

HUMAN RIGHTS DISCUSSES THE SITUATION OF HUMAN RIGHTS IN DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA, MYANMAR AND IRAN

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The Human Rights Council this afternoon started consideration of its agenda item on human rights situations that require the Council's attention and held separate interactive dialogues with the Special Rapporteurs on the situation of human rights in the Democratic People's Republic of Korea, Myanmar and Iran.

Marzuki Darusman, Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea, said that there were nine key inter-linked patterns of violations which revealed the existence of widespread and systematic patterns of violations in this country, including torture, arbitrary detention and restrictions on freedom and enforced disappearances. Many of the violations might amount to crimes against humanity and the international community therefore had the responsibility to launch an independent and impartial inquiry into the situation.

The Democratic People's Republic of Korea spoke as the concerned country and rejected the report which it said was fabricated and an instrument of a political plot to sabotage the socialist system in the country. The delegation made it clear once again that it did not accept the resolution on the human rights situation in the country and the Special Rapporteur mechanism, which was the product of the politicisation of human rights on the part of the European Union and Japan in alliance with the hostile policy of the United States against the Democratic People's Republic of Korea.

In the interactive dialogue, many speakers shared the concern about the continuing human rights violations in the Democratic People's Republic of Korea, especially about the situation in political prison camps and the violations of the right to food. Delegations stressed the need to tackle impunity and assure institutional and personal accountability and expressed support for the establishment of an independent investigation mechanism to gather further evidence on the systematic violations of human rights. Other speakers said that differences in the field of human rights should be addressed through constructive

dialogue and cooperation and were opposed to the mandate of the Special Rapporteur and the proposed establishment of an inquiry mechanism.

Speaking in the interactive dialogue on the human rights situation in the Democratic People's Republic of Korea were Japan, European Union, China, Switzerland, Germany, Iran, Argentina, Thailand, Cuba, Canada, Estonia, Venezuela, France, Myanmar, Romania, Republic of Korea, United Kingdom, United States, Czech Republic, Viet Nam, Zimbabwe, Norway, New Zealand, Slovakia, Poland, Belarus, Lao People's Democratic Republic, Syria and Australia.

The following non-governmental organizations also spoke: Human Rights Watch, People for Successful Korean Unification and Amnesty International.

The Council then heard the presentation of the report by the Special Rapporteur on the situation of human rights in Myanmar, Tomás Ojea Quintana, who said that the Government was cooperating well with the international community and called for an end to the conflict and human rights violations in Kachin State, improvement of the situation of internally displaced persons and of the 800,000 stateless Rohingya, the resolution of the profound crisis affecting Rakhine State, and the immediate release of remaining prisoners of conscience.

Speaking as the concerned country, Myanmar appreciated the recognition of the achievements in the human rights situation in the country and noted that there were elements in the report which it could not agree on. Most of the recommendations made in the report had already been accomplished through the reform process. Myanmar facilitated the delivery of humanitarian assistance to Rakhine State in cooperation with the international community, and it called for the remaining sanctions to be lifted, as they hampered its economic transformation and development.

In the discussion on the human rights situation in Myanmar, speakers welcomed the important improvements in the human rights situation and shared the concern about the remaining challenges outlined by the Special Rapporteur, including the situation of the Rohingya community and of internally displaced persons, the humanitarian situation in the Kachin and Rakhine States and ongoing conflicts and serious human rights violations in the ethnic border areas. Myanmar should immediately release all political prisoners and the international community should ensure necessary support and technical assistance to the country.

The following delegations took part in the interactive dialogue on the situation in Myanmar: Germany, Democratic People's Republic of Korea, Austria, Thailand on behalf

of the Association of Southeast Asian Nations, the European Union, Slovakia, France, Denmark, Cuba, Lao People's Democratic Republic, Canada, Czech Republic, Switzerland, Cambodia, Thailand, Russia, United States, Indonesia, United Kingdom, Viet Nam, Venezuela, Australia, China, Philippines, Norway, Argentina, Japan and Turkey.

Also speaking were the following non-governmental organizations: Asian Forum for Human Rights and Development, Maarij Foundation for Peace and Development, Human Rights Now, Human Rights Watch and Jubilee Campaign.

In its discussion on the human rights situation in Iran, the Human Rights Council heard the presentation of the report by Ahmed Shaheed, the Special Rapporteur on the situation of human rights in Iran, who said that the situation of human rights defenders continued to deteriorate; they were frequently charged with vaguely-defined national security crimes, thus eroding the frontline of human rights defense in the country. There was unimpeachable forensic evidence that torture was occurring in Iran on a widespread and systemic basis. Mr. Shaheed remained alarmed at the high rate of executions that took place in Iran, mostly for drug-related offenses which did not meet international standards for "most serious crimes".

Iran spoke as the concerned country and said that country-specific resolutions reduced noble human rights concerns to manipulative devices of political rivalry, while selectivity and double standard would lead to the manipulation of the whole United Nations system. Iran unequivocally rejected the creation of the mandate of the Special Rapporteur but said that this should not be construed as non-cooperation with the United Nations human rights machinery. Universality of human rights should be a platform to promote respect for others and meaningful interaction.

Speakers in the interactive dialogue on human rights in Iran expressed their concern about the widespread use of torture in the country, the situation of human rights defenders, religious minorities and journalists and the disturbing rate of public executions, particularly in the absence of fair trial standards. Delegations urged Iran to fully engage with the United Nations human rights machinery to overcome the obstacles it faced.

Speaking in the interactive dialogue were Sweden, European Union, Venezuela, United States, Switzerland, Ecuador, Norway, Democratic People's Republic of Korea, Austria and Czech Republic.

The Council will reconvene at 9 a.m. on Tuesday, 12 March for a full-day meeting, when it will conclude the interactive dialogue with the Special Rapporteur on the human rights situation in Iran and hear the presentation of country reports by the High Commissioner and the United Nations Secretary-General. This will be followed by a general debate on human rights situations that require the Council's attention.

Documentation

The Council has before it the Report of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea, Marzuki Darusman ([A/HRC/22/57](#)) and a Letter dated 28 January 2013 from the Permanent Mission of the Democratic People's Republic of Korea to the United Nations Office at Geneva addressed to the President of the Human Rights Council([A/HRC/22/G/4](#)).

Introduction of the Report of the Special Rapporteur on the Situation of Human Rights in the Democratic People's Republic of Korea

MARZUKI DARUSMAN, Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea, said that there were nine key inter-linked patterns of violations documented by the United Nations, which revealed the existence of widespread and systematic patterns of violations in the Democratic People's Republic of Korea. The nine patterns were: violation of the right to food; torture and other cruel, inhuman and degrading treatment or punishment; arbitrary detention; violations of human rights associated with prison camps; discrimination; violation of freedom of expression; violation of the right to life; restrictions on freedom of movement and abusive treatment of citizens forcibly returned; and enforced disappearances, including the abduction of foreign nationals.

Some of the obstacles encountered in the process were the difficulty of obtaining information; the absence of independent monitors and media in the country; restrictions on citizens leaving the country; and the refusal of the Democratic People's Republic of Korea to cooperate with the United Nations human rights mechanisms. Nevertheless, the regular, credible, and consistent information which had been received highlighted the need for a more systematic, comprehensive and well-resourced investigative mechanism than could be achieved by a single Special Rapporteur. Various United Nations resolutions had reiterated the need for accountability, but the Democratic People's Republic of Korea had consistently rejected the resolutions adopted by the Human Rights Council and the General Assembly on the situation of human rights in the country.

Mr. Darusman said that many of the nine patterns of violations identified in his report may amount to crimes against humanity under the Rome Statute of the International Criminal Court, relating to murder, enslavement, imprisonment or other severe deprivation of physical liberty, torture, persecution on political and religious grounds, enforced disappearances of persons, and other inhumane acts of a similar character. The international community, therefore, had the responsibility to launch an independent and impartial inquiry into the situation. Increased scrutiny through an international inquiry was a measure of protection, especially when coupled with the prospect of future criminal investigations. In conclusion, it was necessary to set up an inquiry mechanism with adequate resources to investigate and more fully document the grave, systematic and widespread violations of human rights in the country, and report to the Human Rights Council and the General Assembly.

Statement by the Concerned Country

Democratic People's Republic of Korea, speaking as the concerned country, rejected the report of the Special Rapporteur. The report was a copy of faked material on the human rights situation in the Democratic People's Republic of Korea, fabricated and invented by hostile forces and defectors. It was nothing more than an instrument of a political plot aimed at sabotaging the Democratic People's Republic of Korea's socialist system by defaming its dignified image and creating an atmosphere of international pressure under the pretext of human rights protection. It had no relevance to the promotion and protection of genuine human rights. The Democratic People's Republic of Korea did not expect any praise from the hostile forces which indulged in the manipulation of all sorts of bad things against the Democratic People's Republic of Korea. People with sound reason would easily distinguish truth from falsehood and make correct judgement in view of the overall political and military implications surrounding the Democratic People's Republic of Korea. The delegation made it clear once again that the human rights violations mentioned in the report did not exist.

As clarified on several occasions, the Democratic People's Republic of Korea neither recognised nor accepted the resolution on the human rights situation in its country and the Special Rapporteur, as he had been instated by those hostile to the Democratic People's Republic of Korea and had been working for their interests. The Special Rapporteur mechanism was the product of the politicisation of human rights on the part of the European Union and Japan in alliance with the hostile policy of the United States against the Democratic People's Republic of Korea. It was a hotbed of confrontation and distrust. The reference of the so-called inquiry mechanism made by the Special Rapporteur under the manipulation of the hostile forces was a clear testimony of its true nature. Let there be no illusion that such pressure as an inquiry mechanism would bring about any change in the principles of the Democratic People's Republic of Korea. The

Government would in the future continue to promote and protect the human rights and fundamental freedoms of its people, braving through all sorts of mean political strategies, pursued by hostile forces.

Interactive Dialogue with the Special Rapporteur on the Situation of Human Rights in the Democratic People's Republic of Korea

Japan said while no progress had been seen in its human rights situation, the Democratic People's Republic of Korea continued to provoke the international community in relation with its nuclear and missile programmes. The Special Rapporteur had provided an analysis of previous reports and resolutions, and recommended the establishment of an inquiry mechanism to fully document widespread human rights violations in the Democratic People's Republic of Korea, which had also received the support of the High Commissioner. Japan, jointly with the European Union, would introduce a draft resolution on the Democratic People's Republic of Korea.

European Union said that the report of the Special Rapporteur clearly called for action. What would be the best way to address the impunity in the Democratic People's Republic of Korea? The fact that there was no sign of dialogue with the international community, and references in the Special Rapporteur's report to prison camps in the Democratic People's Republic of Korea, were matters of deep concern. How could the international community help to establish a dialogue with the Democratic People's Republic of Korea?

China said that differences in the field of human rights should be addressed through constructive dialogue and cooperation. Given the sensitive and complicated current situation in the Korean peninsula, the Council should avoid taking any action that might escalate tensions in the region. China, therefore, was opposed to the establishment of an international commission of inquiry which would not be conducive to the promotion of constructive dialogue with the Democratic People's Republic of Korea.

Switzerland said that it was deeply concerned about the continuing non-cooperation of the Democratic People's Republic of Korea for almost a decade, and stressed the need to tackle the issue of impunity. Switzerland welcomed the recommendation to establish an independent and impartial investigation mechanism to gather further evidence on the systematic violations of human rights in the Democratic People's Republic of Korea, and strongly supported the efforts made by the Special Rapporteur to stop violations and combat impunity in the country.

Germany shared the deep concern of the Special Rapporteur about the continuing grave, systematic and widespread violations of human rights in the Democratic People's

Republic of Korea. Germany was particularly appalled about conditions in detention camps for political prisoners where up to 200,000 people had to struggle for their lives under unimaginable conditions. Germany heeded the call of the Special Rapporteur for an inquiry mechanism and appreciated the focus on institutional and personal accountability, especially concerning human rights violations which amounted to crimes against humanity.

Iran took note of the report and maintained that the Council should be guided by the principles of genuine and constructive dialogue and cooperation. The Council, in its consideration of the human rights situation in the Democratic People's Republic of Korea, should engage the country concerned in a constructive manner and contribute to the improvement of the situation on the ground. The establishment of a commission of inquiry on the human rights situation in the Democratic People's Republic of Korea was not an appropriate approach and would not be helpful to promote dialogue and cooperation.

Argentina thanked the Special Rapporteur for the presentation of the report and highlighted the importance of dialogue and cooperation with the Office of the High Commissioner as well as all the Council's mechanisms for the protection of human rights. Argentina expressed deep concern about the lack of progress since the establishment of the mandate in 2004 and saw with concern the identification of sectors in which violations had been reported, including torture, arbitrary detention, discrimination, and the consequences of the violation of the human rights of vulnerable groups, and the violation of the life to life. Argentina would consider the proposal for the establishment of a commission of inquiry.

Thailand urged the Democratic People's Republic of Korea to be more responsive to calls by the international community to address issues relating to human rights violations, and called upon it to allow more humanitarian assistance into the country. Particular attention should be paid to children, women and the elderly. Thailand was concerned about reports of maltreatment of marginalized groups, and regretted that since 2003 the Democratic People's Republic of Korea had failed to cooperate with the international community. The new mechanism proposed should be clear and take into account the limited resources available.

Cuba said that the mandate on the situation in the Democratic People's Republic of Korea continued to be an example of the politicization which affected the Council, and stressed that it was incompatible with the dialogue which should be occurring in the Council. The commission of inquiry was destined to fail and would not help to advance dialogue with the country concerned or promote peace in the region. The success of the Universal

Periodic Review, on the other hand, had already been demonstrated and would be a more useful tool in this case.

Canada said that it was profoundly concerned about the violations of human rights reported in the Democratic People's Republic of Korea, particularly the lack of religious freedom and the use of practices such as torture and arbitrary detention. Canada saw some merit in the proposal to establish an investigation mechanism and would work with its allies to help shed light on abuses of human rights in the Democratic People's Republic of Korea. Canada called upon the Democratic People's Republic of Korea to meet the basic needs of its people instead of financing military programmes.

Estonia expressed its concern for grave and persistent human rights violations in the Democratic People's Republic of Korea and said that it was the responsibility of the authorities to ensure the full enjoyment of human rights and fundamental freedoms of all its citizens. The Government must immediately put an end to the serious human rights violations indicated in the report. Estonia supported the establishment of an inquiry mechanism to look into human rights violations in the country.

Venezuela warned about the great risk of politically motivated country-specific mandates and inquisition mechanisms for developing countries which dared to take paths different from those promoted by the hegemonic block. The Human Rights Council must involve the Democratic People's Republic of Korea as the country concerned in a constructive manner to improve the situation on the ground, and the establishment of a commission of inquiry was not a constructive approach and was doomed to fail.

France condemned human rights violations being committed in the Democratic People's Republic of Korea, including in prison camps and reiterated the appeal to the Government to reform its justice and prison systems in order to criminalize the use of torture and to immediately release political prisoners and members of their families. France supported the creation of the commission of inquiry which would play a crucial role in shedding light on human rights violations and combating impunity.

Myanmar said that country-specific mandates in the Council could be counterproductive because they did not create a conducive environment for a genuine dialogue and effective cooperation between the mandate holder and the country concerned. Myanmar believed that the promotion and protection of human rights would be achieved only through dialogue. The Universal Periodic Review was the most appropriate mechanism to address domestic human rights challenges of all countries through international cooperation and welcomed the Democratic People's Republic of Korea's participation in this mechanism.

Romania said that the report showed that the human rights situation of the Democratic People's Republic of Korea had significantly deteriorated and the violations of human rights had become chronic. The authorities of the concerned country had consistently refused to cooperate with the Office of the High Commissioner and with the mandate holders. Against this background, Romania supported the creation of the commission of inquiry as well as the renewal of the mandate of the Special Rapporteur.

Republic of Korea said that over the past years, Member States had been informed of the dire human rights situation in the Democratic People's Republic of Korea, but this was the first time that there had been such a broad and comprehensive collection and analysis of this information and the identification of nine underlying patterns of violations. The Republic of Korea shared the view that stronger action was now required by the international community, and believed that an inquiry mechanism would contribute to the improvement of the situation, and hoped to see the Special Rapporteur actively participate in the proposed inquiry mechanism.

United Kingdom said that the Democratic People's Republic of Korea continued to have one of the worst human rights records in the world where violations were interlinked and included the use of political prison camps, violations of the right to food, torture, enforced disappearances and others. The gravity and frequency of those violations were appalling and warranted an increased level of scrutiny in the form of an inquiry mechanism to investigate the violations identified in the report.

United States regretted that the Government of the Democratic People's Republic of Korea continued to deny access to the country to the Special Rapporteur and asked him about the most alarming trends in the human rights practices that he identified. What should be the first steps the Democratic People's Republic of Korea could take to begin the process of human rights reform? How could the international community support this reform and how could it continue to press for improvement in human rights conditions for the people of this country?

Czech Republic welcomed the focus of the Special Rapporteur on the horrendous human rights violations taking place in detention facilities and prisons and his calls on the Government of the Democratic People's Republic of Korea to release all political prisoners without delay. The existence of a large number of prison camps and the extensive use of forced labour were issues of concern. The Czech Republic asked the Special Rapporteur whether he had any indications of the extension of the existing prison camps in the country.

Viet Nam said the most important priority today remained ensuring a favourable environment for talks in order to decrease tensions and to take concrete and constructive measures aiming at improving the human rights and humanitarian situation on the ground and preserving peace and stability in the region. Viet Nam encouraged the Democratic People's Republic of Korea to spare no efforts and resources in dealing with difficulties, such as the food crisis and the lack of resources for vulnerable people; and called on the international community to contribute more to help overcome these hardships.

Zimbabwe said it did not subscribe to the imposition of country specific Special Procedures mandates, which had tended to be prosecutorial, politicised and selective. The Universal Periodic Review mechanism was a more appropriate and constructive avenue to address any gaps in the respective human rights. The Democratic People's Republic of Korea had already participated in the Universal Periodic Review mechanism and Zimbabwe believed that the country should be allowed room to work towards the implementation of recommendations accepted. The country specific mandate on the Democratic People's Republic of Korea should be terminated.

Norway fully shared the concerns expressed about the serious human rights situation in the Democratic People's Republic of Korea and joined other delegations in encouraging its Government to cooperate with the international partners in order to improve the human rights situation. Norway deeply regretted that the Democratic People's Republic of Korea had not given any response to the 117 recommendations made in the Universal Periodic Review or signalled any intentions to follow up on them. Norway called for the establishment of an inquiry mechanism with adequate resources to investigate and document grave, systematic and widespread violations.

New Zealand welcomed the comprehensive review of the human rights situation in the Democratic People's Republic of Korea and called on the Democratic People's Republic of Korea to fully cooperate with the Special Rapporteur and the Commission of Inquiry and take immediate steps to guarantee all economic, social and cultural rights of its citizens. New Zealand would continue to work with other countries to address this most serious human rights situation.

Slovakia said that the human rights situation in the Democratic People's Republic of Korea continued to deteriorate daily and that a robust international inquiry should be set up to look into human rights violations and ensure institutional and personal accountability, including crimes against humanity. Slovakia was concerned about the precarious human rights situation in the country's extensive political prison camp system holding 150,000 prisoners and members of their families.

Poland said that the report underlined the long-term and broad pattern of human rights violations in the Democratic People's Republic of Korea, which included violations of the right to life, the right to food, and the right to freedom of expression and movement. As some of those might amount to crimes against humanity, Poland stressed the urgent need for setting up an international commission of inquiry to further look into identified violations.

Belarus said that country mandates were not capable of establishing a dialogue and improving the human rights situation in countries concerned, but rather served for the selective and politicised treatment of human rights, and this was the case of the mandate on the Democratic People's Republic of Korea. The proposal for a commission of inquiry was groundless and could lead to the worsening of the situation. Other measures, such as technical assistance in accordance with national priorities, could serve as basis for developing cooperation for the improvement of the human rights situation.

Lao People's Democratic Republic shared the common position of the Non-Aligned Movement that a county-specific human rights resolution would not help to address human rights issues. The Council and the Universal Periodic Review mechanism were the only appropriate forums to discuss or review a situation of human rights in any country on an equal basis. Lao People's Democratic Republic encouraged the Democratic People's Republic of Korea to continue its cooperation with the international community to achieve its international obligations and duties, and urged the international community to engage in a positive dialogue with the Democratic People's Republic of Korea.

Syria said that the participation of the Democratic People's Republic of Korea in the Universal Periodic Review demonstrated its commitment to the improvement of the human rights situation. The report of the Special Rapporteur was based on unverifiable information and the proposal to set up this commission was part of a defamation campaign also intended to bloc efforts at sincere dialogue and cooperation. Syria called for an end to the mandate of the Special Rapporteur and rejected the proposal for a commission of inquiry.

Australia deplored the appalling state of human rights in the Democratic People's Republic of Korea and endorsed the need for the establishment of a commission of inquiry to systematically document grave human rights violations in the country. Australia was particularly concerned about the prevalence of hunger and malnutrition, the denial of other basic human rights and fundamental freedoms and the appalling conditions in prison camps. Australia remained firmly committed to pursuing improvements in the human rights situation in this country.

Human Rights Watch said that the Government of the Democratic People's Republic of Korea continued to systematically violate human rights of its citizens, as well as the rights of thousands of foreigners it abducted. Crimes against humanity were being committed in the country and the Democratic People's Republic of Korea had failed to establish national inquiries; the international community had the duty to launch an inquiry into the situation.

People for Successful Korean Unification said that establishment of the commission of inquiry was a step in the right direction and added that the suffering of the people in the Democratic People's Republic of Korea was not a result of environmental factors, but those issues were deeply rooted in the oppressive political structure.

Amnesty International said that new satellite images of the area near political prison camp 14 in Kaechon showed that the Government was blurring the line between such camps and civilians in the surrounding vicinity. Testimonies of survivors had consistently claimed that serious human rights violations such as forced hard labour, denial of detainees' food quotas, and torture were imposed on the inmates. It was imperative that an international commission of inquiry be established to investigate and document the grave systematic and widespread human rights violations that continued in the Democratic People's Republic of Korea.

Concluding Remarks

MARZUKI DARUSMAN, Special Rapporteur on the human rights situation in the Democratic People's Republic of Korea, in concluding remarks, noted with concern that as a recurring process over the years, around about July and August, there would inevitably be a severe shortage of food. This was a given fact of the Democratic People's Republic of Korea and Mr. Darusman appealed that when addressing the overall human rights situation that the international community would continue to support efforts to alleviate the suffering of the most vulnerable groups of the population during those months. Concerning the proposal to establish a mechanism of inquiry, Mr. Darusman said that the question had been brought up by a previous mandate holder and that this had not been pursued in 2010 and 2011 because it had been considered to be potentially divisive at the time. The Council had had three years to deliberate on alternative courses of action and had decided to go through another cycle of resolutions leading to this session. The current proposal to consider setting up a commission of inquiry had been put forward on the basis of an objective review of what the Council had done over these years and thus kept the suggestion at the most depoliticised level, in the context of a series of numerous reports.

Human rights violations in the Democratic People's Republic of Korea had reached a critical mass, in terms of the nine categories continuously identified as the main categories of violations, and new reports had not come up with any other categories. Therefore, the point had been reached where the nature and scale of violations continued to recur within these nine categories. Concerning the question on the best way to address these pervasive violations, Mr. Darusman said that all the reports presented to the Council were fragmented and there was a need for consolidating these reports and the analyses previously undertaken. With regards to questions about the assistance of the international community, the proposal for a commission of inquiry was underlined. The report submitted today amplified the findings of other experts and the claim that some of the violations in the Democratic People's Republic of Korea might be considered crimes against humanity.

Documentation

The Council has before it the Report of the Special Rapporteur on the situation of human rights in Myanmar, Tomás Ojea Quintana ([A/HRC/22/58](#)); and an addendum to the report of the Special Rapporteur on the situation of human rights in Myanmar concerning comments by the State of Myanmar on the report ([A/HRC/22/58/Add.1](#)).

Presentation by the Special Rapporteur on the Situation of Human Rights in Myanmar

TOMÁS OJEA QUINTANA, Special Rapporteur on the situation of human rights in Myanmar, said that reforms continued apace in Myanmar and it was important to encourage the positive aspects of the process while acknowledging its shortcomings. The Government was cooperating with the international community, providing access, collaborating on capacity building and seeking technical assistance. Going forward now required increased involvement; that new legislation did not claw back advances in freedom of expression; and that legislative legacies from previous governments were repealed. This must be done now before it became entrenched and more difficult to resolve. In Kachin State people continued to suffer the consequences of the conflict. Mr. Quintana urged an end to human rights violations and for people to be consulted and involved in the process to move forward. The situation of internally displaced persons was particularly concerning and could be improved by securing regular access for the United Nations. Concerning the practice of torture, Mr. Quintana acknowledged the good cooperation with the International Committee of the Red Cross, and called for other monitoring groups to be allowed access. A local bureau of the Office of the High Commissioner could provide meaningful assistance in this regard.

Human rights violations which took place during the outburst of communal violence last year were of concern. Mr. Quintana hoped that the Commission of Inquiry would reveal what happened and make recommendations to ensure peaceful and integrated communities. Reforms since 2011 had not improved the situation of the 800,000 stateless Rohingya; they and other vulnerable groups were suffering during the profound crisis in Rakhine State. Restrictions on the freedom of movement of Rakhine Muslim communities should be eased; the current situation was encouraging aid-dependency and posed the risk of a humanitarian disaster, as the fast-approaching rain season threatened to flood camps. The situation in Rakhine had regional implications and the Association of Southeast Asian Nations needed to play a more proactive role to ensure human rights were respected. Mr. Quintana welcomed the formation of a committee to identify remaining prisoners of conscience and hoped that this would help ensure that no further detentions took place and that the rights of those released were respected. Remaining prisoners of conscience should be released.

Statement by the Concerned Country

Myanmar, speaking as the concerned country, expressed appreciation for the recognition of its achievements in the promotion and protection of human rights. However, there were many elements and recommendations in the report with which it could not agree. A majority of the recommendations were no longer relevant, as either they had already been accomplished through the reform process or work was still being carried out, and work would continue to be done on the remaining. With regards to the situation in the Kachin State, ceasefire agreements were not enough to secure a sustainable peace and the Government was prepared to soon engage in a political dialogue. The Government had recently facilitated the delivery of relief to displaced people by the International Committee of the Red Cross and United Nations agencies. Concerning allegations levelled against its armed forces, these were not true and there was a zero-tolerance policy concerning human rights violations. The Government had also facilitated field trips to Rakhine State for United Nations agencies, resident diplomats and foreign dignitaries, in order to enable them to observe the situation on the ground. Myanmar had also facilitated the delivery of humanitarian assistance to affected people in a non-discriminatory and impartial manner, in close cooperation with the international community. Religious harmony in Myanmar was well known and the Government provided equal treatment to the followers of different faiths. A new political culture was now taking root in the country. During this democratic transformation Myanmar faced multiple challenges, but these would be overcome through synergy and cooperation among all stakeholders. Myanmar called for the remaining sanctions or restrictions to be lifted, as they hampered its economic transformation and development.

Interactive Dialogue with the Special Rapporteur on the Situation of Human Rights in Myanmar

Germany welcomed the important progress achieved in the human rights situation in the country and shared the concerns outlined by the Special Rapporteur about remaining challenges. In regard to the situation of the Rohingya community, it was paramount that the humanitarian situation of civilians was improved and internally displaced persons were returned home. What were the prospects of the investigation commission, established by the Government, contributing to peace talks?

Democratic People's Republic of Korea said that it was anachronistic to maintain country-specific mandates and stressed that any attempt to interfere in the internal affairs of a State represented a violation of the United Nations Charter. International human rights law should not be used to denounce the governments of legitimate States. The Council should eliminate all country-specific mandates and resolutions, including the one on Myanmar.

Austria recognized the progress achieved in Myanmar and said that the implementation of reforms and the improvement of the human rights situation, which were among the remaining challenges, required the sustained efforts of the Government and the support of the international community. Austria called on Myanmar to immediately release political prisoners and to intensify efforts toward improving the human rights situation in the country, particularly that of minorities, and to address marginalization and deprivation.

Thailand, speaking on behalf of Association of Southeast Asian Nations (ASEAN), said that the Association of Southeast Asian Nations (ASEAN) welcomed the commitment of Myanmar and reiterated that the international community should support and encourage diplomatic developments. There were still challenges to be faced and assistance should be sought in this regard. Myanmar was encouraged to take steps to address the domestic issue in Rakhine State and to ensure that humanitarian assistance was delivered in a non-discriminatory manner.

European Union welcomed Myanmar's engagement with the Special Rapporteur. It was clear, however, that significant human rights shortcomings needed addressing, such as cases of prisoners of conscience, the effect of the recent crisis in Rakhine State, and the large military presence. The European Union welcomed the recommendations concerning the need to ensure equal access to citizenship and the opening of a local presence of the Office of the High Commissioner with a full mandate.

Slovakia said that reforms had resulted in improvements which it viewed with optimism; and strongly encouraged the path of democratization and national reconciliation. The unconditional and immediate release of prisoners of conscience, as well as the status of the Rohingya and those in Rakhine State, should be addressed as a matter of priority. Slovakia called on Myanmar to implement past and present recommendations of the Special Rapporteur.

France welcomed the progress made in Myanmar and paid tribute to it. The delegation said that France wished to accompany Myanmar in that transition without neglecting the problems that remained. France welcomed the announcement of the establishment of a commission to take a census of political prisoners; and shared the concerns of the Special Rapporteur about the situation in Kachin and Rakhine States, as well as the worrying situation of the Rohingya. All Human Rights Council Member States were encouraged to renew the mandate of the Special Rapporteur during this session.

Denmark remained deeply concerned about the human rights situation in the Kachin and Rakhine States, and the discrimination against the Rohingya communities. Denmark fully supported the recommendation that all prisoners of conscience be released immediately and unconditionally; and shared concerns regarding ongoing conflicts and serious human rights violations in the ethnic border areas. Denmark asked what, in the Special Rapporteur's view, constituted the main risk in relation to potential setbacks to the ongoing reform process?

Cuba took note of the efforts made by Myanmar to facilitate people's participation in the political process and hoped that this would contribute to efforts toward fulfilling their right to self-determination. Only through cooperation and dialogue would the Human Rights Council be effective; and positive results were only viable with the active involvement of the country concerned. Cooperation mechanisms such as the Universal Periodic Review were the appropriate method to analyse the human rights situation in all countries and led to a debate without politicization and confrontation.

Lao People's Democratic Republic noted Myanmar's significant efforts toward reconciliation, development and the promotion of human rights. The international community should work with the Government in order to contribute to the achievement of all the goals in the roadmap for the achievement of democracy and national reconciliation, thus allowing Myanmar to fulfil its international obligations. Myanmar should cooperate with the United Nations and other international organizations to overcome remaining challenges.

Canada noticed major improvements in Myanmar, including the rapprochement between the Government and civil society, more openness to discussing human rights issues, and more space for the media. It was essential to find permanent solutions to the inter-communal conflict in the Rakhine State and to address the persistent violence in the Kachin State. What recommendations could the Special Rapporteur give concerning the need for peace in Rakhine State which would take into account respect for the rights of the Rohingya?

Czech Republic remained seriously concerned about the ongoing conflict and tensions in ethnic areas and attacks on civilian population, including instances of sexual and gender-based violence, torture, and recruitment of child soldiers. The Czech Republic urged Myanmar to continue the inclusive dialogue with all parties to the conflict in order to achieve permanent peace. What means could be used to bridge the feelings of animosity between ethnic groups and what were attitudes among key stakeholders in the country concerning truth, justice and accountability?

Switzerland welcomed improvements in the human rights situation and, in particular, paid tribute to Myanmar for authorizing visits by the International Federation of the Red Cross. However, Switzerland shared concerns about the persistent use of torture; national and international groups needed access and Myanmar was called on to ratify the United Nations Convention on Torture. It was also important to facilitate dialogue with all groups in order to secure a lasting peace and to guarantee justice for the victims of human rights abuses.

Cambodia welcomed steps toward national reconciliation and development for the people of Myanmar. The release of prisoners was welcomed as well as the cooperation with international groups and agencies, such as the International Federation of the Red Cross. Myanmar had made great efforts for a democratic transformation and further efforts were needed to address all concerns and challenges ahead. The international community should support this process with incentives and engagement.

Thailand said that the Government should get credit for the tremendous and irreversible efforts in undertaking reforms; and the international community should encourage Myanmar to remain on this path. Although concerns about the situation of minorities remained, the ceasefire dialogue in Rakhine State was welcome, as were steps to allow the provision of assistance by United Nations agencies. The movement of population from this area, while long-term solutions were sought, was important and the internationalisation of the issue was not helpful.

Russian Federation said that it was necessary to maintain a balance and constructive approach in the consideration of the human rights situation in Myanmar. The sweeping reforms which had been carried out would be successful provided there was political stability in the country. The Russian Federation welcomed the steps which had been taken to strengthen political dialogue and was convinced that it would be more constructive to maintain an unprejudiced approach in the consideration of the reform process in Myanmar.

United States remained concerned about the endemic discrimination against the Rohingya community in Myanmar. More specifically, the lack of a legal status for the Rohingya effectively deprived them of many of their basic human rights. Myanmar's progress in releasing prisoners was encouraging, but prisoners of conscience should be released unconditionally. The United States commended progress granting greater freedom of assembly and association, but expressed concerns about several incidents in which security forces had used excessive force to disband peaceful protestors.

Indonesia noted with appreciation the drafting of a framework for further socio-economic reforms which would be approved by the national planning commission shortly. It also welcomed further initiatives on the freedom of the media, including the publication of private daily newspapers, which would start soon, and the drafting of a new media law. Indonesia encouraged Myanmar to maintain and enhance its engagement with the international community in order to ensure continued progress in addressing multi-dimensional challenges.

United Kingdom said that Myanmar continued to make progress on human rights as seen in the further release of political prisoners, ceasefire agreements signed with ten of the eleven major armed groups, and the easing of media restrictions. Many challenges remained, notably in the Rakhine and Kachin States, and it was important that the Government implemented its stated commitments with assistance from international community. The creation of a committee on political prisoners was encouraging and it was important that Myanmar addressed all cases promptly and transparently.

Viet Nam welcomed positive developments in Myanmar and encouraged the Government to move forward in the right direction, toward the full enjoyment of human rights for its people, including vulnerable groups. The international community encouraged the democratization process on the basis of constructive dialogue and should lift all embargos imposed on Myanmar. The international community should also provide effective technical assistance to help Myanmar build a prosperous future for its people.

Venezuela said that this mandate evidenced the politicization of country-specific mandates, which rather than helping improve the human rights situation maintained hate among the people. Venezuela recognized the efforts of the Government to search for national unity and stressed the importance of unconditional international cooperation and assistance for a long-term development strategy and overcoming poverty.

Australia said that the April 2012 by-elections were an important step on the road to democracy. The introduction of laws granting new rights and the relaxation of media restrictions were welcomed, although concerns remained about reports about ongoing issues in Rakhine and Kachin States. Talks between the Government and independence groups were encouraging, as was the Government's commitment to redouble efforts to halt communal violence, provide humanitarian assistance and deal with the perpetrators of violence.

China said that Myanmar had actively pushed forward reform and engaged in dialogue with United Nations and international agencies, which was to be acknowledged. The conflicts in Rakhine State were a sensitive legacy from its history and had calmed down following measures taken by the Government. China had also recently facilitated peace talks between groups in the North. The international community should look at these issues objectively and provide support.

Philippines appreciated the recognition of the Special Rapporteur regarding Myanmar's progress in developing a more open environment. Pre-publication screening and censorship had stopped earlier this year and private daily newspapers were now also allowed. The international community should acknowledge this progress and Philippines encouraged Myanmar to continue to strive for a more enabling environment.

Norway welcomed the commitment shown by Myanmar to cooperate with the Office of the High Commissioner for Human Rights. The international community should actively engage in supporting capacity-building efforts to promote human rights in Myanmar. Several challenges remained and needed to be addressed. Tensions in the Rakhine State and reports of human rights violations in conflict-affected areas, especially in the Kachin province, were of particular concern. It was imperative that peace talks in Kachin continued and that priority was given to political dialogue with all ethnic groups.

Argentina took a positive view of the recent report submitted by the Special Rapporteur and was pleased to see that amnesty had been granted to 100 persons so far. However, the release of conscience prisoners should be unconditional and reports of incidents of torture remained a cause of concern. Myanmar should extend an open invitation to the

Special Rapporteur on torture to visit the country and assess the situation. Despite the progress achieved, there were many areas where further work was needed.

Japan welcomed the measures taken by Myanmar towards democratization and national reconciliation, including ceasefire agreements with ethnic minority groups and the continued release of political prisoners. Japan was concerned about the conflict in Kachin province, which had resulted in casualties and internally displaced persons. Japan reported that it had held the first Japan-Myanmar Human Rights Dialogue on 11 February 2013. The Council should adopt a resolution on Myanmar by consensus in order to show the support of the international community.

Turkey said that the establishment of a country presence of the Office of the High Commissioner in Myanmar was important for monitoring the democratization process, as well as the situation of minorities, and for providing technical guidance to the Government. The re-initiation of hostilities in the Kachin region had been worrying. Turkey was also concerned about violence between the Rohingya Muslims and the local Buddhists in the Rakhine region. A long-term solution to the problems of the Rohingya could only be achieved through the restoration of their legal status and the recognition of their birth rights.

Asian Forum for Human Rights and Development said that the mandate of the Special Rapporteur should be maintained. The Asian Forum reminded the Council about gross and systematic violations in Myanmar and urged the Government to engage in genuine dialogue. It also expressed deep concern about communal violence in the Rakhine State and drew particular attention to the continued instances of judicial harassment, arbitrary arrest and detention of human rights defenders. More than 250 political prisoners remained behind bars.

Maarij Foundation for Peace and Development urged the Human Rights Council to call on the Security Council to act in order to halt any further attacks on the Rohingya and Kaman Muslims. There was a clear sign that things were not getting better, including with regards to the protection of minorities. Maarij Foundation for Peace and Development regretted that the international community was still ignoring the call for more stern and direct action on Myanmar. There was ample evidence of State-sponsored violence.

Human Rights Now was gravely concerned about human rights violations such as killing, rapes and torture in ethnic minority areas. There were no concrete rights for these groups and in many areas where ceasefires had been announced the military, rather than retreating, had in fact become more entrenched. The Government needed to effectively

control the military and help people on the ground. Countries should also assess the human rights consequences of products they used.

Human Rights Watch said that the Human Rights Council's support for ongoing reforms should not veil international concerns. The Government should sign a memorandum of understanding concerning the opening of a country presence of the Office of the High Commissioner for Human Rights, release remaining political prisoners, take all necessary measures to end human rights abuses, set a target date for the review of existing laws, and pursue sustainable political solutions that addressed efficient governance and rights of ethnic nationalities.

Jubilee Campaign welcomed ongoing changes in Myanmar and preliminary ceasefires. However, there were still serious concerns related to widespread human rights violations against citizens, particularly with respect to ethnic communities. In Arakan State, violence appeared to escalate into a wider anti-Muslim campaign and the immediate priority must be ensuring peace, the rule of law, and the provision of urgent aid. In Chin State, Christians were reportedly under pressure to convert to Buddhism and steps must be taken deal with this situation swiftly.

Concluding Remarks

TOMAS OJEA QUINTANA, Special Rapporteur on the situation of human rights in Myanmar, in concluding remarks, thanked Myanmar for its cooperation. In Rakhine State the most pressing concern was the humanitarian situation, particularly of the Rohingya population, and the Government had the obligation to take urgent measures to remedy this. Mr. Quintana emphasised that the origin of the violence in this region was not due to religion, despite some components, and said that security forces mandated to monitor and control Nasaka and neighbouring regions had also perpetrated human rights violations. The Government was urged to closely monitor how security forces operated. In Kachin State, ceasefire agreements being put in place had to include as an element of agreement between all parties the immediate cessation of human rights violations in the area.

The establishment of a country presence of the Office of the High Commissioner for Human Rights could also play an important role in supervising the complete fulfilment of human rights. The achievement of a ceasefire agreement would have repercussions throughout all ethnic areas in Myanmar and Mr. Quintana recommended the Government to ensure that all negotiations were carried out in a way that touched all communities. With regards to political prisoners, the establishment of the Commission was welcomed and the Government should immediately free all political detainees still imprisoned.

Concerning truth and justice, it was the people of Myanmar themselves who had to take on an understanding of how important it was to see what had been done wrong in the past to avoid its repetition in future. There was a herculean task ahead for the Government and Mr. Quintana urged Myanmar to press ahead.

Documentation

The Council has before it the Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran ([A/HRC/22/56](#)); and an addendum to the report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran concerning the comments by the State of Iran on the report ([A/HRC/22/56/Add.1](#))

Presentation by the Special Rapporteur on the Situation of Human Rights in Iran

AHMED SHAHEED, Special Rapporteur on the situation of human rights in Iran, introducing his report, said that the meeting with Iranian officials he had last week would expand the opportunities for the Government to address the issues raised by the mandate and this development was the result of the constructive work and efforts of the members of the Council. The outcome of Iran's Universal Periodic Review had provided a sound platform for both engagement and assessment of the Government's progress in promoting respect for human rights. Iran had made noteworthy advances in the area of women's rights, particularly in literacy, school enrolment rates and in health, but reports about recent policies restricting women's access to a number of fields of study remained problematic. The prevailing human rights situation in Iran continued to be of serious concern and would require a wide range of solutions. Two reprisal cases had been reported in November and December 2012, which seriously undermined the work of the United Nations human rights mechanism.

The situation of human rights defenders was grave and continued to deteriorate; they were subjected to harassment, arrests and torture and were frequently charged with vaguely-defined national security crimes, thus eroding the frontline of human rights defense in the country. The report presented unimpeachable forensic evidence that torture was occurring in Iran on a widespread and systemic basis. The existence of legal safeguards against torture in both Iranian and Islamic law did not invalidate allegations of torture or the responsibility of authorities to investigate it. The Special Rapporteur remained alarmed at the high rate of executions that took place in the country, mostly for drug-related offenses which did not meet international standards for "most serious crimes". Iran should immediately halt the recent spate of arrests of journalists and release those already detained. Those arrests were part of a broader campaign to crack-down on independent journalists and media outlets under the accusation that they

collaborated with anti-revolutionary foreign media outlets and human rights organizations. Some 40 lawyers had been prosecuted since 2009 and 10 were currently detained. There were serious concerns about the situation of religious minorities, with Baha'is and Protestants held in detention centres across Iran. In closing, the Special Rapporteur expressed his serious concern about the humanitarian effects of the general economic sanctions imposed on Iran, although conflicting statements by various officials made it difficult to discern the reality of the situation in this regard.

Statement by the Concerned Country

Iran, speaking as the concerned country, said that country-specific resolutions reduced noble human rights concerns to manipulative devices of political rivalry and two parallel and repetitive reporting procedures in the General Assembly and the Human Rights Council which were established to report about the human rights situation in the country sufficed to illustrate that the move was ill-intended. Selectivity and double standards would lead to the manipulation of the whole United Nations human rights machinery. Iran unequivocally rejected the creation of the mandate of the Special Rapporteur and would maintain this principled position. However, this should not be construed as non-cooperation with the United Nations human rights mechanism, on the contrary. The report was a product of an unhealthy, non-objective and counter-productive exercise initiated by the United States and its European allies, and a compilation of unfounded allegations and accusations that unfortunately bore the symbol of the United Nations. The Special Rapporteur was required to observe the principles of impartiality, honesty, transparency and fairness, avoiding impacts of political pressures. By conducting opinionated interviews with biased media and being prejudiced about the claims, the Rapporteur had reduced himself to a political opponent acting against Iran in clear contradiction of the mandate-holders' Code of Conduct. The Special Rapporteur began his report with a pre-judgment that claimed widespread systemic and systematic violations of human rights and fostering a culture of impunity in Iran. Iran regretted that the Special Rapporteur had avoided any reference of human rights promotional activities and achievements. It was further disappointing that not once were unilateral sanctions mentioned or condemned, while these were in clear negation of the principles of international law as well as the letter and spirit of the United Nations Charter. The universality of human rights should not be used as justification for demolishing and uprooting the most valuable experience of humanity in the creation of a different model of living. Rather, it should be a platform to promote respect for others and meaningful interaction.

Interactive Dialogue with the Special Rapporteur on the Situation of Human Rights in Iran

Sweden welcomed the all-embracing approach taken by the Special Rapporteur and the specific attention paid to the human rights of women in Iran. A negative trend was observable in the status of the human rights of women and a number of Iranian laws continued to discriminate against women. Sweden was dismayed by the continuously dire circumstances of minorities, including religious groups, most notably the systematic discrimination of members of the Baha'i community. Could the Special Rapporteur elaborate on what access Iranians had to independent information?

European Union said that it was concerned about the rising number of executions carried out in Iran and condemned the use of torture and other degrading treatment. Restrictions on freedom of expression, and the harassment and arrest of human rights defenders and journalists were alarming phenomena. The European Union urged Iran to comply with its international human rights obligations. The systematic harassment of members of religious minorities was deplorable, and Iran should cease immediately that practice. Also, free access should be granted to the Special Rapporteur so he could carry out his mandate.

Venezuela said that Venezuela rejected the practice of dominant powers to impose mandates on developing countries, which undermined the credibility of the Council. The premises of the report of the Special Rapporteur on Iran were in line with that policy of aggression. Iran had actively shown that it was willing to cooperate with the United Nations human rights mechanisms. Venezuela wished to see mandates imposed by developed countries eliminated. The politicization, selectivity and double standards which those mandates represented should also be done away with.

United States said that the reports of violations of women's rights and the continued use of torture in Iran were of great concern, as was the imprisonment and harassment by the Government of human rights defenders, religious minorities, bloggers, labour leaders and journalists. What steps could the international community take to ensure the safety of those Iranians most at risk of persecution in light of the upcoming elections and to pursue concerns about reprisals and ensure the safety of those who cooperated with the mandate?

Switzerland welcomed the report which brought attention to important issues such as the death penalty, restrictions on the rights of women, and prosecution of human rights defenders and religious minorities. Switzerland was alarmed over the extensive use of the death penalty in Iran and asked the Special Rapporteur about his analysis of this practice and how could the international community help to remedy this situation.

Ecuador was committed to the promotion and protection of human rights in the world and condemned all those violating those rights. Ecuador was not ready to take part in the strategy of attacking members of the international community and promoting political aims by using arguments such as human rights, while other States were permitted to violate their international obligations and boycott regular mechanisms of the Human Rights Council.

Norway said that the situation of human rights in Iran remained a cause of grave concern. Norway was particularly concerned about the extensive use of the death penalty in Iran, especially against minors, the high number of mass executions, and reported cases of amputation and flogging. Restrictions on freedom of speech and assembly, unlawful detentions, and torture were severe obstacles for the improvement of the situation. Norway urged Iran to allow the Special Rapporteur entry into the country so he could carry out his mandate.

Democratic People's Republic of Korea reaffirmed its position that country-specific mandates imposed by Western countries on developing countries were anachronistic acts. Any attempt to interfere in the internal affairs of other States could not be justified and was in violation of international law and of the principle of territorial integrity and sovereignty of the States concerned. The Democratic People's Republic of Korea wished to see the elimination by the Council of all country-specific mandates.

Austria expressed grave concern at the situation of human rights defenders in Iran; they were subjected to harassment, arrest, interrogation and torture and were frequently charged with vaguely-defined national security crimes. Austria called for the immediate release of the 60 journalists currently imprisoned in Iran. The number of executions carried out in the country, especially in the absence of fair trial standards, was a matter of grave concern. Austria urged Iran to introduce a moratorium on the death penalty.

Czech Republic was concerned about the impact of widespread human rights violations in Iran on the functioning of civil society, particularly in view of the upcoming Presidential elections. The lack of attention by the authorities to acts of torture committed in the country was frustrating. The Czech Republic remained deeply troubled by the shrinking space for freedom of expression and assembly and the continued arrest and detention of journalists and human rights defenders.