



General Assembly

Seventieth session

Official Records

Distr.: General
20 November 2015

Original: English

Third Committee

Summary record of the 22nd meeting

Held at Headquarters, New York, on Wednesday, 21 October 2015, at 3 p.m.

Chair: Mr. Mohamed (Vice-Chair)..... (Guyana)

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In the absence of Mr. Hilale (Morocco), Mr. Mohamed (Guyana), Vice-Chair, took the Chair.

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

Agenda item 72: Promotion and protection of human rights (continued) (A/70/40)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (continued) (A/70/56, A/70/111,

A/70/154, A/70/166, A/70/167, A/70/203, A/70/212, A/70/213, A/70/216, A/70/217, A/70/255, A/70/257, A/70/258, A/70/259, A/70/260, A/70/261, A/70/263, A/70/266, A/70/270, A/70/271, A/70/274, A/70/275, A/70/279 and Corr.1, A/70/285, A/70/286, A/70/287, A/70/290, A/70/297, A/70/303, A/70/304, A/70/306, A/70/310, A/70/316, A/70/334, A/70/342, A/70/345, A/70/347, A/70/361, A/70/371, A/70/405, A/70/414, A/70/415 and the Note by the Secretary-General transmitting the report of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence)

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

(A/70/313, A/70/332, A/70/352, A/70/362, A/70/392, A/70/393, A/70/411 and A/70/412; A/C.3/70/2, A/C.3/70/4 and A/C.3/70/5)

1. **Mr. Nambiar** (Special Adviser to the Secretary-General on Myanmar) said that he had visited Myanmar seven times since his last report to the Third Committee. The 2015 report of the Secretary-General on the situation of human rights in Myanmar (A/70/332) covered the period from August 2014 to August 2015. Myanmar could not be described as a fully-fledged democracy, but the Government had shown a steady, albeit sometimes tenuous, commitment to internationally recognized democratic values, norms and institutions. However, the status and role of the military in the political structure of the State remained largely unchanged. Military representatives in Parliament had used a bloc veto to prevent amendments to the Constitution proposed by opposition members. Nonetheless, civil society institutions had expanded.

2. The growing economy had opened up to foreign investment and advanced in terms of liberalization and deregulation. The Government had intensified its engagement with the international community in areas including human rights issues, and over the previous two years it had cooperated with the Secretary-General's Partnership Group on Myanmar. There had been a series of visits to Myanmar by senior United Nations officials in recent months.

3. Although a number of political prisoners had been released, the arbitrary arrest and detention of peaceful protestors, activists and civilians continued. The Government's strong reaction to student protests in February and March 2015 had attracted widespread international criticism. Student protestors and other political prisoners remained in custody. Institutionalized discrimination against the minority Muslim community, particularly the Rohingya minority, continued to tarnish Myanmar's human rights image. That issue had come under close international scrutiny following the irregular migration crisis in early 2015 when Muslim refugees from Bangladesh and Myanmar were stranded on boats in the Andaman Sea and the Bay of Bengal on the way to Malaysia and Indonesia.

4. Over 100,000 internally displaced persons in Rakhine State remained in camps with restrictions on their movement and without religious freedom or access to basic facilities for their health, education and livelihoods. Despite promises by the authorities to provide those persons with early access to citizenship and status verification, the majority remained in a precarious situation. Although no progress had been made regarding the establishment of an office of the Office of the High Commissioner for Human Rights (OHCHR) with a full mandate in Myanmar, the Office of the High Commissioner continued to engage with the Government on policy dialogue, advocacy, technical cooperation and capacity building in numerous areas.

5. The November 2015 election, the largest in the country's history, would be a decisive test of Myanmar's transition to democracy. The preparatory work undertaken by the Union Election Commission was encouraging. The readiness of the election authorities to receive international assistance and support for election management, education, training and monitoring could enhance confidence in the likelihood of free and fair elections. Several

international institutions had been invited to Myanmar, and the United Nations system had an ongoing programme of activities including training workshops and the provision of electoral supplies. International and local observers would be on the ground during the elections, and both the Government and the Army had made public commitments to ensure the conduct of free and fair elections and respect the outcome. Opposition parties and groups had acted responsibly.

6. Ensuring appropriate voter education across Myanmar to familiarize voters with the process had been hugely challenging, and questions relating to the accuracy, reliability and completeness of the voting lists had been raised. Due to recent floods, it was likely that there would be some postponements in Kachin, Shan, Bago, Kayin and Mon states. Political parties, civil society actors and the media were participating in a generally free atmosphere, and political parties were subject to a code of conduct set forth by the Union Election Commission. Non-binding and informal mediation committees had been established at several domestic levels to manage and resolve disputes between political parties before they escalated into violations or offences.

7. Mediation committees had been established to manage election security with the participation of departments and ministries relating to security and other matters. Such structures would work in tandem with the special electoral security force and with both political parties and other public bodies. Serious complaints would need to be channelled to the appropriate adjudicating bodies. However, the only effective way to prevent exacerbation of tensions among political parties, social groups or ethnic and religious communities was for the authorities to deal with provocative actions firmly but impartially.

8. The denial of voting rights and disenfranchisement of minority ethnic and religious groups, particularly following the revocation of temporary identity cards earlier in 2015, remained deeply problematic. The scrutiny of candidates in some districts had reportedly lacked due process, and disqualification of candidates had disproportionately affected ethnic and religious minorities, particularly Muslim candidates. Some of those candidates had been reinstated by the Union Election Commission, but the process had been piecemeal and unsystematic.

9. The growing influence of ultra-nationalist elements, the spread of anti-Muslim fear mongering, and the incitement of tension and hate speech, particularly in Rakhine, were extremely worrying. The insulting references made to the Special Rapporteur on the situation of human rights in Myanmar were disgraceful and had been deplored by the international community. The stoking of religious prejudices by some members of religious organizations had been unacceptable and affected the reputations of those organizations. Such problematic elements had been emboldened and had received greater national visibility in recent months, while also impinging on campaigning in a manner which could undermine the integrity of the elections. The constitutional prohibition of the abuse of religion in politics must be upheld or such interference could affect the credibility of the elections, impede communal stability and cause unrest.

10. Communities continued to be polarized and little purposive action was being taken by either the Government or the major political parties to address the underlying issues, possibly due to the sensitivity of the political atmosphere. While the effective segregation of the Muslim community in Rakhine might have averted any fresh eruption of violence in the past year, systematic anti-Muslim rhetoric and continued prejudice heightened the risk of an outbreak before or after the elections.

11. Some Government steps might have deepened the communal divide. The United Nations and the international community had stated that Myanmar's four laws on race and religious protection were discriminatory and could be used to curb women's rights, particularly those of religious and ethnic minority communities. Both the Special Adviser and the Secretary-General had spoken to the President of Myanmar and other leaders to express concern about the impact of those laws and urged the Government to reconsider their implementation.

12. While the political and civil rights of the Muslim community had deteriorated in the past year, there had been modest, incremental improvement in the situation on the ground in Rakhine State. The United Nations Resident Coordinator and Country Team had engaged with Government authorities and, while responding to the specific protection and humanitarian needs of minority communities, had pursued an approach which emphasized the promotion of human rights, early warning and early response systems, and

intercommunal coexistence with improved security and development rights for all.

13. The Resident Coordinator's Office had flagged potential triggers of unrest for the rapid preventive response of the authorities, and the Government had responded constructively. Regarding the boat crisis, the Government had invited foreign assistance and demonstrated a desire to work with the international community. In responding to the floods earlier in 2015, the Government had worked in partnership with the international community, demonstrating awareness of the needs of Muslim and Buddhist communities.

14. The work of the Centre for Diversity and National Harmony was important in promoting interfaith dialogue at the ground level. The Centre had brought together people from Buddhist and Muslim communities who put aside previous animosities and shared information to improve living conditions and tackle mutual concerns relating to, inter alia, health, education and drug-related problems. Although such engagement was laudable, it was too limited and would require greater focused efforts in future.

15. With respect to national reconciliation, the Government had actively pursued peace talks with the sixteen major armed ethnic groups. Both sides had expressed a desire for dialogue to address longstanding issues of power and resource sharing within a united, democratic and federal Myanmar. Provisional agreement on a draft text for a nationwide ceasefire had been reached in March 2015. Despite their distinct interests, the different ethnic armed organizations were able to form a single negotiating team and work constructively with the Government on a common text.

16. The outbreak of hostilities in the Kokang region in February 2015 had heightened tensions and resulted in Government forces suffering major losses to the Myanmar National Democratic Alliance Army. The Government had declared martial law in Kokang in retaliation and attacked the armed group. The President and Commander-in-Chief had spoken out against the infringement of Myanmar's sovereignty, and suspicions had been raised about covert materials and logistical support for the insurgents from outside sources.

17. Those developments impacted negotiations as the army disagreed with major ethnic groups that all groups, including those involved in hostilities in Kokang, needed to be part of the ceasefire agreement.

Due to the desire to complete and sign a ceasefire agreement before the elections, a formal signing ceremony between the Government and eight armed groups had been held in October 2015. Although some armed organizations and political figures had absented themselves, other groups, international observers, witnesses and guests had been present. The conclusion of the agreement was a milestone on the path to peace in Myanmar.

18. Both signatory and non-signatory groups would need to maintain a constructive and forward-looking approach as the peace process advanced. Non-signatory groups would be able to join the ceasefire agreement in future. For the first time the Government had established a template for beginning a political dialogue that would include negotiation of a democratic federal state structure. However, in order to achieve that, existing tensions in Kachin and Shan States needed to abate, and new armed confrontations must be avoided.

19. The international community's support of the peace process through bilateral channels and the International Peace Support Group had been constructive and could be expected to increase with the start of political dialogue. A credible, inclusive and transparent election could secure the trajectory of reform in Myanmar. It was hoped that a stable and peaceful transition to democracy and a new government could unite the population of Myanmar after the election. Institutional changes were required to ensure that currently disenfranchised minority communities had a roadmap to citizenship, dignity and the enjoyment of their human rights.

20. Lastly, he invited Member States to consider recalibrating the mandate of the good offices, including the possible option of the gradual scaling down of the mandate of the Special Adviser to the Secretary-General on Myanmar by the end of 2016. The United Nations system would continue its engagement with Myanmar and was fully prepared to extend its support and assistance in all areas.

21. **Mr. Tin** (Myanmar) said that, despite its steadfast opposition to country-specific mandates, Myanmar had extended exemplary cooperation to the good offices of the Secretary-General for over two decades. The 2015 report of the Special Adviser on Myanmar focused more on challenges than the progress that had been made. A less frequent visitor to Myanmar than the

Special Adviser would be more conscious of the big changes in the political system, political and media freedom, and freedom of assembly and association.

22. In light of the progress made, it was unjustifiable to argue that there were signs of backtracking on reform. That conclusion was based on alleged punitive actions against protesters and media figures, even though peaceful protests and public gatherings had been permitted for the previous four years. Arrests had only been made because laws had been violated. The historic signing of the nationwide ceasefire agreement would open the way to political dialogue and bringing an end to six decades of conflict.

23. The Government was conducting a review of laws and enacted new laws guaranteeing human rights and freedoms. In 2015, Myanmar had signed the International Covenant on Economic, Social and Cultural Rights and the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. The President of Myanmar and the Chairman of the Union Election Commission had announced their commitments to making the elections free and fair, and local and international observers had fielded teams to observe every stage of the electoral process. The high numbers of candidates from numerous political parties participating in the elections reflected an unprecedented degree of trust and inclusiveness in the political process.

24. As regards the alleged disenfranchisement of certain communities, temporary identity cards had been issued to those persons residing in Myanmar who had yet to undergo verification of their citizenship. The purpose of the President's announcement to surrender those temporary cards was to facilitate the citizenship application process. Temporary cards were replaced with new national verification cards. Persons who had become citizens would be eligible to vote. Regarding the disqualification of candidates, election criteria required that not only the candidate, but both of their parents must be citizens. The criteria applied to everyone regardless of their political affiliation, race or religion. The right to participate in electoral processes was entrusted only to citizens, as in many countries. The code of conduct for political parties stipulated that an election campaign should not incite hatred among any religion, tribe, group, gender, language group or community.

25. The assessment in the report of the four laws on race and religious protection was negative. Those laws had been adopted by the Parliament by the will of the people after seeking public input and were not against any religious minorities, as had been alleged. They were intended only to protect the rights of Myanmar women and did not restrict interfaith marriage, as it was not necessary to register religious conversions. Two laws only contained provisions penalizing forced conversions, which were contrary to international law. The law on birth spacing was also voluntary and carried no penalty. The laws were not being applied in any region or state to date.

26. His delegation objected to use of the term "institutionalized discrimination" in the Special Adviser's report. Contrary to reports on social media, there had been no recurrence of communal violence in Rakhine State since 2012. Humanitarian access was never denied, and over twenty international aid organizations had been providing humanitarian assistance there. A resettlement programme had already begun; thousands of families had been resettled with thousands more to be resettled in the next phase of the programme.

27. In 2014, a pilot project for national verification had been launched, which had resulted in citizenship being granted to over 900 persons. Members of the Rohingya minority might become citizens one day but could not claim to be an ethnic group. Aiding one community while demonizing the other would further fuel tensions. In some areas, the Muslim and Buddhist communities were engaging in trade and business, and children from both communities attended the same schools. There was no restriction of movement in those areas. The root cause of the issues was poverty, and the Government had therefore initiated development projects, established industrial zones and provided electricity across Rakhine State. Improving livelihoods and job opportunities for both communities would not only prevent communal tensions but also prevent members of those communities falling prey to human traffickers.

28. Regarding the boat crisis, the Myanmar Navy had rescued approximately 1,000 people on three different occasions and provided temporary shelters. Most of those people were not from Myanmar, and, after verification, over 700 had been repatriated. Humanitarian issues should not be politicized.

Economic migration, and human trafficking and smuggling were the root causes of the crisis.

29. Unrealistic expectations should not be placed on Myanmar during its transition to democracy. Despite its progress, Myanmar continued to be placed unfairly under scrutiny by numerous mechanisms, mandate holders and resolutions requiring reports and oral presentations. Such treatment was irrational and disproportionate given the tremendous achievements made by Myanmar in its transition to democracy. It was time to assess the feasibility of the good offices, including a gradual scaling down of the mandate of the Special Adviser on Myanmar.

30. **Ms. Hindley** (United Kingdom) said that the signing of the Nationwide Ceasefire Agreement on 15 October, in which the Special Adviser had played a role, was a significant step towards the advancement of peace, national reconciliation and democratic and social development in Burma. A credible and transparent vote that was representative of the will of the Burmese people in the election that was to be held at the beginning of November 2015 would be a milestone in the country's reform process and a lasting legacy for its Government.

31. However, the reform process remained incomplete, and many serious and deep-rooted issues awaited the incoming Government. Chief among those was the conversion of the Ceasefire Agreement into a comprehensive and inclusive political dialogue, which would be the next step towards reconciliation. Intercommunal tensions, which had been of increasing concern through the election campaign, the continuing mistreatment and disenfranchisement of the Rohingya community and the disqualification of Muslim candidates from running for office would also have to be addressed. She asked how the United Nations could best continue to provide vital support for the Burmese transition process and what steps the incoming Government should take to address the desperate situation of the Rohingya, which was the biggest human rights issue in the country.

32. **Mr. Cheong** (Malaysia) said that his delegation was encouraged by the conclusion of the negotiations between the Government of Myanmar and the eight ethnic armed groups on the Nationwide Ceasefire Agreement, although the deliberations on how best to involve all parties should continue. His Government reiterated its call for the root causes and contributing

factors of the irregular migration crisis to be promptly addressed, in particular the political disenfranchisement of the Rohingya and other minority groups and the revocation of their temporary identity cards.

33. Mediation should be promoted as an approach to the reconciliation process in Rakhine State. For instance, the experience of Malaysian civil society organizations extending humanitarian assistance to both Buddhist and Muslim communities there had demonstrated how grassroots initiatives could do much to promote inter-ethnic, interfaith and intercommunal harmony. Lastly, he asked how the United Nations would engage the Government of Myanmar during the election and post-election periods.

34. **Mr. Moussa** (Egypt), speaking on behalf of the member States of the Organization of Islamic Cooperation (OIC), said that OIC supported the reform process in Myanmar but remained concerned by the situation of minority groups and the shrinking democratic space in the country. The Government of Myanmar had not yet developed a comprehensive plan to extend full citizenship to the Rohingya, and 800,000 persons who had formerly held temporary identity cards had been excluded from the upcoming election by the revocation of those cards. The new type of card with which the Government planned to replace the temporary cards was regulated under foreign residency law and was perceived as an attempt to externalize the Rohingya. Moreover, the 2014 census had excluded the Rohingya by not allowing them to self-identify as such, and the adoption of the four race and religious protection laws would place restrictions on marriage, childbirth and freedom of religion or belief for minority groups.

35. The rejection by the regional election commissions of all but one candidate from the Rohingya-dominated Democracy and Human Rights Party, including a former member of Parliament and others who had previously been allowed to stand for election, had further disenfranchised the Rohingya. Most of the excluded candidates had been rejected on the grounds that their parents were not citizens at the time of their birth, despite documentary evidence to the contrary. OIC called on Myanmar to allow those who had previously had the right to vote to be able to vote in the upcoming election. He asked the Special Adviser if there were any plans under discussion to restore the right to vote, how the Rohingya could be fully included in Myanmar society in the post-election period, what

the path to the restoration of full and equal citizenship could be and how the Myanmar authorities planned to account for the influence of extremist groups such as the Organization for the Protection of Race and Religion (MaBaTha), which had drafted the race and religious protection laws.

36. The deplorable situation of the Rohingya living in camps for internally displaced persons in Myanmar had worsened over the past year. They continued to be systematically denied access to education, health care and livelihood opportunities and were often not permitted to leave the camps, where they suffered from a lack of security, clean water and food. Rohingya living outside the camps were not allowed to move freely and were highly vulnerable to discrimination and violence. He asked how that systematic discrimination could be stopped and how humanitarian and development assistance could be delivered to those in need. The regional implications of the refugee situation in the Andaman Sea were also of utmost concern to OIC, which had participated in several humanitarian relief efforts in the region and would continue to call for humanitarian organizations to be given access to communities in need. OIC had been attempting to cooperate with the Government of Myanmar on the matter of the Rohingya, but it had not been possible to move forward with the implementation of the memorandum of understanding signed by Myanmar and OIC. Nevertheless, OIC would continue its efforts to ensure the rights of the Rohingya were restored.

37. **Mr. Whiteley** (Observer for the European Union) said that the European Union commended the recent progress towards peace in Myanmar, including the signing of the Nationwide Ceasefire Agreement. At the invitation of the Government, a European Union election observation mission composed of around 100 persons would be present in Myanmar during the pivotal election. While far-reaching changes had been implemented in recent years, the remaining human rights concerns should be addressed, including through enhancing good governance and the rule of law. He asked the Special Adviser to discuss the steps that would be required to address the communal polarization in Rakhine State and how the international community could support Myanmar in that regard.

38. **Mr. Nambiar** (Special Adviser to the Secretary-General on Myanmar) said that he had a responsibility to examine challenges as well as achievements. In view of the upcoming election, it had been particularly

important to examine the progress of the outgoing Government in terms of aspirations and performance. Tremendous progress had been made on the path to democracy over the past four years; however, huge challenges remained, and the Government had not made the most of certain opportunities. Myanmar had taken the important step of agreeing to be bound by certain international instruments and should be judged in accordance with the standards set out therein. While the complex changes taking place and the severe pressures on the country should be taken into account, the international community must also make it clear to the Government that there was a process that had to be measured in objective international terms.

39. The Government of Myanmar had taken the positive step of encouraging the international community to be present in an unprecedented manner in the upcoming election. While elections should certainly be carried out in accordance with a country's national laws and constitution, some of the concerns regarding disenfranchisement were related to Myanmar's own practice in previous elections: some members of the Muslim community who had voted or held parliamentary seats in the past were now, under the same constitution, being denied the right to vote. The race and religious protection laws were a cause for concern because some members of the United Nations system believed that they could be used to discriminate against minorities or to violate women's reproductive rights and children's rights.

40. Rakhine State had been peaceful over the past year, but there had been very little improvement in the camps for internally displaced persons, and the desperate situation was driving many Rohingya to flee the State. Ultimately, the situation would have to be resolved by the various communities themselves. In that connection, senior party leaders should speak out against hate speech, as demonizing a community polarized and exacerbated the situation. However, his office and the office of the Resident Coordinator had been playing a role in that process by working with communities and the authorities, particularly in Rakhine State, to develop a greater degree of interaction and mutual understanding.

41. Institutions such as the Centre for Diversity and National Harmony helped promote interfaith dialogue and draw attention to the work of the communities. The long-term solution to the suspicion and animosity that led to communal polarization was universal

development. The international community, in particular the United Nations, had been viewed with some suspicion in the past, as a result of the former sanctions regime and its work with the vulnerable Muslim community. However, the office of the Resident Coordinator was now working closely with the Government to ensure the concurrent development of the majority and minority communities in Rakhine, which was one of the least developed states in the country.

42. The United Nations had implemented a modest programme of training and consultation with the Myanmar Union Election Commission in the run-up to the elections, which would continue. However, the United Nations had not been part of the monitoring team. It would respect the national process and limit its role to working with the Commission to prevent violence and ensure a free and relatively transparent vote. There was a good likelihood of a credible election process: around 500 international observers and 5,000 local observers would be present, which amounted to around one observer for every three polling stations. Civil society would participate, and international observers would even have access to advanced voting mechanisms involving the army.

43. There was little that the international community to could do with regard to the elimination of temporary identity cards and the failure to conduct the citizenship verification exercise before the election; it could not re-enfranchise voters or put pressure on the Government to do so. Following the election, the offices of the Special Adviser and the Resident Coordinator would be available to provide advice and, if necessary, assist in the formation of the new Government, but that process must essentially be carried out by the political parties themselves. The United Nations would be a careful observer and maintain close contact with the political parties and other stakeholders, but it would not be so presumptuous as to actively seek to play a role.

44. Any incoming Government, even a caretaker Government, would be expected to respect the commitments made by the outgoing Government with regard to the swift finalization of citizenship status for the large number of internally displaced persons and the granting of citizenship to those who met the necessary requirements. He also expected to discuss with the new Government the modifications that might need to be made to bring Myanmar citizenship

legislation closer in line with international standards. Ensuring that citizenship rights were granted or restored to those who were eligible, and that those who did not qualify for citizenship were treated in accordance with international human rights standards, would be a complex, gradual process. Many important partners of Myanmar had made it clear that they intended to work with the interim and incoming Governments of Myanmar on those issues.

45. With regard to the peace process, the United Nations had been careful not to impose itself in an intrusive manner on the nationally-owned process. Nevertheless, the United Nations and the international community could be involved in two ways. First, Member States and international civil society organizations could help consolidate the ceasefire by working with ethnic armed groups and the Government to help build confidence between the parties. Second, they could try to build the peace dividend in conflict areas so that returning refugees and internally displaced persons could be assured of improvements in their living conditions and livelihood opportunities.

46. The United Nations and other members of the international community, including civil society, were already moving in that direction. The process would only move as fast as the partners were willing to take it. In the meantime, the international community should encourage all parties, in particular the army, not to take any action that would heighten tensions or increase suspicions between the Government and the ethnic armed groups.

47. **Mr. Šimonović** (Assistant Secretary-General for Human Rights), introducing reports submitted under agenda item 72 (b), said that the report of the Secretary-General on globalization and its impact on the full enjoyment of all human rights (A/70/154) summarized communications from a number of Governments and other stakeholders and made a number of recommendations on a human rights-based approach to global governance as key to making globalization inclusive, including mechanisms for accountability of both the public and private sectors and victim redress. The report of the Secretary-General on human rights and cultural diversity (A/70/167) summarized efforts undertaken by a number of States at the national, regional and international levels to promote cultural diversity and to protect the cultural rights of national minorities, including indigenous peoples.

48. Turning to the Secretary-General's note (A/70/111) transmitting the consolidated report of the Secretary-General and the United Nations High Commissioner for Human Rights to the Human Rights Council on the right to development (A/HRC/30/22), he said that the report focused on the post-2015 development agenda, the United Nations Climate Change Conference and the Third International Conference on Financing for Development and emphasized the need to identify synergies between the processes for monitoring progress and accountability in the implementation of the sustainable development goals and targets and in the progressive realization of the right to development.

49. The report of the Secretary-General on strengthening United Nations action in the field of human rights through the promotion of international cooperation and the importance of non-selectivity, impartiality and objectivity (A/70/258) was a compilation of practical proposals received from Member States and intergovernmental and non-governmental organizations. The report of the Secretary-General on combating intolerance, negative stereotyping, stigmatization, discrimination, incitement to violence and violence against persons, based on religion or belief (A/70/415) summarized steps taken by States and made general conclusions based on the information received.

50. The report of the Secretary-General on the effective promotion of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (A/70/255) outlined activities undertaken by the Office of the High Commissioner for Human Rights (OHCHR) and human rights mechanisms to that end. As the protection of minority rights required the systematic and coordinated engagement of the entire United Nations system, the Secretary-General had established the United Nations network on racial discrimination and protection of minorities on the twentieth anniversary of the adoption of the Declaration.

51. The Secretary-General's report on protecting human rights and fundamental freedoms while countering terrorism (A/70/271) set out recent developments, including measures taken in support of the United Nations Global Counter-Terrorism Strategy, and noted the system-wide concern about the excessively broad nature of some of the domestic counter-terrorism legislation being enacted by Member

States, to the detriment of human rights across the globe. In his report on the safety of journalists and the issue of impunity (A/70/290), the Secretary-General gave an overview of trends and initiatives and made recommendations for ensuring full respect for the rights of journalists and media workers, including in the context of counter-terrorism efforts and in the digital world.

52. The report of the Secretary-General on the International Convention for the Protection of All Persons from Enforced Disappearance (A/70/261) contained summaries of communications from 10 States and information on the related activities of the Secretary-General, the High Commissioner for Human Rights, the Committee on Enforced Disappearances, the Working Group on Enforced or Involuntary Disappearances, United Nations agencies and organizations and intergovernmental and non-governmental organizations (NGOs). The report of the Secretary-General on the promotion and protection of human rights, including ways and means to promote the human rights of migrants (A/70/259) focused on the human rights challenges faced by migrant domestic workers and set out key elements of a human rights-based approach to the protection and promotion of their rights, providing examples of recent practices.

53. The Secretary-General's report on the follow-up to the International year of Human Rights Learning (A/70/166) provided an overview of the relevant United Nations activities and concluded that effective human rights education contributed to the prevention of human rights violations, enhanced people's participation in decision-making processes and promoted the development of just societies in which all human rights were valued and respected. Turning to the Secretary-General's report on national institutions for the promotion and protection of human rights (A/70/347), he said that the report focused on the cooperation of national human rights institutions with United Nations bodies and mechanisms.

54. In his report on the promotion of equitable geographical distribution in the membership of the human rights treaty bodies (A/70/257), the Secretary-General made recommendations on redressing the stark gender imbalance and lack of equitable geographical distribution in the human rights treaty bodies through the nomination and election processes. The Secretary-General's report on the United Nations Human Rights Training and Documentation Centre for South-West

Asia and the Arab Region (A/70/414) provided an overview of the past year's documentation and training activities and underlined the increasing demands for support and expertise for the promotion of human rights in the region.

55. Turning to the Secretary-General's report on the United Nations Subregional Centre for Human Rights and Democracy in Central Africa (A/70/405), he said that the report provided an overview of the past year's activities against the backdrop of the complex and challenging security context in which the Centre had been operating, particularly due to the expansion of Boko Haram in the region and the situation in the Central African Republic.

56. Introducing the report of the Secretary-General on the situation of human rights in the Democratic People's Republic of Korea (A/70/393) under agenda item 72 (c), he said that it provided an overview of the engagement of various United Nations entities and mechanisms on the human rights situation in the country in the past year and noted, in particular, the relevant Security Council discussion and the establishment in June 2015 of a field-based structure of OHCHR, as mandated by the Human Rights Council.

57. The Secretary-General's report on the situation of human rights in the Islamic Republic of Iran (A/70/352) focused on the use of the death penalty; persistent limitations on freedoms of expression, association and peaceful assembly; continued arrests and harassment of media professionals, human rights defenders and lawyers; and women's rights and the rights of minorities. It commended the Government's engagement with the universal periodic review and with the United Nations human rights treaty bodies and reiterated the importance of cooperating with the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran. It also welcomed the agreement between the Government and its international partners on the country's nuclear programme.

58. **Mr. Hassani-Nejad** (Islamic Republic of Iran) said that, like previous resolutions on the situation of human rights in his country, General Assembly resolution 69/190 had not been drafted to genuinely promote human rights but instead had been spearheaded by a small number of politically motivated Member States that condoned the human rights violations committed by their allies. Furthermore, the

Secretary-General's report was methodologically flawed, as it relied on mostly unidentified and unreliable sources rather than his Government's substantiated comments and replies, thereby undermining its credibility.

59. In addition, the report amounted to duplication of effort, given that the universal periodic review of the Human Rights Council and the human rights treaty bodies were the mechanisms responsible for promoting human rights. Nevertheless, his delegation acknowledged the report's recognition of his country's active engagement with United Nations human rights mechanisms and its achievements in the areas of women's education and health, gender balance and empowerment of women.

60. For its part, his Government spared no effort in promoting and protecting all human rights and fundamental freedoms. All public institutions and ministries were required to create an environment conducive to the moral and material advancement of women and to protect their rights in all areas of life. Notwithstanding the unconstructive, politically motivated and unjust nature of the report, the Islamic Republic of Iran would make every effort to promote and protect the human rights of its citizens and continue to work closely with all human rights mechanisms.

61. **Mr. Decaux** (Chair, Committee on Enforced Disappearances), introducing the annual report of the Committee on Enforced Disappearances (A/70/56), said that Belize, Greece, Italy, Nigeria and Ukraine had recently ratified the International Convention for the Protection of All Persons from Enforced Disappearance, and Angola had signed it, bringing the number of States parties to 51. Stressing the universal nature of the preventive measures and legal guarantees afforded by the Convention, he called on all States parties to accept the communication procedure provided for under articles 31 and 32 of the Convention.

62. Given the added responsibility that the growing number of ratifications entailed for the Committee, he urged States parties to fulfil their obligation to submit reports within two years from its entry into force for them. To date, the Committee had examined 16 reports, with another seven awaiting consideration at the coming session. It was therefore important to avoid the kind of backlog that had beset other treaty bodies. The Committee would require additional financial and

human resources in a reinforced secretariat in order to carry out its mandate. During the period covered by the report, it had adopted concluding observations on the reports of five States parties, established a follow-up mechanism and adopted lists of issues in preparation for the constructive dialogue with the five States parties considered at its ninth session.

63. The report listed 51 new receivable requests for urgent action concerning Brazil, Cambodia, Colombia, Iraq and Mexico. Out of over 253 such requests, some 200 pertained to Mexico. The Committee was extremely concerned about the situation in that country. The Committee and the Working Group on Enforced or Involuntary Disappearances had met with members of the Interdisciplinary Group of Independent Experts established by the Mexican Government and the Inter-American Commission on Human Rights. Following a constructive dialogue with the Government and associations representing the families of the disappeared, the Committee had concluded that Mexico should take all legislative and other measures and to account for every case of disappearance in order to uphold the right to truth and justice and to combat impunity. It welcomed the country's recent steps toward military justice reform. A declaration on enforced disappearances and military justice, adopted at the Committee's eighth session, reaffirmed that military jurisdiction must not apply in cases of massive human rights violations, particularly enforced disappearances.

64. The twenty-seventh meeting of the Chairs of the human rights treaty bodies had constituted a significant step towards synergy among the ten treaty bodies and harmonization and simplification of procedures. The overall coherence of the system had been strengthened. Moreover, the recent adoption of the Guidelines against Intimidation or Reprisals against groups cooperating with treaty bodies would afford the system another tool to protect victims, without entailing any new obligations for States parties.

65. **Mr. Cepeda Orvañanos** (Mexico) said that in September 2015 his Government had introduced legislation to strengthen the rule of law, including on issues of torture, enforced disappearance and public safety. It had also formulated a general law on disappeared persons, using inputs from civil society organizations, victims and family. In recent months, steps had been taken to improve the National Registry of Missing or Disappeared Persons, including the

publication of a new methodological note and a citizens' manual. The statistics compiled were disaggregated by whether the person had gone missing or fallen victim to enforced disappearance.

66. In August 2015, the National Law Enforcement Conference had adopted a protocol on ministerial, expert and police investigation for the crime of forced disappearance. The protocol brought investigation criteria into line with national and international standards and recommendations. In addition, a special prosecutor for missing persons had been established in the Office of the Attorney General. Lastly, with regard to the tragic disappearance of the 43 students from Iguala, Mexico had requested technical assistance from the Inter-American Commission on Human Rights, which had formed the Interdisciplinary Group of Independent Experts. The Group's recommendations were being considered by all the competent entities, and its mandate had been extended for six months.

67. **Mr. Rabi** (Morocco) said that his delegation welcomed the efforts of the Committee on Enforced Disappearances to strengthen its work with national human rights institutions, with the aim of improving institutional reporting capacity. It also noted with appreciation the Committee's strengthened cooperation with the Working Group on Enforced or Involuntary Disappearances. He wondered what measures could be taken to increase the number of ratifications, particularly with regard to technical assistance, given that non-ratification by some States was often due to the challenges that they faced, not to lack of political will.

68. **Ms. Tschampa** (Observer for the European Union) said that the European Union supported the Committee's efforts to promote universal ratification. She would like to know what the Chair's assessment of the practice of reprisals was and what should be done to promote awareness of the phenomenon. She would also welcome more information on his suggestions for achieving universal ratification and implementation of the Convention and the transmission of information on the fate of disappeared persons. Lastly, how might the Committee, the Working Group on Enforced or Involuntary Disappearances and the Office of the High Commissioner for Human Rights cooperate optimally in that regard?

69. **Mr. Marani** (Argentina) said that his country, where enforced disappearance had once been regular practice, recognized the importance of the International

Convention for the Protection of All Persons from Enforced Disappearance as a legally binding instrument that criminalized enforced disappearance and filled gaps in areas such as the enforced disappearance of children and the right of victims to know the truth. His delegation therefore welcomed the recent ratifications of the Convention and called on all Member States not yet party to the Convention to follow suit. He concluded by asking how the recent budget cuts had affected the work of the Committee.

70. **Ms. Charrier** (France) said that her country's long-standing commitment to combating enforced disappearance remained a major priority. Noting that enforced disappearance was not a thing of the past but was still common practice in many countries, she encouraged all States to ratify the Convention, which provided the legal framework for addressing the problem. She asked what priorities the Chair of the Committee on Enforced Disappearances would pursue during his second mandate and how States could help him raise awareness of the importance of ratifying the Convention.

71. **Mr. Saito** (Japan) said that his delegation appreciated the role of the Committee on Enforced Disappearances in raising international awareness and preventing crime. His delegation had sponsored resolutions on the International Convention for the Protection of All Persons from Enforced Disappearance, which stressed the importance of the Working Group on Enforced or Involuntary Disappearances. Cooperation between the Committee on Enforced Disappearances and the Working Group was essential, and the two bodies should continue to hold joint sessions. He encouraged all Member States that had not ratified the Convention to do so in due course.

72. **Mr. Sargsyan** (Armenia) said that Armenia had presented its initial report on its implementation of the Convention to the Committee on Enforced Disappearances and provided written responses to the Committee's subsequent request for detailed information on certain aspects. The Armenian criminal code had not contained a specific article on enforced disappearance, but a draft article had been prepared. His delegation had engaged in constructive dialogue with the Committee and stood ready to further cooperate with the United Nations system and other partners. He asked what interaction the Committee on

Enforced Disappearances had with Member States not party to the Convention.

73. **Ms. Pérez Gómez** (Colombia) said that in 2014, her Government had submitted a report to the Committee on Enforced Disappearances in accordance with its commitments under the Convention. Although it appreciated the report's acknowledgement of her country's significant efforts in that area, the contributions of the Office of the United Nations High Commissioner for Human Rights, the United Nations Development Programme (UNDP) and the United Nations Office on Drugs and Crime (UNODC) should also be highlighted, in particular the technical assistance that they had afforded her country; the establishment of interactions among families, victims and governmental organizations; and the creation of a registry of disappeared persons, among others.

74. In a fortunate turn of events, an agreement had been reached between her Government and the Revolutionary Armed Forces of Colombia on 18 October. The agreement set forth specific, immediate humanitarian measures to search for and identify victims of enforced disappearance or the remains of those who disappeared within the context of the conflict. The agreement also provided for the establishment of a special unit that would search for persons who disappeared within the context of the armed conflict. Her Government considered the agreement to be an important recognition of the rights of the victims of enforced disappearance and their families. Colombia would continue to strengthen its work in that area through the aforementioned special unit and in collaboration with the International Committee of the Red Cross.

75. **Mr. Decaux** (Chair, Committee on Enforced Disappearances) said that the Committee would draw up its list of issues in March 2016. It had adopted a paper on cooperation with national institutions which, using valuable input from national institutions and ombudsmen, it had begun to implement. It had also been cooperating with the Working Group on Enforced or Involuntary Disappearances, which shared some of the Committee's own issues. The two collaborated, in particular, on the issue of migrants and non-State actors within the context of enforced disappearances.

76. The Committee was encouraged by the fact that 51 States had ratified the Convention. However, more could be done, and the tenth anniversary of the

Convention presented a good opportunity to raise awareness. Though technical assistance was useful, Member States had other resources at their disposal, including the organization of seminars. The Convention was a sophisticated legal instrument, and States should facilitate its implementation or adapt their legislation appropriately. In that regard, seminars were useful, as were manuals on good practices. The Working Group had done some of that work, without going so far as to actually elaborate model laws.

77. More should be done to increase States' awareness of the Convention, in particular at the regional level. It should be noted that States that were not party to the Convention were able to come to Committee meetings. Innovative thinking could be used to raise the awareness of States and civil-society of the role of the Convention and its objectives, in spite of budgetary constraints. Various stakeholders, including non-governmental and civil society organizations could help diffuse the Committee's message to the greater public.

78. The Committee had a daunting workload, which included two 10-day sessions per year, and the elaboration of three reports per session. The adoption of the list of issues was also time-consuming. Having more time at its disposal would optimize the Committee's productivity. The resources put at its disposal were used to full capacity.

79. **Mr. Duhaime** (Vice-Chair, Working Group on Enforced or Involuntary Disappearances) said that the Working Group was grateful to the Government of Argentina for hosting its 105th session. Although much had been achieved in its 35 years of existence, it was still too little when compared with the suffering experienced by those still searching for loved ones. During its last reporting period, the Working Group had only been able to clarify 65 cases of enforced disappearance, leaving 43,000 cases unresolved.

80. Despite the number of reasons that could influence a State's willingness or capacity to cooperate with the Working Group, there had been a noticeable increase in detailed and substantive replies from States. All States were encouraged to prioritize the search for the disappeared and to make the objectives of the Working Group their own. In its latest reporting period, the Working Group had transmitted 384 new cases of disappearance to 35 States and had employed the urgent action procedure in 151 of those cases. New

cases of enforced disappearance were reported almost every day, and a pattern of short-term enforced disappearances in a number of countries had emerged.

81. The Working Group had repeatedly drawn attention to the underreporting of cases of enforced disappearance in all regions of the world, particularly in Africa, which could partially be attributed to the observed pattern of threats, intimidation and reprisals against victims, family members and witnesses. In that regard, States were urged to take measures to prevent such acts, to protect those working on cases of enforced disappearance and to punish the perpetrators. The Working Group reiterated its support for the establishment of a United Nations-wide senior focal point to engage with all stakeholders in that regard.

82. Since its creation, the Working Group had visited 28 countries and looked forward to upcoming visits. States were urged to respond favourably to country-visit requests and to conduct follow-up activities at the conclusion of visits. In its follow-up report to Mexico, for example, the Working Group had stressed that many of its 2011 recommendations had been only partially implemented, or not implemented at all. The situation of enforced disappearances had in fact deteriorated since the country visit. However, the Mexican Government's openness and efforts to enact relevant legislation had been noted. Mexico had the opportunity to effectively implement a comprehensive State policy aimed at preventing and investigating instances of enforced disappearance, punishing the perpetrators and obtaining reparation for victims.

83. Enforced disappearance, by its nature, violated the economic, social and cultural rights of the victims and their families. The obligation of States to prevent and eradicate enforced disappearances and to provide reparation to all victims, therefore, should take into account the intrinsic connection between enforced disappearances and those rights.

84. In preparation for its next thematic report, which would focus on the issue of migration and enforced disappearance, the Working Group welcomed the receipt of any relevant contributions. With regard to the increase in abductions carried out by non-State actors, which were sometimes practiced with the collusion or tolerance of the State, the Working Group would consider whether such acts fell under its mandate and, if so, what action should be taken. The Group called on all States to take appropriate measures

in relation to that issue and to provide information to and share their views on the matter with the Working Group. A side event dedicated to the discussion of that issue would be held during the session in Morocco in February 2016.

85. The General Assembly's recognition of the Working Group's need for additional support through the granting of an additional post under the regular budget was welcome. The Group also appreciated the continuous support that it received, including voluntary contributions, from such States as Argentina, France and Japan. All States were urged to provide such assistance to enable the Working Group to better accomplish its mandate.

86. Although the circumstances in which enforced disappearances occurred were evolving, the obligation to prevent and eradicate the phenomenon, and to secure the right to truth, justice and reparation for victims remained the same. The General Assembly was urged to renew its commitment to eradicate enforced disappearances, and States should adopt new strategies to tackle the changing circumstances of enforced disappearances. A good first step would be to sign and ratify the Convention and to deal with the individual cases reviewed by the Committee on Enforced Disappearances. The Working Group offered its advisory services to all States to reflect together on how to tackle and eradicate that heinous phenomenon once and for all.

87. **Mr. Marani** (Argentina) said that Argentina was pleased by the recent election of the first woman to chair the Working Group on Enforced or Involuntary Disappearances and looked forward to hosting the Working Group in Buenos Aires. He asked what steps the Working Group was taking with regard to the issue of migrants and enforced disappearances.

88. **Mr. Rabi** (Morocco) said that it was an honour to have a woman, in particular a compatriot, elected to chair the Working Group. Though encouraged by the increase in international collaboration with the Working Group, his delegation was concerned by the increasing number of cases received. When Morocco, together with France and Argentina, had renewed the mandate of the Working Group in Geneva, they had underscored a paragraph requesting the provision of greater human resources by the Secretary-General. Since that request had not been handled optimally, he wished to know what measures Member States could

undertake to help the Working Group overcome the challenge of insufficient human resources.

89. **Ms. Tschampa** (Observer for the European Union) said that the Working Group could rely on the full support and cooperation of the European Union and enquired what concrete contributions Member States and the European Union could make with regard to responding to the worrying increase in enforced disappearances perpetrated by non-State actors.

90. **Ms. Charrier** (France) welcomed the Working Group's effort to clarify outstanding cases of enforced disappearance. Though originally created to respond to the actions of military dictatorships in the 1970s and 1980s, the Group remained relevant as military regimes continued to use the practice against civilians, opponents, journalists and human rights defenders without regard for gender or age. The Independent International Commission of Inquiry on the Syrian Arab Republic had established the use of the practice by the Syrian regime to eliminate any opposition, with upwards of 65,000 cases recorded. France wished to see the Working Group granted access to the Syrian Arab Republic and called on all countries to allow the Group to work within their territories. Lastly, she asked the Vice-Chair to shed light on what actions the Working Group could take, within its mandate, to respond to enforced disappearances perpetrated by non-State actors.

91. **Ms. Horac** (United States of America) welcomed the recent country visits and follow-up reporting conducted by the Working Group and looked forward to its further efforts. Her Government was troubled by the significant number of cases of enforced disappearance, and even more concerned that statistical information on mobile phone usage was more easily obtained by Governments than data on the number of disappeared persons in their territory. She asked the Vice-Chair how he or the international community could press the Russian occupation authorities in Crimea to investigate and ensure the administration of justice in the many cases of the disappearance of Crimean Tatars that had taken place in the months immediately following the purported annexation of Crimea by the Russian Federation in March 2014.

92. **Mr. Cepeda Orvañanos** (Mexico) expressed appreciation for the report of the Working Group and, as an update on what had been stated within the context of the presentation of the Working Group's

report to the Human Rights Council earlier that year, said that he wished to reiterate the statement just made to the Chair of the Committee on Enforced Disappearances.

93. **Mr. Duhaime** (Vice-Chair, Working Group on Enforced or Involuntary Disappearances) said that a thematic study would be undertaken to analyse the challenges posed by enforced disappearances within the context of migration. The Working Group would also look into consular service investigations and the varying degrees of State cooperation enabling the perpetration of abductions by non-State actors. All delegations and civil society, in particular family associations, were invited to share their concerns, issues and conclusions, if any, with the Working Group.

94. He welcomed the support from the delegation of Morocco, in particular their invitation to host the next session of the Working Group, which tried to meet once a year away from Headquarters in order to be close to the families and organizations with which it worked. The inter-sessional period would provide an opportunity to look into the issue of non-State actors, and the Group hoped to increase State participation in that regard.

95. The Working Group often had difficulty contacting persons with specific information or the ability to locate or release disappeared persons. The Group's goal was to be a conduit for communication, allowing families to get into contact with those who had relevant information and with the State apparatus that could bring about the release of the disappeared persons.

96. Although grateful to the General Assembly for making it possible to add a regular budget post, the Working Group would not have sufficient resources owing to the thousands of cases on its desk and the number of thematic studies in the field. In that regard, voluntary contributions from States were crucial. States could also help the Group by inviting it to visit their country on an annual basis, thereby allowing it to get closer to victims and their families. Lastly, with regard to the alleged disappearances in Crimea, although the Working Group was concerned about them, it was difficult to speak about specific cases. However, the Group did communicate with all parties that could be useful in the discussion about and the search for missing individuals.

The meeting rose at 5.50 p.m.