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Chair: Mr. Tafrov..... (Bulgaria)

Contents

Agenda item 27: Social development (*continued*)

(b) Social development, including questions related to the world social situation and to youth, ageing, disabled persons and the family (*continued*)

(d) United Nations Literacy Decade: education for all (*continued*)

Agenda item 28: Advancement of women (*continued*)

(a) Advancement of women (*continued*)

Agenda item 65: Promotion and protection of the rights of children (*continued*)

(a) Promotion and protection of the rights of children (*continued*)

Agenda item 108: Crime prevention and criminal justice (*continued*)

Agenda item 109: International drug control (*continued*)

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*)

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*)

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

Agenda item 27: Social development (continued)

(b) Social development, including questions related to the world social situation and to youth, ageing, disabled persons and the family (continued)

(d) United Nations Literacy Decade: education for all (continued)

Draft resolution A/C.3/68/L.10: Policies and programmes involving youth

1. **Mr. Faye** (Senegal), introducing the draft resolution, said that it represented a concrete proposal for addressing the 15 closely interrelated priority areas of the World Programme of Action for Youth. It called on Member States to implement the recommendations contained in the document “The youth employment crisis: a call for action”, adopted by the International Labour Conference in 2012; to improve young people’s access to high-quality education, health care and information and communications technology; and to promote youth participation in decision-making processes, including discussions on the post-2015 development agenda. It also emphasized youth substance abuse, violence and involvement in crime. It requested the relevant United Nations entities to enhance coordination and collaboration on youth-related issues, especially the United Nations System-wide Action Plan on Youth, and called upon Member States to consider adopting the proposed set of indicators for the World Programme of Action for Youth proposed by the Secretary-General in his report on that subject (E/CN.5/2013/8).

2. **Ms. Sharma** (Secretary of the Committee) announced that Armenia, Costa Rica, Croatia and Panama had joined the sponsors.

Draft resolution A/C.3/68/L.12/Rev.1: Literacy for life: shaping future agendas

3. **Ms. Ulziibayar** (Mongolia), introducing the draft resolution, said that its purpose was to maintain the momentum of the United Nations Literacy Decade and to place the promotion of literacy at the heart of future national and international development agendas. Following consultations, two additional paragraphs from the previous resolution on that subject (resolution 65/183) had been added as the seventh and eighth

preambular paragraphs and all of the operative paragraphs had been amended. In addition, a paragraph had been inserted between former operative paragraphs 3 and 4.

Agenda item 28: Advancement of women (continued)

(a) Advancement of women (continued)

Draft resolution A/C.3/68/L.22: Violence against women migrant workers

4. **Mr. Khan** (Indonesia), introducing the draft resolution, said that it underscored the importance of promoting and protecting the rights of women migrant workers and emphasized the shared responsibility of countries of origin, transit and destination, as well as national and international organizations, the private sector and civil society.

5. **Ms. Sharma** (Secretary of the Committee) announced that Ecuador, El Salvador, Guatemala, Malawi, Mali, Nigeria and Peru had joined the sponsors.

Agenda item 65: Promotion and protection of the rights of children (continued)

(a) Promotion and protection of the rights of children (continued)

Draft resolution (A/C.3/68/L.27): The girl child

6. **Ms. Karim** (Malawi), introducing the draft resolution on behalf of the Southern African Development Community (SADC), said that it was a somewhat streamlined version of the usual resolution and focused on child-headed households. The Secretary-General was requested to report on its implementation to the General Assembly at its seventieth session.

7. **Ms. Sharma** (Secretary of the Committee) announced that Armenia, Burkina Faso, Guatemala, Equatorial Guinea, Kyrgyzstan, Panama and Peru had joined the sponsors.

Draft resolution A/C.3/68/L.29: Child, early and forced marriage

8. **Mr. Rishchynski** (Canada), introducing the draft resolution, said that it was the first stand-alone General Assembly resolution on that subject and complemented a similar resolution adopted by the Human Rights Council at its twenty-fourth session

(A/HRC/24/L.34/Rev.1). It would set the stage for future discussion and initiatives on eradicating child, early and forced marriage.

9. **Ms. Kasese-Bota** (Zambia) said that children were meant to enjoy their childhood. The practice of child, early and forced marriage was an explicit violation of a child's right to grow up physically healthy and to receive an education. It was also an impediment to full realization of the child's adult potential.

10. **Ms. Sharma** (Secretary of the Committee) announced that Croatia, Equatorial Guinea, Guatemala, Israel and Panama had joined the sponsors.

Draft resolution A/C.3/68/L.23: Convention on the Elimination of All Forms of Discrimination against Women

11. **Ms. Schøyen** (Norway) said that since the introduction of the draft resolution, Albania, Bolivia, Brazil, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Ecuador, Egypt, Georgia, Guatemala, Hungary, Latvia, Lebanon, Lithuania, Mexico, Mongolia, Montenegro, Nicaragua, Peru, Slovakia, South Africa, Thailand, Timor-Leste, Togo, Ukraine, Uruguay and Venezuela had joined the sponsors.

12. **Ms. Sharma** (Secretary of the Committee) announced that Armenia, Burkina Faso, Congo, Costa Rica, Croatia, Dominican Republic, El Salvador, Honduras, Liberia, Madagascar, Malawi, Mali, Monaco, Republic of Korea, Romania, Serbia and Tunisia had also joined the sponsors.

13. *Draft resolution A/C.3/68/L.23 was adopted.*

14. **Ms. Robl** (United States of America) said that, although the United States disagreed with certain aspects of the reports welcomed in the resolution, her delegation had joined the consensus in order to underscore her Governments' strong support for the goals and purposes of the Convention on the Elimination of All Forms of Discrimination against Women.

Agenda item 108: Crime prevention and criminal justice (*continued*)

Draft resolution A/C.3/68/L.18: Strengthening the United Nations crime prevention and criminal justice programme, in particular its technical cooperation capacity

15. **Mr. Mogini** (Italy), introducing the draft resolution, said that Argentina, Bosnia and Herzegovina, Luxembourg, Mexico, Morocco, Panama, Poland, Serbia, Spain, Turkey and Ukraine had joined the sponsors. The text was essentially similar to the previous year's resolution. A few changes had been made to reflect recent decisions and resolutions as well as processes and upcoming events relating to the United Nations Convention against Transnational Organized Crime and the crime prevention and criminal justice programme.

16. **Ms. Sharma** (Secretary of the Committee) announced that Armenia, Burkina Faso, Croatia, Haiti, Kyrgyzstan, Lithuania, Madagascar, Malawi, Mali, Malta, Micronesia, Peru, the former Yugoslav Republic of Macedonia and Tunisia had joined the sponsors.

Agenda item 109: International drug control (*continued*)

Draft resolution A/C.3/68/L.19: International cooperation against the world drug problem

17. **Ms. Morgan** (Mexico), introducing the draft resolution, said that Afghanistan, Argentina, Guatemala, Kazakhstan, Myanmar, Panama, Peru and Turkey had joined the sponsors. The text had been updated to refer to the decision in the previous year's resolution to convene a special session in 2016 to review progress on implementing the Political Declaration and Plan of Action on International Cooperation towards an Integrated and Balanced Strategy to Counter the World Drug Problem. It also welcomed the outcome of the 2012 high-level International Conference on Alternative Development and recalled the resolutions adopted by the Commission on Narcotic Drugs at its fifty-sixth session.

18. **Ms. Sharma** (Secretary of the Committee) announced that Haiti, Honduras, Kyrgyzstan, Laos, Mali, Monaco and Tunisia had joined the sponsors.

Agenda item 69: Promotion and protection of human rights (*continued*) (A/68/36 and A/68/487)

(b) **Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms** (A/67/931; A/68/56, A/68/176, A/68/177, A/68/185, A/68/207, A/68/208, A/68/209, A/68/210, A/68/210/Add.1, A/26/211, A/68/224, A/68/225, A/68/256, A/68/261, A/68/262, A/68/268, A/68/277, A/26/279, A/68/283, A/68/284, A/68/285, A/68/287, A/68/288, A/68/289, A/68/290, A/68/292, A/68/293, A/68/294, A/68/296, A/68/297, A/68/298, A/68/299, A/68/301, A/68/304, A/68/323, A/68/345, A/68/362, A/68/382, A/68/382/Corr.1, A/68/389, A/68/390 and A/68/496) (*continued*)

(c) **Human rights situations and reports of special rapporteurs and representatives** (A/68/276, A/68/319, A/68/331, A/68/376, A/68/377, A/68/392, A/68/397 and A/68/503; A/C.3/68/3) (*continued*)

19. **Ms. Shaheed** (Special Rapporteur in the field of cultural rights), introducing her report (A/68/296), said that it examined the writing and teaching of history, especially in divided and post-conflict societies, with a particular focus on history textbooks. It sought to identify the circumstances under which the official historical narrative became problematic from a human rights perspective. History textbooks deserved particular attention because they could be used as ideological tools.

20. **Ms. Tschampa** (Observer for the European Union) asked what should be done when a country's political leadership exercised control over and distorted historical narratives. She was also interested to hear the Special Rapporteur's view concerning the extent to which full academic freedom would contribute to overcoming deep-rooted stereotypes.

21. **Ms. Sukacheva** (Russian Federation) said that, contrary to the thesis presented in the report, the study of history was an exact science, and history should not be reinterpreted. Free interpretation of the events of the Second World War, for example, led to xenophobia and racism. The Special Rapporteur should focus instead on the cultural right of children to be educated in their native language. Her Government was particularly concerned about recent legislation in a number of

countries that reduced Russian-language teaching in schools. While it was vital to develop the national language as an instrument of social integration, it was also necessary to accommodate the needs and rights of linguistic minorities.

22. **Ms. Ribeiro** (Brazil) said that, despite having the largest population of African descent of any country outside Africa, Brazil had only recently enacted legislation making the history and culture of Africa and people of African descent a mandatory subject. Her Government commended the general and regional histories published by the United Nations Educational, Scientific and Cultural Organization (UNESCO) and had provided support for translation of its *General History of Africa* into Portuguese.

23. **Ms. Pérez Álvarez** (Cuba) drew the Committee's attention to the collaborative effort of UNESCO, the African Union and Governments in various regions of the world to develop additional content for the *General History of Africa*. She would like to know what the Special Rapporteur had observed about the impact of wars of occupation or aggression on the contents of history textbooks in the countries affected.

24. **Ms. Shaheed** (Special Rapporteur in the field of cultural rights) said that her report contained specific recommendations on reviewing policies and laws on the development and selection of history textbooks that could prevent the adoption of textbooks that distorted history. Good textbooks could be developed through extensive collaboration between historians and educators. She stressed that the key players were often teachers, who needed more support for research and introducing new materials, as well as continuing education.

25. With respect to the reinterpretation of history, she had no intention of promoting any falsification of the facts. Whenever one of two groups was the victor, there would be two historical perspectives, and both could be taught. History should be used to heal divisions, not to promote them.

26. The impact of aggression and occupation on a country's history textbooks depended on the circumstances. In former colonies, for example, textbooks sometimes omitted the entire colonial period and portrayed the colonized people as faultless victims, even though some had in fact collaborated with the colonists.

27. **Mr. Crépeau** (Special Rapporteur on the human rights of migrants), introducing his report (A/68/283), said that it focused on migration governance, in particular at the global level. Global migration governance remained somewhat fragmented, with different institutional approaches and normative frameworks for different aspects of migration; there was no lead agency with a comprehensive mandate. States' efforts to govern migration unilaterally had created incoherence at the regional and global level. The trend was to move away from United Nations frameworks and towards informal processes, some of which lacked transparency and accountability.

28. Increasing migration governance did not mean relinquishing sovereignty. States would have more control if there were more governance. Problems could be solved and rights protected by acknowledging the labour needs that drew irregular migrants, opening additional regular migration channels and sanctioning employers of irregular migrants. Global migration governance would be to the advantage of all States, because the global phenomenon of migration could not be controlled unilaterally, bilaterally or even regionally.

29. Global migration governance should have a framework in the United Nations system and should make the human rights of migrants a key priority. The report presented possible future models, including the option of bringing the International Organization for Migration (IOM) into the United Nations system, with a revised, human rights protection-based constitution. One key recommendation was to hold the High-level Dialogue on International Migration and Development every three years. He welcomed the Declaration adopted during the recent High-Level Dialogue (A/RES/68/4), as well as the human rights-based focus that had permeated the discussions.

30. Introducing the regional study on the management of the external borders of the European Union and its impact on the human rights of migrants (A/HRC/23/46), he said that the European Union continued to view irregular migration largely as a security concern, while migration and border control had increasingly emphasized policing, defence and criminality over human rights. The report contained a recommendation to consider opening up additional regular migration channels in recognition of real labour needs. Especially in view of the recent tragic events in

the Mediterranean, he appealed to all destination States to do the same.

31. **Ms. Klein Solomon** (International Organization for Migration) said that, in the wake of the drowning of hundreds of migrants off the coast of Lampedusa, IOM was reaching out to key partners in the Mediterranean region to articulate immediate human rights-based responses to life-threatening situations and to promote longer-term solutions, including additional regular channels for migration.

32. The human rights-based approach of IOM encompassed all migrants and the full cycle of migration. Contrary to the Special Rapporteur's assertion, IOM had a comprehensive mandate on migration, conferred by its Constitution and the resolutions and decisions of the member States. It shared the Special Rapporteur's human rights-based approach, as well as his position on promoting diversity and decriminalizing irregular migration, and would welcome increased collaboration. She would appreciate the Special Rapporteur's specific recommendations on how to move forward on protecting the rights of migrants and empowering them to be effective contributors to development.

33. **Ms. Tschampa** (Observer for the European Union) said that the European Union fully agreed that States should establish coherent and comprehensive human rights-based policies and was working to fine-tune its migration policies. However, respect for State sovereignty and the principle of State responsibility were fundamental; the rights of migrants were best protected within the existing frameworks. The Global Forum on Migration and Development did important work on issues ranging from inclusion, protection and acceptance to social and economic rights. IOM, although not part of the United Nations framework, was fully bound by human rights conventions and standards, and it systematically took them into account.

34. She would appreciate hearing the Special Rapporteur's views on specific areas in which States could make swift improvement in their implementation of standards. With respect to bringing IOM into the United Nations system, she expressed concern about funding, as well as about the duplication of existing national or regional processes and the risk that lengthy negotiations might divert attention from current emergencies and the focus on national policies. She

would like further information on his dialogue with Member States, including his future plans.

35. **Ms. Diaz Gras** (Mexico) asked what Member States could do to place human rights at the centre of United Nations discussions on migrants and to ensure that a rights-based approach to migration prevailed in the post-2015 development agenda.

36. **Mr. Augusto** (Angola) said that the Human Rights Council should take a more active role on issues relating to the rights of migrants and should mainstream them in its work on the rights of children, women and minorities, and on xenophobia and racial discrimination. The tragic incident that had occurred off the coast of Lampedusa showed the desperation of people living in countries stricken by insecurity and deprived of their economic, social and cultural rights. It highlighted the importance of developing a new human rights framework for migration and adopting new channels of migration, especially for low-skilled workers. He agreed that there should be a migration governance body within the United Nations system. In closing, he reiterated his Government's standing invitation to the Special Rapporteur to visit Angola in January 2014.

37. **Ms. Sukacheva** (Russian Federation) said that her Government was active in the Global Forum on Migration and Development and was working to improve cooperation with the various United Nations agencies and international organizations. Intergovernmental dialogue could promote regional cooperation on migration. For example, the Commonwealth of Independent States was taking steps to facilitate free movement of goods and people and promote Eurasian integration. In her Government's view, the work of IOM complemented that of other mechanisms and improved the quality of dialogue within the United Nations.

38. **Ms. Smaila** (Nigeria) welcomed the European Union's integration of rights-based migration policies into its institutional framework; however, it should apply a rights-based approach to irregular migration as well. Irrespective of their migration status, migrants should be treated humanely and with dignity, and her Government condemned all manifestations of racism, racial discrimination, xenophobia and religious or other intolerance directed against them.

39. While supporting the need for comprehensive migration policies, her Government advocated a focus

on reducing impunity for migrant smuggling and trafficking in migrants, which could be achieved by enacting national laws and strengthening law enforcement at the subregional, regional, national and international levels. Governments should develop migration data management strategies for programme planning purposes and should establish intergovernmental platforms for frequent dialogue on migration, including strategies for promoting managed migration systems. In that regard, it welcomed the previous month's High-level Dialogue on International Migration and Development and fully embraced its Declaration. Noting how few countries were parties to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, she urged States, especially destination States, to ratify it.

40. **Mr. Rahman** (Bangladesh) said that countries with shrinking or ageing populations needed migrant labour, demand for which generated supply. Countries of origin and destination should work together to minimize the number of irregular migrants and provide a transparent and orderly migration process. Noting the Special Rapporteur's proposals for strengthening the United Nations institutional framework and bringing IOM into the United Nations system, he asked what else could be done to improve migration governance and mainstream the issue of migration within the United Nations.

41. **Ms. Al-Mulla** (Qatar) welcomed the Special Rapporteur's upcoming visit and reiterated her Government's belief in the principle of shared responsibility between countries of origin and destination. It would like to see greater attention given to the issue of trafficking in migrants.

42. **Mr. Crépeau** (Special Rapporteur on the human rights of migrants) thanked IOM for its close collaboration and openness to dialogue. In addition to his visits to Angola and Qatar, he was negotiating with other States for up to four additional missions during the following six months. With respect to fighting xenophobia and racism, Governments everywhere should raise awareness of the value of diversity. As to incorporating migration into the post-2015 development agenda, one option would be to mainstream both human rights and migrants' issues. To enforce human rights for migrants, migrants must have access to justice without fear of arrest or deportation.

43. The Global Forum on Migration and Development was an important trust-building mechanism that had over the years placed greater emphasis on human rights and dialogue with civil society organizations. The Forum should be retained, but it was time to think about going further. Any overlap caused by bringing IOM into the United Nations system would result in fruitful collaboration, much as in the case of children's issues, which were not the sole purview of UNICEF.

44. **Mr. Salama** (Office of the United Nations High Commissioner for Human Rights), speaking on behalf of the Chair of the Committee on the Protection of the Rights of All Migrant Workers and Members of their Families, stressed the importance of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, which had been ratified by 47 countries. Welcoming the recent High-level Dialogue on International Migration and Development and its Declaration, he expressed the hope that more States would ratify the Convention.

45. There were over 200 million international migrant workers worldwide, and economic data and research showed that the protection of migrant workers had a positive impact on the economic and human development of States of both origin and destination. The Convention provided a useful legal framework not only for the protection of the rights of 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 International Convention on the Protection of the Rights of all Migrant Workers and Members of Their Families, it was the main universal treaty specifically addressing the rights of that group.

46. To date, the Committee had examined 21 initial reports and three second periodic reports. During its fifteenth session, in view of the many overdue reports, it had amended its provisional rules of procedure. During its seventeenth session, it had held an informal meeting with the representatives of 15 States parties on the changes in its rules of procedure regarding the preliminary list of questions, the fixed timetable for the submission of reports and the consideration of States parties in the absence of a report. More recently, the Committee had adopted general comment No. 2 on the rights of migrant workers in an irregular situation and members of their families and had held a half-day

seminar on the role of statistics in migration, at which more than 75 participants had exchanged information on challenges and good practice for the collection and analysis of migration statistics.

47. During its eighteenth session, the Committee had decided to revise its working methods and, if necessary, its rules of procedure to incorporate all the recommendations made by the United Nations High Commissioner for Human Rights in her report on strengthening the human rights treaty bodies (A/66/860). At the meeting with the co-facilitators of the treaty body strengthening process, Committee members had stressed that the treaty bodies, whose mandates were established under treaties ratified by Member States, should receive adequate funding to carry out those mandates. During its nineteenth session, it had met with the Special Rapporteur on the human rights of migrants to discuss their respective activities as well as possibilities for continued cooperation.

48. Ratification of the Convention continued to be a major challenge for the international community. The Committee was available to assist any State wishing to ratify the Convention.

49. **Mr. Ojea Quintana** (Special Rapporteur on the situation of human rights in Myanmar), introducing his report on the situation of human rights in Myanmar (A/68/397), said that while fighting continued in parts of Kachin and northern Shan, the ceasefire between the Government and the 13 ethnic armed groups represented a tremendous breakthrough in the most entrenched conflict in Myanmar. To achieve lasting peace, the next steps should be to address underlying grievances and to bring women, villagers, internally displaced persons and refugees into the peacemaking process. Discussions and agreements, including business and investment deals, must be more transparent, and more attention should be given to monitoring the implementation of agreements, including those on humanitarian access to non-Government controlled areas. The military needed to be fully on board with agreements endorsed by the civilian Government and begin demilitarization of the ethnic border areas.

50. He hoped that the President would stand by his pledge to release all political prisoners by the end of 2013, including those who continued to be arrested for peaceful political protest. The Government needed to

address those arrests, in part by expanding the terms of reference of the committee set up to identify remaining political prisoners, and Parliament should establish a committee to review arrests made under the Peaceful Assembly and Peaceful Procession Act and other laws. The Government also needed to listen to the local people and should set up a system of individual titling and tenure rights to protect people against appropriation, as well as a communal tenure system to protect access to common property.

51. Despite significant movement towards a freer public space, the authoritarian military mindset continued to interfere with freedom of expression, assembly and association. He urged the amendment of existing and pending authoritarian laws and stressed the need for a truly independent and effective human rights institution. The bill to give official status to the National Human Rights Commission was a step in the right direction.

52. In Rakhine State, the segregation of Muslim communities was becoming increasingly permanent. However, there were signs of greater Government willingness to address the underlying issue of discrimination against Muslims, including the President's visit, the disbanding of the Nasaka, engagement with the Organization of Islamic Cooperation, the arrest of prominent Rakhine Buddhists allegedly involved in anti-Muslim violence and cooperation with the international community to alleviate the humanitarian situation. However, to achieve a long-term solution, the Government would have to solve the problem of citizenship and follow through on its obligations under international human rights law to investigate and hold accountable perpetrators of gross human rights violations, including State security personnel.

53. The Government must do more to protect vulnerable minority communities and to halt the spread of anti-Muslim sentiment. It should develop a police force with the capacity to protect people from intercommunal violence and ensure that it received clear instructions from state and national political authorities. It should also enforce strict penalties for spreading hatred and inciting violence and should empower Buddhist and other leaders working to discourage discrimination and violence against religious and ethnic minorities.

54. He looked forward to seeing the recommendations of the committee reviewing the Constitution of 2008. For democratic transition and national reconciliation to proceed, it was crucial to amend the constitutional provisions that allowed military appointees to occupy 25 per cent of the seats in parliament and set discriminatory eligibility qualifications for the presidency. The Constitution must also address the aspirations of ethnic minorities. He again encouraged the Government to establish a country office of the High Commissioner for Human Rights with a full mandate.

55. During his six-year term, he had witnessed the start of the transformation of a country that had experienced decades of military rule as it transitioned along the path to democracy and national reconciliation. In its deliberations on the renewal of the mandate, he urged Member States to give careful consideration to its proven record of accomplishment.

56. **Mr. Tin** (Myanmar) said that the recent dramatic changes in his country were a clear demonstration of his Government's democratic mindset. While the Special Rapporteur's report contained some constructive recommendations, others were intrusive and prescriptive. Furthermore, its negative content obscured highly commended positive developments. In a spirit of cooperation and genuine dialogue, his Government had enabled the Special Rapporteur to visit sites throughout the country and had given him access to individuals ranging from prison inmates to Government officials, yet his report scarcely reflected the views of the officials. The new prisoners to whom the Special Rapporteur referred were not political prisoners; they had been arrested for inciting assault and other unlawful acts. To date, thousands of prisoners of conscience had been amnestied, and the rest would be released by the end of the year, as pledged.

57. Much progress had been made with regard to freedom of assembly and association. Prison conditions had improved in some prisons and would continue to improve, thanks to the new prisons law drafted with the cooperation of the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the United Nations Office on Drugs and Crime. To address land tenure concerns, a central committee for land management headed by a Vice-President had been established in September, and a parliamentary committee of inquiry had been formed to investigate the cases of land confiscation.

58. The Government had set up the National Human Rights Commission and was engaging with the United States and the European Union on human rights, while negotiations were ongoing with OHCHR on the establishment of a country office. Thanks to systematic screenings, there were no more underage recruits in the armed forces. Ceasefire agreements had been signed with all major ethnic armed groups, ending six decades of conflict and paving the way for a nationwide ceasefire agreement and political dialogue. The authorities had plans to conduct registration of all residents of Rakhine State and would expedite the processing of citizenship applications. So much progress had been made on eliminating forced labour and restoring labour rights that the International Labour Organization had lifted all restrictions.

59. No order had ever been given to institute a two-child policy for Muslims. The Government had been able to restore stability in Rakhine State and elsewhere; it had taken action against hatemongers, including many Buddhists, and, with external assistance, it was strengthening the capacity of its police forces.

60. Notwithstanding the recent outbreaks of violence, Myanmar was a country of multiple religions with a long history of peaceful co-existence and a Constitution that protected all major religions. The main cause of violence in Rakhine State was deep-rooted, historical resentment that had sparked a violent reaction to a sensitive crime. The Government was working without discrimination, in cooperation with the United Nations, non-governmental organizations and donors, to improve living conditions and livelihoods for the affected populations and was building schools and clinics for displaced persons. It was also encouraging interfaith dialogues across the country. Overcoming the mistrust and tension between the two communities would take time, and the Government welcomed all offers of non-discriminatory assistance from the international community.

61. Myanmar was making unparalleled progress on democratization and the promotion of human rights. After more than 20 years, it was time to end the mandate of the Special Rapporteur.

62. **Ms. Hewanpola** (Australia), welcoming the Government's recent seven-point agreement with the Kachin Independence Organization and its commitment to a nationwide ceasefire accord, said that her delegation encouraged the Government to work

towards an all-inclusive political dialogue aimed at lasting peace. Australia was concerned at new arrests of activists and outbreaks of violence and urged the Government to prevent further violence and to tackle the underlying causes by prosecuting persecutors, facilitating reconciliation and addressing citizenship issues. It commended the transformative changes that had taken place in Myanmar since 2010 and was ready to support and assist with further reform. She asked the Special Rapporteur what key steps the Government of Myanmar could take in the next 12 months to consolidate its progress.

63. **Ms. Robl** (United States of America) said that the Special Rapporteur's balanced reporting had closely informed her Government's policy on Myanmar. She thanked him for the efforts that had led to the release of over one thousand political prisoners and the establishment of a political prisoner review committee, and she commended the Government of Myanmar for taking those historic steps. In view of the more than 200 additional arbitrary arrests and convictions of peaceful activists, her delegation strongly supported the Special Rapporteur's recommendations to amend the peaceful assembly law, define criteria for identifying prisoners of conscience, release all such prisoners and cease arrests of peaceful activists. In that connection, she would appreciate the Special Rapporteur's assessment of progress towards releasing all prisoners of conscience by the end of 2013.

64. Her delegation strongly supported the recommendation to reverse the increasing segregation of the Rohingya communities and to investigate and prosecute credible allegations of human rights violations. It welcomed the disbandment of the Nasaka and strongly supported the recommendation for ensuring that the security forces replacing them did not commit human rights violations. It was deeply concerned by the attack on the Special Rapporteur during his last visit and asked the Government to guarantee his safe access. It looked forward to hearing the results of his next mission ahead of the Human Rights Council session in March 2014.

65. **Mr. Grant** (Canada) said that his Government was establishing an embassy in Burma through which it would continue to urge respect for human rights and support the transition to democracy. He reiterated its call for prompt and unconditional release of political prisoners and prisoners of conscience. Canada was deeply concerned by the repeated outbreaks of

communal violence and called on the Government to protect the rights and safety of all individuals and to allow humanitarian access. It welcomed the ceasefire agreements and the commitment to dialogue between the Government of Myanmar and various ethnic groups. Long-term peace and prosperity would require dialogue and cooperation among all groups, and he would like to know what the international community could do to promote religious and ethnic tolerance. He would also like to know what the next steps should be to promote peace and reconciliation in the border areas.

66. **Mr. Sul Kyung-hoon** (Republic of Korea), acknowledging the significant progress achieved by Myanmar's first elected Government, said that with the halfway mark of its term approaching, it urgently needed to engage more stakeholders in the democratization and reform process. For its achievements to be sustainable, ordinary citizens must see improvement in their everyday lives. Increasing economic cooperation and growing interest in investment in Myanmar were therefore positive developments, and he hoped that equal partnerships and mutually beneficial relationships would result. His delegation was deeply concerned that the ongoing ethnic violence, religious conflict and humanitarian crisis might compromise the success of the transition, and it encouraged the Government to continue to engage with the international community and to seek assistance when appropriate.

67. **Ms. Tschampa** (Observer for the European Union) welcomed the Special Rapporteur's commitment to continued monitoring of the ongoing political negotiations between the Government of Myanmar and ethnic minority groups and thanked the Special Adviser to the Secretary-General on Myanmar, Vijay Nambiar, for his active role in the dialogue between the Government and the Kachin Independence Organization. She would like to know how the international community could best assist in the peacemaking and peace-building process. Secondly, regarding the establishment of an OHCHR country office with a full mandate, she would appreciate his views on the areas that would benefit most from OHCHR expertise and support. Lastly, she asked how the international community could help the Government of Myanmar to bring its legislation and law enforcement into line with international standards and how the Government might draw on international human rights instruments to do so.

68. **Mr. Hisajima** (Japan), thanking the Special Rapporteur for his work on behalf of Myanmar, including his visit to Japan in early 2013, said that his delegation appreciated the efforts of the Government of Myanmar to achieve democratization, national reconciliation and economic reform. He said that, from a humanitarian perspective, it was extremely important to end the violence in Rakhine State. The Government and other stakeholders should continue to work towards national reconciliation, and the international community should cooperate to facilitate their progress.

69. Japan continued to provide assistance for strengthening human rights protections, improving living conditions in ethnic minority areas, capacity-building and economic and social development, including development of the necessary infrastructure. It would also continue to encourage united international support for the reform efforts. He urged the Committee to adopt a positive, forward-looking and concise resolution on Myanmar.

70. **Ms. Changtrakul** (Thailand) urged the Government to continue to work towards ceasefire agreements. She welcomed its active cooperation with the United Nations country team, including its decision to allow the Executive Board of the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) full access to various camps in Rakhine State, and expressed the hope that, with assistance, it would be able to improve access to health care there. The Government's interfaith dialogue process and the action plan for stability were positive steps towards addressing the root causes of the violence, but it should give serious consideration to other measures. Thailand would continue to render all necessary assistance and to work closely with the United Nations and the international community. The General Assembly and the Human Rights Council should focus not on passing resolutions on Myanmar but on expanding dialogue and cooperation through technical assistance and capacity-building.

71. **Mr. Nareli** (Liechtenstein) would appreciate the Special Rapporteur's views on the Government's enforcement of accountability in general and with respect to violence against minorities in particular, as well as on how the international community could help to improve the situation.

72. **Mr. Nina** (Albania) asked how many of the tens of thousands of internally displaced persons and refugees had returned to their original communities; how the Government had responded to the local order setting a two-child limit for Muslim families in the north Rakhine townships, and whether there were any plans to amend the Citizenship Act of 1982 to ensure equal access to citizenship, regardless of ethnicity or religion.

73. **Ms. Al-Mulla** (Qatar) encouraged the Government of Myanmar to make every effort to hold the perpetrators to account, to allow displaced persons to return to their homes, to ensure adequate compensation for those affected, to provide increased and equal opportunities for citizenship, and to ease the restrictions on freedom of movement in certain states. She also welcomed the statement of the President of Myanmar that political prisoners would be released by the end of the year, and asked what steps had been taken to implement it. She asked whether the Special Rapporteur could comment further on the nature of, and possible responses to, threats to humanitarian and health workers in Rakhine State.

74. She welcomed the readiness of the Government of Myanmar to work with the Organization of Islamic Cooperation to improve the situation of Muslims. It was important to move forward in a positive spirit, but the fundamental rights of the Muslims of Myanmar should not be neglected.

75. **Ms. Walker** (United Kingdom) particularly welcomed the President's commitment to release all political prisoners by the end of 2013, Parliament's ongoing positive contributions to reform and the progress towards a nationwide ceasefire. The United Kingdom continued to lobby for a sustainable solution to the citizenship status of the Rohingya and for a robust and credible process to ensure accountability for all those implicated in the violence in Rakhine State. Outbreaks of predominantly anti-Muslim violence had spread to other parts of the country. Whilst the Government had been able to suppress them, action was needed to address the underlying causes. She called for full humanitarian access in all affected regions and for thorough and transparent investigation of allegations of human rights violations. She also expressed concern over the new cases of political detention and the need to repeal repressive laws. With a view to encouraging the Government to fulfil promptly its commitment to open an OHCHR country

office with a full mandate, she asked the Special Rapporteur to elaborate on the value of such an office and how it would complement the Special Rapporteur's mandate. She also asked what progress the Government had made in reviewing the citizenship claims of the Rohingya community and what further assistance the international community could offer.

76. **Mr. Červenka** (Czech Republic) welcomed the continuing reform process in Myanmar/Burma. He expressed concern at the persistent practice of detaining political prisoners, the provisions of the Code of Criminal Procedure that undermined amnesty and the absence of adequate medical and psychological care for those released. The ceasefire agreements, while especially welcome in the context of the spreading communal violence, were only the beginning of a long process of national reconciliation for which it would be necessary to address underlying causes. It was also essential to bring the Constitution into line with international human rights standards and democratic principles. He asked the Special Rapporteur to elaborate on the type of care that amnestied prisoners of conscience should receive and on what the Government could do to engage people at the grass-roots level.

77. **Ms. Sukacheva** (Russian Federation) said that she had been struck by the vast number of recommendations made to the Government of Myanmar in the Special Rapporteur's report. On the whole, the report appeared rather unbalanced. Her delegation welcomed the Government's efforts to establish civil society, ensure the implementation of social and economic rights and overcome ethnic violence, as well as its readiness to cooperate with the Special Rapporteur. Cooperation between the Government and the Special Rapporteur was vital to future progress on human rights. Its effectiveness depended above all on open dialogue and the Government's prior consent for any action.

78. **Mr. Zhang** Guixuan (China) recalled China's position that human rights issues should be addressed through constructive dialogue and cooperation, not country-specific human rights resolutions and mechanisms. The Government of Myanmar had actively advanced its reform agenda and the national reconciliation process. It had strengthened human rights protections and had engaged with United Nations human rights mechanisms and international humanitarian organizations. Such developments should

be acknowledged with appreciation. In Rakhine State, the Government had taken effective measures to stabilize a sensitive and complex situation. China welcomed the progress achieved in the recent negotiations with the Kachin Independence Organization, and it would continue to play a constructive role in the peace talks. The international community should respect Myanmar's right to choose its own path and should provide it with constructive assistance.

79. **Ms. Gandini** (Argentina) said that having experienced the complex process of moving from military rule to democracy, Argentines were aware of the importance of promoting all human rights. It was necessary to respect and empower minorities, because a strong democracy required an active citizenry. Furthermore, the best protection against a repetition of past atrocities was to fulfil the people's rights to truth, justice and accountability. The Government of Myanmar should work with the Special Rapporteur to promote those rights, including in particular by ensuring that law enforcement officials were held accountable to an independent oversight body. In the report, the Special Rapporteur urged Parliament to amend the article in the Penal Code that penalized lesbian, gay, bisexual and transgender people. She asked how receptive he thought Parliament might be to that idea.

80. **Mr. Bekken** (Norway) said that a side-effect of increased freedom of speech was the media's new role in stirring up hatred. He would appreciate the Special Rapporteur's comments on that subject, particularly with respect to the assistance that the international community could provide. Secondly, while Myanmar was fortunately beginning to attract many investors, they needed to be socially and environmentally responsible if they were to play a truly positive role. He would be interested in the Special Rapporteur's views on the foreign investment situation. Lastly, since the Special Rapporteur's March report to the Human Rights Council would be his last, the Norwegian delegation encouraged him to provide a general perspective on the positive changes that had taken place in Myanmar during his mandate.

81. **Ms. Najwa** (Maldives) welcomed the commitment of the Government of Myanmar to political reform and democratization and commended its continued engagement with the Special Rapporteur. Her delegation urged the Government to consider his

recommendations for addressing the issues confronting all ethnic groups, including the Muslim populations. She asked how the United Nations could provide support for achieving reconciliation among Myanmar's ethnic groups.

82. **Mr. Aprianto** (Indonesia) commended the Government of Myanmar for the reforms that had brought about greater openness and political participation. Solving the problem of communal conflicts would be a complex task. It would require addressing root causes, enforcing the rule of law, nurturing tolerance through more inclusive dialogue and promoting social and economic development. Myanmar should create the conditions for economic growth by fostering entrepreneurship and investment, and the international community should continue to provide support, especially through capacity-building and technical assistance. For its part, Indonesia had contributed schools and other facilities in conflict-affected areas of Rakhine State, as well as a Red Cross team. The United Nations and the international community had provided valuable help, but the time had come for a fresh approach that would position Myanmar as a partner in development.

83. **Mr. Ojea Quintana** (Special Rapporteur on the situation of human rights in Myanmar), addressing the questions on Rakhine State, said that the increasingly permanent policy of keeping the Rohingya population in camps infringed on their rights to freedom of movement, health care and education. According to Government officials, there was no two-child policy, although there might have been one in the past. The Government was looking into the citizenship issue, and the international community should welcome its initiatives and encourage it to review the Citizenship Act of 1982.

84. With respect to communal and religious violence, decades of oppression had taught the peaceful people of Myanmar to respond to conflicts with violence. Another legacy of the military regime was the lack of accountability; the police forces emerging as the main security forces of the civilian Government had no understanding of the concept. He thought that the international community could be of assistance in addressing the difficult problem of police inaction. In his view, the Government was only beginning to realize the degree to which communal and religious violence endangered the transition.

85. The international community should support the ceasefire talks. After decades of fighting, a formal ceasefire agreement would be very important symbolically. With a ceasefire in place, the first step towards national reconciliation would be to bring everyone, including refugees and internally displaced persons, into the political dialogue. It would also be necessary to reform the Constitution to address the aspirations of the ethnic minority groups.

86. After decades of authoritarian government, it was difficult to restore the rule of law. There was no guarantee that laws would be enforced to protect foreign investments, and in many instances the authorities did not have a clear idea how the rule of law applied to their work.

The meeting rose at 6.30 p.m.