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Chair: Ms. Mesquita Borges (Timor-Leste)

Contents

Agenda item 68: 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 3.10 p.m.

Agenda item 68: Promotion and protection of human rights (*continued*) (A/69/36, A/69/383-S/2014/668)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/69/97, A/69/99, A/69/121, A/69/214, A/69/259, A/69/261, A/69/263, A/69/265, A/69/266, A/69/268, A/69/269, A/69/272, A/69/273, A/69/274, A/69/275, A/69/276, A/69/277, A/69/286, A/69/287, A/69/288, A/69/293, A/69/294, A/69/295, A/69/297, A/29/299, A/69/302, A/69/333, A/69/335, A/69/336, A/69/365, A/69/366, A/69/397, A/69/402 and A/69/518)

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*) (A/69/301, A/69/306, A/69/307, A/69/356, A/69/362 and A/69/398; A/C.3/69/2, A/C.3/69/3, A/C.3/69/4 and A/C.3/69/5)

1. **Ms. Keetharuth** (Special Rapporteur on the situation of human rights in Eritrea), commending Eritrea on its accession to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, expressed the hope that Eritrea would take the measures required to prevent torture. She urged the country to submit to the inquiry procedure stipulated under article 20 of that instrument and to accede to its Optional Protocol. While Eritrea's high-level engagement in its second universal periodic review was encouraging, its inadequate implementation of the first round recommendations and its selective approach to those made during the second round demonstrated the country's lack of goodwill in addressing its dire human rights situation. She encouraged Eritrea's Government to reconsider accepting the remaining recommendations, namely those relating to torture. Because the Eritrean authorities continued to deny her access to the country, she had drawn upon consultations with Eritrean refugees and migrants in five Member States in formulating her report. She appealed to the countries that had not yet responded to her request, or that had responded negatively, to grant her access to the relevant sources.

2. Despite life-threatening risks during flight, many Eritreans continued to flee forced conscription and

violations in the context of the national service, arbitrary arrests and detention, incommunicado detention, inhumane prison conditions, extrajudicial killings and enforced disappearances and torture, especially following the attempted coup in January 2013. Those conditions were compounded by a deteriorating economy, alarming levels of hunger, utility shortages and poor health care and access to medication that forced Eritreans to seek costly treatment in neighbouring countries.

3. The number of Eritreans migrating to neighbouring countries had increased from 2,000 to 4,000 monthly since 2013. Between January and September 2014, 32, 537 Eritreans had arrived in Italy by boat. The number of Eritrean asylum seekers had reached unprecedented levels: during the third quarter of 2014, 14, 600 had applied for asylum in 44 industrialized countries, the highest quarterly level ever recorded for that nationality. By mid-October 2014, more than 4,000 Eritrean minors, 3,200 of them unaccompanied, had arrived in Italy since the beginning of the year, which did not account for those who perished along flight routes. Those children, who put themselves at extreme risk of violence and abuse to escape forced conscription, join family members or improve their circumstances, required special protection.

4. Originally conceived as a nation-building programme, forced indefinite conscription was a main driver of flight from Eritrea and had been found by the International Labour Organization Committee of Experts to constitute forced labour. Grade 12 students, some of them minors, were conscripted and underwent compulsory military training. With no comprehensive demobilization programme, the majority of conscripts served most of their working lives for a paltry salary, facing penalties for draft evasion and desertion of up to five years' imprisonment or the punishment of their family members in the event that they were untraceable. Women were at particular risk of sexual abuse by officers in the chain of command or by peers.

5. She called on Eritrea's Government to limit its national service to the originally stipulated 18 months, end the compulsory training of Grade 12 students at the Sawa Military Training Camp, stop punishing family members of draft evaders and deserters, and establish a comprehensive demobilization programme. She also called upon the international community to ensure that development cooperation was subject to stringent due

diligence processes to ensure its compliance with international human rights norms and to grant at least temporary protection to those fleeing Eritrea, particularly unaccompanied minors, in accordance with the principle of non-refoulement.

6. As no perpetrators of abuses had yet been brought to justice, she welcomed the establishment by the Human Rights Council of a commission of inquiry to investigate all alleged violations of human rights in Eritrea, which had a widespread impact and a profound human dimension. Reiterating her offer for a frank, meaningful and open dialogue with the Government of Eritrea, she underscored the importance of treating all people with humanity and respect for their inherent dignity, regardless of their circumstances. The Government needed to show that it respected and fulfilled its human rights obligations by taking concrete steps to strengthen human rights in the country.

7. **Mr. Tesfay** (Eritrea) said that the report of the Special Rapporteur, which contained sweeping and unsubstantiated allegations, was politically motivated and aimed at effecting a regime change in Eritrea. In conflict with the principles of independence, impartiality and objectivity, the report unfairly targeted his country for its unconventional approach to governance and its strategic location on the Red Sea coast. Assembled piecemeal from annual human rights reports, politically hostile websites and social media outlets, it contained testimonials from asylum-seekers and refugees whose main motive was to seek refuge in developed countries and who therefore could hardly be considered credible witnesses. Moreover, the report failed to recognize the role of the occupation and unjust sanctions imposed against Eritrea in impeding its citizens' full enjoyment of their human rights and ignored the social, economic and political development that his country had achieved since independence.

8. In assuming the various roles of accuser, prosecutor, witness and judge, the Special Rapporteur violated the principle of non-interference enshrined in the Charter of the United Nations and had therefore become a problem rather than a solution. Eritrea's national service programme, which was similar to that of many countries, had been unfairly characterized as indefinite forced conscription and slave labour. The Special Rapporteur's call to suspend that programme, in spite of the threats posed by occupying forces, would hamper the mobilization and grassroots

participation of citizens in environmental protection efforts and the strengthening of infrastructure, participation that should be commended rather than condemned.

9. Moreover, the establishment of the three-person Commission of Inquiry on Human Rights in Eritrea and the appointment thereto of the Special Rapporteur was politically motivated and redundant, particularly in view of Eritrea's full engagement in the universal periodic review process. In her dual capacity, the Special Rapporteur would be required to submit two reports with overlapping content, thus undermining the independence of the Commission and Special Rapporteur. Valued at \$8 million, the combined budget for the two entities could be more productively used to build two or three health or education centres in Eritrea or any other developing country. In that context, his country called for the termination of both mandates.

10. The ongoing sanctions imposed against Eritrea and occupation of its territory, which particularly affected vulnerable groups such as women and children, should be considered collective punishment and, by extension, the highest form of human rights violation. He underscored that references to those obstacles were not intended as excuses or justifications for the human rights challenges that Eritrea faced, but served instead to contextualize the human rights situation in Eritrea by describing a reality that was frequently denied or avoided. The right to development and poverty eradication were fundamental human rights issues that must be taken seriously and tackled collectively.

11. No country could claim to have fulfilled all of its human rights obligations, and Eritrea's Government and people were working diligently to address remaining challenges in that area. In that context, its Government had announced its readiness to draft a new Constitution and had established a grassroots participatory political system aimed at strengthening good governance. It had engaged actively with the Office of the High Commissioner for Human Rights (OHCHR), having accepted roughly 100 recommendations covering a wide spectrum of human rights in the context of its second universal periodic review, and had acceded to the Convention against Torture. Women in Eritrea were allowed to own property, including land, and received equal pay for equal work.

12. Harmful practices such as female genital mutilation, early marriage and domestic violence were outlawed. Thirty per cent of the seats in its National Assembly were allocated for women, and one-third of local court judges were female. The Convention on the Elimination of All Forms of Discrimination against Women had been translated into local languages and disseminated broadly, and Eritrea had been one of the first countries to submit its national report on the Beijing Platform for Action.

13. His Government had expanded basic social and economic rights and social services throughout the country, including in remote areas, and was providing free education and training opportunities at the primary, secondary and tertiary levels with the aim of extending education to all its citizens. Eritrea had dramatically reduced the mortality rate of children under five, maternal mortality and the prevalence of malaria and HIV/AIDS, thereby fulfilling Millennium Development Goals 4, 5 and 6, and was on track to achieve Goals 2, 3 and 7.

14. In addition to having the lowest HIV/AIDS prevalence in Africa, Eritrea was polio- and measles-free and its child vaccination rate had reached nearly 100 per cent. It fully supported the Children, Not Soldiers campaign and had provided assistance to street children and integrated orphans into extended family or group homes with a view to eliminating orphanages. Constructive dialogue and cooperation through the universal periodic review mechanism was the key to future progress. All stakeholders that understood the challenges that Eritrea faced and had expressed their solidarity with the country could rest assured that its Government would not fail to advance human rights and achieve other important social and political goals.

15. **Ms. Hamilton** (United States of America) said that the citizens of Eritrea deserved a Government that was elected in a free, fair and transparent manner and that respected their human rights. While her country was encouraged by Eritrea's participation in the 2014 universal periodic review and its accession to the Convention against Torture, it remained concerned at the broad range of reported human rights violations by Eritrea's Government. The United States therefore urged the Government to afford greater respect for human rights and to provide information on the whereabouts and welfare of prisoners. It likewise urged Eritrea to grant the Special Rapporteur's request to

visit the country and to work with the Commission of Inquiry on Human Rights in Eritrea. Noting the recommendations contained in the report of the Special Rapporteur (A/HRC/26/45), she asked what additional steps the international community could take to address the situation in Eritrea.

16. **Ms. Tschampa** (Observer for the European Union) said that her delegation welcomed Eritrea's engagement in the universal periodic review and its accession to the Convention against Torture but remained deeply concerned at the high proportion of the population fleeing the country as a result of human rights violations and indefinite military conscription. The European Union called upon Eritrea to implement the universal periodic review recommendations and to assume its human rights obligations. It likewise called upon the country to engage in a constructive and open dialogue on its human rights situation and to cooperate with the Special Rapporteur and the Commission of Inquiry.

17. She asked what the international community could do to help implement the Special Rapporteur's recommendations that Eritrea's Government should discontinue its indefinite national service and demobilize conscripts who had completed 18 months of service, end arbitrary detention, promptly investigate allegations of extrajudicial killings, torture, rape and sexual abuse within the national service and bring perpetrators to justice. She requested the Special Rapporteur to elaborate further on best practices for the application of the United Nations Guiding Principles on Business and Human Rights for businesses investing in Eritrea.

18. **Mr. Rodríguez** (Cuba) said that Cuba did not support country-specific human rights resolutions or special mandates, primarily because those mechanisms disproportionately targeted countries of the South. Human rights should be promoted through genuine dialogue and cooperation. To that end, the universal periodic review constituted an effective mechanism for guaranteeing international cooperation.

19. **Mr. Hjelde** (Norway) said that his country was deeply concerned by ongoing human rights violations in Eritrea, which had an adverse impact on Eritreans' daily lives and prompted the flight of a large portion of the population. Commending Eritrea's participation in the universal periodic review, he called upon the Government of Eritrea to collaborate with the Special

Rapporteur to implement the recommendations contained in her report (A/HRC/26/45) and to implement the universal periodic review recommendations. In view of the unwillingness demonstrated by Eritrea's Government, he asked what States could do to address the human rights situation in Eritrea beyond continuing to call for the cooperation of its Government.

20. **Ms. Emadeldin** (Egypt) said that the human rights situation of a particular country should be addressed through constructive dialogue and cooperation between Member States and the use of human rights mechanisms. Egypt encouraged Eritrea's Government to implement the recommendations that it had accepted during the universal periodic review and called upon United Nations agencies and other stakeholders to support Eritrea's efforts in the area of human rights.

21. **Ms. Schmidt** (Switzerland) said that her delegation hoped that the recent establishment of the Commission of Inquiry on Human Rights in Eritrea would lead to an improvement in that situation, which remained of great concern despite the country's international obligations to protect human rights and repeated appeals by the international community to that end. Switzerland was particularly concerned by the extrajudicial killings, enforced disappearances, indefinite forced conscription, forced labour and restrictions on rights to freedom of expression, association and peaceful assembly in Eritrea and urged the country to take steps to address those violations. She asked which human rights challenges should be prioritized in order to advance the protection of human rights in Eritrea and to ensure the upholding of its international human rights obligations.

22. **Mr. Alemu** (Ethiopia) said that the work of the Special Rapporteur had enormous implications for peace and stability in his country's region. He invited the representative of Cuba to examine the letter that Ethiopia had submitted to the Chair of the Coordinating Bureau of the Non-Aligned Movement and expressed the hope that Cuba would continue to be a friend of his country's sub-region.

23. **Mr. Tituaña Matango** (Ecuador) said that Ecuador did not support country-specific human rights resolutions, which were politically motivated and did not protect human rights. Such measures frequently undermined existing mechanisms for international

cooperation, including the universal periodic review. Noting that all countries, including developed countries, faced challenges, he suggested that the countries behind the relevant resolutions should be more concerned about protecting the rights of migrants, refugees and exiles and reducing domestic inequalities.

24. **Ms. Kadra Ahmed Hassan** (Djibouti) said that the alarming human rights situation in Eritrea described by the Special Rapporteur was also affecting Eritrea's neighbours, particularly Djibouti, to which numerous refugees and deserters had fled without any hope of returning home. The high proportion of Eritreans, including women and children, who had died in the tragedy off the coast of Lampedusa was revelatory, inter alia, of the magnitude of the violations driving Eritreans from their country.

25. Djibouti welcomed the extension of the Special Rapporteur's mandate and the establishment of the Commission of Inquiry on Human Rights in Eritrea. Her delegation was concerned at the failure of the Eritrean authorities to cooperate with the Special Rapporteur and encouraged the Eritrean Government to engage in a sincere dialogue with all the special procedures mandate holders. Increased cooperation with regional human rights mechanisms through the implementation of the decisions of the African Commission on Human and Peoples' Rights would be a sign of goodwill in that regard. Her delegation welcomed the priority areas identified by the Special Rapporteur and her recommendations regarding the elimination of the shoot-to-kill policy and forced conscription, the promotion of cooperation with United Nations treaty bodies and regional bodies, and the release of prisoners, including political prisoners, who were being held without conviction.

26. Given the widespread human rights violations and secret detentions taking place in Eritrea, her Government was concerned about the fate of Djiboutian prisoners of war detained in Eritrea. The Eritrean Government must guarantee the physical integrity of Djiboutian soldiers and allow access to the International Committee of the Red Cross (ICRC), so that information on their whereabouts and conditions of detention could be obtained without delay. Her delegation urged the Eritrean Government to comply with its international human rights obligations and the relevant provisions of the Charter of the United Nations.

27. **Mr. Poveda Brito** (Bolivarian Republic of Venezuela) said that his country rejected the selective use of human rights for political purposes in violation of the principles enshrined in the Charter of the United Nations and denounced the creation of country-specific mechanisms with political aims. The submission of politically-motivated reports targeting specific countries breached the principles of universality, objectivity and non-selectivity that should be observed when addressing human rights issues. Convinced that such reports undermined the mandate of the Human Rights Council, Venezuela called for a continuation of the valuable progress that had been achieved toward the implementation of that mandate.

28. **Ms. Lack** (Germany) called upon Eritrea's Government to cooperate with the Special Rapporteur and the Commission of Inquiry to address ongoing human rights violations in Eritrea, particularly indefinite forced conscription, extrajudicial killings, enforced disappearances, arbitrary arrests and detention, torture, inhumane prison conditions and political repression. She asked if the Special Rapporteur could recommend any best practices with regard to inter-country cooperation aimed at countering human smuggling and trafficking. She would also like to know how the international community could work with Eritrean stakeholders to improve living conditions for Eritreans and bolster their optimism for the future, particularly given the challenges posed by youth migration.

29. **Ms. Wang Yi** (China) said that China had always supported the promotion of human rights through constructive dialogue and cooperation and was against country-specific resolutions and mechanisms. Recognizing the many challenges that Eritrea faced as a developing country, China hoped that the international community would view the human rights situation in that country in an impartial manner and engage its Government in constructive dialogue and cooperation.

30. **Mr. Bari-Bari** (Somalia) called upon the Government of Eritrea to comply with regional and international human rights mechanisms, including the Human Rights Council's Commission of Inquiry, to protect the rights of its own people, especially the most vulnerable among them.

31. **Ms. Vadiati** (Islamic Republic of Iran) said that her country rejected the appointment of special

mandate holders and country-specific resolutions. The exploitation of human rights for political purposes, including the selective targeting of specific countries in violation of the principles of the Charter of the United Nations, should be prohibited.

32. **Mr. Tesfay** (Eritrea) said that the statements and sound-bites echoed by a number of representatives confirmed their political agenda of effecting a regime change in Eritrea by any means necessary. That agenda followed a clear *modus operandi* based on perpetuating a perception of his Government as hostile to human rights. He warned the representatives who had criticized Eritrea that people who lived in glass houses should not throw stones.

33. **Ms. Keetharuth** (Special Rapporteur on the situation of human rights in Eritrea) said that Eritrea's Government needed to take concrete steps to align its policies and practices with its human rights obligations. She underscored that, while progress in certain areas had been made, human rights were interdependent, and a piecemeal approach that did not afford equal importance to all human rights would therefore be ineffective. As a first condition for building trust, the Government must open prison doors and grant the unconditional release of all prisoners of conscience and arbitrary detainees.

34. Eritreans should be able to live without the constant fear of their own arbitrary detainment or that of their family members. They must be able to rely upon the rule of law in the event of violations of their rights and to challenge those violations without fear of reprisals. The implementation of the 1997 Constitution was a pre-requisite for ending the culture of impunity in that regard. To allow Eritreans to achieve their dreams for a better future and liberate them from the fear of indefinite national service, she reiterated her call for a comprehensive demobilization programme and the elimination of compulsory military training for Grade 12 students. An open society with respect for freedom of expression and assembly must be fostered through the promotion of independent media outlets and the free operation of civil society organizations. To ensure that progress was being made, monitoring mechanisms, including that of the Special Rapporteur, should be granted access to the country, and Eritrea should cooperate fully with the Commission of Inquiry.

35. Further steps that the international community could take to address the human rights situation in

Eritrea included bilateral interventions and the prioritization of specific human rights violations. The international community must also continue to encourage Eritrea to respect international human rights standards. She underscored the importance of the United Nations Guiding Principles on Business and Human Rights as the normative framework for all businesses in the area of human rights and reiterated that addressing forced indefinite service and arbitrary detention must be at the forefront of efforts to strengthen respect for human rights in Eritrea.

36. **Mr. Shaheed** (Special Rapporteur on the situation of human rights in the Islamic Republic of Iran), introducing his report to the General Assembly (A/69/356), said that, despite the Islamic Republic of Iran's attempts to address international concerns regarding its human rights situation, which had included the adoption of amendments to the Islamic Penal Code and Criminal Procedure Code, the proposal of a charter of citizens' rights and the ratification of an additional International Labour Organization Convention, fundamental human rights violations persisted in that country, a situation that had been compounded by recent developments.

37. An alarming surge in executions had been reported, with at least 852 individuals executed since June 2013, the majority of them for crimes that did not meet the threshold of "most serious crimes". Severe malfunctions in the administration of justice were recurrent, as had been demonstrated by a recent execution carried out despite repeated and clear calls by the international community for a stay of execution in response to credible allegations of due process irregularities. Use of psychological and physical torture to solicit confessions and information from detainees was alarmingly widespread, and the resumption of parliamentary proceedings to adopt a law that appeared to undermine the independence of lawyers had prompted renewed concern.

38. Human rights defenders continued to be the object of defamation campaigns and arbitrary arrests, detentions and criminal charges based on broadly-conceived laws. Legislation restricted content that might offend Government officials or religious figures or that might undermine the Government's definition of decency. Social media websites were illegal for non-Government users, and access to hundreds of social, cultural and news websites remained blocked. Over 800 prisoners of conscience were detained, including at

least 35 journalists. Since May 2014, another 36 individuals in media-related professions had been arrested, summoned or sentenced in connection with journalistic activities or simply for publishing their opinions on social media websites.

39. At least 300 members of religious minority groups were reportedly imprisoned in the country, including 150 Sunni Muslims, many of whom had been charged with serious security offenses. Members of those minorities faced harassment in elementary schools and denial of access to post-secondary education, and Christian converts were subject to the systematic closure of their businesses, denial of licenses and dismissal from their jobs.

40. Decades of advancements in the area of women's rights had been undermined by discriminatory laws, policies and practices that institutionalized the second-class status of women. The adoption in 2012 of gender-rationing policies had led to a decrease of 13.8 per cent in the number of female students entering university between 2008 and 2013. Iranian women's incomes were estimated to be the lowest in Asia and the Pacific, and the country had one of the lowest rates of female participation in the labour market and one of the highest gender income gaps in the world.

41. A recent spate of acid attacks served as a reminder of the need to protect women in the Islamic Republic of Iran, of whom 66 per cent had reportedly experienced domestic violence. Iranian women wishing to leave an abusive situation must prove the presence of a significant risk of bodily harm or a threat to their lives and safety, and those seeking to obtain a divorce as a result of domestic violence must prove that the abuse was intolerable. To that end, he welcomed the Government's planned consideration of draft legislation to legally define all forms of domestic violence.

42. The sober reality of human rights in the Islamic Republic of Iran was a powerful reminder that human rights reform must be a central aspect of its national legislative agenda and of any dialogue between the Government and the global community. In that regard, the Government's implementation of its universal periodic review recommendations and formulation of explicit commitments toward the advancement of a substantive human rights agenda in the context of its upcoming review were crucial for the welfare of the Iranian people. He and other human rights entities

would serve as willing and determined partners in forging a path for the protection of human rights in the Islamic Republic of Iran.

43. **Ms. Vadiati** (Islamic Republic of Iran) said that she, as an Iranian woman, had never been subjected to the sort of treatment described in the report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran. She regretted having to use the Committee's time to respond to the allegations in the report, which had been submitted prior to the universal periodic review to further pressure her Government, undermine its efforts to play a constructive and positive role in all fields, including human rights, and to promote anti-Iranian and anti-Islamic sentiment.

44. It would appear that the Special Rapporteur preferred publicity and propaganda to human rights advocacy, and meeting with the press instead of interacting with her Government. She asked him to clarify whether the regular briefings hosted by the Permanent Mission of Canada and bilateral meetings arranged by Canadian authorities were in conformity with Human Rights Council resolution 5/2 containing the Code of Conduct for Special Procedures Mandate-holders of the Human Rights Council. Did his mandate also call for him to lobby for the selective and unjustified resolution submitted annually by Canada to the Committee?

45. The Islamic Republic of Iran objected to the distortion of its flag on the website of the Special Rapporteur and wondered whether that, too, fell within his mandate. His report did not take into account the substantive comments made by her Government, used unreliable sources and made unsubstantiated insinuations. The Special Rapporteur had failed to notice her Government's extensive cooperation with United Nations human rights mechanisms and had presented a flawed interpretation of her country's progress. Furthermore, he had refused to include comments from official and independent sources, preferring instead to use interviews with 118 persons, leading her Government to infer that he had not followed the Code of Conduct, which emphasized the use of reliable sources and the cross-checking of references. In general, the Special Rapporteur should avoid subjects of a very general nature and should pay more attention to information provided by the Iranian Government.

46. Her Government strongly believed in constructive interaction and cooperation with the United Nations human rights mechanisms and had prepared its response with the expectation that it would be seriously considered in the final report of the Special Rapporteur. Instead, the Special Rapporteur had largely ignored logical and documented responses and repeated ambiguous allegations based on his own interpretations in an unprofessional manner. The Islamic Republic of Iran expected the Special Rapporteur to denounce the unilateral coercive measures and other forms of sanctions imposed against its citizens in violation of their human rights and to adopt a clear and transparent stance against those actions. Although her Government seriously disagreed with the substance and methodology of the report, it would continue to promote human rights, not because of a politically motivated mandate, but because of its will and the will of its people to do so, as reflected by the June 2013 presidential election.

47. **Mr. Rishchynski** (Canada) said that the apparent worsening of the situation of human rights in the Islamic Republic of Iran demonstrated the continued need for in-depth reporting by the Special Rapporteur and the ongoing attention of the General Assembly with regard to the situation in that country. That continued attention enabled the international community to support those working on the ground to improve the human rights situation there.

48. Uneven application of national laws and reluctance to investigate claims of rights violations had led to a culture of impunity in the Islamic Republic of Iran, which would amplify human rights abuses and hinder meaningful reform. As it prepared for its second universal periodic review, the Islamic Republic of Iran would hopefully begin to engage meaningfully with the United Nations special procedures and take concrete steps to implement the recommendations that it had accepted in 2010. The Special Rapporteur considered the Islamic Republic of Iran capable of addressing a wide range of recurrent human rights concerns, and Canada hoped that it would take meaningful action to address them and bring about long-lasting human rights reforms.

49. He asked the Special Rapporteur to explain what measures the Islamic Republic of Iran could take immediately to tackle some of the persistent human rights concerns, in particularly with regard to the striking increase in the number of executions and the

prevention of legal errors in the judiciary process. His delegation would also appreciate the Special Rapporteur's comments on what concrete actions the Islamic Republic of Iran could take to support an environment where journalists and social media users could comment and publish without fear of government reprisal.

50. **Mr. Cardin** (United States of America) said that his country was deeply concerned by the deteriorating human rights situation in the Islamic Republic of Iran and regretted that its refusal to allow a visit by the Special Rapporteur. His Government was also preoccupied by reports of the torture and abuse of prisoners and detainees by Iranian Government security forces. The report of the Special Rapporteur highlighted, *inter alia*, the detention of some 35 journalist, including one American. He asked the Special Rapporteur how the Islamic Republic of Iran could bring its 1986 press law and other laws into greater compliance with international human rights standards.

51. His delegation also wished to know what additional measures the country concerned needed to take to broaden freedom of expression and counter the arbitrary detention of those who sought to exercise that right and what steps should be taken to limit pressure on the security apparatus in place for judges? Lastly, what measures should the Islamic Republic of Iran take to end official discrimination and imprisonment of individuals for practicing their faith and what could it do to protect the rights of religious minorities from societal and economic discrimination?

52. **Mr. Waheed** (Maldives) said that his delegation welcomed the positive overtures made by the representative of the Islamic Republic of Iran, yet it remained concerned about the existing limitations in that country on freedom of expression, association and assembly, and the arbitrary arrests and imprisonment noted by the Special Rapporteur. The Maldives welcomed the emphasis placed by the President of the Islamic Republic of Iran on gender equality, but was concerned by the lack of equal opportunity for women and the existence of discriminatory laws. He asked the Special Rapporteur how Iranian engagement with United Nations mechanisms could be better incentivized.

53. **Mr. Kim Song** (Democratic People's Republic of Korea) said that his Government was deeply concerned

by the lack of justice and impartiality demonstrated in the handling of human rights issues. Politically motivated activity targeting specific countries did not promote or protect human rights; on the contrary it only aggravated confrontation, antagonism and distrust. The creation of the mandate of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran was clearly politically motivated, and a violation of the principles of impartiality and non-selectivity.

54. Human rights could not be imposed from the outside; only through dialogue and cooperation could they be promoted and protected. Country-specific mandates, the result of the politicization of human rights mechanisms, only undermined trust among potential partners. The United Nations should no longer be exploited for political purposes by certain countries that used human rights issues as political weapons.

55. **Mr. Poveda Brito** (Bolivarian Republic of Venezuela) said that his delegation rejected politically motivated selectivity in dealing with human rights issues and the creation of any additional mechanism for a given country with the objective of taking politically motivated decisions. The use of human rights for political purposes constituted a violation of the principles of the Charter of the United Nations, while the adoption of politically motivated reports violated the principles of universality, objectivity and non-selectivity. His Government called for a continuation of the positive advances made since the creation of the Human Rights Council, the mandate of which was weakened by the drafting of politically motivated reports.

56. **Mr. Golyaev** (Russian Federation) said that his country did not support the mandate of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran or any of the mandates that had been created by the Human Rights Council. Unfortunately, the content of the report of the Special Rapporteur was extremely politicized, and not based in reality on several points. It also did not take into account the country's situation or the outside threats that impacted the Government. In view of the short interval that had passed since the current Iranian President had taken up his duties, any assessment of his governance was premature. Furthermore, unilateral economic sanctions imposed against the country had created serious obstacles to the implementation of

respect for human rights. The Russian Federation was convinced that cooperation rather than external pressure should be the basis of international negotiations.

57. **Ms. Belskaya** (Belarus) said that it was unfortunate that that year's report of the Special Rapporteur displayed the same ignorance as that of the previous year, particularly in its exclusive use of Western sources and comparison of Iranian customs to Western practices with regard to use of the death penalty, the status of women and citizens' rights. Those were clear examples of the double standards applied to the Islamic Republic of Iran by the Special Rapporteur and others. Belarus noted the disregard of Iranian national legislation, including its most recent changes, and the current situation in the country, including violence against citizens, all symptomatic of attempts to undermine the Iranian Government and stimulate anti-Government activities.

58. The selectivity of the mandate of the Special Rapporteur undermined the United Nations system and divided the Organization. For that reason, Belarus called for a return to dialogue on the situation of human rights in the Islamic Republic of Iran and any other country based on the universal periodic review and the avoidance of country-specific mandates.

59. **Ms. Walker** (United Kingdom) said that her Government was deeply concerned by a number of issues referred to in the report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, including the sharp increase in executions and the treatment of religious minorities, including the Baha'i and Christian communities. The United Kingdom fully supported the recommendations of the Special Rapporteur to stem the application of the death penalty to juvenile offenders and to extend the de facto moratorium to include stoning. It also supported the emphasis on an independent judiciary, the investigation of allegations of torture and mistreatment of detainees, and the eradication of all forms of discrimination. Those detained for the peaceful exercise of their right to freedom of expression, assembly, association, and political opinion should be released unconditionally.

60. The United Kingdom also supported the recommendations to ban child marriage and raise the marriageable age to 18 years, to define and criminalize domestic violence, and to expand the definition of

rape. Her Government noted the concerns of the Special Rapporteur with regard to the humanitarian impact of economic sanctions and recalled that, as a priority, the United Kingdom issued licenses for transactions for humanitarian goods. She asked the Special Rapporteur to describe what hindered improvement of the implementation of the rights of religious minorities in the Islamic Republic of Iran and what steps that country could take to ensure freedom of the press and freedom of expression.

61. **Ms. Schmidt** (Switzerland) said that Switzerland welcomed the report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran and that country's commitments made the previous year to bring about improvements regarding, for example, the Islamic penal code, the penal procedure code and a new charter of civil rights. Her Government awaited proof that those commitments had been implemented.

62. Modalities relative to the application of the death penalty, torture and repressive practices such as the arbitrary detention of human rights defenders and other critical voices and the violations of the rights of women were regrettable. Switzerland also regretted that ethnic and religious minorities, including Baha'is, Sunnis, Christians and Kurds, lived under constant threat of oppression. The severe penalties imposed against representatives of those minorities were particularly worrying. In that context, her delegation wished to know the thoughts of the Special Rapporteur on collaboration with Iranian authorities since the past year's presidential election and whether he expected to be able to visit the country. She also enquired about respect for the right to freedom of expression in the Islamic Republic of Iran and asked whether the international community could expect civil and political rights to be strengthened.

63. **Mr. Barkan** (Israel) expressed gratitude to the Special Rapporteur for finally exposing the reality of the situation of human rights in the Islamic Republic of Iran, a country that threatened world peace, objected to the basic human rights of Jews, including their right to self-determination, and shamelessly called for the destruction of a United Nations Member State. The true attitude of the Iranian Government toward human rights could be seen in the many executions, including of women and juveniles, that it had carried out.

64. Israel hoped that the multilateral system would endeavour to improve the situation of human rights in the Islamic Republic of Iran. Those who decried the politicization of country-specific reports often tolerated politicization in areas convenient for them. He asked the Special Rapporteur whether the Iranian people had any hope in the face of the blatant violations of human rights perpetrated by their Government.

65. **Mr. Hjelde** (Norway) said that his Government had a principled stance against the use of the death penalty and was deeply concerned by the exceptionally high number of executions reported in the Islamic Republic of Iran, in particular of juvenile offenders. Norway was also concerned about the systematic targeting of religious minorities, with some of the harshest treatment reserved for Baha'is and Christian converts, as well as the treatment of minority rights activists working to protect the rights of Azeris, Ahwazi, Arabs and Kurds. The arrest of journalists, bloggers and activists remained a widespread practice. The arbitrary detention of human rights defenders and lawyers was also cause for grave concern. His Government welcomed the announcement by Iranian authorities of reform agendas and expected them to fulfil the promises made of positive change and a more open society.

66. **Ms. Lack** (Germany) said that Germany fully supported the mandate of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran. The Iranian Government was urged to respond positively to the Special Rapporteur's numerous requests to visit the country. Germany was deeply troubled by the frequent use of the death penalty, its application to a growing list of offences, and the failure to observe minimum standards in court trials. Her Government was also concerned about evidence of grave violations of the right to freedom of religion or belief, particularly among persons belonging to Sufi Muslim, Christian and Baha'i communities. The Islamic Republic of Iran fell short of protecting all persons against discrimination and acts of violence on the basis of religion or belief.

67. Germany was also preoccupied by restrictions of the freedom of expression, assembly, and association. Iranian prisons were filled with individuals detained for peacefully exercising such fundamental freedoms. Her Government called for the release of such persons. The Islamic Republic of Iran should carry out its

international obligation to respect the human rights of all detainees, including their right to health, to protect all persons detained from torture, and to ensure that detention facilities respected human dignity and complied with international minimum standards. Germany did not believe that the Iranian people should suffer from economic sanctions aimed at their Government. She asked the Special Rapporteur whether he had encountered creative examples of how to prevent or counter over-compliance with sanctions, in particular in the banking sector.

68. **Ms. Schyler** (Observer for the European Union) said that the European Union welcomed the pledges made by the Islamic Republic of Iran and acknowledged the legislative and administrative changes made to address human rights concerns. Nevertheless, the persistence and possible worsening of human rights violations were very disconcerting. The European Union therefore urged the Islamic Republic of Iran to transform its pledges into concrete action. She asked the Special Rapporteur what concrete steps could be taken to improve the Iranian Government's compliance with its international human rights obligations, particularly under the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child. Furthermore, what measures could facilitate the implementation of the recommendations of the universal periodic review process and how could the United Nations contribute to that process?

69. **Mr. Kaminek** (Czech Republic) welcomed the comprehensive report prepared by the Special Rapporteur. The Czech Republic remained deeply troubled by the reports of persistent human rights violations, including the alarming number of executions, the treatment of persons deprived of their freedom, the restrictions on freedom of expression and peaceful assembly, the situation of women and the treatment of religious and ethnic minorities. Though his Government welcomed the positive statements made by the Iranian President in relation to freedom of expression, restrictions on that freedom continued to affect many areas of life. The right to seek, receive and impart information and ideas without fear or interference was important to the personal development and dignity of every individual and vital for the fulfilment of other human rights. He asked the Special Rapporteur to explain how the international

community could effectively support journalists and the free media in the Islamic Republic of Iran.

70. **Mr. Rodriguez** (Cuba), speaking on behalf of the Non-Aligned Movement (NAM) and as the coordinators of its Working Group on Human Rights, recalled that the heads of State and Government of NAM had, during their 16th Summit, had emphasized the role of the Human Rights Council as the United Nations organ responsible for the consideration of human rights situations in all countries, in the context of the universal periodic review based on cooperation and constructive dialogue.

71. In addition, the final document of the Algiers 17th Ministerial Conference of NAM re-emphasized that the exploitation of human rights for political purposes, including the selective targeting of individual countries, was contrary to the founding principles of NAM and the Charter of the United Nations and, as such, should be prohibited. The universal periodic review was the main inter-governmental mechanism to review human rights issues at the national level in all countries without distinction. The continued submission of politically motivated resolutions targeting NAM member States and the proliferation of the country-specific reports deepened the politicization of human rights issues and impacted the credibility of the Human Rights Council as the competent authority for assessing and acting upon human rights violations in all countries, regardless of their level of development and political affiliation.

72. **Ms. Wang Yi** (China) said that China noted the report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran and had always maintained that countries should address human rights considerations through constructive dialogue and cooperation. It opposed the use of country-specific resolutions to exert pressure, which, instead of improving human rights situations, provoked confrontation.

73. China welcomed the efforts made by the Government of the Islamic Republic of Iran in promoting and protecting human rights and understood the challenges that the country faced in that regard. It hoped that the international community would view the human rights situation in a comprehensive and objective manner, respect the country's religious and cultural traditions and cooperate with the Iranian

Government to provide practical and constructive assistance in promoting and protecting human rights.

74. **Mr. Tituaña Matango** (Ecuador) said that his Government did not support country-specific resolutions on the situation of human rights. The mandate of the Special Rapporteur was the result of a politically motivated resolution that did not contribute to the promotion and protection of human rights. On the contrary, it undermined the sovereignty of States and affected relationships of cooperation while weakening existing United Nations human rights mechanisms. It weakened the universal periodic review mechanism, which Ecuador fully supported and wished to defend. His delegation regretted that the resolutions and special procedures mandates had been created under double standards in order to specifically single out countries of the South. The developed countries that promoted those exercises should concern themselves with the protection of the rights of migrants and refugees worldwide and the reduction of domestic inequalities.

75. **Ms. Sabja** (Plurinational State of Bolivia) said that her Government maintained its position concerning politicized country-specific reports and the selective human rights-related decision-making against countries of the South. All Governments were subject to the universal periodic review mechanism, which incorporated the principles of objectivity and impartiality, non-selectivity and respect for national sovereignty. The effective promotion and protection of human rights could only be achieved through cooperation and constructive dialogue and with the participation of the countries concerned.

76. **Ms. Alsaleh** (Syrian Arab Republic) said that the report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran would undermine the credibility of the international political and human rights mechanisms, especially the procedures for dealing with human rights. As a position of principle, her delegation fully rejected the selective use of human rights questions to interfere in any country's domestic affairs under the pretext of humanitarian issues. Such an approach was contrary to the provisions of the United Nations Charter, which enshrined the principle of the equality and sovereignty of all Member States.

77. **Mr. Tesfay** (Eritrea) said that his Government strongly believed that only the people should determine

their destiny. They did not want or need external advisors, advocates or activists. It was a pity that the Committee had gathered to determine the future of peoples based on reports compiled by a handful of supposed experts. Even lawfully elected officials had difficulty determining the right course of action for those who had elected them. Much responsibility had been entrusted to the special procedures mandate holders; though what was truly needed was constructive dialogue and cooperation through the universal periodic review mechanism. Threats, intimidations and preconditions had not worked in the past and would not work in future. An end should be put to country-specific resolutions and the use of selectivity and double standards. The way forward could be found in engagement and dialogue.

78. **Mr. Shaheed** (Special Rapporteur on the situation of human rights in the Islamic Republic of Iran), responding to the remarks made by the representative of the Islamic Republic of Iran, said that his report relied heavily on Iranian Government sources, in particular, the data on domestic violence. He was able to consult official Government websites and reports, including United Nations reports bearing the stamp of the Iranian Government. Those sources were supplemented with information provided by witnesses, which helped to shed light on the textual sources. A large number of people interviewed for the report did live in the Islamic Republic of Iran and came from a variety of backgrounds. Meetings arranged by the mission of the Islamic Republic of Iran in Geneva had also afforded him the opportunity to meet with Iranian officials and raise the issues mentioned in the report.

79. He also welcomed remarks made by the representative of the Islamic Republic of Iran regarding her Government's commitment to pursuing human rights reform. He believed that the best source of human rights reform came from domestic sources and that the country had great intellectual capital. With regard to the concerns raised about his adherence to the Code of Conduct for Special Procedures Mandate-holders, he emphasized that he followed the Code strictly. It required, inter alia, that he engage in dialogue with Governments and civil society and, in addition to cooperation with Governments, that he perform advocacy and awareness-raising work. His work represented all of those areas to the extent possible and in the time allotted.

80. In terms of what could be done immediately, the Islamic Republic of Iran should consider an immediate and unconditional moratorium on the execution of juvenile offenders. He welcomed the advancements made on the criminal procedures code, which should also be extended to juveniles. No existing law prevented the Islamic Republic of Iran from immediately suspending public executions. Furthermore, the Government should consider a moratorium on the death penalty given its own internal reviews with respect to the efficacy of the punishment in deterring certain crimes.

81. It was his understanding that a review of the efficacy of the death penalty in deterring drug-related offences would take place, and he welcomed it. A moratorium on the death penalty should be in place anyway, given the longstanding issues regarding due process safeguards that required immediate attention. There was also nothing preventing the Islamic Republic of Iran from releasing political detainees, including those having had no legal due process whatsoever. Others could also be released given the political nature of their detention.

82. With regard to impunity, the Islamic Republic of Iran had on occasion taken action against allegations of torture, but such steps should be more consistent. State policy should be to investigate all reports of torture and to end such practices by penalizing perpetrators. The rule of law would go a long way to ensuring that the Islamic Republic of Iran met its international human rights obligations voluntarily; however, the law was too often disregarded and other interests undermined the rights of citizens. Should the promises made by the President be operationalized, that would contribute significantly to addressing issues of non-discrimination and guaranteeing that even the Baha'i community would enjoy their rights. The Islamic Republic of Iran, like all States present, had a law recognizing the equality of its citizen. Baha'is should be given the same right.

83. **Ms. Vadiati** (Islamic Republic of Iran) said that it was ironic that the representative of Israel, the country to whose longstanding occupation could be attributed the root causes of all instability, extremism, radicalism and armed conflict in the Middle East, was concerned about the situation of the Islamic Republic of Iran, which had been the land of Jews, Christians, Muslims and Zoroastrians for over 1,000 years. No one had forgotten the war crimes committed against children in

Gaza only a few months earlier. The support of Canada and Israel for the special procedures mandate holders revealed just how impartial and independent those mandates truly were.

84. **Ms. Yanghee Lee** (Special Rapporteur on the situation of human rights in Myanmar), introducing her report, [A/69/398](#), welcomed the cooperation of the Government of Myanmar, in particular during her July visit to the country. Myanmar was at a critical juncture in its history: the integration of international human rights standards into the developing democratic process was crucial if gains were to be genuine, sustainable and worthy of the support of the people of Myanmar. She welcomed initial reforms that had been conducted since the establishment of the new Government three years prior, but remained concerned by the signs of possible backtracking.

85. She commended continuing efforts to reach a nationwide ceasefire, but the terrible suffering caused by ongoing conflict required international organizations to have better access to non-Government controlled areas for humanitarian purposes. The Government had made welcomed efforts to prevent the use of child soldiers and work towards discharging and rehabilitating those previously involved in combat, but there were still reports of child recruitment by State military and non-State armed groups. She therefore urged the Government to renew its focus to release and reintegrate child soldiers back into society. She also continued to hear allegations of the arbitrary arrest and torture in the detention of young men in ethnic border areas. Such matters should be investigated and accountability mechanisms implemented in order to tackle the ongoing impunity of the military.

86. She was also profoundly disturbed by the deplorable conditions and suffering of those living in Buddhist and Rohingya Muslim camps in Rakhine State. Conditions for Rohingya Muslims, who faced systemic discrimination, were exacerbated by their lack of legal status. Steps should be taken immediately to address the health situation in the camps for internally displaced persons and those living in isolated locations. Though sensitive to use of the term “Rohingya”, she noted the right of minorities to self-identify and the related State obligation to ensure that individuals and groups were not discriminated against. In that connection, it was distressing that the Rohingya were required to identify themselves as Bengali as a

precondition to their participation in the citizenship verification process.

87. During her visit to Rakhine State, she had been given a brief overview of the Rakhine State Action Plan. She welcomed Government efforts to develop a comprehensive solution, but urged it to address the underlying human rights issues in the region. In particular, the plan should not result in the permanent segregation of the two communities, nor should it allow for a long-term internment of those who had not passed the citizenship verification test.

88. The grievances of the Rakhine Buddhist community should be taken into account when addressing intercommunal violence. Growing antagonism against Muslims and other minority communities should be addressed proactively. Political leaders, public officials and religious leaders had the responsibility to do so. Development, the aspiration of the Government of Myanmar and its citizens, should be delivered through a human rights lens; otherwise it would exacerbate the root causes of poverty and lead to conflict. The Government had an opportunity to proactively manage development and investment processes to ensure a rights-based and people-centred form of sustainable development.

89. Democratic reform required the need to build the rule of law and the administration of justice simultaneously. She encouraged efforts to ensure an independent judiciary that was properly resourced and accountable. Under no circumstances should trials be conducted behind closed doors without legal representation and with defective evidence. She welcomed the recent release of U Kyaw Hla Aung, but was concerned at the large number of political prisoners still detained. She called for their immediate and unconditional release. Reports of a decision not to amend the Constitution were distressing; and she urged the Government to reconsider that decision as a matter of priority.

90. The 2015 election process should be monitored closely and assessed against international standards. That would be the central focus of her country visit in January 2015. For the effective exercise of the right to vote, the freedoms of expression, assembly and association should be fully protected. She was also concerned about a number of existing restrictions that limited who could stand as a candidate or be members of political parties. Though she had been unable to

access a copy of the amendment to the Political Parties Registration Law that had been signed into effect by the President on 30 September, it reportedly provided that only full citizens could form and become members of political parties, which meant that associate and naturalized citizens, including temporary certificate holders, were deprived of the right to take part in the conduct of public affairs. She also recommended that the rules related to campaigning be modified to remove unnecessary restrictions.

91. Increased freedom of expression, in particular media freedom, was a key achievement of the reform process. However, the Peaceful Assembly and Peaceful Procession Act and other laws were being applied to intimidate and harass civil society and journalists. The Government of Myanmar and all international partners should fully mainstream human rights into the institutional, legal and policy framework. Much could be achieved at that moment by engendering a culture of respect for human rights among all State institutions and the public.

92. **Mr. Tin** (Myanmar) said that, despite his Government's opposition to country-specific mandates, it had always facilitated the visits of Special Rapporteurs, as part of its policy of cooperation with the United Nations. He appreciated the Special Rapporteur's commendation in her report of Myanmar's important transition and far-reaching reforms. However, the report's failure to cite at least some of the many measures taken by his Government to promote human rights lessened its balance and objectivity. In particular, his delegation rejected the Special Rapporteur's conclusion that Myanmar had backtracked, an assessment that contradicted the Secretary-General's positive assessment of his Government's commitment to further reform.

93. The commendable steps taken by the Government of Myanmar to promote human rights included its peaceful approach to transition; the release of prisoners of conscience; increased media freedom; the conclusion of ceasefire agreements with 14 of 16 armed groups; the absence of restrictions on Internet use; the abolition of forced labour and underage military recruitment; the establishment of bilateral human-rights dialogue mechanisms with the United States, the European Union and Japan; the drafting of a law on violence against women; the launch of a pilot citizenship verification process and the resumption of humanitarian assistance in Myay Pon township; and

the drafting of a strategic action plan for stability and development in Rakhine state.

94. A large portion of the Special Rapporteur's report had dwelt on the Constitution and election laws. While the Constitution was not flawless, it had paved the way for an inclusive political system. His Government recognized the need to amend the Constitution gradually; to that end, a committee for amending the constitution had reviewed suggestions submitted by the people and had made its own recommendations to Parliament, which was currently debating the issue. There was no one-size-fits-all constitution acceptable to all countries.

95. His Government had great difficulty with the sweeping allegations of arbitrary arrest, torture and other human rights violations. In Myanmar, no one was arrested without violating the law or for contacting the Special Rapporteur. Although individual rights violations did occur, there were also plenty of cases in which members of the armed forces had been sentenced for committing criminal offences. The most important point was that such violations did not constitute Government or military policy.

96. The Special Rapporteur had expressed concern about the legal action taken against some journalists. They had been arrested not for their reporting but for trespassing on restricted military facilities. Even the most democratic nations would not allow such crimes to go unpunished. For its part, the media should not abuse its rights or freedoms to incite instability. With regard to the case of a detainee who had died in custody, he was a member of an armed group, not a reporter, and his unfortunate death had occurred when he had seized a weapon in an attempt to escape. That said, instead of focusing on individual arrests, the country's situation must be judged from the broader perspective of the direction in which it was headed. Rather than criticize the slow pace of reforms, positive changes should be welcomed and encouraged.

97. Myanmar was still a budding democracy with little democratic experience, as well as a multi-ethnic and multi-religious country with 16 major ethnic armed groups. One-sided criticism would only make the situation worse. Despite significant changes, Myanmar continued to face a relentless demand for perfection. The country was open and anyone wishing to see its situation first hand could visit his country. There was therefore no need for a United Nations mandate on the

situation in Myanmar. The time had come for a shift to cooperation with the country in order to address the remaining challenges.

98. **Ms. Vadiati** (Islamic Republic of Iran), speaking on behalf of the Non-Aligned Movement (NAM), said that the Movement had emphasized the role of the Human Rights Council as the United Nations organ responsible for considering human-rights situations in all countries, under the Council's universal periodic review and on the basis of cooperation and constructive dialogue. The outcome document of the Movement's 17th Ministerial Conference called for prohibiting the selective targeting of individual countries and condemned the exploitation and abuse of human-rights issues. The universal periodic review was the main intergovernmental mechanism to review human-rights issues in every country. Continuing to submit country-specific resolutions would only serve to further politicize human-rights issues.

99. **Ms. Safitri** (Indonesia) said that Myanmar had made significant progress in its transition to democracy. Her Government would stand by Myanmar as it pursued its reform agenda. The international community should continue to engage constructively with the country and support its democratic transition. Preparing a nation for freedom and openness, a formidable task, was doubly difficult for a multicultural country like Myanmar. As a country with similar complexity, Indonesia's own experience had shown it the value of tolerance and harmony, which must be nurtured by promoting dialogue and stimulating economic activity. A peaceful society must be receptive to new ideas, and peace was indispensable for development. Indonesia encouraged the Government of Myanmar to continue its outreach to different ethnic groups and pursue efforts to strengthen and expand the all-inclusive political dialogue. Addressing the root causes of communal violence was just as important.

100. **Ms. Walker** (United Kingdom) thanked the Special Rapporteur for her frank report and welcomed the access granted her by the Government of Myanmar. The Government's progress on a number of human-rights issues and its release of some 200 child soldiers in recent months were worthy of note. Continued progress would require determination and energy to tackle the challenges remaining. In particular, the plight of the Rohingya community remained a serious

concern. Steps must be taken to ensure that humanitarian agencies had full access to Rakhine state.

101. **Ms. Moreno Guerra** (Cuba) reiterated her Government's traditional rejection of the selective, politicized practice of considering human-rights situations on a country-specific basis, a practice that had led to the discrediting of the defunct United Nations Commission on Human Rights. The establishment of the Human Rights Council and its universal periodic review mechanism had made it possible to consider human-rights situations in all countries on an equal basis through constructive dialogue. She welcomed the progress made by Myanmar and called on all States to work with the country in the context of a respectful dialogue. Country-specific resolutions merely contaminated the analysis of such important issues, instead of reflecting genuine concern for them.

102. **Mr. Sengsourinha** (Lao People's Democratic Republic) said that his delegation welcomed the remarkable progress made by Myanmar towards socio-economic reform and promoting and protecting human rights. He encouraged the international community to continue its support of the Government of Myanmar, particularly through technical assistance and capacity-building. Moreover, international engagement with the country on human-rights issues under the universal periodic review mechanism should be objective, non-selective, non-politicized and informed by the principles of respect for national independence, sovereignty and territorial integrity.

103. **Ms. Nguyen** Phuong Nga (Viet Nam) said that the universal periodic review mechanism and bilateral dialogues with international partners were the best and most productive ways to assist Myanmar in its democratization process and efforts to promote and protect human rights. The country's achievements in economic and social development, democratization and national reconciliation were commendable. Her delegation also lauded Myanmar's contribution as chair of the Association of Southeast Asian Nations (ASEAN) to enhance cooperation among States in the region, including on human rights, as they moved towards the establishment of an ASEAN community in 2015.

104. **Ms. Al-Shawan** (Saudi Arabia) welcomed the cooperation by the Government of Myanmar with the Special Rapporteur during the latter's visit to the

country in July 2014. However, her delegation was concerned by the sectarian conflict in Myanmar, particularly its repercussions on the Rohingya community, whose basic rights and access to food and health care had been curtailed significantly by restrictions on freedom of movement. Citizenship and ethnic identity remained contentious issues, as individuals were given a limited range of options for ethnic self-identification. Against that backdrop, the destiny of the Rohingya community was uncertain.

105. **Mr. Neo** (Singapore) said that Myanmar's economic and political transformation over the previous two years had been encouraging. However, the international community should regard the inevitable challenges of such a transition with patience. The reform process in a multi-racial country like Myanmar, which had endured six decades of continuous conflict, would understandably present difficulties. The Government's regular meetings with various ethnic groups to engage in dialogue and discuss a nationwide ceasefire agreement were encouraging signs. Nation-building could not be hurried.

106. The situation in Rakhine state remained a complex and delicate issue. Singapore hoped that Myanmar's efforts to improve transparency and address the humanitarian needs of affected communities, in cooperation with the United Nations and other partners, would restore peace and stability in the country and lead to political and economic development. The international community should continue to strengthen its development partnership with Myanmar, as Singapore had done over the years. His delegation also urged the European Union to reconsider its decision to table its annual draft resolution on the human rights situation in Myanmar, as such country-specific resolutions were inherently divisive and unhelpful.

107. **Ms. Schyler** (Observer for the European Union) welcomed the Special Rapporteur's proposals regarding the steps taken by the Government of Myanmar towards political and legal reform, national reconciliation, and addressing remaining challenges, including the situation of ethnic minorities, particularly the Rohingya community in Rakhine state. She enquired how the international community could work best with the Government to ensure humanitarian access remained unimpeded. Ahead of the upcoming elections, she would also like to know in which areas

reform was most necessary over the following year. Lastly, she wondered in which areas the Special Rapporteur deemed the expertise and support of OHCHR most helpful.

108. **Mr. Lee Jung-hoon** (Republic of Korea) said that his Government acknowledged the progress made by Myanmar in its reform process since 2011 and welcomed the recent ceasefire agreement and the opening of political dialogue with various groups. He hoped that the report of the Special Rapporteur would help Myanmar move towards national reconciliation and development and that the country would take steps towards realizing the recommendations contained therein. For its part, the Republic of Korea fully supported the work of the Special Rapporteur and would continue to share its experience in political development.

109. **Mr. Kaminek** (Czech Republic) expressed concern about the reports of arrests of journalists reporting on sensitive issues. While amnesty had served to tackle the symptoms of that phenomenon, amending the legislation that provided the grounds for such arrests would address its root cause. He enquired whether amending legislation that impeded media and civil society activities prior to the 2015 elections would contribute to the legitimacy of those elections and to international acceptance of their results.

110. **Mr. Hisajima** (Japan) said that his delegation was encouraged by the efforts made by the Government of Myanmar. He would welcome more information about the situation of women's rights in the country.

111. **Mr. Grant** (Canada) said that his Government welcomed the important transition undertaken by Myanmar in pursuing significant reforms. Canada had established its first embassy there in 2013, and it had designated the country a priority development and commerce country in support of its democratic transition. Nevertheless, there were still a number of areas of concern, including human rights and the protection of members of ethnic and religious minority communities. Continued discord among religious minorities should be monitored closely by the international community. Long-term peace would require transparency from all parties, as well as dialogue and cooperation. His delegation would like to know what the Government of Myanmar could do to protect ethnic and religious minority communities, and

what measures should be taken in preparation for the upcoming elections in order to ensure that they were free and fair.

112. **Ms. Shahula** (Maldives) said that the continued engagement by the Government of Myanmar in the transition process was commendable. However, her Government was concerned about the situation of Rohingya Muslims. She asked the Special Rapporteur to elaborate on the final recommendations in her report. The international community should engage with and support Myanmar through policy dialogue and technical assistance.

113. **Ms. Hamilton** (United States of America) said that her delegation welcomed the success of the Special Rapporteur's recent visit to Myanmar and its Government's cooperation with her mandate. The United States remained concerned about the crisis in Rakhine state, where members of the Muslim community continued to face systematic discrimination, including limited access to health care and education, restricted freedom of movement, arbitrary arrests, torture, ill treatment, denial of fair trials, rape and sexual violence. The segregation of communities living in Rakhine state must be addressed and violations must be investigated in order to hold the perpetrators accountable. She wondered what steps the Government of Myanmar should take to install accountability mechanisms in order to prevent violations by security forces.

114. Noting the distressing trend of threats and intimidation of civil society activists and journalists and legislation to criminalize or impede their activities, she welcomed the dialogue between the Myanmar Press Council and senior Government officials. What were the Special Rapporteur's impressions of that dialogue and what further steps should the Government take to ensure that journalists and civil society actors enjoyed the rights of freedom of expression and peaceful assembly? Lastly, she enquired what steps should be taken by the Government to open an OHCHR country office and how it should go about resolving the issue of reviewing the cases of prisoners of conscience.

115. **Mr. Hjelde** (Norway) said that, despite improvements in many areas in Myanmar and a strong commitment among the parties in their efforts to establish a ceasefire and launch an all-inclusive political dialogue, many challenges remained,

particularly with regard to the situation of minorities in Rakhine state and other areas. With regard to the 2015 elections, which would be an important benchmark for Myanmar's continuing democratic transition, his delegation would welcome further reflections on how the international community could best support the country in that process. Furthermore, Norway supported the establishment of an OHCHR office in Myanmar.

116. **Ms. Schmidt** (Switzerland) said that her Government welcomed the important reforms undertaken by the Government of Myanmar and encouraged it to take into consideration the recommendations of the Special Rapporteur. Switzerland also called on Myanmar to continue to protect the freedoms of expression, peaceful assembly and association and to ensure the effective participation of civil society, relevant communities and women in every aspect of the transition and peace processes. Lastly, Myanmar should continue to enhance its cooperation with the Office of the High Commissioner for Human Rights, including by establishing an OHCHR office in the country. Her delegation would like to know how the Special Rapporteur planned to support reform efforts in cooperation with the Government of Myanmar, with a view to opening an OHCHR office, and what her priorities would be for her next visit to the country.

117. **Mr. Golyaev** (Russian Federation) said that in light of the improvements in the human rights situation in Myanmar, there was no basis for the Special Rapporteur's description in her report of backtracking. The country was undergoing a complex and difficult transitional period, and in Rakhine state the Government had had to deal with casualties and post-conflict devastation. An action plan was in place to promote stability, the rule of law and socioeconomic development and ensuring the peaceful coexistence of both communities. It was therefore more important to foster dialogue than to persist in making criticisms that were not useful. Moreover, any activities in the country should be carried out on the request and with the express consent of the Government, including the possible opening of an OHCHR office.

118. **Ms. Wang Yifei** (China) said that her Government welcomed the positive developments in Myanmar while also acknowledging the country's challenges, which could only be overcome by the people of that country. China favoured constructive

dialogue over the use of country-specific resolutions and mandates. The international community should provide assistance in a manner that respected Myanmar's sovereignty, in strict accordance with the mandate to evaluate human rights situations in a balanced manner. Furthermore, caution and prudence should be exercised in calling for the opening of an OHCHR office in Myanmar, with due deference to national sovereignty and the will of the people.

119. **Ms. Lee** (Special Rapporteur on the human rights situation in Myanmar) reiterated that much could and must be achieved at the current, critical juncture, which could engender a culture of respect for human rights among all States, institutions and the public at large. Fostering a culture of respect and harmony was the most important step in helping Myanmar to achieve its aspirations for a democratic and prosperous society.

120. Implementing the Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence would provide a useful starting point for addressing the entrenched antagonism, incitement to hatred, suspicion and fear of the other in Myanmar. Moreover, religious and political leaders must go the extra mile to reach out to the various religious and ethnic communities in pursuit of interfaith dialogue, lest the culture of violence and suspicion of other groups undermine the progress Myanmar had achieved. If the peace process was to be enduring and sustainable, it was crucial for women to participate. To that end, women's participation in public life, within and beyond the peace process, must be encouraged further.

121. For her next visit to Myanmar, she would focus on monitoring and reporting back on the process leading up to the 2015 elections. One of the most important considerations for that electoral process was the need to lift cumbersome restrictions on campaigning, which was strictly regulated and which could be deterred using laws on peaceful assembly or association. In the absence of free campaigning and movement, the people would not benefit from the flow of information, resulting in an uninformed electorate incapable of making the right decision at the polls. Furthermore, it would be necessary to consider the eligibility of persons to stand for office or join political parties.

122. It was not her position to comment on how to approach the decision to open an OHCHR office in Myanmar; that matter remained to be resolved by OHCHR and the host country. However, OHCHR could be an asset to the country's reform process and future. As such, it should be viewed as a partner, not a policing force. Monitoring and technical assistance could go hand in hand.

123. As a citizen of South Korea, she was proud that her country had been able to achieve full democratization and freedom through continued international engagement and the empowerment of civil society and the public. In that regard, the value of tolerance and harmony could not be overstated. The situation in Rakhine state deserved genuine consideration from both communities and an honest assessment. The resumption of humanitarian assistance was one possible area of improvement. On her next visit, she would return to Rakhine state in order to assess the results of the Rakhine plan of action on the ground and to assist in fostering dialogue between the two communities, whose grievances must be addressed.

The meeting rose at 6.05 p.m.