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Chair: Mr. Eriza (Vice-Chair) (Indonesia)

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In the absence of Ms. Mejía Vélez (Colombia), Mr. Eriza (Indonesia) took the Chair.

The meeting was called to order at 10.05 a.m.

Agenda item 68: Promotion and protection of human rights (*continued*) (A/71/40; A/C.3/71/4 and A/C.3/71/5)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/71/56, A/71/254, A/71/255, A/71/269, A/71/271, A/71/273, A/71/278, A/71/279, A/71/280, A/71/281, A/71/282, A/71/284, A/71/285, A/71/286, A/71/287, A/71/291, A/71/299, A/71/302, A/71/303, A/71/304, A/71/305, A/71/310, A/71/314, A/71/317, A/71/319, A/71/332, A/71/344, A/71/344/Corr.1, A/71/348, A/71/358, A/71/367, A/71/368, A/71/369, A/71/372, A/71/373, A/71/384, A/71/385, A/71/405 and A/71/567)

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*) (A/71/308, A/71/361, A/71/374, A/71/379-S/2016/788, A/71/394, A/71/402, A/71/418, A/71/439, A/71/540-S/2016/839 and A/71/554)

1. **Mr. Lynk** (Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967), recapping his introduction of his report (A/71/554) at the previous meeting, said that Israel had denied him access to the Occupied Palestinian Territory, notwithstanding its obligations under the Charter of the United Nations and the Convention on the Privileges and Immunities of the United Nations. Israel continued to engage in the illegal practices of collective punishment and forcible transfer and, in the past year, Israeli security forces had repeatedly employed lethal force with near impunity. The right to development in the Occupied Palestinian Territory had been seriously compromised; unemployment levels were among the world's highest, poverty had increased substantially and gross domestic product was stagnant or falling, particularly in Gaza. In his report, he recommended that Israeli security forces should be held strictly accountable for the use of lethal force and that Israel should restore the right to freedom of

movement of people and goods throughout the Occupied Palestinian Territory, including by ending the blockade of Gaza. Lastly, he commended the work being done by courageous human rights organizations in Israel and the Occupied Palestinian Territory to hold the occupying Power to its obligations under international law.

2. **Ms. Rasheed** (Observer for the State of Palestine) said that her delegation had been dismayed at some States' failure to respect the time limits during the previous meeting, thereby infringing on the time allotted for consideration of the Special Rapporteur's report. During Israel's brutal 50-year military occupation, its numerous illegal actions described in the report had led to the de-development of the Occupied Palestinian Territory. The report made clear that, as long as the occupation continued, the right to development and many other human rights of Palestinians, including their inalienable right of self-determination, would continue to be denied. She asked how the international community, including the United Nations, could act most effectively to compel Israel to end the occupation. Her delegation wished once again to place on record its condemnation of Israel's refusal to cooperate with the Special Rapporteur. She asked how he planned to deal with that situation and what the Member States and the Office of the United Nations High Commissioner for Human Rights (OHCHR) could do to ensure that his mandate was not obstructed.

3. **Ms. Sukkar** (Jordan) said that the Israeli-Palestinian conflict remained the central issue of her region. The existence and spread of Israeli settlements were a grave breach of international law and complicated the final status issues, while movement restrictions and closures of entire towns violated children's right to education and health. It was important to document all violations fully and to make young people resilient to violent extremism by providing them with economic opportunities. Jordan called for an immediate ban on the practice of administrative detention, including the detention of children. She asked how the international community could ensure an end to all harmful practices and hold Israel accountable for them.

4. **Ms. Bassene** (Senegal) said that, as Chair of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, Senegal remained convinced of

the need for a peaceful two-State solution, negotiated by the leaders of both sides, that met Israel's security needs and the Palestinians' legitimate aspiration to a sovereign State based on pre-1967 borders. Her delegation wished to know the Special Rapporteur's priorities for his future reports and suggested that particular attention should be paid to the situation of Palestinian refugees and to the role of civil society in reporting on the situation in the Occupied Palestinian Territory.

5. **Mr. Habib** (Indonesia) said that the Palestinian people could not wait another 50 years to regain their sovereignty. His delegation reiterated its call for an immediate end to the violence, settlements and insecurity and for the Palestinian people to have full access to humanitarian and development assistance, economic partnerships and international cooperation, as well as to capacity-building towards statehood. The international community must work to end the human rights violations and the occupation.

6. **Mr. Dehghani** (Islamic Republic of Iran) said that the situation called for urgent international attention and action, as the occupying forces continued to commit gross and systematic violations of international law with absolute impunity. He asked what immediate practical actions and legal measures the international community and the United Nations could take to end that impunity.

7. **Ms. Thomas Ramírez** (Cuba), expressing grave concern at Israel's continued disregard for United Nations resolutions and its flagrant and systematic violations of international law, said that, to lay the groundwork for a just, peaceful and lasting solution, Israel must end impunity for serious human rights violations, discontinue its colonial policy and recognize the legitimate and inalienable rights of the Palestinian people.

8. **Ms. Al-Khater** (Qatar), condemning the practices of administrative detention and collective punishment, said that Qatar remained committed to providing the support needed to rebuild Gaza. She called on the international community to assume its legal and ethical responsibility to end the unjust blockade and provide protection for the Palestinian people.

9. **Mr. Torbergson** (Norway) said that his country strongly supported the Special Rapporteur's mandate

and urged Israel to extend its full cooperation. It was imperative for the norms of international humanitarian and human rights law to be upheld. All violations of international law must be independently investigated and, where appropriate, prosecuted. Political leaders on both sides must refrain from incitement and denounce violence. Norway shared the Special Rapporteur's concerns regarding administrative detention, settlement expansion, forcible transfer, demolitions and all forms of collective punishment, and commended his recognition of the Palestinian right to economic and social development. The restrictions on Gaza must be eased, and the reconstruction and recovery efforts accelerated. A lasting peace, on the basis of the two-State solution, could only be built on a foundation of human rights, dignity and accountability.

10. **Mr. Forax** (Observer for the European Union) said that there was no alternative to a negotiated two-State solution based on the parameters set out in the European Council conclusions on the Middle East peace process of December 2009 and July 2014 that met Israeli and Palestinian security needs and Palestinian aspirations for statehood and sovereignty, ended the occupation and resolved all permanent status issues. The European Union encouraged all international donors to honour their pledges for the reconstruction of Gaza without delay; however, its humanitarian needs could only be addressed by political progress on three tracks. First, all parties must respect the ceasefire and work towards a de-escalation of tensions and an end to terrorist incitement and the illicit arms build-up by Hamas and other militant groups. Second, all Palestinian factions must engage in good faith in the reconciliation process on the basis of the Palestinian Liberation Organization platform, and a date must be set promptly for new local elections. Third, the blockade of Gaza must be lifted while addressing Israel's legitimate security concerns. The European Union urged both parties to promote confidence- and trust-building.

11. **Ms. Lekalakala** (South Africa) said that it was appalling that the international community remained unable and unwilling to address the gross and systematic violations of human rights in the Occupied Palestinian Territory and the longstanding problem of impunity. Her delegation supported the Special Rapporteur's emphasis on the right to development of the Palestinian people and asked what could be done in

the current climate to reverse the process of de-development in Gaza.

12. **Ms. Mortaji** (Morocco) said that preoccupation with other issues should not blind the international community to the unprecedented deterioration of the situation in the Occupied Palestinian Territory. Peace in the Middle East was contingent on settling the Palestinian question, and any delay in finding a two-state solution that guaranteed the establishment of an independent Palestinian State with East Jerusalem as its capital would lead to further deterioration and unthinkable consequences. Repeated attacks on places of worship and holy sites in Jerusalem served only to fuel hatred and radicalization in the region.

13. **Mr. Al Qadi** (Saudi Arabia) said that despite international efforts, Israel continued to ignore all international laws with no fear of accountability. Saudi Arabia called on Israel to withdraw from all occupied territories, including the West Bank, Gaza, Jerusalem, the Syrian Arab Golan and South Lebanon and to find a solution that would allow Palestinian refugees to return home in accordance with General Assembly resolution 194 (III). It also reiterated its support for pressing forward with the peace process.

14. **Ms. Simovich** (Israel) said that her delegation was not surprised at the negative content of the Special Rapporteur's report, since his mandate was biased against Israel. That mandate originated from the Human Rights Council, which had been taken over by some of the worst human rights violators in the world and had long abandoned the founding principles of universality, impartiality, objectivity and non-selectivity. The Council continued to overlook egregious human rights violations around the world in order to focus selectively on the only democracy in the Middle East. Its mandate, which had not changed since 1993, completely ignored Palestinian institutionalized incitement to violence and terrorism and the wide-ranging human rights abuses by the Palestinian Authority against Palestinians. Her delegation considered that mandate to be illegitimate.

15. **Ms. Zahir** (Maldives), expressing deep concern at the deteriorating situation described in the report, said that individuals should be held accountable for serious violations of international humanitarian law in order to deter future violations, promote respect for the law and open avenues of redress for victims. The Maldives called on the Israeli authorities to fully

implement the Special Rapporteur's recommendations, including his recommendation to conduct independent and impartial investigations of all alleged instances of the use of lethal or excessive force or the commission of unlawful acts by Israeli security forces. She asked the Special Rapporteur what could be done to ensure that Israeli security forces were held accountable for violations of international humanitarian law in Gaza and how his many recommendations could be implemented without first bringing the illegal occupation to an end.

16. **Mr. Uğurluoğlu** (Turkey) said that it was regrettable that the Palestinian people continued to be deprived of their most fundamental human rights, including the rights to freedom of movement, property and a fair trial. Furthermore, continuing Israeli settlement expansion was eroding the viability of a two-State solution. Turkey's \$200 million pledge for the 2014-2017 period was funding various projects to empower the Palestinian people and improve their living conditions. It would continue to support a two-State solution with East Jerusalem as the capital of an independent Palestinian State.

17. **Mr. Lynk** (Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967) said that the occupation was becoming more entrenched and could not be separated from the settlement project. The occupying Power needed to realize that its status in the international community and at the United Nations depended on ending the occupation and allowing the Palestinians to exercise their inalienable right to self-determination and independence. The occupation violated many aspects of international human rights and humanitarian law. It might be necessary for a United Nations body to adopt a resolution on the illegality of the occupying Power's continuing occupation, or for an advisory opinion to be sought on the matter from the International Court of Justice.

18. **Mr. Nambiar** (Special Adviser to the Secretary-General on Myanmar), introducing the report of the Secretary-General on the situation of human rights in Myanmar (A/71/308), said that after the military junta had refused to recognize the results of the national elections held in May 1990, many Governments across the world had imposed strict sanctions; for two decades, humanitarian assistance had been channelled

only through non-government agencies and official development assistance had been reduced to a trickle. The Secretary-General's decision to spearhead international relief efforts after Cyclone Nargis in 2008 had begun the process of building trust between the military junta and the outside world. The 2010 general election, conducted on the basis of the 2008 Constitution, had brought a putative civilian Government to power. The Secretary-General's good offices role had begun to evolve from finger-pointing against an abusive military regime to constructive engagement and support for reform, reconciliation and democratization, and the new President had introduced significant measures to consolidate democracy. In parliamentary by-elections two years later, the leader of the opposition National League for Democracy (NLD) party, Nobel peace laureate Daw Aung San Suu Kyi, had won a clear victory, bringing a decisive shift in the political paradigm.

19. The report covered the first actions of the NLD Government elected in May 2016. Since the issuance of the report, the new Government had taken additional positive steps to consolidate democracy, including repeal of the 1950 Emergency Provisions Act, ratification of the Maritime Labour Convention and adoption of a new investment law. However, while it had quickly established a national committee on the situation in Rakhine, the picture there remained bleak. To address that situation more effectively, it had recently established the Advisory Commission on Rakhine State, chaired by former Secretary-General Kofi Annan. The presence of Mr. Annan and two other international members increased the commission's international credibility but had also sparked considerable domestic controversy. At the September 2016 meeting of the Partnership Group on Myanmar, held at the ministerial level on the margins of the high-level segment of the General Assembly, there had nevertheless been cautious optimism about the new Government's actions. Ms. Suu Kyi's bilateral visits as State Counsellor and Minister for Foreign Affairs had generated positive interest, and the United States decision to terminate its sanctions programme had been a major boost.

20. Notwithstanding the distinct and sometimes divergent interests and aspirations of the different ethnic armed groups, many of them had signed a provisional nationwide ceasefire agreement in October

2015. For more than three years leading up to the agreement, the United Nations and China had been present at negotiations and at the summit meetings of the armed ethnic organizations as neutral third-party observers. Although some of the Special Adviser's interactions had been seen as controversial, they had generally been received with respect, goodwill and trust in his impartiality.

21. Since then, the Myanmar Government had taken resolute steps to implement the ceasefire agreement, including the establishment of a Union Peace Dialogue Joint Committee and a Union Joint Monitoring Committee and the holding of the first session of the Union Peace Conference. Furthermore, the State Counsellor had repeatedly stressed that the peace process would be her major priority. However, engaging the non-signatories of the ceasefire agreement, including some of the most formidable ethnic armed organizations in the north-eastern periphery of the country, remained a key challenge.

22. The State Counsellor's decision to convene the Union Peace Conference testified to her determination to initiate dialogue and pave the way for more inclusive negotiations. As the only international dignitary invited to address the Conference, the Secretary-General had encouraged all concerned to participate in an inclusive and structured political dialogue, but had been careful not to appear complicit in any effort to pressure any group to join the process. The United Nations would need to continue to work with all sides to advocate for greater transparency, consultation and participation of civil society, affected communities and women in the peace process, which would be crucial to overcome the mistrust of some key non-signatory groups.

23. The United Nations was establishing a funding mechanism to channel international support to the Union Joint Monitoring Committee, which could prove to be an important confidence-building tool. Throughout the peace process, the United Nations good offices had reached out discreetly to all stakeholders. In the future, it would be up to those stakeholders to define the role of the United Nations in consultation with it. The Secretary-General had underlined the willingness of the United Nations to respond to any request for political and technical support.

24. Ongoing fighting in northern Kachin and Shan created a very challenging climate for trust and dialogue. Since the first clashes in late August 2016, thousands of people had fled, adding to the numbers of internally displaced persons and creating strong resistance in Kachin, where large demonstrations had been held to protest army aggression and the lack of Government response. Conflict-related human rights violations by all sides continued to be reported. In early October, after two years without large-scale violence, pitched battles and armed attacks on police and border-guard posts had been reported. Despite the authorities' speedy action to discourage intercommunal violence and curb rumours and incitement, there had been reports of dozens killed, houses destroyed and thousands displaced. National and state leaders had reportedly visited the affected areas, denounced the attacks and urged firm action against the perpetrators. In a statement on 11 October, he had called for maximum restraint on the part of the security forces to avoid civilian deaths, respect the rule of law and show transparency, accountability and responsibility. However, there were very disturbing reports of security force reprisals. Also, humanitarian access continued to be denied.

25. Respect for human rights must become culturally ingrained in the political class and armed forces. The inclusion of women in the peace process was also very important. Since the 2012 signing of a joint action plan with the United Nations to end the use of child soldiers and their recruitment, 800 children had been freed, and needed to be reintegrated into society. Although Myanmar had shown interest in contributing to United Nations peacekeeping missions, regular and sustained participation would be justified only when the armed forces had proved significantly more human rights-compliant.

26. With respect to the overall situation of human rights, although the new Government's bilateral human rights dialogues with Member States had been broadly positive, much more political will would be needed to counter the marginalization of minority communities, in particular institutionalized discrimination against the Rohingya Muslims in Rakhine State. In meetings with the leaders and people of both Buddhist and Muslim communities, he had steadily advocated reasoned discourse, interfaith cooperation, public mobilization to counter hate speech and incitement, and action to

overcome prejudice, mistrust and suspicion between the communities. At the height of the communal tensions, the Secretary-General had urged the Myanmar Government and the opposition to make a joint public appeal to the nation to abjure violence, and the Special Adviser had appealed to the then-Foreign Minister to diffuse tensions and address the issue of institutionalized discrimination, but all to no avail.

27. In view of the need to ramp up development for all communities, the United Nations was reaching out to civil society organizations, community leaders and religious leaders to resolve substantive issues such as property restitution, compensation payments and better access to health and education facilities. Along with other development partners, it was participating in the development of a socioeconomic plan for Rakhine, and was also working with the local Rakhine government to expand health facilities and with the Centre for Diversity and National Harmony to institute early warning mechanisms and anti-trafficking measures and conduct interfaith dialogues.

28. While the new State Counsellor had reaffirmed her Government's commitment to respect the human rights of all Myanmar's peoples, including minorities, and had spoken out strongly against prejudice, intolerance, hate speech and restrictions on religious freedom, she had also said that the issue of citizenship for the Rohingya minority would require a long-term approach and had warned that excessive international pressure would trigger a domestic backlash. At the same time, she had recognized the need for more considered attention to the regional ramifications of the problem. While urgent action was needed to halt the ongoing violence, the Myanmar Government's new approach should be given time. Meanwhile, the Advisory Commission on Rakhine State would conduct a careful review of all aspects of the situation. On a broader level, the comprehensive refugee response framework being drawn up by the United Nations should be applicable in the context of Myanmar and at the regional level as well.

29. Consolidation of democracy would depend on stable relations and cooperation between the new political leadership and the military. Unless the army saw real progress in the national reconciliation talks and a reduction in threats to national and regional stability, including threats posed in Rakhine, it would

not allow any drastic dilution of its role in governance. For it to agree to negotiations on the contours of a reorganized national army under a new federal State, the armed ethnic groups would have to have irrevocably abandoned the path of confrontation, which seemed unlikely in the near future. The National League for Democracy envisaged a broad-based power-sharing agreement between the Myanmar Government, the army and the different ethnic groups as key to setting up a new, inclusive political and constitutional structure, but it would be difficult to balance the interests of the armed forces and the armed ethnic groups. The determination of the Myanmar Government and the military to retain strong national ownership over the peace process would limit what role outside parties, including the United Nations, could play.

30. On the strength of Myanmar's positive overall record, the new Government had strongly requested the discontinuation of the annual General Assembly resolution on the situation in Myanmar and the winding down of the Special Rapporteur's mandate and had asked the United Nations to consider other options for continued engagement. As it moved ahead, Myanmar must be able to count on the support of the wider international community.

31. **Mr. Suan** (Myanmar) said that the report reflected many positive developments that had taken place inside Myanmar and identified major challenges that lay ahead. His country had cooperated in good faith with various special human rights mechanisms for a quarter of a century, despite its principled opposition to country-specific human rights mandates. He thanked the European Union for its decision not to table the annual draft resolution on Myanmar and assured the Committee of his country's continued cooperation with the United Nations and the international community.

32. Myanmar had met many human rights benchmarks set by successive General Assembly resolutions. The 2015 general elections had brought the first democratically elected Government in more than 50 years and had been followed by greater political freedom, media freedom and freedom of assembly and association, as well as a widening of civil society space. Myanmar had opened up its economy and launched a people-centred development policy aimed at reducing poverty. It had adopted a new approach of

engagement and cooperation on human rights issues. The new Government's top priority was peace and national reconciliation. It had organized the first session of the Union Peace Conference, held with the participation of all stakeholders in August 2016, and it planned to follow up in November with national political dialogues.

33. His Government was making serious efforts to find a fair and lasting solution to the complex and longstanding problem in Rakhine State. It had established the Central Committee for the Implementation of Peace, Stability and Development in Rakhine, chaired by State Counsellor Daw Aung San Suu Kyi, tasked with establishing security, peace, stability and the rule of law; scrutinizing immigration and citizenship; facilitating socioeconomic development; and cooperating with United Nations agencies and international organizations in providing humanitarian assistance. It had also appointed the Advisory Commission on Rakhine State, chaired by former Secretary-General Kofi Annan, to support the Central Committee's efforts.

34. Media reports of human rights violations in the aftermath of the armed attacks of 9 October 2016 had not been independently verified. The allegations would be investigated, and appropriate action would be taken if necessary. Immediately after the attacks, the State Counsellor had instructed the security forces to resolve the issue within the bounds of law, and the Commander-in-Chief had ordered them to exercise maximum restraint unless confronted by armed resistance. Copies of common article 3 of the Geneva Conventions had been distributed among the troops, who had been given specific directives for dealing with anyone arrested in connection with the attacks, with the aim of ensuring transparency, accountability and responsibility in all their actions.

35. With respect to humanitarian access, food and basic supplies had been provided to both communities which had taken shelter in safe areas since the outbreak of the armed confrontation. As soon as the situation stabilized, domestic and international humanitarian organizations would be given full access. A group of members of the diplomatic corps and representatives of the Office of the United Nations Resident Coordinator would be visiting the area early in the following week. Despite some strong opposition from domestic and external forces, his Government was determined to

persevere in its endeavour to achieve harmony, peace and prosperity in Rakhine State and to stand firm against the forces of prejudice and intolerance.

36. Myanmar was committed to the promotion and protection of human rights. It cooperated closely with OHCHR and held annual human rights dialogues with the European Union, Japan and the United States of America. It was also an active member of the Intergovernmental Commission on Human Rights of the Association of Southeast Asian Nations (ASEAN). Under the leadership of Daw Aung San Suu Kyi, who had devoted her life to defending human rights, his Government was well able to protect the rights of the people of Myanmar without the annual United Nations resolution.

37. **Mr. Teo** (Singapore) said that Singapore appreciated the invaluable efforts of the United Nations over the past quarter of a century to support ongoing democratic transition in Myanmar and, in particular, the Special Adviser's quiet diplomacy, which had won him the trust of all stakeholders. However, the context in which the existing mechanisms had been created had evolved, as Myanmar's new Government had made visible progress within a short span of time; those mechanisms therefore needed to be reviewed to ensure that they were fit-for-purpose to support Myanmar's path of peaceful national reconciliation and development. For its part, Singapore would continue to support Myanmar and its people bilaterally and multilaterally.

38. **Mr. Torbergson** (Norway) said that the absence of a Third Committee draft resolution on the situation in Myanmar signalled the international community's recognition of the progress made by the new Government. Norway commended the steps taken by the Myanmar Government to include all stakeholders in the political dialogue on peace and national reconciliation and was prepared to support the next stage of that process. His Government was concerned about the recent violence in northern Rakhine and urged the Myanmar Government to provide free access for humanitarian aid; to respect the rule of law; to investigate the allegations of human rights abuses; and to continue to publicize its responsibility to protect all of the inhabitants. He asked the Special Adviser what assistance the international community could give to improve the situation in Rakhine.

39. **Mr. Moussa** (Egypt), speaking on behalf of the Organization of Islamic Cooperation (OIC), said that despite efforts to address some of the challenges in Myanmar, grave human rights violations continued to occur. OIC urged the Government of Myanmar to improve the situation of the Rohingya by, inter alia, giving them equal access to full citizenship, ensuring freedom of movement and providing for the safety and health care of internally displaced persons. More than 120,000 Rohingya remained in camps for internally displaced persons, and restrictions were increasing. There were also reports of human rights violations by security forces, including unlawful killings, arbitrary arrests and widespread extortion. Furthermore, while the citizenship verification process had resumed in May 2016, it was based on the 1982 Burma Citizenship Law, which barred the Rohingya and other minorities from full citizenship. OIC had repeatedly called on the Myanmar authorities to restore the voting rights of those who had previously had the right to vote and to participate in all levels of government.

40. **Mr. Yang Junzhi** (China) said that China supported the efforts of Myanmar to achieve national reconciliation and development, particularly as the situation in northern Myanmar had a direct bearing on stability and security along its south-western borders. In line with the willingness expressed by Myanmar, China would continue to work with it to advance the peace talks and maintain border security. It hoped that the international community would continue to ensure a conducive external environment, and, if providing assistance, would tailor it to Myanmar's needs, in full consultation with the Myanmar Government.

41. **Mr. Forax** (Observer for the European Union) said that although the European Union and its member States welcomed the positive developments in Myanmar, they remained concerned at the continuing discrimination against minorities, especially the Rohingya, the refusal of some armed groups to sign the ceasefire agreement, the ongoing displacement of communities and the insufficient inclusion of women in the peace process. He asked what role the Special Adviser foresaw for the United Nations in Myanmar, how the Advisory Commission on Rakhine State could contribute most effectively to a sustainable solution and how the international community could best support the Myanmar Government's efforts to ensure women's involvement in peacebuilding.

42. **Ms. Clayton** (United Kingdom) said that the great gains made since 2011 were fragile. The launch of the Union Peace Conference and the establishment of the Advisory Commission on Rakhine State were positive steps towards lasting peace, but the continuing Tatmadaw offensives in Kachin and northern Shan could undermine the peace process; the United Kingdom called on all sides to negotiate in good faith. It welcomed the State Councillor's commitment to a fair investigation of the 9 October attacks, but was concerned by increasing reports of human rights violations by the security forces. The security response should be proportionate and lawful, and humanitarian access should be restored immediately. She asked how the peace process was being affected by the fighting in Kachin and northern Shan and how the international community could encourage its continued inclusiveness. She would also appreciate the Special Adviser's assessment of the scale and scope of the security operations in Rakhine.

43. **Mr. Nambiar** (Special Adviser to the Secretary-General on Myanmar), said that he was pleased to learn that representatives of the Office of the United Nations Resident Coordinator and the diplomatic community would soon have access to the area. The international community could support the peace process and national reconciliation by letting the Myanmar Government know that it was watching. It was important to continue to call attention to the civilian impact of the security forces' expanding presence and to the need to adhere to international standards, conduct credible investigations of security force activities, allow humanitarian access and address hate speech and incitement. Member States should also keep close contact with the Advisory Commission on Rakhine State.

44. The first rule of United Nations action must be to do no harm. He foresaw that the United Nations would continue to have a high level of presence and engagement, perhaps through the normal Department of Political Affairs channels, but the exact mechanisms would be decided upon by the new Secretary-General. It would probably continue to emphasize the need for a fully mandated office of the United Nations High Commissioner for Human Rights. The mandate of the Special Rapporteur would continue.

45. The fighting in Kachin was both between Kachin and Shan armed groups and between the Government forces and the armed groups. It was critical for the Myanmar Government to reach out bilaterally as well as through the Union Peace Conference process. Unless it could address some of the ethnic armed groups' immediate concerns, it would have great difficulty in getting the non-signatories on the same platform as the signatories. It also needed to take into account the presence and influence of outside forces.

46. **Mr. Bielefeldt** (Special Rapporteur on freedom of religion or belief), introducing his report (A/71/269), said that, by providing an overview of the different types of violations of freedom of religion or belief, he hoped to call attention to those that did not receive adequate international attention. As a universal human right, freedom of religion or belief could not be limited to a list of State-defined options and should be implemented in a non-discriminatory fashion, which implied positive efforts to overcome all forms of discrimination. Acts of worship could not be confined to the private sphere or to designated public places.

47. While violations such as the criminalization of apostasy, proselytism or blasphemy were well publicized, other State infringements received little attention. They included anti-extremism laws, bureaucratic stipulations that placed unreasonable burdens on certain religious communities and State-enforced family laws that discriminated on the basis of religious beliefs. Children of religious minorities were sometimes exposed to non-accommodating national school curriculums and pressure from teachers and peers.

48. It could not be overemphasized that religious intolerance did not directly originate from religions themselves, but always presupposed the intervention of human beings. Some theocratic regimes actively encouraged intolerant interpretations of religions and consequently failed to protect religious minorities from hate crimes or even arrogated to themselves the role of guardians of the purity of religious doctrines. In addition to outlawing certain religions or interpretations, such regimes typically stifled any serious intellectual debate on religious issues, creating a climate of bigotry and hypocrisy. Other non-secular States gave certain religions special status as a way of demarcating the national identity. However, even some formally secular States made a sharp distinction between national religions,

which were protected, and foreign religions, which were deemed a threat to national cohesion. In a number of countries, practitioners of small minority religions were persecuted as the allies of foreign powers or donors.

49. Authoritarian regimes committed violations of freedom of religion or belief in order to exercise control over society as a whole; such interference could create a climate of mistrust and suspicion, giving law enforcement agencies an additional pretext for applying far-reaching control measures. In the case of failed States, disenchantment with public institutions could give rise to escalating societal fragmentation; the resulting power vacuum was typically filled by such groups such as mafia organizations, vigilante groups and even terrorist organizations, some of which committed crimes in the name of religion.

50. The international community had largely failed to live up to its human rights obligations, including the rights of refugees and internally displaced persons. While some States had demonstrated solidarity, others had been reluctant to host refugees. Moreover, from the standpoint of freedom of religion or belief, it was unacceptable for a State to accommodate only refugees with religious beliefs similar to its own predominant traditions.

51. **Ms. Duda-Plonka** (Poland) said that her delegation shared the concerns about Government practices of imposing restrictions on freedom of religion and belief and stressed the need for protection of religious minorities. She asked the Special Rapporteur what he considered the most effective tools for promoting tolerance and the value of diversity, especially in the context of the migration crisis.

52. **Ms. Nielsen** (Denmark) asked the Special Rapporteur for examples of good practices in addressing gender-related obstacles to the exercise of freedom of religion or belief and whether civil society organizations could help Governments address the root causes of violations of that freedom.

53. **Ms. Karimdoost** (Islamic Republic of Iran) said that any analysis of freedom of religion or belief should not place religious belief and religious activity on the same level and should consider the different consequences of beliefs as compared to actions. Furthermore, neither States nor the international community should be held wholly responsible for

violations of the right to freedom of religion or belief; the root causes of the problem should be taken into consideration. The points raised in the report about violent religious extremism were of particular interest in the Middle East, where the Islamic State in Iraq and the Levant had raised a black flag against the white flag of true Islam.

54. **Ms. Brooke** (United States of America) said that the United States encouraged all Member States to redouble their efforts to fulfil their human rights obligations and to allow the incoming Special Rapporteur to visit. It was seriously concerned about the detention of Baha'is by rebel groups in Yemen and called for the immediate release of those persons who were still in captivity. All parties in Yemen should release all prisoners and detainees held for their religious beliefs.

55. **Mr. Rohland** (Germany) said that in view of the close interconnectedness between religious intolerance and political, cultural and economic conflicts, it was important for the Special Rapporteur's mandate to be comprehensive in scope. He asked if the Special Rapporteur could point to any examples of countries successfully fighting religious discrimination and hatred through the education system.

56. **Mr. Torbergsen** (Norway) asked whether the Special Rapporteur saw any connection between restrictions on the freedom of religion or belief and increased hostility in society, given that religion often served to demarcate identity.

57. **Ms. Clayton** (United Kingdom) said that the United Kingdom was committed to promoting freedom of religion or belief at home and abroad. In October 2016, it had held a conference in London to discuss new ideas for extending the right to freedom of religion or belief and building resilience against extremism, and it had updated its diplomatic toolkit to help diplomats identify violations and possible courses of action for tackling them. Freedom of religion fostered critical thinking and discouraged violent extremism.

58. **Ms. Broderick** (Ireland) said that her delegation was deeply concerned by continued discrimination, intimidation and harassment of members of Muslim, Christian and Baha'i communities, as well as persons belonging to non-traditional religious or belief

movements. She asked how States could be held accountable for violations of freedom of religion or belief and what action could be taken to address root causes such as a loss of trust in public institutions or the practice of using religion to define national identity.

59. **Mr. Forax** (Observer for the European Union) said that the European Union condemned all forms of intolerance and violence against persons on grounds of religion or belief, including within its borders. It welcomed the comments of the Special Rapporteur on the responsibility of Governments to address violations perpetrated by non-State actors and protect people under their jurisdiction from abuse. He requested the Special Rapporteur to provide examples of good practices for tackling hidden forms of discrimination and asked what steps regional or international organizations could take to help Governments address the root causes of violations.

60. **Ms. Feeling** (Canada) asked whether the Special Rapporteur saw a role for non-traditional partners such as women's rights advocates and persons of different sexual orientations and gender identities in promoting freedom of religion or belief or, conversely, a role for religious figures in promoting freedom of sexual expression. She also asked how shortcomings in protection for those fleeing religious persecution could best be overcome.

61. **Mr. Al-Kumaim** (Yemen) said that Yemen respected all religions and beliefs, including those of Baha'is, Jews and Christians, who worshiped openly. However, given the current situation, many of members of religious minorities had fled the country.

62. **Mr. Bielefeldt** (Special Rapporteur on freedom of religion or belief) said that, in view of the time constraints, he would emphasize three key points. First, although religious minorities were more vulnerable and merited extra attention, freedom of religion or belief was in the best interests of the majority religions as well, because a religion that was not practiced by choice lost credibility. Furthermore, he would like to see more dialogue between members of the same faith living in a majority position and those living in a minority position. Second, tensions between religions or religious interpretations were not inevitable, but were artificially created. Good practices abounded in many countries. In Sierra Leone, for example, Sunnis,

Shias, Ahmadis and Christians lived and worked together peacefully. Third, all people, whether women or men, gay, transgender or bisexual, had a right to freedom of religion or belief; thus any attempt to promote religious freedom must take gender issues into account. In June 2016, a conference had been held in Geneva to explore synergies between lesbian, gay, bisexual and transgender issues and freedom of religion or belief. The issues were complicated, but it would be wrong to assume that advocates of religious freedom and proponents of freedom of sexual expression were working at cross-purposes.

63. Rather than attempting to impose policies and programmes, it was better to acknowledge the wisdom of the people on the ground, who often did not receive the recognition they deserved.

64. **Ms. Giammarinaro** (Special Rapporteur on trafficking in persons, especially women and children), introducing her report (A/71/303), said that while trafficking in persons was a systemic outcome of conflict and crisis situations, it was rarely detected and even more rarely addressed. However, she was encouraged by the increased attention being given to the connection between human trafficking and conflict in the Security Council, the Human Rights Council and the General Assembly, as well as by the appointment of the Goodwill Ambassador for the dignity of survivors of human trafficking.

65. It was clear that victims of trafficking were entitled to the same rights, due diligence and protection whether in times of conflict or otherwise. Her report highlighted the visible and hidden forms of conflict-related human trafficking. Migrants, including refugees and asylum-seekers, who were fleeing conflict frequently fell victim to human trafficking, and women and unaccompanied children were particularly vulnerable to trafficking for purposes of labour exploitation and organ removal. During conflict, many children were forcibly recruited into armed militias or used as suicide bombers or human shields. Although their plight went largely unnoticed, migrant workers were sometimes trafficked into conflict zones, which for women and girls often also involved both labour and sexual exploitation.

66. Both during and after conflict, women and girls were trafficked for sexual exploitation. Recently, there had been an egregious pattern of abducting women and

girls and forcing them to marry or serve as sex slaves in order to generate revenue and recruit, reward and retain fighters. Sometimes young women and girl refugees were sold as brides by their parents.

67. In post-conflict situations, societies often experienced a surge in trafficking for sexual exploitation and labour. Unfortunately, shameful incidents of sexual violence, abuse and exploitation continued to occur during peacekeeping operations.

68. Various steps could be taken to prevent different types of trafficking and exploitation in conflict and post-conflict situations and to protect the rights of victims and potential victims. Anti-trafficking measures should be incorporated in all humanitarian interventions in conflict zones, and appropriate procedures should be adopted at reception centres for migrants, asylum-seekers and refugees and implemented by trained personnel. States should take proactive measures to protect children at risk for trafficking during conflicts and should never hold children in administrative detention for immigration violations. The United Nations should ensure that child trafficking was linked to the six grave violations and abuses against children and should consider those violations as grounds for barring repeat offenders from contributing troops to peacekeeping operations. State contracting agencies of armed forces deployed in conflict and post-conflict areas should institute monitoring and control mechanisms at labour sites to prevent trafficking for labour exploitation. Lastly, States contributing personnel to peacekeeping operations should lift the immunity of peacekeepers accused of trafficking or exploitation and prosecute perpetrators without delay.

69. **Ms. Ryan** (United States of America) said that she would appreciate information on allegations of peacekeepers having engaged specifically in human trafficking, as her delegation was not aware of any such cases; she also asked how peacekeepers' immunity impeded pursuit of their accountability. She asked what practical measures the Special Rapporteur was taking to share best practices and procedures for child protection with Member States, United Nations entities and civil society organizations, and how she was addressing any gaps in those practices.

70. **Mr. Rohland** (Germany) said that combating human trafficking, which was usually a transnational crime, required close international cooperation. Gender

analysis was crucial, for example to pinpoint occurrences of child, early and forced marriages in human trafficking situations. He asked how States should go about identifying victims when there were large influxes of migrants and refugees and what strategies they might use to sensitize the media without infringing on freedom of the press.

71. **Ms. Fegan** (United Kingdom) said that her Government condemned all forms of modern slavery, including trafficking in human beings and forced or compulsory labour. In 2015 the United Kingdom had passed the ground-breaking Modern Slavery Act, which ensured severe penalties for perpetrators and enhanced support and protection for victims. It had also set up a modern slavery task force and pledged more than 30 million pounds to prevent slavery in countries from which victims were regularly trafficked to the United Kingdom. In 2016, it had become the third country to ratify the International Labour Organization's Protocol to the Forced Labour Convention.

72. **Mr. Forax** (Observer for the European Union) said that trafficking in persons was explicitly prohibited under the Charter of Fundamental Rights of the European Union and was addressed in a comprehensive legal and policy framework, including the European Union's Strategy towards the Eradication of Trafficking in Human Beings. He asked the Special Rapporteur to suggest measures and best practices for combating and eliminating trafficking in women and children and what she would like to see considered in the negotiations on a Global Compact on safe, regular and orderly migration.

73. **Ms. Nescher-Stuetzel** (Liechtenstein) said that her country would be developing tools to apply the "follow the money" approach to identifying traffickers and would also be exploring the advisability of increased involvement with international criminal justice mechanisms, including the International Criminal Court. She would appreciate the Special Rapporteur's opinion on the main reasons for widespread impunity and the measures most urgently needed to address it.

74. **Ms. Malekane** (South Africa) said that in South Africa trafficking in persons was the result of complex, interrelated factors that included poverty, a lack of opportunities, gender and racial inequalities and the break-up of families. In 2013 her Government had

adopted the Prevention of Trafficking in Persons Act to implement its international obligations. She asked how Member States could address human trafficking as a systemic outcome of conflict.

75. **Ms. Moutchou** (Morocco) asked how the international community could help States provide victims of human trafficking access to redress; what role religious leaders could play in the rehabilitation of victims; and what States should do to combat human trafficking in conflict situations, when the most pressing concern was often to reestablish order and stability and meet humanitarian needs.

76. **Ms. Gebrekidan** (Eritrea) said that, as a country directly affected by human trafficking, Eritrea had asked the Secretary-General and the Security Council to launch an independent investigation to address the regional challenges and identify and bring perpetrators to justice. It was cooperating closely with countries in the region bilaterally and in the context of the African Union Horn of Africa Initiative on human trafficking and smuggling of migrants to combat and eradicate trafficking, and it was working with the United Nations Office on Drugs and Crime to address the problem at the national level. Safe, orderly and affordable migration would contribute to efforts to combat human trafficking. She asked if the Special Rapporteur had any specific data on the connection between trafficking and irregular migration.

77. **Ms. Laissue** (Switzerland), emphasizing the importance of a human-rights based approach, focused mainly on promoting and protecting the rights of victims, asked what major challenges related to human trafficking should be addressed in the Global Compact on safe, regular and orderly migration.

78. **Ms. Giammarinaro** (Special Rapporteur on trafficking in persons, especially women and children) said that, owing to the time constraints, she would not be able to answer all of the questions. Anti-trafficking efforts should be fully integrated with the 2030 Agenda and the Global Compact. To combat human trafficking in the context of large mixed migration flows, States should work with non-governmental organizations to interview migrants and identify victims or potential victims of exploitation and trafficking, and should consider assisting at-risk persons by, for example, helping them find work. All actions to address the migration phenomenon should ensure full respect for

the rights of migrants and use all existing avenues of protection, in line with the New York Declaration on Refugees and Migrants.

79. To promote the attainment of Sustainable Development Goal 8.7, she had launched the SDG Alliance 8.7. She was also engaging with the business community to encourage the use of all self-regulatory tools, especially in supply chains.

The meeting rose at 1.10 p.m.