People's Republic of Korea.

104. **Mr. Samson** (France) said that his Government encouraged the Democratic People's Republic of Korea to take all necessary measures to fight violence against women. The use of sexual and gender-based violence as an institutionalized practice that went unpunished was unacceptable.

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

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

107. **Mr. Reed** (United Kingdom) said that the international community was committed to maintaining pressure on the Government of the Democratic People's Republic of Korea to give up its illegal weapons

programmes, which posed a risk to international security and diverted resources from the needs of the population. He asked what more could be done to ensure that legitimate refugees from the Democratic People's Republic of Korea were not forcibly repatriated after crossing international borders.

108. **Ms. Ndayishimiye** (Burundi) said that her delegation rejected the policy of selectivity and double standards that undermined collective efforts towards the promotion of human rights. The Human Rights Council should avoid any confrontation that did not help the country concerned to address its development issues.

109. **Ms. Wollebaek** (Norway) said that her delegation urged the Democratic People's Republic of Korea to provide information on how it would translate its universal periodic review commitments into concrete action and welcomed the diplomatic efforts made towards achieving peace and stability on the Korean Peninsula. She asked how Member States could increase their support to improve human rights in the Democratic People's Republic of Korea.

110. Norway supported the Special Rapporteur's call to release information about the political prison camps and to invite independent international monitoring bodies to visit them. The reports on sexual violence against women in detention were a matter of grave concern. She urged the Government of the Democratic People's Republic of Korea to engage with OHCHR, including by extending an invitation for the United Nations High Commissioner for Human Rights to visit the country.

111. **Mr. Yarkovich** (Belarus) said that her delegation rejected and opposed the establishment of selective, politically motivated and deliberately confrontational mechanisms that were incapable of carrying out their work impartially or of improving the human rights situations in the countries concerned. Such mechanisms presented a distorted picture of human rights, and their recommendations were detached from reality in terms of their practical implementation. Only through equal and respectful dialogue with States could the common objectives of promoting and protecting human rights and achieving sustainable development be met.

112. **Mr. Mozaffarpour** (Islamic Republic of Iran) said that the exploitation of the platform provided by the Third Committee for political ends was in breach of the fundamental principles of universality, transparency, impartiality, non-selectivity, non-politicization and objectivity, and undermined cooperation and dialogue as the basis for the promotion and protection of human rights. The universal periodic review process made it possible to review human rights situations in all

Member States on an equal footing and with the meaningful participation of the Government concerned.

113. **Mr. Bui Thai Quang** (Viet Nam), reaffirming the importance of engaging in constructive dialogue on the basis of mutual understanding and respect, emphasized the role of the universal periodic review as a non-selective and objective means of addressing human rights situations in all countries in a comprehensive manner. Viet Nam was concerned about abductions and called for further dialogue and efforts by all parties to resolve the issue.

114. **Ms. Wang Yi** (China) said that her country had consistently supported the denuclearization of the Korean Peninsula and the maintenance of peace and stability and firmly believed that any issues should be resolved through dialogue and negotiation. There had been positive developments on the Peninsula, and her delegation hoped that the relevant parties would advance the peace process and work towards long-term peace and stability in the region.

115. On the issue of forced repatriations raised by the Special Rapporteur, it was important to note that North Koreans who illegally entered the territory of China for economic reasons were not refugees but individuals who had undermined the border controls of China. Such cases were always handled appropriately in accordance with domestic and international law and humanitarian principles.

116. **Mr. Ojea Quintana** (Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea) said that he wished to highlight the absence of the representative of the Democratic People's Republic of Korea in the room, which meant that the interactive dialogue was lacking one of the parties concerned. Again, it attested to the absolute lack of access given to him as Special Rapporteur, which had hindered his ability to interact with the authorities, visit the country and fulfil his mandate. The Government of the Democratic People's Republic of Korea, which had also failed to cooperate in a meaningful manner with other United Nations human rights mechanisms, had not met its obligation to cooperate with the international community on human rights issues.

117. With regard to the issue of accountability for crimes against humanity, the report of the commission of inquiry on human rights in the Democratic People's Republic of Korea issued in February 2014 (A/HRC/25/63), which established the existence of crimes against humanity, contained the recommendation that the Security Council refer the case to the International Criminal Court for action. To ensure a sustainable transition process, it was crucial for the

General Assembly and the Human Rights Council to seek justice and accountability for the crimes against humanity that had been committed.

118. Although it had not been possible to establish cooperation with the Government of the Democratic People's Republic of Korea, he had sought to promote interaction between United Nations human rights actors and the Government. In that context, and following the training workshop held in May 2019, OHCHR had an important opportunity to explore further such actions and develop a strategy for cooperation with the Government of the Democratic People's Republic of Korea, which had expressed its willingness to work with the universal periodic review mechanism.

119. The representative of the Republic of Korea had referred to the families separated during the Korean War. As that was clearly a human rights issue it should not be politicized or used as an instrument for negotiation by the Government of the Democratic People's Republic of Korea. It was his hope that those families would soon be reunited.

120. It was essential to include human rights in denuclearization and peace negotiations. Certain conditions could be put on the table as negotiations moved forward, including cooperation with his mandate and that of OHCHR as well as access to the country by the International Committee of the Red Cross.

121. He had worked in cooperation with the Government of China on the issue of escapees who were crossing the border from the Democratic People's Republic of Korea to China. His recommendation to the Government of China, in accordance with humanitarian principles, was to consider each case of repatriation very carefully taking into account that escapees could be subject to abuse in the Democratic People's Republic of Korea should they be forced to return.

122. With regard to the Security Council sanctions regime, he welcomed the fact that the Security Council had improved the exemptions mechanisms in response to the issues raised concerning the difficulties faced by humanitarian agencies working on the ground. He would continue to look into the effect of sanctions on people living in the Democratic People's Republic of Korea.

123. **The Chair** invited the Committee to engage in a general discussion on the item.

124. **Mr. Zhang Jun** (China) said that the international community must seek common progress through dialogue and cooperation, respect the independent development choices and human rights protection models of all countries and enhance mutual learning and

harmonious coexistence among civilizations. There had been extraordinary achievements in human rights in China over the past 70 years, and it had been proved that the path of socialism with Chinese characteristics suited the country's national conditions and was good for world peace and prosperity.

125. In a world of diversity, it was normal for countries to have differences and disagreements. It was important to increase mutual understanding, bridge differences through dialogue and enhance mutual learning. However, the United States and a few other countries had attempted to use human rights to interfere in the internal affairs of China. Those countries had no regard to multilateralism and international responsibilities, engaged in unilateralism and protectionism and withdrew from international agreements. His Government urged those countries to abandon their outdated mindset and abominable acts of hegemonism and power politics. Those countries, which showed no remorse for their own terrible human rights records and were indifferent to their own people's pain from gun violence, wealth gaps and racial discrimination, should engage in self-reflection and correct their mistakes.

126. China's development achievements had been widely recognized and its population of nearly 1.4 billion people were living in peace, freedom and happiness. He urged relevant countries to avoid the politicization of human rights issues, cease interfering in China's internal affairs and return to a path of dialogue and cooperation.

127. **Ms. Fango** (Philippines), speaking in exercise of the right of reply, said that Human Rights Council resolution 41/2 on the promotion and protection of human rights in the Philippines had been adopted by only 18 of the 47 members of the Council. Its validity was therefore highly questionable as it did not represent the will of the Council and much less that of the developing countries that were always the target of such resolutions. The process leading to the adoption of the resolution constituted a brazen violation of the universal values and principles that held the United Nations together, including respect for sovereignty, non-interference in the internal affairs of States, objectivity, non-selectivity, impartiality and transparency.

128. The value of dialogue had been cast aside by the high-handed insistence that only the voice of the accuser be heard. The resolution was therefore an affront to the core principles of the Human Rights Council. When the Philippines had voted to establish the Council in 2006, it had been motivated by its aspiration to advance the work towards realizing the Universal Declaration of Human Rights, insisting that a strong commitment be

made to ensure justice, dignity, conscience and women's rights.

129. No State could say that it had a completely clean human rights record. The politicization of human rights did not do justice to the cause of human rights and unilateral resolutions undermined the Human Rights Council. The budget for unilateral resolutions went towards salaries, consultancy fees and travel expenses, rather than to concrete capacity-building programmes. There was a need to devote attention and resources to strengthening dialogue and cooperation among States, providing technical assistance, and developing and implementing programmes that transformed the situation on the ground and achieved a positive impact on people's lives.

The meeting rose at 6.10 p.m.