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Chair: Ms. Mejía Vélez. (Colombia)

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The meeting was called to order at 10 a.m.

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

(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, A/71/567 and A/C.3/71/5)

(c) Human rights situations and reports of special rapporteurs and representatives (continued) (A/71/379-S/2016/788, A/71/540-S/2016/839, A/71/308, A/71/361, A/71/374, A/71/394, A/71/402, A/71/418, A/71/439, A/71/554 and A/C.3/71/5)

1. **Ms. Lee** (Special Rapporteur on the situation of human rights in Myanmar), introducing her report (A/71/361), said that historic elections had taken place in Myanmar in November 2015 and a new Government had assumed power in March 2016. Her report provided an overview of the main human rights challenges facing the new Government after decades of military dictatorship and outlined recommendations for addressing those challenges in the short, medium and long term.

2. The Government of Myanmar had released over 400 political prisoners so far, but an estimated 285 remained in detention. Worryingly, that figure included individuals who had been arrested since the new Government had come to power. Most of the 71 workers arrested in May 2016 for protesting against working conditions had been released, but 15 had been convicted of offences such as unlawful assembly and sedition and would serve several months in prison.

3. While democratic space was growing, curbs on basic freedoms persisted. A bill protecting the personal freedoms and security of citizens introduced in the parliament in September could provide protection, but

old habits die hard. The remaining oppressive laws needed attention and new laws needed to be enacted to fill the gaps. Despite important gains, no changes had been seen in the structural issues that prevented Myanmar from becoming a full democracy underpinned by the rule of law. Since the military continued to hold 25 per cent of parliamentary seats at the Union and regional levels and controlled three powerful ministries, the Constitution could not be amended without military approval. Constitutional reform was politically sensitive, but without such reform, the transition from a military to full civilian government would be incomplete.

4. A total of 114 child soldiers had so far been released in 2016, and a peace conference had been held, which had brought together representatives of the Government, the armed forces (Tatmadaw) and ethnic armed groups. However, communities on the ground still feared attacks, abductions and abuses. Her report had provided figures on recent displacement, but a further 5,900 people had since been displaced following a fresh outbreak of violence in Kayin State, while 900 civilians were newly displaced in October in Shan State. Fighting had also intensified in Kachin State and civilians were paying the price. A two-year-old had tragically been killed and two other children injured recently when an artillery shell had landed near them. In addition, Myanmar remained the third most heavily mined country in the world, and new landmines continued to be laid. In Kachin and Shan States, humanitarian access to conflict areas was currently worse than at any time in the past few years. Clearly, there was a long way to go before peace was achieved; the fighting must end, the peace process must place accountability at its core and discussions must be inclusive, with the participation of all armed groups, women, youth and civil society.

5. The situation in Rakhine State remained of serious concern, in particular the continuing restrictions on freedom of movement. However, recent alarming developments had exacerbated intercommunal tensions and the vulnerability of all communities to violations and abuses. Border guard police posts in Maungdaw and Rathedaung had been attacked on 9 October 2016 by unidentified groups of individuals, resulting in the death of nine police officers and subsequent clashes resulting in additional deaths. Security operations were being conducted to

find those alleged to have been responsible and humanitarian programmes had been suspended and humanitarian access denied. Approximately 3,000 ethnic Rakhine, mostly women, children, and older persons, had fled their homes in northern Rakhine State, along with around 12,000 Muslims. Medical care, shelter, sanitation and food were in very short supply, and unsubstantiated rumours about the perpetrators and alleged international links had circulated widely, resulting in increased tensions and instances of hate speech and incitement. Humanitarian access must be resumed as soon as possible in order to meet the needs of those affected and displaced, and every effort should be made to reduce tensions, in particular by involving religious and community leaders. She therefore welcomed the priority given by the Government to addressing these complex challenges, including the establishment of the Central Committee on Implementation of Peace, Stability and Development of Rakhine State and the Advisory Commission on Rakhine State, headed by Kofi Annan.

6. Myanmar had come a long way, but its people deserved an honest assessment of where progress had been made and where it had not. She urged States to support and press for the changes needed to ensure that everyone in Myanmar had access to the fundamental rights to which all human beings were entitled.

7. **Mr. Suan** (Myanmar) said that, despite the opposition of his Government to country-specific mandates, it had always facilitated the visits of Special Rapporteurs, as part of its policy of cooperation with the United Nations. In fact, Myanmar was the only country to have granted access to a Special Rapporteur under agenda item 4 of the Human Rights Council.

8. His delegation observed that the recommendations set out by the Special Rapporteur had been made in good faith. Myanmar had made significant progress in the area of human rights over the past few years, and his country had changed completely since the appointment of the first United Nations special rapporteur on the situation of human rights in Myanmar 24 years ago. Myanmar now had a democratically elected Government; its citizens enjoyed greater political freedom and greater freedom of peaceful assembly and association; civil society space was widening; and its economy and society were more open. Nevertheless, it was facing daunting

challenges, such as armed conflict, poverty, the negative effects of decades of authoritarian governance and the situation in Rakhine State. Nothing, however, was more important than achieving a lasting peace and reconciliation, and the first session of the Union Peace Conference had been convened as a first step towards that goal.

9. The recent armed attack on border guard police outposts in Rakhine State and the subsequent counter operations had left a total of 14 security personnel dead. It was not a sectarian or religious incident between the two communities in the area, but rather an unprovoked armed attack on security forces who were there to maintain peace and enforce the rule of law, and had been widely condemned by the international community as an act of violent extremism. The investigation had revealed that the attacks had been carried out by the Aqa Mul Mujahidin, an organization linked to the armed group Rohingya Solidarity Organization. Its leader had been trained by the Taliban and had received funding from organizations abroad. The Government was taking steps to contain the situation and ensure that peace was restored as soon as possible. Two perpetrators had been apprehended in a neighbouring country and handed over to the Myanmar authorities and his Government would continue to work closely with neighbouring countries and with regional and international partners to fight such terrorists.

10. His Government had been accused of using excessive use of force, arbitrary detention, extrajudicial killings and burning of houses and places of worship in the aftermath of the attack. It categorically denied those allegations, as there was no evidence to support them. Much false or distorted information had been reported in the media regarding Rakhine State and his Government would welcome the sharing of authentic information to enable it to take appropriate action and address any abuses or atrocities.

11. From the outset, the State Counsellor had issued instructions that the problem must be resolved in accordance with the law. The Commander-in-Chief had also ordered security forces to exercise maximum restraint unless confronted with armed resistance. Copies of common article 3 of the Geneva Conventions had been distributed to members of the security forces and specific directives had been issued on dealing with

those arrested in connection with the armed attacks. Any and all reports of human rights violations would be investigated and acted upon.

12. With regard to humanitarian access, food and basic supplies had been distributed to both communities that were taking shelter in safe areas since the outbreak of the violence. It was difficult to provide humanitarian assistance to some villages as many people had fled their homes, but as soon as peace and stability were restored, all restrictions would be lifted and access would be granted to domestic and international organizations for the provision of humanitarian assistance. The Government had already invited the United Nations Resident and Humanitarian Coordinator for Myanmar to visit the conflict areas to assess the situation on the ground.

13. The situation in Rakhine State had attracted a great deal of international attention over the past few years. Despite strong opposition from domestic and external forces, his Government was determined to persevere in its efforts to achieve harmony, peace and prosperity in the State. It would like to ask once again for understanding and constructive contribution from the international community, and was confident that, if all countries stood firm against prejudice and intolerance, it would surely be possible to build a harmonious and prosperous community where all people, regardless of race or creed, enjoyed fundamental human rights and dignity.

14. The Government of Myanmar had been cooperating closely with the United Nations. However, it believed that the universal periodic review was the appropriate mechanism for considering the human rights situation in each country. As a country subjected to country-specific General Assembly resolutions for over two decades, Myanmar maintained that the principles of universality, impartiality, objectivity, non-selectivity and cooperation in addressing human rights issues should be upheld by the United Nations if States were to effectively promote and protect all universally recognized human rights.

15. **Mr. Torbergson** (Norway), welcoming the priority that the Government of Myanmar was according to peace and national reconciliation, and the openness and flexibility demonstrated by all sides in the peace process, said that Norway was concerned by the intensification of the fighting in Kachin and Shan

States and the recent eruptions of violence in northern Rakhine State, which, if not handled properly, could lead to increased violence throughout the State. Norway encouraged the Government to provide free access for humanitarian aid, adhere to the rule of law, investigate allegations of human rights abuses and continue to publicly acknowledge its responsibility to protect all inhabitants in Rakhine State. He asked how the international community could assist in improving the serious situation in Rakhine State in light of the recent developments.

16. **Ms. Mendelson** (United States of America), welcoming the recent election of civilian leadership and the release of a number of political prisoners, said that the remaining challenges were nonetheless significant. Her delegation was deeply concerned by the violence in northern Rakhine State and it was crucial for organizations to be granted access in order to provide aid and ascertain the origins and extent of the violence. She asked whether such access had been requested and what action the Government should take in respect of its political prisoners and how the international community could support its efforts.

17. The Rohingya community and the Muslim population experienced systematic discrimination, including restrictions on movement. Her delegation had concerns regarding four laws adopted in 2015 on race and religion, which, if enforced, would undermine the ability of the Government to protect the human rights of all residents. It was, however, encouraged by the Government's efforts to resolve the legal status of Muslims in Rakhine State through a citizenship verification process. She wondered what specific steps the Government should take to address the underlying causes of discrimination and human rights abuses and what more could be done to protect the human rights of all individuals in Myanmar.

18. Her delegation was equally concerned by reports of ongoing violence in Kachin State and Shan State. The numbers of internally displaced persons and the lack of humanitarian access were worrying. She asked what could be done to facilitate safe and unhindered humanitarian access. Despite ongoing discussions with the Government, an OHCHR office with a full mandate had yet to be opened; she asked what steps the Government envisaged in order to move forward in that regard.

19. **Mr. Yao** Shaojun (China) said that his country opposed the establishment of country-specific mandates without the approval of the country concerned, as they were not conducive to dialogue or the resolution of issues, or to the promotion and protection of human rights.

20. China appreciated that the new Government had endeavoured to maintain social stability and develop the economy, launch the peace and reconciliation process, and make significant progress in promoting and protecting economic, social and cultural rights, as well as civil and political rights.

21. As a friendly neighbour, China would continue to support Myanmar in taking a nationally appropriate development path and in its efforts to preserve domestic stability and ethnic harmony. It was important for the international community to view the human rights situation in Myanmar impartially and objectively, to understand the practical difficulties faced by Myanmar as a developing country and to continue to provide a favourable external environment.

22. OHCHR could, upon request from the Government, provide technical assistance in the area of human rights and United Nations entities should help Myanmar achieve social and economic development in order to lay a solid foundation for the promotion and protection of human rights.

23. **Mr. Minami** (Japan) said that his country welcomed Myanmar's release of political detainees and the continuation of the peace process, but shared the Special Rapporteur's views on the challenges that remained, particularly concerning ethnic and religious minorities. The violent events of October 9 2016 in northern Rakhine State had caused particular concern. He noted that paragraphs 97 through 105 of the report of the Special Rapporteur contained extensive recommendations, and wondered which of them were of the highest priority.

24. **Mr. Said** (Eritrea) said that human rights in all countries should be assessed in a fair manner that ensured universality, objectivity and non-selectivity, and the elimination of double standards and politicization. Eritrea opposed country-specific mandates, as they were confrontational and counterproductive, and antagonized countries. Eritrea supported the universal periodic review as the

appropriate mechanism for addressing human rights concerns in individual countries and would intensify its struggle against politicization.

25. **Mr. Plasai** (Thailand) said that Myanmar's Government had demonstrated its commitment to peace and sustainable development. Since the holding of peaceful elections the previous year, there had been positive developments. Thailand had welcomed the 21st-Century Panglong Conference, held in August 2016, which had been the first milestone of the new Government towards sustainable peace in Myanmar, and the Government's close cooperation with Thailand in a pilot project for the voluntary return of displaced persons to Myanmar in October 2016 was a reflection of its commitment to peace. Given Myanmar's active and constructive cooperation with various United Nations bodies, including the Special Rapporteur, the General Assembly should not adopt a resolution on Myanmar at its current session.

26. **Ms. Wacker** (Observer for the European Union) said that the Government of Myanmar/Burma had taken positive measures in the area of human rights, such as releasing political prisoners and establishing a committee on peace, stability and development in Rakhine State. However, human rights concerns persisted, including human rights violations of the Rohingya and other minorities. The European Union wished to emphasize the importance of promoting the rights of women and girls in Myanmar/Burma. She asked the Special Rapporteur for her recommendations to the international community regarding the human rights of women and their involvement in the peace process. She also asked about the impact of the recent events in Rakhine State. Furthermore, in light of the Special Rapporteur's call for the Government of Myanmar/Burma to reform the 1982 citizenship law, the European Union wondered what progress had been made in that area.

27. **Ms. Wilson** (Australia) welcomed the Special Rapporteur's update and said that it had struck the proper balance between noting the improvements that had taken place and identifying remaining challenges, such as the complex humanitarian and development challenges in Rakhine State. The Government Myanmar was committed to addressing the situation in Rakhine State through the creation of an advisory commission chaired by former United Nations

Secretary-General Kofi Annan. However, she noted the importance of addressing the rights of vulnerable groups in Myanmar, particularly lesbian, gay, bisexual, transgender and intersex persons, in view of the passage of a law that effectively criminalized homosexual acts. She was interested to hear how the international community could assist those communities.

28. **Ms. Kirianoff Crimmins** (Switzerland) said that her country welcomed the Myanmar Government's commitment to a democratic transition and national reconciliation. However, Switzerland remained concerned by recent claims of human rights violations in Rakhine State such as arbitrary arrests and extrajudicial killings. She asked the Special Rapporteur to explain what the Government of Myanmar should do to address the root causes of discrimination and promote intercommunal dialogue in Rakhine State. She also asked how the creation of a national office of the United Nations High Commissioner for Human Rights could be expedited, and what the international community could do to support that process.

29. **Mr. Moussa** (Egypt), speaking on behalf of the States members of the Organization of Islamic Cooperation (OIC), said that although the new Government had made peace and national reconciliation a top priority, fighting continued in Kachin, Shan and Rakhine States and there were reports of renewed military offensives by the Myanmar army. In Rakhine State, thousands were living in camps and there had been reports of abuses by government and ethnic armed groups, as well as acute food shortages. There had also been a worrying rise in religious intolerance and particularly in anti-Muslim sentiment in Myanmar. The States members of OIC were committed to their partnerships with Myanmar as it resolved issues regarding minority populations in the country, and would continue to monitor the situation on the ground with a view to submitting a draft resolution at the Human Rights Council if there was no improvement.

30. **Ms. Anichina** (Russian Federation) said that her Government favoured a balanced and constructive approach to the human rights situation in Myanmar. The holding of open and fair elections in 2015 had been a step forward, but the main concern now should be to ensure that the national reconciliation process

resulted in peace and development. She welcomed the country's progress in implementing the human rights agenda since its transformation to a civilian Government. Its recent commitments to consider accession to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights and its openness to cooperation with foreign partners and the Special Rapporteur were also encouraging. The international human rights community's focus on Myanmar was, however, excessive. She suggested that an unbiased approach to the country would be more constructive.

31. **Mr. Visonnavong** (Lao People's Democratic Republic) reiterated his country's view that a country-specific human rights resolution was not helpful in addressing human rights issues. The universal periodic review was the only appropriate mechanism for discussing and reviewing human rights situations. Laos hoped that the adoption of a resolution on human rights in Myanmar would be abandoned, and called on the international community to continue its engagement with Myanmar and encourage Myanmar's cooperation with the international community with respect to human rights.

32. **Mr. Ri Song Chol** (Democratic People's Republic of Korea) said that Myanmar had achieved great success in social development although pressure on the country was continuing. Any foreign interference in matters of national sovereignty and integrity should not be allowed as it would bring about division and conflict in the country. Country-specific issues should be addressed through the existing universal periodic review system, where all countries were treated equally and impartially.

33. **Ms. Thomas** (Cuba) said that the universal periodic review was the best framework for examining the human rights situation in each country on an equal basis. Cuba opposed country-specific special procedures, since they encouraged a confrontational approach. Her delegation stood ready to address the human rights situation in Myanmar through cooperation and respectful dialogue and adherence to the principles of equality, non-selectivity and impartiality.

34. **Mr. Kaminek** (Czechia) said that his country welcomed the recent release of political prisoners, which was an important step towards national

reconciliation. All remaining political prisoners must be released as soon as possible to complete that process. In addition, outdated laws were still being selectively used to silence the media and civil society. He asked the Special Rapporteur to elaborate on any changes in the scope of such abuses that had taken place since her last report. Czechia also shared the Special Rapporteur's concern about four controversial laws relating to race and religion that contradicted international human rights standards, and joined her call for their repeal.

35. **Ms. Sukkar** (Jordan) said that her country remained deeply concerned about the situation of the Rohingya in Rakhine State, who were subjected to ongoing discrimination, economic marginalization and systematic violations of their human rights, including their right to a nationality. She urged the States hosting Rohingya refugees to ensure that those refugees enjoyed all protections afforded to them under international law; she also urged the Special Rapporteur on the situation of human rights in Myanmar to reiterate her call to all regional and international stakeholders to compel Myanmar to comply fully with its international legal obligations.

36. **Mr. Teo** (Singapore) said that his country supported Myanmar's efforts to work with various stakeholders and build an inclusive process to bring about an end to the ongoing armed conflicts, which included the holding of the 21st-Century Panglong Conference in 2016. Singapore was pleased that a resolution on Myanmar would not be submitted to the Committee in 2016 and it hoped that the international community would engage with Myanmar in a spirit of cooperation as it continued along its path to peace.

37. **Ms. Butler** (United Kingdom) said that Burma's transformation had continued apace. In September 2016, its President, Aung San Suu Kyi, had represented her country at the United Nations General Assembly, something that would have been improbable previously. The reinvigorated peace process and the establishment of the commission headed by Kofi Annan were positive developments, but progress was not always linear. Sexual and intercommunal violence were problems in some states and recent events in Rakhine State risked undermining the framework for progress. Burma's relationship with the United Nations was changing as reform continued. She asked the

Special Rapporteur about the optimal level of support for the Government as it tackled human rights challenges, and asked for detail on the conversations she had had with Myanmar authorities on that subject. She was also interested in hearing the Special Rapporteur's assessment of recent events in Rakhine State.

38. **Mr. Lim Jung Taek** (Republic of Korea) said that his country was encouraged by the political dialogue that had been launched at the 21st-Century Panglong Conference, to which various ethnic minorities had been invited. The Government's efforts to combat discrimination against minorities and its condemnation of hate speech against them were also welcome. The Republic of Korea took note of the Special Rapporteur's recommendation for the international community to engage with Myanmar and support reforms. His Government would pursue technical cooperation through the Office of the High Commissioner for Human Rights. He asked the Special Rapporteur which of her recommendations had the highest priority.

39. **Ms. Yparraguirre** (Philippines) said that Myanmar's free, fair and transparent election in 2015, leading to a peaceful transfer of power in 2016, bore witness to the Government's earnest efforts towards peace, democracy and development. The parliament had formed committees on the rights of women and children and had begun reviewing laws that were incompatible with international human rights standards. The Government and people of Myanmar needed the support, encouragement and assistance of the international community as they addressed the challenges facing them.

40. **Mr. Al Muttairi** (Saudi Arabia) said that his country warmly welcomed the positive steps taken by the Government of Myanmar in the area of human rights and its constructive engagement with the Special Rapporteur. Nonetheless, Saudi Arabia remained deeply concerned that the Rohingya continued to suffer institutionalized discrimination at the hands of the Myanmar authorities, which still restricted their freedom of movement and their rights to employment, education and freedom of religion. Many Rohingya languished in camps for internally displaced persons, and the vast majority of the Rohingya were denied their right to citizenship and thus to a secure, dignified

and prosperous future. Saudi Arabia was also concerned that extremist Buddhist groups continued to disseminate anti-Muslim propaganda, which would further undermine the prospects for a peaceful and long-term solution to the conflict. The Myanmar Government must shoulder its responsibility to address that issue at the earliest opportunity, and must take urgent action to ensure that the adherents of all faiths in Myanmar, including, in particular, Rohingya Muslims, could live in safety and security. Saudi Arabia trusted that the formation by the Government of Myanmar of an advisory commission on Rakhine State, headed by Mr. Kofi Annan, was evidence that the country was committed to resolving the sectarian and race-based conflict, ending the suffering of the Rohingya, upholding their civil rights and ensuring that their broader human rights were respected. Myanmar must fulfil its promise to implement the advisory commission's recommendations in a transparent and impartial manner.

41. **Mr. Nguyen** (Viet Nam) said that Myanmar's recent general election had been a historic landmark, and Viet Nam was confident that the new Government would realize the aspirations of its people for peace and stability. The country had been a constructive partner in addressing human rights concerns, and Viet Nam welcomed its cooperation with the United Nations and the universal periodic review, as well as the recent decision of the United States to lift its sanctions on Myanmar.

42. **Mr. Dehghani** (Islamic Republic of Iran) said that his country reiterated its principled position that the practice of considering country-specific situations in the Committee was counterproductive, and that the exploitation of that platform for political ends was in breach of the United Nations Charter as well as the principles of universality, non-selectivity and objectivity in addressing human rights issues. The universal periodic review provided a mechanism for reviewing the human rights situations of all Member States on an equal basis.

43. **Ms. Ismail** (Observer for the Organization of Islamic Cooperation) asked the Special Rapporteur to share her views on the role and mandate of the Advisory Commission on Rakhine State. Further, noting the violent nature of the 9 October 2016 attacks and the fear that they had caused among the local

population, as well as the actions taken by the Government in response to the attacks, she asked how the situation could have been better handled. Finally, she asked how the Special Rapporteur would like the international community to support her in her mandate of advancing human rights in Myanmar.

44. **Ms. Lee** (Special Rapporteur on the situation of human rights in Myanmar) said that it was important to remember that for the first time in six decades Myanmar had a civilian government but many of the military dictatorship's negative traits survived.

45. It was not yet clear whether the report and recommendations issued by the Myanmar Advisory Commission on Rakhine State would be shared with the international community. She was concerned, however, that it would take a long time to issue them and that the Government would refuse to accept them. Myanmar had, after all, received many binding recommendations from international organizations in the past and not complied with many of them.

46. In the aftermath of the attack in Rakhine State on 9 October, various humanitarian actors had been denied unimpeded access to the affected areas despite repeated requests. Some non-State media had been allowed to enter but many had been prevented from reporting on the situation, presumably under the pretext of national security. Multiple allegations had surfaced of horrific abuses but could not be verified without an impartial party with full access to the victims. She would not hastily dismiss the allegations as false.

47. She had called for the Government of Myanmar to show more reserve in tackling incendiary and nationalist behaviour, since otherwise discriminatory and racial attitudes towards minorities might become entrenched. Many laws in that regard were outdated, yet the 142 laws which the parliamentary Legal Affairs and Special Cases Assessment Commission had recommended for review did not include some of the most problematic ones, a list of which could be found in the annex to her most recent report to the Human Rights Council ([A/HRC/31/71](#)). The Government had not been willing to review the Citizenship Law (1982), in particular. She and other special procedure mandate holders had also repeatedly raised objections to the package of four "race and religion" laws, which were

discriminatory to minorities, women and children, and violated the State's human rights obligations.

49. Under the new civilian Government, protection of civilians in conflict areas remained a cause of concern. Humanitarian access had scarcely improved and had worsened in the cases of Shan and Kachin States; military operations had been carried out in Kayin and Rakhine States, with disturbing human rights implications; and violent clashes had broken out in a number of jade mining areas. International stakeholders, investors and donors should especially be aware of the intrinsic link between the conflicts and the location of natural resource deposits.

50. The international community could bolster democratization in the country by systematically and repeatedly requesting that the Office of the United Nations High Commissioner for Human Rights (OHCHR) should open an office in the country with a full mandate, as opposed to a mandate for technical cooperation. Many years had passed since the previous Government had promised to allow the office to be opened, yet it remained one of the major benchmarks still to be achieved.

51. She expressed concern that a failure to adopt a new General Assembly resolution the situation of human rights in Myanmar, following up on resolution [70/23](#), would signal to the world that the Government had satisfactorily met the benchmarks set out in the previous year's resolution, even though she and many other felt that it had not done so. It would be premature to discontinue the resolution since dismantling previous structures and changing mindsets took time. In addition, people who had relied on the international community's advocacy for their violated rights might feel abandoned and demand an explanation as to why the resolution had been discontinued even though the country had failed to fulfil many of its benchmarks.

52. **Mr. Ojea Quintana** (Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea), introducing his report ([A/71/402](#)), said that the international community had been challenged in recent years to set a strong and comprehensive agenda for the improvement of the human rights situation in the Democratic People's Republic of Korea. The agenda would focus on holding duty bearers accountable for violations of a gross and systemic nature and on increasing cooperation between

the authorities and the international community. Progress, however, had been undermined by disagreement on the priorities, a shortage of channels for effective engagement and the fragility of the security situation in the region. The deteriorating security situation, with two nuclear tests reportedly conducted and several missiles launched that year, had left little room for a calm human rights dialogue. Increased investment in the acquisition of weapons would mean less funding for public policies.

53. He reiterated his urgent plea to the international community to support national relief efforts in the Democratic People's Republic of Korea. Less than 10 per cent of the resources requested had been collected in the wake of Typhoon Lionrock, leaving tens of thousands of people without shelter or access to food, water, sanitation and other basic services. The recurrence of natural disasters had turned into a long-term problem, since the population had become increasingly vulnerable to food insecurity.

54. Despite the difficulty of obtaining reliable and transparent information, it was clear that a pattern of violations of civil and political rights persisted in the Democratic People's Republic of Korea, including severe restrictions on freedom of movement and stringent controls on telephone communications, mass media and the Internet; the resulting situation had given rise to a large informal economy. He urged the Government to consider the use of the media as a platform for engaging with its people and the outside world.

55. Other critical issues were shrouded in secrecy. No independent organization had been allowed to visit detainees to verify humane treatment; the country had failed to cooperate with Governments and Human Rights Council special procedures to determine the fate of persons allegedly abducted by the authorities; reunions of separated families, which had resumed since the inter-Korean summit in June 2000, had been stopped since the resumption of nuclear tests; and structural deficiencies persisted in the public food distribution system. He called on the Government to assume its responsibility for providing food for all, including by seeking international assistance whenever necessary. The vulnerability to trafficking and sexual exploitation of women who attempted to leave the country and the situation of workers sent abroad to

work in the mining, textile and construction industries were also a cause for concern.

56. There were, however, signs of positive economic and social changes. The Government had announced a five-year economic plan to improve the population's living standards and was developing a strategy to increase life expectancy at birth and reduce infant mortality rates by 2020. The implementation of both plans should be monitored closely to assess the immediate and long-term impact on human rights. Programmes with the international community, such as a health project with the International Committee of the Red Cross, should be supported as positive examples of cooperation. Although it would require patience and dedication to build rapport with the Democratic People's Republic of Korea, the international community had a duty to explore options, especially since the country had acceded to various international human rights instruments.

57. He urged the authorities of the Democratic People's Republic of Korea to report to the Human Rights Committee and the Committee on Economic, Social and Cultural Rights and to follow up on the implementation of the 113 recommendations, which had been accepted by the authorities during the previous universal periodic review cycle. The United Nations system should be on hand to offer guidance and technical advice. The design of socioeconomic indicators, access to basic public services and other measures of progress should follow a human-rights-based approach, giving special attention to the situation of women, the elderly, persons with disabilities, children, and other groups at risk of discrimination. He urged all States with friendly ties to the Democratic People's Republic of Korea to actively promote dialogue, as they might be able to send messages to the Government about the protection of human rights that would not be interpreted as politically-driven affronts or evidence of double standards.

58. He appreciated and supported the wide range of views on how to improve human rights in the Democratic People's Republic of Korea. Some organizations collected up-to-date information on gross violations; others were building bridges with the authorities to ensure small incremental changes. He encouraged all organizations to continue their efforts to

broaden the space for dialogue, better articulate the concerns of rights holders, and press duty bearers for accountability.

59. He planned to intensify dialogue with the country and had scheduled visits with various actors in the region, with the aim of setting up regional and international platforms for cooperation. He called on the delegation of the Democratic People's Republic of Korea, which was not present in the room, to press for its Government to respect the human rights of its people, abide by its international obligations and cooperate with human rights mechanisms, including the Special Rapporteur, in line with the spirit and common principles of the Charter of the United Nations.

60. **Ms. Rodriguez** (Bolivarian Republic of Venezuela), speaking on behalf of the countries of the Non-Aligned Movement, said that at their seventeenth summit meeting, the heads of State and Government of the Movement had stressed that the Human Rights Council was the United Nations organ responsible for the consideration of human rights situations in all countries on the basis of cooperation and constructive dialogue. The outcome document of that summit reaffirmed that the selective adoption of country-specific resolutions in the Third Committee was a means of exploiting human rights for political purposes and, as such, breached the principles of universality, impartiality, objectivity and non-selectivity.

61. The universal periodic review was the main intergovernmental mechanism for examining human rights issues at the national level in all countries without distinction and was conducted with the full involvement of the country concerned and with due consideration for its capacity-building needs. As a cooperative mechanism, based on objective and reliable information and interactive dialogue, the review must be conducted in an impartial, transparent, non-selective, constructive, non-confrontational and non-politicized manner.

62. **Mr. Qassem Agha** (Syrian Arab Republic) that his country categorically rejected the report of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea (A/71/402), which undermined the credibility of the political and legal terms of reference in the area of international relations, particularly given the fact that

international consensus had already been reached on a mechanism for dealing with human rights issues, namely the universal periodic review in the Human Rights Council.

63. It was not clear why the matter had once again been brought before the Committee, or why selective accusations were being made against specific States. Reaffirming its principled position, the Syrian Government rejected the selective use of human rights issues as a means of interfering in the internal affairs of States on humanitarian and legal pretexts; such interference ran counter to the principle of the sovereign equality of all Member States, as enshrined in the Charter of the United Nations.

64. **Mr. Minami** (Japan) said that there were still no signs of improvement in the human rights situation in the Democratic People's Republic of Korea despite numerous warnings by the international community. Japan and the European Union therefore intended to introduce a draft resolution on the subject at the current session. He asked how the Special Rapporteur intended to work with the group of experts to hold the Democratic People's Republic of Korea accountable for human rights violations. He also encouraged cooperation with the office of OHCHR in Seoul to conduct further investigations into any human rights violations committed by the Government of the Democratic People's Republic of Korea against its own people which had not been mentioned in the report, especially those perpetrated against overseas workers.

65. **Ms. Wilson** (Australia) said that the regime of the Democratic People's Republic of Korea clearly had no interest in addressing its human rights situation. It was also disappointing that the Special Rapporteur was still unable to gain access to the country. Ways should be sought to document abuses in the country on a regular basis and ensure that the resulting information was widely publicized, including inside the Democratic People's Republic of Korea. If the situation continued to deteriorate or if there was little sign of improvement, it would be crucial to refer the abuses to international courts. She asked what options were available to the international community under those circumstances and whether sanctions could be applied to hold those who were responsible for violations accountable. Lastly, she requested examples of any

legislation to promote the rights of the elderly, children or persons with disabilities.

66. **Mr. Eiermann** (Liechtenstein) said that his country was particularly interested in the points raised by the Special Rapporteur on trafficking in persons, sexual exploitation and the situation of workers abroad, as well as the ongoing work to ensure accountability for crimes. The 2015 report of the Special Rapporteur (A/70/362) had discussed the issue of nationals of the Democratic People's Republic of Korea being sent abroad by their Government to work under conditions that reportedly amounted to forced labour. He asked the Special Rapporteur if he could shed more light on that issue, and asked what course of action should be taken to ensure accountability for such crimes, if such reports should prove to be accurate.

67. **Mr. Oppenheimer** (Netherlands) said that his country was particularly concerned about the ongoing lack of cooperation by the Government of the Democratic People's Republic of Korea and its refusal to enter into a constructive dialogue with the international community on human rights while seemingly prioritizing its nuclear aspirations over the well-being of its citizens. He asked the Special Rapporteur if he could give specific recommendations to the international community on how best to promote accountability. He also asked the Special Rapporteur to elaborate on the distinction between accountability and strict criminal responsibility.

68. **Mr. King** (United States of America) said that the United States applauded the work of the field office of the Office of the United Nations High Commissioner for Human Rights in Seoul and the recent appointment of two independent experts to explore means of holding the Democratic People's Republic of Korea accountable for human rights violations. His delegation shared the Special Rapporteur's concerns about the human rights situation in the country and the increased tensions on the Korean peninsula. His Government urged the Democratic People's Republic of Korea to address its ongoing human rights violations, to accept the recommendations of the Special Rapporteur and the Commission of Inquiry and to engage directly with OHCHR, the Special Rapporteur and the thematic special procedures mandate holders. He asked what steps the Democratic People's Republic of Korea should take to start the process of human rights reform.

69. **Ms. Anichina** (Russian Federation) said that it was counterproductive to establish a mandate for the Special Rapporteur and the commission of inquiry in the Democratic People's Republic of Korea. The country had its fair share of human rights abuses, as did any other, but the international community should cooperate with it in a constructive and depoliticized manner, engaging in respectful and equitable dialogue, rather than resorting to aspersions and confrontational tactics. United Nations bodies were not public prosecutors or judges, yet the country-specific resolutions and reports were largely politicized and pursued aims not so much of improving the situation on the ground as of publicly blaming and condemning Governments which had fallen out of favour. Respectful, calm and businesslike dialogue would be more effective in encouraging States to cooperate. The universal periodic review was the appropriate forum in which to discuss such issues.

70. **Ms. Wacker** (Observer for the European Union) said that the European Union viewed with deep concern the grave human rights situation in the Democratic People's Republic of Korea and remained fully involved in the efforts to promote accountability and protection of the rights of the population. She asked what strategy the group of independent experts would propose in order to improve the situation. She also wondered what measures could be taken nationally or regionally to facilitate the start of a dialogue between the Special Rapporteur and the Government of the Democratic People's Republic of Korea.

71. **Ms. Butler** (United Kingdom) said that the Democratic People's Republic of Korea had acted appallingly towards its own people, proceeding with a nuclear test at a time when devastating floods were destroying the homes and lives of a people who were already near destitution. Her Government treated the Democratic People's Republic of Korea as a priority in its global work on human rights and regional stability and pressed that regime to improve its human rights record. The United Kingdom had urged the authorities to respond to the report of the commission of inquiry and address the human rights violations documented therein. The new Special Rapporteur must be allowed immediate and unhindered access to the country.

72. She asked the Special Rapporteur how he intended to engage with the Democratic People's Republic of Korea and whether he would request a visit to the country. Given that country's indication that it might disengage from the international human rights process, she wondered how he assessed the prospects for constructive engagement and for binding its Government to the rules-based international system.

73. **Mr. Rzhessky** (Belarus) said that his country had always opposed country-specific mandates, which undermined objectivity, increased confrontation and created artificial barriers to equitable and constructive dialogue. The United Nations should base its relations with Member States on dialogue, not on the imposition of country-specific mandates. The universal periodic review had proved to be the most suitable instrument for analysing a country's human rights situation and encouraging it to strengthen human rights institutions and resolve existing problems. In that regard, his delegation welcomed the agreement between the Ministry of Foreign Affairs of the Democratic People's Republic of Korea and the Resident Coordinator to hold periodic meetings regarding the plans of the Government for the implementation of universal periodic review recommendations.

74. **Ms. Kirianoff Crimmins** (Switzerland) said that her country urged the Government of the Democratic People's Republic of Korea to cooperate with the new Special Rapporteur, to guarantee him access to the country and to work with the Office of High Commissioner for Human Rights. She asked the Special Rapporteur to elaborate on the new strategies he envisaged for widening the scope of action and to indicate how the international community could support him in that endeavour. She would also welcome further information on the mandate of the two independent experts on accountability for human rights violations and on how he would collaborate with them. In addition, she wished to know what, in his opinion, would be the best way in which Member States could contribute to opening up a dialogue with the Government of the Democratic People's Republic of Korea.

75. **Mr. Kaminek** (Czechia) said that since the human rights situation in the Democratic People's Republic of Korea had not improved, he believed that referral of the situation to the International Criminal

Court by the Security Council would be the most effective approach for holding the perpetrators accountable and preventing future human rights violations and crimes. He urged the Government of that country to grant access to the Special Rapporteur and cooperate with his mandate as well as with other international mechanisms and special procedures of the Human Rights Council. He would be interested in hearing from the Special Rapporteur on ways in which Member States could help to maintain or even increase the momentum created by the international community and on how that momentum could be used creatively to improve the situation on the ground.

76. **Mr. Yao** Shaojun(China) said that China was committed to denuclearization of the Korean peninsula, maintenance of peace and stability in the region and resolution of issues through dialogue and consultation. All parties involved in discussion of human rights issues in the Democratic People's Republic of Korea should do all in their power to promote dialogue and cooperation, develop mutual trust and ease tension on the peninsula.

77. **Mr. Lim** Jung Taek (Republic of Korea) said that the appalling situation in the Democratic People's Republic of Korea was among the worst in the world. The regime's reign of terror was accompanied by the reckless pursuit of weapons of mass destruction. In the wake of the worst flood in decades, the Democratic People's Republic of Korea had conducted its fifth nuclear test near the flooded areas, ignoring the suffering of its own people. In 2016, it was estimated to have spent at least 200 million dollars on nuclear tests and missile launches, a sum that could have been used for flood relief. The delegation of the Republic of Korea fully supported the Special Rapporteur's recommendation that the Government of the country in question should be urged to respect all human rights and fundamental freedoms of its own people. The international community should make every effort to put an end to the human rights abuses in the Democratic People's Republic of Korea, including the operation of political prison camps; the use of torture, execution and arbitrary detention; State-sponsored forced labour overseas; and restrictions on fundamental freedoms. Implementing the recommendations of the commission of inquiry and the relevant UN resolutions was paramount. His delegation hoped that the General Assembly would send an unequivocal message to the

Democratic People's Republic of Korea by adopting the resolution. He asked the Special Rapporteur how he intended to work with the group of independent experts in establishing the effective accountability mechanism for crimes against humanity in that country. He also wished to know how the Special Rapporteur hoped to open up dialogue with the Democratic People's Republic of Korea, given the latter's persistent refusal to recognize the mandate of the Special Rapporteur, and how he would address the issue of access to the country.

78. **Mr. Glossner** (Germany) said that his delegation firmly supported the international mechanisms addressing the situation in the Democratic People's Republic of Korea and the related question of accountability, especially with respect to the OHCHR Office in Seoul. The human rights situation in that country remained deeply worrying. Around 100,000 people had been interned in prison camps, in many cases without trial. The use of torture was widespread and systematic. Whole generations had grown up in a climate of fear with a totalitarian Government, leaving no space for individual freedoms. Everyday life was defined by a government system of discrimination, in which scarce resources were allocated according to assumed loyalty to the regime. Considering the deeply deplorable human rights situation and the lack of progress, his delegation would continue, along with Japan and the European Union, to voice its concerns through a resolution of the General Assembly. He called upon the Government of the Democratic People's Republic of Korea to engage with the international community in a meaningful dialogue, first on how to improve the living conditions of its population and, second, on how to take concrete steps to immediately stop torture and other forms of flagrant human rights violation.

79. He wondered if the Special Rapporteur saw any new opportunity for the international community, possibly in cooperation with non-governmental organizations and other stakeholders, to positively influence the human rights situation for the people of the Democratic People's Republic of Korea.

80. **Ms. Thomas** (Cuba) said that her delegation was not in favour of mandates that were not supported by the country concerned as such cases were selective, discriminatory, politically motivated exercises.

Genuine international cooperation, based on the principles of objectivity, impartiality and non-selectivity, was the best way to promote, and effectively protect all human rights. Whatever concerns there might be regarding the case at hand, the approach used had only served to exacerbate the evident manipulation. The emphasis on punishment and sanctions did not help to improve the human rights situation. On the contrary, sanctions themselves undermined the human rights of the population of the Democratic People's Republic of Korea.

81. Cuba was opposed to any actions designed to bring about a change of regime or to support Security Council sanctions. Her country was in favour of cooperation and of exploring all possible avenues for deepening a constructive and respectful dialogue with the Democratic People's Republic of Korea.

82. **Mr. Torbergsen** (Norway) said that his delegation shared the grave concern expressed in the report at the ongoing, systematic and widespread human rights violations in the Democratic People's Republic of Korea. The recent floods had compounded the suffering and the food and nutrition insecurity of the people. He urged the Government to report on the concrete actions taken to fulfil the commitments it had assumed in the universal periodic review of May 2014. He asked the Special Rapporteur to comment on the possible role that the United Nations special procedure could play in supporting efforts by the Democratic People's Republic of Korea to improve the human rights situation, with special reference to the right to safe drinking water and sanitation and to health care, food and education. His delegation would also welcome ideas as to what steps States could take to support the work of the Special Rapporteur.

83. **Ms. Zahir** (Maldives), noting that the Democratic People's Republic had taken positive steps to engage with the United Nations human rights mechanism, said that, nevertheless, the dire consequences of the flagrant human rights violations repeatedly committed by the Government of that country could not be ignored. Her delegation condemned in the strongest terms the missile launches and continued pursuit of nuclear testing, which had exacerbated tensions on the Korean peninsula. It supported the human rights mandate holders and called on the other Member States to do the same. He

wondered whether any difference in approach and expectation might result from the mandate of the independent experts, given the history of refusal by the Government of the Democratic People's Republic of Korea to grant access to its territory.

84. **Mr. Dehghani** (Islamic Republic of Iran) said that the practice of considering country-specific situations in the Third Committee was counterproductive. Exploitation of that platform for political ends was in breach of the Charter of the United Nations and contrary to the principles of universality, non-selectivity and objectivity in addressing human rights issues. Moreover, it undermined cooperation and dialogue as the essential principles for promoting and protecting all universally recognized human rights. The universal periodic review was the appropriate mechanism for reviewing the human rights situation in all Member States on an equal basis without recrimination and with full participation by the Governments concerned

85. **Ms. Broderick** (Ireland) said that, notwithstanding the recent deterioration in the security situation on the Korean peninsula, her delegation continued to emphasize the role that dialogue could play. She asked the Special Rapporteur to explain more concretely how the international community could provide adequate support to ensure that the sanctions imposed on the Democratic People's Republic of Korea following the nuclear test in January would not impede the work of the humanitarian agencies.

86. **Mr. Visonnavong** (Lao People's Democratic Republic), reiterating that a country-specific human rights resolution would not help to address human rights issues, said that his delegation firmly believed that the universal periodic review was the only appropriate mechanism for discussing and examining the human rights situation in any country and should serve as the basis for constructive dialogue. He called on the international community to engage positively with the Democratic People's Republic of Korea and encouraged the latter to continue its cooperation with the human rights mechanism.

87. **Ms. Eymann** (Argentina) said that she agreed on the need for follow-up actions to address the serious human rights violations reported by the commission of inquiry, but that concrete steps must also be taken to limit the adverse effects of sanctions on the

humanitarian situation in the country. She asked the Special Rapporteur to what extent his experience as Special Rapporteur on Human rights in Myanmar would be useful in his current mandate in the Democratic People's Republic of Korea. She also inquired about the initiatives and new approaches he contemplated using in an effort to establish dialogue on human rights issues with the Government of that country.

88. **Ms. Rodriguez** (Bolivarian Republic of Venezuela) said that, as a matter of principle, Venezuela disagreed with the creation of special mandates without the consent of the country concerned. Her delegation rejected selectivity in the treatment of human rights issues as well as the any politically motivated instrument, report or resolution against a specific country. The use of human rights for political ends constituted a violation of the principles and objectives of the Charter of the United Nations. The positive advances achieved since the creation of the Human Rights Council should be deepened. Indeed, the credibility of that body was undermined by the use of special procedures. The universal periodic reviews, which were conducted through dialogue and cooperation with countries, were the most appropriate means for promoting human rights.

89. **Mr. Ojea Quintana** (Special Rapporteur on the human rights situation in the Democratic People's Republic of Korea) said that the different political positions of Member States were a hindrance to substantive dialogue on the human rights situation. The concerns of the members of the Non-Aligned Movement regarding politicization, selectivity and double standards should be discussed in a fruitful dialogue with those delegations that favoured the adoption of country-specific resolutions.

90. He was confident that his experience as rapporteur for the situation in Myanmar would be very valuable in his new position. Despite Myanmar's opposition in principle to country-specific resolutions, it had cooperated with him as well as with the previous mandate holder. As Special Rapporteur on the situation in the Democratic People's Republic of Korea, he would attempt to engage with government authorities. Admittedly, it would not be easy and would take time, patience and dedication. Meanwhile, other United Nations human rights bodies could immediately

provide opportunities for cooperation. The delegation of the Democratic People's Republic of Korea had accepted a series of recommendations, relating, in particular, to vulnerable groups and training. Further cooperation might be possible in those areas and in training security forces. The reports submitted to two treaty bodies to which the Democratic People's Republic was a party could be a basis for cooperation. Dialogue could also be pursued through the thematic rapporteurs.

91. Two independent experts would be presenting reports in March 2017 on guidelines for accountability in relation to human rights violations. The OHCHR Office in Seoul also had a mandate to collect record and archive information. Transitional justice was being discussed at length in international forums. However, the scenario for the treatment of accountability was not one of transition. Indeed, the Member State in question was not in a transitional phase. The deterioration of security on the Korean peninsula had an impact on the exercise of human rights in the Democratic People's Republic of Korea and on the possibility of holding discussions on how to improve human rights in the country. The two issues were interrelated.

The meeting rose at 5.55 p.m.