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## Third Committee

### Summary record of the 25th meeting

Held at Headquarters, New York, on Thursday, 25 October 2012, at 3 p.m.

*Chair:* Mr. Mac-Donald. . . . . (Suriname)

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

**Agenda item 69: Promotion and protection of human rights** (*continued*)

**(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms** (*continued*) (A/67/159, A/67/181, A/67/271, A/67/56, A/67/163, A/67/260 and Add.1, A/67/293, A/67/296, A/67/226, A/67/288, A/67/267, A/67/285, A/67/287, A/67/396, A/67/303, A/67/292, A/67/289, A/67/268, A/67/299, A/67/304, A/67/286, A/67/310, A/67/277, A/67/368, A/67/178, A/67/275, A/67/305, A/67/302, A/67/278, A/67/380, A/67/261 and A/67/357)

**(c) Human rights situations and reports of special rapporteurs and representatives** (*continued*) (A/67/362, A/67/333, A/67/327, A/67/370, A/67/379, A/67/383 and A/67/369)

1. **Mr. Quintana** (Special Rapporteur on the situation of human rights in Myanmar), introducing his report (A/67/383), said that the Government of Myanmar should be commended for what it had achieved, but that recent developments, notably the outbreak of violence in Rakhine State, highlighted ongoing human rights concerns. It was vital for the Government and all concerned to prevent further violence, defuse tensions and counter inflammatory language and images in the media and on social media sites that incited hatred and reinforced prejudices.

2. It was unfortunate that the Investigation Commission established by the President of Myanmar had encountered obstacles in accessing individuals and communities affected by the violence in Rakhine State. He hoped that the Commission would address the underlying ethnic and religious prejudices that were at the root of the conflict. In particular, the Government should take measures to address the endemic discrimination against the Rohingya community, including a review of the 1982 Citizenship Act. The Government should also develop a policy of integration rather than segregation between the Buddhist and Muslim communities. He looked forward to the Investigation Commission's report scheduled to be completed by 17 November 2012. He stressed his concern over the continued detention of a staff member of the Office of the United Nations High

Commissioner for Human Rights and four international non-governmental workers.

3. Although a number of ceasefire agreements had been negotiated and a joint action plan on child soldiers had been signed with United Nations, concerns remained about human rights violations in conflict-affected ethnic border areas, including Kachin State, where there continued to be reports of attacks against civilians, extrajudicial killings, sexual violence, internal displacement, torture, forced labour and portering. All parties to the conflict had been accused of using landmines and recruiting child soldiers. The Government should provide the United Nations and its partners with regular and predictable access to all areas and continue to engage ethnic groups in dialogue.

4. There continued to be significant gaps in the reform process. The new Peaceful Demonstration and Gathering Law included burdensome procedural requirements and was enforced arbitrarily. While large anti-United Nations and anti-Rohingya demonstrations had been permitted, other gatherings had ended in arrests and detentions. Restrictions on the media and Internet had eased, but publications were still subject to post-publication review by the authorities, and unnecessarily restrictive laws remained on the books.

5. The recent release of prisoners of conscience in July and September 2012 had been a positive step, but the Government needed to work with relevant stakeholders to identify and release remaining political prisoners. He welcomed the drafting of the new prisons law, and encouraged the Government to ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Optional Protocol thereto. A comprehensive assessment of the current state of the rule of law in Myanmar was needed, with particular attention to the judiciary. Truth, justice and accountability measures, and in particular a truth commission, were essential to prevent repetition of past human rights violations.

6. Myanmar was positioned to undergo dramatic economic development in the coming years, and steps needed to be taken immediately to ensure that economic, social and cultural rights were safeguarded. Urgent reforms were needed in land and housing laws. The principles of participation, non-discrimination, transparency and accountability needed to be embedded in the system prior to the inevitable flood of foreign investment.

7. The Government of Myanmar had been cooperative and had displayed great openness to discussing human rights issues. The recent address by the President of Myanmar to the sixty-seventh session of the General Assembly had underscored his Government's commitment to continue with national reconciliation and democratic development. Human rights considerations needed to shape the process of economic, legislative and institutional change, while also guiding responses to ongoing situations such as those in Rakhine and Kachin States. Human rights considerations should remain at the forefront of the international community's engagement with Myanmar during the transition period.

8. **Mr. Kyaw** (Myanmar) said that his country had facilitated a total of six missions to Myanmar by the Special Rapporteur, who had commended the cooperation extended by the Government and the progress being made. The pace of Myanmar's peaceful democratic transition had surprised all. It had established an independent National Human Rights Commission, and its capital had just hosted a successful and open human rights dialogue with the United States of America. Legislation was being reviewed with a view to bringing it into line with the national Constitution and international instruments. The new prisons law mentioned by the Special Rapporteur had been one of the results of that process. Myanmar had recently added the Convention on the Rights of Persons with Disabilities and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography to the list of international human rights instruments to which it was a party.

9. The Special Rapporteur had taken note of the Peaceful Demonstration and Gathering Law and the easing of restrictions on the media and Internet. In June 2012, the Government had announced a second wave of reforms that focused on equitable development and poverty alleviation. A significant number of prisoners on lists received from the European Union and the Special Rapporteur had been released. Ceasefire agreements had been negotiated with 10 of the 11 major armed ethnic groups. A new Union Peacemaking Central Committee had been formed in May 2012, and it was hoped that Kachin State would soon join other regions that had achieved peace and stability.

10. The violence in Rakhine State was not the result of religious or racial oppression. It had been triggered

by an intercommunal incident sparked by faked photographs disseminated on the Internet. His Government had facilitated field visits and the delivery of humanitarian assistance to affected persons from both of the communities involved. It was unfortunate that the violence in Rakhine State had erupted just at the moment when Myanmar was gaining widespread recognition for its smooth democratic transition, and the Government was doing its best to bring the instigators of the incident to justice. The independent national Investigation Commission would be issuing recommendations on long-term solutions to intercommunal problems, such as better access to education and jobs. Some of the recommendations of the Special Rapporteur were already part of his Government's existing plans, but implementation would have to take place with an eye on their implications for stability, national reconciliation and ongoing reforms. With increasing peace and stability in remote areas, alleged human rights violations of the type contained in the report would cease.

11. Change in his country was moving in the right direction and would continue to do so. It was not the time to exert pressure through a country-specific resolution, but rather to offer encouragement and support.

12. **Mr. Haniff** (Malaysia), speaking on behalf of the Association of Southeast Asian Nations (ASEAN), said that ASEAN welcomed recent positive developments in Myanmar, and commended the commitment of the Government to socioeconomic development, national reconciliation, good governance, democracy and human rights. The Association encouraged the Government of Myanmar to continue to engage with and seek assistance from the international community in overcoming remaining challenges, and reiterated its call for the immediate lifting of all sanctions.

13. ASEAN would continue to follow developments in Rakhine State closely. It welcomed the Government's cooperation with United Nations agencies and non-governmental organizations (NGOs) in the delivery of humanitarian assistance to all affected persons in an impartial and non-discriminatory manner, and encouraged the independent Investigation Commission to continue exploring long-term solutions for peaceful coexistence and development. The promotion of national solidarity and harmony among the various communities in Myanmar was an integral part of the ongoing democratization and reform process. ASEAN

expressed its readiness to provide humanitarian aid, and reaffirmed its commitment to extend necessary assistance and cooperation to Myanmar when it took up chairmanship of the Association in 2014.

14. **Ms. Schlyter** (Observer for the European Union) asked about the future role of the new National Human Rights Commission of Myanmar and wished to know what areas of international assistance might be particularly helpful to it in carrying out that role. She also wondered how the international community could assist Myanmar in the review and reform of its legislation, and what other areas of international assistance should be prioritized. Noting the call in the Special Rapporteur's report for a public conference involving companies, the United Nations, civil society and other stakeholders to promote, she asked if there were any other ways to promote commitments by stakeholders on the issue of business and human rights.

15. **Mr. Shin Dong Ik** (Republic of Korea) said that the release of political prisoners, the holding of by-elections, the inclusion of civil society and the expansion of scope of work of the National Human Rights Commission were all important achievements in a remarkable year of promise and change for Myanmar. He urged the Government of Myanmar to acknowledge and take action on outstanding concerns involving the media, NGOs and land confiscation. He also encouraged Myanmar to continue its engagement with the international community, which had included such initiatives as the joint strategy for eliminating forced labour agreed with the International Labour Organization and the joint action plan on child soldiers signed with the United Nations. The Republic of Korea, together with the international community, would continue to support Myanmar as it moved forward in addressing remaining challenges, in particular the issue of the Rohingya minority and Rakhine State.

16. **Ms. Burgess** (Canada) said that her delegation welcomed the cooperation of the Government in facilitating the work of the Special Rapporteur. Canada had responded to the progress made by suspending economic sanctions, and plans were underway to open a Canadian Embassy in the country. While welcoming the recent prisoner releases, she called for the prompt and unconditional release of remaining political prisoners. Human rights challenges remained, particularly in relation to the Rohingya population in western Burma. All sides should continue to engage in

dialogue aimed at peaceful resolution of the conflict, and unfettered international humanitarian access should be granted to the region. She would welcome the Rapporteur's views on the best way to promote accountability, rehabilitation and national reconciliation, and in particular on the respective potential roles of the Parliament and civil society in that process.

17. **Mr. Yudha** (Indonesia) said that he supported the reform efforts of the Government of Myanmar and commended the progress achieved by all stakeholders. The international community could be of great assistance to relief efforts in Rakhine State. The conflict there was a reminder that there would be ups and downs in the process of change. Efforts to integrate all communities should continue. In a country like Myanmar with a diverse population, it was a challenge to institute reforms while maintaining harmony, and he called on the international community to step up efforts to assist Myanmar in that effort.

18. **Mr. Sjøberg** (Norway) said that developments such as the release of political prisoners, the lifting of some restrictions on the media, the new labour union law and the establishment of a National Human Rights Commission were all signs of the genuine change occurring in Myanmar. He urged the Government to release remaining political prisoners. He asked what the Special Rapporteur's expectations were for the upcoming Government report on the situation in Rakhine State, and what roles the United Nations and the international community could play in resolving the conflict there.

19. **Ms. Chase** (United States of America) said that just in the previous week, the United States had conducted its first bilateral human rights dialogue with the Government of Burma. She wished to know what the prospects were for a law on non-governmental organizations that conformed to international norms, and asked for an update on the commission established to investigate the outbreak of violence between the Rohingya and Rakhine communities.

20. **Ms. Skácelová** (Czech Republic) asked what measures might be taken to ensure the full rehabilitation of political prisoners after their release, to advance the Government's dialogue with ethnic minorities, and whether the granting of some degree of autonomy to those minorities might be part of a potential solution. A new law on the status of the

National Human Rights Commission might be a significant first step.

21. **Mr. Hisajima** (Japan) said that his country welcomed steps such as the release of political prisoners and the holding of by-elections, and commended the openness of the Government of Myanmar to the international community, which had been reflected in its recent human rights dialogue with the United States of America and its receptiveness to visits by the Special Rapporteur. At an October 2012 meeting with the Government of Myanmar in Tokyo, Japan announced that it had decided to implement an arrears clearance operation regarding past loans and planned to resume assistance with new yen loans at the earliest possible time in 2013.

22. **Ms. Walker** (United Kingdom) said that the prisoner releases, the growing confidence of the Parliament, the easing the media restrictions, the commitment of the Government to address human rights issues and the conclusion of a number of ceasefire agreements were all signs of progress. She urged the Government to allow unhindered humanitarian access to the relevant areas in Kachin and Rakhine States, and encouraged further steps towards political dialogue and national reconciliation. The latest violence had reinforced the need for an inclusive political settlement that identified a lasting solution to the problem of Rohingya statelessness. She asked how the international community might best ensure that the Government would seek a long-term resolution of the situation in Rakhine State, and if it was feasible to establish a mechanism for identifying political prisoners still in detention.

23. **Ms. Changtrakul** (Thailand) said that achievements such as the revision of the prisons act and the adoption of a national rural development and poverty reduction plan were signs that legislative and administrative reforms in Myanmar were on track. She welcomed the decision by several countries to ease, suspend or lift their respective unilateral sanctions and restrictions on Myanmar, and called on States to provide the assistance needed for the reform process. She encouraged the Government of Myanmar to address the root causes of disturbances such as those in Rakhine State by promoting national solidarity and harmony among the various communities. She would welcome the views of the Special Rapporteur on how Thailand, as a neighbour of Myanmar, could help with the next stage of the reform process, which would

involve economic development to promote sustainable peace and prosperity.

24. **Mr. Bichet** (Switzerland) said that although a number of promising forms had occurred, the situation in Kachin and Rakhine States remained troubling, and Switzerland called on the Myanmar authorities to provide international humanitarian access there. He wondered how the international community could support the role of civil society and what it could do to support political prisoners after their release. He also asked how quickly a mechanism for identifying political prisoners could be put in place, and if the Special Rapporteur could elaborate on the role of freedom of expression in the media in confronting deep-rooted prejudices.

25. **Mr. Estreme** (Argentina) said that reform efforts in Myanmar had yielded positive results in human rights and institutional development. Nevertheless, the Myanmar authorities needed to make additional efforts in order to address various challenges in that country.

26. A complementary and interdependent approach to all human rights, whether civil, political, economic, social or cultural, should be adopted. Social inclusion and the exercise of citizenship could not be separated on the road to a democratic transition, especially in Myanmar. Furthermore, a strong and active civil society was the best way to establish and build a democratic society in Myanmar, with a view to protecting human rights. Truth, justice and accountability must also be addressed, so that violence did not recur. There was no single model to deal with the past; he encouraged Myanmar to explore various alternatives for working with the Special Rapporteur in efforts to promote truth, justice, reparation and guarantees of non-recurrence, as complementary to the relevant technical support and advice provided within his mandate.

27. **Mr. Quintana** (Special Rapporteur on the situation of human rights in Myanmar) said that there was no reason that human rights should not be on Myanmar's political agenda. Progress on human rights was essential to the success of democracy and development, and there were certainly a number of outstanding areas of concern. Intercommunal violence was affecting all groups in Rakhine State. As he had stated in previous reports, the root cause of that violence was discrimination against the Muslim Rohingya minority, and he hoped that the Government

of Myanmar would take that issue seriously. It should also work with the relevant political parties and other groups to identify the hundreds of political prisoners remaining in detention. He reiterated his concern over the arbitrary detention of a United Nations worker.

28. He hoped that the United Nations Working Group on business and human rights and the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence would work together with the Government of Myanmar in their respective areas. The National Human Rights Commission had said that it was not in a position to review the past, so a new approach would need to be found. The involvement of civil society was crucial to strengthening the process of democratic transition. There had been significant human rights progress in Myanmar, in which the United Nations had played an important role, and the cooperation of the Government of Myanmar with his office had been exemplary.

29. **Mr. Bielefeldt** (Special Rapporteur on freedom of religion or belief), introducing his report (A/67/383), said that the thematic focus of that report was the right to conversion. Article 18 of the International Covenant on Civil and Political Rights provided that everyone shall have the freedom to have or to adopt a religion or belief of his/her choice and that no one shall be subject to coercion which would impair his/her freedom to have or to adopt a religion or belief of his/her choice. The Human Rights Committee had interpreted the formulation “have or adopt” to include the right to conversion, which was a matter of a person’s internal belief and therefore an absolutely protected right. The right not to be forced to convert was similarly absolute, and States needed to ensure that the authority of the State was not used to coerce people to convert or reconvert. States also had an obligation to protect people against coercive conversion attempts by private individuals or organizations, provided that any restrictions imposed met all the criteria set forth in article 18, paragraph 3, of the Covenant.

30. Non-coercive attempts to convert others were covered under the freedom to practice one’s religion. Since such attempts were in the category of external manifestation rather than internal belief, they did not enjoy absolute protection. However, in international human rights law, the burden of proof fell on those who argued for restrictions, which needed to meet the criteria set forth in the Covenant, be proportionate, and be implemented in a non-discriminatory manner.

Article 18 of the Covenant also provided for respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions. That included the right of converts to have their new religious affiliation respected in the religious upbringing of their children.

31. As Special Rapporteur, he had received numerous reports of violations of the right to freedom of religion or belief in the broad area of conversion. In many countries, converts ran the risk of losing jobs and educational opportunities, having their marriages annulled, being excluded from inheritance, or even losing custody of their children. In some States, converts faced criminal prosecution. Members of religious minorities often experienced pressure to convert, and women were sometimes subject to pressure to convert to the religion of their prospective husbands. Conversely, some States placed undue restrictions on non-coercive persuasion that were applied in a way that discriminated in favour of the majority religion. He had also received reports of children being targeted for the purpose of exerting pressure on them and their parents to reconvert to their previous religion. His report contained a list of recommendations for ensuring the dignity and freedom of converts and rights of those trying to convert others by means of peaceful persuasion.

32. **Mr. Rishchynski** (Canada) said that there were strong linkages between freedom of religion and pluralism, peace and security. Societies that protected religious freedom were more likely to protect other rights. For that reason, his country was in the process of establishing an Office of Religious Freedom that would project Canadian values and encourage the protection of religious minorities around the world. Canada was concerned about increases in religious intolerance around the world that was affecting Ahmadis, Bahais, Chaldeans, Christians, Falun Gong practitioners, Jews, Muslim Rohingyas, Sufis and Zoroastrians. There was a role for Governments in promoting and protecting religious freedom. His Government had been proud to co-host, along with the Netherlands and Senegal, a side event on freedom of religion or belief at the high-level segment of the General Assembly in September 2012. He asked the Special Rapporteur to elaborate on possible measures to protect converts and in particular persons under pressure to reconvert.

33. **Mr. Guerts** (Observer for the European Union) asked the Special Rapporteur to elaborate on the rights of parents to ensure the religious and moral education of their children, and how to ensure that the rights of the child were upheld without upsetting the rights of parents. He also asked what national authorities could do to protect converts from discrimination.

34. **Mr. Schaper** (Netherlands) said that his Government attached great importance to the freedom of religion and belief, including the element of conversion, noting that intolerance for individual choices contributed to discrimination, exclusion and even persecution. It was important for the United Nations to maintain constructive dialogue on that sensitive matter. His delegation welcomed in particular the references to the concept of choice of religion or belief, and asked what could be done to enhance support for that concept. He also asked what protection was afforded to people with atheistic beliefs, or who chose to not adhere to any religion or belief, and for more information on the gender dimension in relation to the right to not be forced to convert.

35. **Ms. Chase** (United States of America) said that she agreed that the freedom of religion or belief was strongly linked with the freedom of expression. She asked for clarification on what constituted a forced conversion, and what conditions fostered the practice of freedom of belief.

36. **Ms. Strachwitz** (Liechtenstein) said that her Government fully supported the promotion and protection of the human rights to freedom of religion and belief, which included the right to conversion and the right to not have any religion or belief. She wished to hear more on the right to try to convert others by means of non-coercive persuasion and how that related to the privacy rights of the person being persuaded.

37. **Ms. Mozolina** (Russian Federation) said that while her delegation agreed that States must guarantee the freedom of speech and belief, missionary activities should not offend others' religious sensibilities. People should be able to express their religious beliefs freely, as long as they were not violating national laws or international standards. If outreach activities violated the human rights of their target audience, agencies must take necessary action.

38. **Ms. Walker** (United Kingdom) said that her delegation questioned the statement in paragraph 47 of the report that where an official State religion existed,

religious minorities were inevitably adversely affected. It seemed that the important point was equality and non-discrimination before the law, rather than whether or not a country had an official religion. She asked what role States could play in challenging negative perceptions about conversion and preventing subsequent violence, and what role religious leaders could play in seeking to defend conversion for individuals who wished to adopt a different religion or an atheistic belief.

39. **Ms. Thallinger** (Austria) said that her delegation endorsed the Special Rapporteur's report, in particular the public condemnation of acts of aggression against religious minorities. It also agreed that the best interests of the child should be the primary consideration in the right of freedom of religion or belief. It welcomed the gender perspective in relation to the right to freely convert. Strong communication could help to ensure the freedom of religion or belief, and in that respect, the Special Rapporteur was invited to further cooperate in particular with the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression. She asked what national strategies could be adopted to ensure the effective protection of converts from acts or threats of violence, and whether the Special Rapporteur had plans to visit Viet Nam, in particular to evaluate the situation of ethnic minorities.

40. **Ms. Li Xiaomei** (China) said that all countries should take steps to combat religious discrimination and intolerance, in order to promote harmonious coexistence. She wished to remind the representative of Canada that Falun Gong was not a religion, but a cult; Canada should focus on resolving the human rights issues in its own country.

41. **Ms. Osten-Vaa** (Germany) said that the report likened the relationship between freedom and its possible limitation with the relationship between the rule and the exception, noting that the burden of proof fell on those who argued for restrictions rather than those who defended the right to freedom. She asked for more insight on the rights of the child and parents with respect to the right of conversion.

42. **Ms. Vadiati** (Islamic Republic of Iran) asked the Special Rapporteur for his views on the rising trend in some parts of the world of insulting and attacking religious sanctity, and whether that important issue and

the freedom of expression would be addressed in his next report.

43. **Ms. Nguyen Cam Linh** (Viet Nam) said that her delegation took note of the recommendations on freedom of religion or belief. On the right of conversion, Viet Nam recognized religion and belief as a legitimate spiritual need. Its Constitution had provisions *inter alia* for the enjoyment of the freedom of religion and belief, and for ensuring that all religions were equal before the law. The principle of non-discrimination in the context of religion was also reflected in Viet Nam's Code of Criminal Procedure and laws. Legal religious organizations were protected under the law and were allowed to practice religious activities in compliance with the law. Furthermore, the State made sure that complaints relating to religious issues were addressed. As a result of such actions, the number of religious followers and places of worship had increased sharply in recent years.

44. **Mr. Bielefeldt** (Special Rapporteur on freedom of religion or belief), responding to questions and comments, said that human beings had vastly diverse convictions; that was why human rights law focused on the holders of convictions, rather than on beliefs themselves. Freedom of religion or belief must have broad applications, as was clear in general comment No. 22 on the right to freedom of thought, conscience and religion, which referred to protection for theistic, non-theistic and atheistic beliefs. Convictions were deep and could go in different directions and change over time. Choice was a legal concept and a means to show respect for something that had an existential dimension. Regarding children's rights and parents' rights, he noted that the major philosophy underlying children's rights was that parents were the trust holders of children's rights, and must provide guidance to children, while respecting the evolving capacities of the child.

45. Communication between different religions, which was alarmingly absent in some countries, was of the utmost importance. Religious outreach should be conducted in a respectful way and restrictions should not be imposed based on distaste for a given religion. Non-discrimination was indeed the overarching principle. The connection between freedom of religion and expression had been discussed in various workshops over the year; a main message from those workshops was that the best way to counter hate speech was with more speech. The most appropriate

response to acts of disrespect towards a religion, such as the recent anti-Islamic video would be peaceful protest. Rising up against hate speech was an important responsibility which went far beyond criminalizing certain acts. Targets of hate speech must know that they had not been left alone: politicians, civil society and all others must firmly state that society would not be poisoned by hatred. Lastly, he noted that Viet Nam had extended an invitation to his mandate and the dates for the visit were being discussed.

46. **Mr. Crépeau** (Special Rapporteur on the human rights of migrants) said that environmental change as a result of global warming was now a certainty, and would likely play a significant and increasingly determinative role in international migration. It would impact physical ecosystems, but would also adversely affect livelihoods, public health, food security and water availability.

47. Climate-induced migration, like all migratory movements, was complex and multi-causal, driven by multiple push-and-pull factors. As the effects of climate change could not be easily viewed in isolation from other environmental factors, it might prove impossible to identify those who migrated solely as a result of climate change. While environmental conditions had always influenced migration patterns, climate change could cause the rate and scale of migration to multiply. Since accurate statistical data on migration was not readily available, more rigorous scientific, empirical, sociological and legal research was needed.

48. No country would be free from natural disasters and slow-onset environmental changes, although some places would be particularly affected, and developing States, which already faced environmental stresses, would likely be the most affected.

49. Also, given that the ability to migrate depended on mobility and resources, migration opportunities might be least available to those most vulnerable to climate change, resulting in persons being trapped in locations vulnerable to environmental hazards. Moreover, where climate-change-induced migration was forced, people might be migrating in an irregular situation and thus be more vulnerable to human rights violations through the migration process.

50. While no single international human rights treaty was designed to deal with climate change-induced migrants, existing law provided a range of protections,



and he called for more concerted application of those norms to their situation. In addition, more concerted political engagement was needed from stakeholders, ranging from Governments and the international community to civil society, in order to devise appropriate strategies to address climate-induced migration.

51. He reviewed the key activity that he had undertaken in 2012: the thematic study on the management of the external borders of the European Union and its impact on the human rights of migrants. He also drew attention to the next High-level Dialogue on International Migration and Development, to be held in 2013, which must extend the global debate on migration beyond the paradigms of development, security and law enforcement. He remained concerned by the lack of effective human rights mainstreaming in the current debate on the global governance on migration to date, and hoped that the Dialogue would help bring human rights to the forefront of the discussion at the highest level.

52. Human rights must be the underlying framework for any discussions on migration, strengthening decisions made regarding other important aspects of migration, including economic growth and development.

53. The focus of his next report to the General Assembly would be on the global governance process in relation to migration, analyzing whether human rights were effectively mainstreamed in that context, including through an analysis of the Global Forum on Migration and Development. Lastly, he noted that the legitimacy of all discussions on migration depended greatly on the adequacy of the human rights framework. Integrating and mainstreaming a human rights agenda into all migration discussions was key to protect the rights of migrants themselves.

54. **Mr. Genina** (Mexico) endorsed the Special Rapporteur's concern at the need to incorporate a human rights focus into the High-level Dialogue on International Migration and Development to be held in 2013. A human rights framework was key to strengthening migration and development decisions and policies, serving the societies of the destination, transit and origin States. He was pleased that the Special Rapporteur's next report would focus on the analysis of the global governance of migration, especially as a cross-cutting human rights matter, and

the convening of a global forum on migration and development.

55. **Mr. Geurts** (Observer for the European Union) said that the European Union looked forward to the briefing on the regional thematic study that the Special Rapporteur was undertaking on the management of the European Union's external borders and the impact on the human rights of migrants. It endorsed the adoption of a common and global approach in addressing migration and climate change, encouraged exploring the linkages between those two elements and development at the international level, and supported a human rights-based approach in addressing climate-change migration.

56. He asked for more information on what types of State policies and programmes could be developed to better address the needs of climate change-induced migrants, and what could be done to help address the needs of communities in low-lying island States and the issue of rising sea levels and flooding in the near term, including in the context of international law.

57. **Mr. Rahman** (Bangladesh) said that, noting the restrictive migration policies that existed in many countries, it was important to find ways to protect climate-induced migrants, perhaps through the legal recognition of the status of climate migrant. Donors were urged to provide generous support so that migrants who were victims of climate change could live a life with dignity. He welcomed the continued interlinkage between climate change and migration, including through the upcoming high-level.

58. **Ms. Sow** (Senegal) said that her delegation welcomed the upcoming High-level Dialogue on International Migration and Development, and asked how to increase ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

59. **Mr. Bichet** (Switzerland) said that although displaced persons were protected in their own country by various guidelines on displacement, there was a gap in legislation governing cross-border movements caused by natural disasters. Those forced displacements, in addition to affecting the individuals concerned, also had a negative impact on the development of entire regions.

60. In that context, he drew attention to the Nansen Initiative developed by Switzerland and Norway

which, with other interested States, aimed to develop a programme for the protection of persons affected by cross-border displacement in the event of natural disasters, at the national, regional and international levels. He asked to what extent the Special Rapporteur saw potential linkages between that Initiative and his work on climate change-induced migration and whether he could provide examples of projects or studies which could contribute to that end.

61. **Ms. Soyinka-Onijala** (Nigeria) invited the Special Rapporteur to conduct more fact-finding visits, particularly to countries affected by climate change in Africa, which she believed would help in presenting more comprehensive reports. In the context of the Special Rapporteur's country visits, she asked what specific proposals he planned to discuss with the Governments of those countries concerning his recommendation that the human rights aspect of migration should address more than just development and security.

62. **Mr. Crépeau** (Special Rapporteur on the human rights of migrants), responding to comments, said that the issue of the facilitation of migration would be further developed. Awareness of urban planning and human rights must be developed so that cities were prepared to welcome migrants from climate-change-affected areas, taking into consideration the pressures that urban areas already faced. Further research on that complex issue was needed.

63. Guidelines for internal displacement needed to be implemented, and policies relating to international displacement must take human rights into consideration and not be strictly driven by economic considerations or concerns over territorial sovereignty. The dignity of individuals and the human rights of migrants must be at the core of migration policies.

64. States had a major role to play in leading efforts to change the discourse on and attitudes towards migrants. It was important for the public to hear that migration could not be stopped, even with repressive measures. As climate change affected all countries, it was important to prepare for related migration, including through regional agreements on the movement of people across borders.

65. The Convention on migration was not necessarily revolutionary for migrants, since their rights were already protected under other conventions. Its ratification was being blocked by politics rather than

law. Nevertheless, it was important for States to advocate for that Convention, especially vis-à-vis destination States.

66. In response to the representative of Switzerland, he noted that the Nansen Initiative was important, but should be complemented by other initiatives, in order also to address slow-onset disasters such as desertification, which would have a massive impact. Regional initiatives, supported by donor countries, could play a key role. Lastly, he said that country visits in Africa and Asia were planned in the context of his mandate in the near future.

67. **Mr. El Jamri** (Chair, Committee on the Protection of the Rights of All Migrant Workers and Members of their Families), stressing the importance of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, said that the Convention had been ratified by 46 countries to date, and appealed to States to ratify and implement the Convention.

68. With over 200 million international migrant workers worldwide, economic data and research had shown that protecting migrant workers had a positive impact on the economic and human development of both States of origin and of destination. The Convention provided a useful legal framework for the protection of the rights of all migrant workers, but also for setting out migration policies and regulating migration through international cooperation. While other human rights treaties addressed the same rights as the Migrant Workers Convention, the latter was the main universal treaty specifically addressing the rights of migrant workers and their families in context.

69. To promote the ratification of the Convention, he had issued a joint statement with the Special Rapporteur on the human rights of migrants in December 2011, condemning the criminalization of irregular migration and appealing to States to ratify and implement the Convention. He had also participated in other meetings and discussions, including on the rights of migrant workers in irregular situations in the context of the most recent Global Forum on Migration and Development held in Switzerland in December 2011.

70. The Committee had prepared a first draft of its general comment No. 2 on the rights of migrant workers in an irregular situation and members of their families, which would be revised and posted to the Committee's website in mid-November, in preparation

for its adoption at its next session in April 2013. To date, the Committee had examined 21 initial reports and three second periodic reports submitted by States parties. It was regrettable that many States parties were late in submitting initial reports — 22 initial reports and seven second periodic reports were overdue, in many cases by more than five years. Accordingly, at its sixteenth session, the Committee had amended its provisional rules of procedure by adding a new rule for the consideration of States parties in the absence of a report. The advantage of that new procedure was that it could be combined with the adoption of a new optional list of issues prior to reporting. Several States parties had already accepted that optional procedure.

71. The Committee had decided, at its fifteenth session, to adopt a timetable for the submission of reports which would involve the consideration of reports every five years starting in 2014. It would thus have to consider nine reports per year starting in 2014. The Committee had also adopted a resolution at its seventeenth session requesting the General Assembly to provide the resources needed to hold two two-week sessions per year starting in 2014. That resolution and its programme budget implications would be included in the Committee's next annual report and would be submitted to the General Assembly at its sixty-eighth session.

72. He drew attention to two declarations adopted by the Committee at its seventeenth session — the first supported, in principle, the proposals in the report on strengthening the human rights treaty body system by the High Commissioner for Human Rights, issued in June 2012, and the second welcomed Guidelines on the independence and impartiality of members of the human rights treaty bodies (Addis Ababa guidelines).

73. Ratification of the Convention continued to be a major challenge for the international community. The Committee was available to assist any State that wished to ratify the Convention or provide guidance to States, whether or not they were parties, in implementing its provisions in order to protect the rights of migrants and their families.

*The meeting rose at 5.40 p.m.*