HUMAN RIGHTS COUNCIL EXTENDS MANDATE OF SPECIAL RAPPORTEUR ON MYANMAR; ADOPTS RESOLUTIONS ON GUINEA AND DEMOCRATIC REPUBLIC OF THE CONGO

Also Adopts Texts on the Fight against Torture, Sexual Violence against Children, and Protection of Journalists in Situations of Armed Conflict, Among Others

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The Human Rights Council this morning adopted seven texts, which included extending the mandate of the Special Rapporteur on the situation of human rights in Myanmar, and adopting measures on technical assistance and capacity building to Guinea and the Democratic Republic of the Congo. Other texts concerned torture and other cruel, inhuman or degrading treatment or punishment; the rights of the child and the fight against sexual violence against children; enhancement of international cooperation in the field of human rights; and the protection of journalists in situations of armed conflict. It also adopted a list of candidates for Special Procedure Mandate Holders to be appointed during the session

Under its agenda item on human rights situations that require the Council’s attention, the Council adopted a text on the situation of human rights in Myanmar, in which it strongly condemned the ongoing systematic violations of human rights and fundamental freedoms of the people of Myanmar. It called upon the Government to ensure a free, transparent and fair electoral process. The Council decided to extend for one year the mandate of the Special Rapporteur on the situation of human rights in Myanmar and urged the Government to continue to respond favourably to the Special Rapporteur’s requests to visit the country and that the Government implement the recommendations addressed to the Government contained in his reports and in Council resolutions.

Under its agenda item on technical assistance and capacity building, the Council adopted a text on strengthening of technical cooperation and consultative services in the Republic of Guinea, in which it invited the Guinean authorities to consider implementing the recommendations on, inter alia, combating impunity, protection for and the granting of assistance and appropriate reparation to the victims of acts of violence, and reform of the justice and the security sectors. The Council also strongly appealed to the international community to provide the transitional authorities, as soon as possible, with appropriate assistance as a contribution to a sustainable restoration of peace and the constitutional order and to support the efforts of the Guinean authorities to promote respect for human rights.

Under the same agenda item, the Council adopted a text on the situation of human rights in the Democratic Republic of the Congo and the strengthening of technical cooperation and consultative services, in which it requested the Democratic Republic of the Congo to continue to ensure protection of journalists and human rights defenders in the discharge of their duties and to fight against sexual violence and to prosecute the perpetrators of serious human rights violations, in the army and the national police force, within the framework of the policy of zero tolerance. The Council also requested the Government, with the assistance of the High Commissioner for Human Rights and the thematic Special Procedure, to develop a plan for prioritization and implementation of recommendations received to date, particularly in the areas of protection of women and children, combating impunity, the rule of law and the administration of justice.

Under its agenda item on the promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development, the Council adopted a text on torture and other cruel, inhuman or degrading treatment or punishment: the role and responsibility of judges, prosecutors and lawyers, in which it condemned any action or attempt by States or public officials to legalize, authorize or acquiesce in torture and other cruel, inhuman or degrading treatment or punishment under any circumstances, including on grounds of national security or through judicial decisions. The Council urged all States to consider establishing or to maintain and enhance independent and effective mechanisms with qualified legal and other relevant expertise to undertake effective monitoring visits to places of detention.

Under the same agenda item, the Council adopted a text on the rights of the child: the fight against sexual violence against children, in which it urged all States, inter alia, to ensure accountability and to seek to end impunity of perpetrators of sexual violence and abuse against children in all settings, including in conflict and emergencies, and to give priority attention to the prevention of all forms of sexual violence and abuse against children by addressing its underlying causes. It called upon all States and relevant United Nations bodies and agencies and regional organizations to address the issue of sexual exploitation and abuse of children by United Nations peacekeeping and humanitarian personnel and urges States to adopt appropriate national legislation and to ensure rigorous investigation and prosecution of such crimes.

Under the same agenda item, the Council adopted a text on protection of journalists in situations of armed conflict, deciding to convene a panel discussion at its fourteenth session on the issue of protection of journalists in armed conflict.

Under its agenda item on human rights bodies and mechanisms, the Council also adopted a list of candidates for Special Procedure mandate holders to be appointed during the session. These included Jasminka Dzumhur, for the Working Group on Enforced or Involuntary Disappearances, Vladimir Tochilovsky for the Working Group on Arbitrary Detention, and Verene Shepherd for the Working Group of Experts on People of African Descent.

Under its agenda item on the annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General, in a text on enhancement of international cooperation in the field of human rights, the Council urged all actors on the international scene to build an international order based on inclusion, justice, equality and equity, human dignity, mutual understanding and promotion of and respect for cultural diversity and universal human rights, and to reject all doctrines of exclusion based on racism, racial discrimination, xenophobia and related intolerance.

Speaking this morning in introductions of resolutions were Denmark, Uruguay, Nigeria, Egypt on behalf of the Non-Aligned Movement, and Spain on behalf of the European Union.

Speaking in general comments were Norway, and France on behalf of the European Union.

Speaking in explanations of vote before the vote were the United States, China, Japan, India, Indonesia, Russian Federation, and Cuba

Speaking as concerned countries were Guinea, the Democratic Republic of Congo, and Myanmar.

Speaking in explanations of vote after the vote were Japan, Ghana, China, and Bangladesh.

The next meeting of the Council will be at 3 p.m. this afternoon, when it will continue to take action on pending draft resolutions, following which it will conclude the session.

Action on Resolutions under Agenda Item on the Promotion and Protection of All Human Rights, Civil, Political, Economic, Social and Cultural Rights, Including the Right to Development

In a resolution (A/HRC/13/L.19) on torture and other cruel, inhuman or degrading treatment or punishment: the role and responsibility of judges, prosecutors and lawyers, adopted without a vote, the Council calls upon States in the context of criminal proceedings to ensure access to lawyers from the outset of custody, as well as access of lawyers to appropriate information in sufficient time to enable them to provide effective legal assistance to their clients; strongly urges States to ensure that no statement that is established to have been made as a result of torture is invoked as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made; condemns any action or attempt by States or public officials to legalize, authorize or acquiesce in torture and other cruel, inhuman or degrading treatment or punishment under any circumstances, including on grounds of national security or through judicial decisions; urges States to ensure that any person who has been subjected to torture or cruel, inhuman or degrading treatment or punishment has access to an effective remedy and that victims receive adequate, effective and prompt reparations; urges all States to consider establishing or to maintain and enhance independent and effective mechanisms with qualified legal and other relevant expertise to undertake effective monitoring visits to places of detention, inter alia with a view to preventing acts of torture or other cruel, inhuman or degrading treatment or punishment; calls upon States to ensure that education and information regarding the absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment are fully included in the education and training of all judges, prosecutors and lawyers as well as enforcement personnel; invites the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment and other relevant Special Procedures within their respective mandates to take the present resolution into account in their future work; takes note of the report of the Special Rapporteur (A/HRC/13/39); and calls upon the Office of the United Nations High Commissioner for Human Rights to continue to provide advisory services to States for the prevention of torture and other cruel, inhuman or degrading treatment or punishment.

LARS VOLCK MADSEN (Denmark), introducing L.19, said the focus of this year's resolution was "the role and responsibility of judges, prosecutors and lawyers". Among other aspects, the resolution stressed that legal and procedural safeguards against torture and other cruel, inhuman or degrading treatment or punishment must not be subject to measures that would circumvent this right. The resolution also emphasised the critical role that judges, prosecutors and lawyers played in safeguarding the right to be free from torture and other cruel, inhuman or degrading treatment or punishment and urged States to respect and ensure respect for this role. It went on to highlight specific effective legal and procedural safeguards. The resolution reiterated that no statement that was established to have been made as a result of torture was invoked as evidence. It stressed the importance of effective legal and procedural safeguards with regard to the principle of non-refoulement. Finally, the resolution also condemned any action or attempt by States or public officials to legalise, authorise or acquiesce in torture and other cruel, inhuman or degrading treatment or punishment under any circumstances, including on grounds of national security.

CLAIRE HUBERT (Norway), speaking in a general comment on behalf of Austria, Switzerland and Norway, said those countries welcomed the draft resolution and thanked Denmark for its leadership. The countries welcomed this year’s focus on the role and responsibility of judges, prosecutors and lawyers. The countries hoped that the resolution would have a concrete impact on the ground and contribute to the goal of eradicating torture and other cruel, inhuman or degrading treatment or punishment.

In a resolution (A/HRC/13/L.21) on the rights of the child: the fight against sexual violence against children, adopted without a vote, as orally revised, the Council urges all States, inter alia, to ensure accountability and seek to end impunity of perpetrators of sexual violence and abuse against children in all settings, including in conflict and emergencies, and to give priority attention to the prevention of all forms of sexual violence and abuse against children by addressing its underlying causes, including through investment in education and awareness-raising to promote social change in attitudes and behaviours that condone or normalize any form of sexual violence against children, including harmful traditional practices; calls upon States to pay special attention to the protection from sexual violence and abuse of marginalized and vulnerable children, such as children belonging to minorities, children with disabilities, and internally displaced children; calls upon all States and relevant United Nations bodies and agencies and regional organizations to address the issue of sexual exploitation and abuse of children by United Nations peacekeeping and humanitarian personnel and urges States to adopt appropriate national legislation and to ensure rigorous investigation and prosecution of such crimes; requests the United Nations High Commissioner for Human Rights to prepare a summary of the full-day meeting on the rights of the child, as a follow-up to paragraph 7 of Council resolution 7/29 of 28 March 2008; invites the Special Rapporteur on the sale of children, child prostitution and child pornography and the Special Representative to the Secretary-General on Violence against Children to cooperate on themes of mutual interest within their respective mandates, and to report to the Council at its sixteenth session on effective and child-sensitive counselling, complaint and reporting mechanisms to which children can safely report incidents of violence, including sexual violence and exploitation; requests the Special Rapporteur on the sale of children to present her next report to the Council at its sixteenth session; calls upon all stakeholders to address the rights of the child throughout the universal periodic review mechanism and to take into consideration the issues of violence against children, including sexual violence against children; and decides to continue its consideration of the question of the rights of the child in accordance with its programme of work and its resolution 7/29, and to focus its next resolution and full-day meeting on a holistic approach to the protection and promotion of the rights of children working and/or living on the street.

LAURA DUPUY (Uruguay), introducing L. 21, said Uruguay was glad to present the draft resolution on the rights of the child against sexual violence. It also thanked co sponsors and especially Spain for all its efforts in that regard. The figures of sexual violence against children were alarming. Sexual violence occurred throughout the world and in many different forms. The international community, in order to ensure cooperation, should add national efforts to bolster international efforts. It was also crucial that these had reporting mechanisms. States must put an end to the silence and impunity that surrounded this issue, bearing in mind that children were its victims. Countries had to improve the protection and effective rights of children through dialogue. Uruguay wanted to eliminate the preamble paragraph on concern over sexual abuse committed by family members. It hoped that with these amendments, the draft resolution could then be adopted by consensus.

MARK C. STORELLA (United States), speaking in an explanation of vote before the vote, said the United States was pleased to join consensus on the rights of the child resolution, which reflected its deep commitment to protecting children at home and around the world, in particularly against sexual violence. The United States had recently submitted its report to the Committee on the Rights of the Child on its implementation on the Optional Protocol on the prevention of child prostitution, child trafficking, and child pornography. The United States continued to strengthen protection for children, in particular with regard to trafficking. The United States joined consensus with the express understanding that it did not require States to become parties to international instruments, nor that it had to apply the standards of those treaties.

In a resolution (A/HRC/13/L.12) on the protection of journalists in situations of armed conflict, adopted without a vote, as orally amended, the Council, alarmed at the large and increasing number of deaths and injuries among members of the press in armed conflict, decides to convene a panel discussion at its fourteenth session on the issue of protection of journalists in armed conflict; requests the Office of the United Nations High Commissioner for Human Rights to liaise with the Special Rapporteur on the right to freedom of opinion and expression, the International Committee of the Red Cross and all concerned parties and stakeholders, including relevant press organizations and associations and United Nations bodies and agencies, with a view to ensuring their participation in the panel discussion; and also requests the Office of the High Commissioner to prepare a report on the outcome of the panel discussion in the form of a summary.

HISHAM BADR (Egypt), introducing also on behalf of Bangladesh and Mexico draft resolution L.12 on the protection of journalists in situations of conflict, said they saw it as a commitment to the hard work of journalists worldwide and to those who had fallen. This Council was unanimous on the importance of journalists who reported, among other issues, on conflicts. Many had made the ultimate sacrifice and lost their lives. The suggestion had been made after much consultation with a range of press and international bodies. The co-sponsors were committed to an inclusive and transparent approach. Egypt hoped that through this panel, the Council would respond to calls for the protection of journalists, given the dangers they incurred to keep States informed. Initiatives like this could contribute to making those outside the agenda feel like they were also responsible for it. Finally, Egypt invited the Council to adopt this resolution by consensus.

Action on Resolution under Agenda Item on Human Rights Bodies and Mechanisms

Under this agenda item, the Council adopted a list of candidates for Special Procedure mandate holders to be appointed during the session. These included Jasminka Dzumhur, for the Working Group on Enforced or Involuntary Disappearances, Vladimir Tochilovsky for the Working Group on Arbitrary Detention, and Verene Shepherd for the Working Group of Experts on People of African Descent.

AKIO ISOMATA (Japan), speaking in a general comment on L.22 on a United Nations declaration on human rights education and training, which was adopted yesterday, said as a co-sponsor, Japan welcomed the adoption of that resolution by consensus yesterday. It thanked the main sponsors for their efforts and appreciated their facilitation of the open ended-consultations. Japan reiterated its understanding that any resource implications for this resolution would be met within existing resources and expressed its expectation that due consideration would be given to this matter by the General Assembly.

Action on Resolutions under Agenda Item on Technical Assistance and Capacity-Building

In a resolution (A/HRC/13/L.14) on strengthening of technical cooperation and consultative services in the Republic of Guinea, adopted without a vote, the Council condemns the massacre of unarmed civilians who had gathered for a peaceful rally, on 28 September 2009 in the main stadium in Conakry, and the serious human rights violations committed the same day and in the course of the following days, and in particular the sexual violations of a particularly serious nature committed against women by members of the Armed Forces and the security forces; takes note of the work of the International Commission of Inquiry established by the United Nations Secretary-General and supported by the Economic Community of West African States and the African Union to investigate the facts and circumstances of the events of 28 September, and of the submission by the Commission of its report (S/2009/693, annex), and invites the Guinean authorities to consider implementing the recommendations on, inter alia, combating impunity, protection for and the granting of assistance and appropriate reparation to the victims of acts of violence, and reform of the justice and the security sectors; invites the transitional authorities to take the necessary steps to promote the gender perspective and reinforce women’s involvement in the mediation and decision-making processes in conflict resolution, peacebuilding and the promotion and defence of human rights; strongly appeals to the international community to provide the transitional authorities, as soon as possible, with appropriate assistance as a contribution to a sustainable restoration of peace and the constitutional order and to support the efforts of the Guinean authorities to promote respect for human rights, including the achievement of the Millennium Development Goals, combating impunity and reform of the security and justice sectors; and invites the High Commissioner to report to the Council at its sixteenth ordinary session on the situation of human rights and the work of her office in Guinea.

OSITADINMA ANAEDU.(Nigeria) introduced draft resolution L 14 on strengthening technical cooperation and advisory services in the Republic of Guinea on behalf of the African Group, saying that the text recognized the gravity of the situation and condemned the killing of innocent demonstrators holding peaceful demonstrations. The African Group saluted regional and international groups for taking prompt actions to resolve the problems of Guinea since September 2009. It was in this context that the draft called on the international community to give the transitional government support in order for it to restore peace and order. The African Group took the opportunity to commend the openness of all delegations it had engaged with in the past two weeks, calling on Member States to support the adoption of draft resolution L 14 without a vote.

ARAFAN KABINE KABA (Guinea), speaking as a concerned country, welcomed the successful conclusion of consultations on the draft resolution on the strengthening of technical cooperation and consultative services in the Republic of Guinea. The Council’s adoption of this resolution was testimony to the international community’s expression of solidarity towards Guinea in its difficult progression towards democracy and peace. Guinea saluted the invaluable spirit of collaboration shown by all delegations throughout consultations. Guinea believed that by adopting draft resolution L. 14, the Council made a significant contribution to help implement the Ouagadougou Declaration. The Guinean delegation made a strong appeal to the Council to adopt the draft resolution by consensus.

In a resolution (A/HRC/13/L.23) on the situation of human rights in the Democratic Republic of the Congo and the strengthening of technical cooperation and consultative services, adopted without a vote as orally revised, the Council requests the Democratic Republic of the Congo to continue to ensure protection of journalists and human rights defenders in the discharge of their duties, to fight against sexual violence and to prosecute the perpetrators of serious human rights violations, in the army and the national police force, within the framework of the policy of zero tolerance; calls on the Government of the Democratic Republic of the Congo, with the support of the international community, to, inter alia, develop effective and credible monitoring and verification of the supply chain of minerals to put an end to the illegal exploitation of natural resources in the country so as to enable the people of the Democratic Republic of the Congo to freely dispose of its natural wealth; also calls upon the international community to support the national efforts of the Democratic Republic of the Congo and its institutions with a view to improve the human rights situation in the country, as well as to encourage closer collaboration with relevant regional organizations; takes note of the second joint report of the thematic special procedures on technical assistance to the Government of the Democratic Republic of the Congo (A/HRC/13/63), and the examination of the situation in the east of the country, and invites them to report to the Council during its sixteenth session on the developments in respect of that situation; requests the Government, with the assistance of the High Commissioner for Human Rights and the thematic special procedure, to develop a plan for prioritization and implementation of recommendations received to date, particularly in the areas of protection of women and children, combating impunity, the rule of law and the administration of justice; to set targets and benchmarks for technical assistance programmes, to develop a time line for achieving these targets, and to identify the means to determine the amount of and locate the resources necessary to carry out the plan for implementation, and invites the Government to inform and update the Council on these topics at the sixteenth session; and invites the High Commissioner to report to the Council, during its sixteenth session, on developments in respect of the human rights situation in the Democratic Republic of the Congo and the activities of her Office; and calls upon the High Commissioner to increase and enhance, through her presence in the Democratic Republic of the Congo, her technical assistance programmes and activities, in consultation with the country’s authorities.

OSITADINMA ANAEDU (Nigeria), introducing the draft text entitled the human rights situation in the Democratic Republic of the Congo and strengthening cooperation and technical support on behalf of the African Group, said that the period of engagement had led to the establishment of an Independent Expert, who had carried out his mandate and reported to the Council accordingly. In 2008, the Council decided to terminate that post. The text had enjoyed three sessions of open-ended consultations. The African Group commended the Democratic Republic of the Congo for its willingness to accept most of the proposals. While calling on the Democratic Republic of the Congo to maintain human rights law and international humanitarian law, the African Group also urged the Council not to lose track of the basis of the text, which was technical. In that regard, it called on the international community to help ensure that situation. The draft resolution also bore in mind the importance of the thematic aspect of various procedural mechanisms. Finally, the African Group called on Member States to support the adoption of draft resolution L 23 without a vote.

SEBASTIEN MUTOMB MUJING (Democratic Republic of the Congo), speaking as a concerned country, said the resolution enjoyed the full agreement of the Democratic Republic of the Congo. As compared with the original text, the present text took into account several suggestions made by the international community. The Government of the Democratic Republic of the Congo did not accept the introduction, once again, two years after its elimination, of the mandate of an Independent Expert, as it believed that the acceptance today by the Democratic Republic of the Congo of a field office of the Office of the High Commissioner for Human Rights as well as the Special Procedures whenever they showed an interest in visiting the country was sufficient. The Democratic Republic of the Congo appealed for the adoption of this draft resolution by the members of the Council. This would be an irrefutable sign, encouraging the Government to continue implementing the different recommendations made following the Universal Periodic Review.

JEAN-BAPTISTE MATTEI (France), speaking on behalf of the European Union in an explanation of vote before the vote, said technical assistance and capacity building were invaluable for development cooperation between States. The draft resolution contained positive elements to that end with regard to the Democratic Republic of the Congo. The text called on the Government to respect international humanitarian law and international human rights law. In addition, the text requested the Government to step up efforts in combating impunity and to guarantee the proper functioning of the justice system, among others. The European Union regretted that the resolution did not faithfully reflect the extremely alarming human rights situation in the Democratic Republic of the Congo and underscored that it would have preferred the resolution to have stronger language concerning the need to implement the recommendations as soon as possible. The European Union continued to be convinced that an Independent Expert would have been the optimum solution. Given the seriousness of the situation, a country mandate would have been able to help the Government to improve the human rights situation. The Ad Hoc mechanism consisting of seven experts was not the best solution to meet those challenges, the European Union underscored. It thanked the African Group and the Democratic Republic of the Congo for their cooperative attitude and said it would join consensus.

MARK C. STORELLA (United States), in a general comment, shared the Council’s call on the Government of Democratic Republic of the Congo to respect international human rights law and international humanitarian law and the renewal of the mandate of the seven thematic Special Procedures. The Council must help achieve progress in targeting impunity. Technical assistance was key to success on the ground. The United States hoped that the Government’s implementation plan with the assistance of the Office of the High Commissioner for Human Rights could help improve the situation on the ground. It appreciated explanations given on how the seven Special Procedures would appoint a coordinator partly to improve the functioning of their work and cooperation with the Government.

Action on Resolution under Agenda Item on Annual Report of the United Nations High Commissioner for Human Rights and Reports of the Office of the High Commissioner and the Secretary-General

In a resolution (A/HRC/13/L.7 ) on enhancement of international cooperation in the field of human rights, adopted without a vote as orally revised, the Council urges all actors on the international scene to build an international order based on inclusion, justice, equality and equity, human dignity, mutual understanding and promotion of and respect for cultural diversity and universal human rights, and to reject all doctrines of exclusion based on racism, racial discrimination, xenophobia and related intolerance; emphasizes the role of international cooperation in support for national efforts and in raising the capacities of Member States in the field of human rights through, inter alia, the enhancement of their cooperation with human rights mechanisms, including through the provision of technical assistance; requests the Office of the United Nations High Commissioner for Human Rights to brief the Council and disseminate information to United Nations Member States on the progress achieved in operationalizing the Universal Periodic Review Voluntary Fund and the Voluntary Fund for Financial and Technical Assistance; urges Member States to support the Universal Periodic Review Voluntary Fund and the Voluntary Fund for Financial and Technical Assistance; and requests the Council’s Advisory Committee to explore ways and means to enhance cooperation in the field of human rights and to submit proposals in this regard to the Council at its nineteenth session.

HISHAM BADR (Egypt), introducing the draft resolution entitled enhancement of international cooperation in the field of human rights on behalf of the Non-Aligned Movement, said a number of changes had been introduced in order to reach a consensus document. This resolution stressed the role of international cooperation in the promotion and protection of human rights and fundamental freedoms, while reaffirming that those should be guided by the principles of universality, non- selectivity, objectivity and transparency in line with the purposes of the United Nations Charter. In view of the link between promotion and protection, the Non-Aligned Movement presented this draft resolution to this session of the Council. The Non-Aligned Movement had decided to stress international cooperation in the context of the Universal Periodic Review. The resolution requested the Office of the High Commissioner for Human Rights to brief the Council on funding and other matters. It stressed the role of international cooperation in supporting international efforts. Egypt also requested the Advisory Committee to explore ways and means to enhance cooperation in the field of human rights. Finally, it hoped that the draft resolution would be adopted by consensus.

JEAN-BAPTISTE MATTEI (France), speaking on behalf of the European Union in a general comment, said international cooperation was an essential element of the foreign policy of the European Union, and it lay at the heart of its multilateral and bilateral arrangements. Cooperation should continue, and the European Union was firmly committed to it, providing more than half of the Official Development Assistance in the world, making it the prime donor. Broader discussions should have taken place at the preparatory phase. International cooperation covered many elements, and was interlinked with other principles that governed relations between States, as well as the activities of international organizations. Supreme responsibility for the protection and promotion of human rights lay with States, and therefore international cooperation must back up the efforts of States, and should not substitute for them. The European Union believed each State had the duty to protect and promote the human rights of individuals under their jurisdiction, regardless of the amount of international aid they enjoyed. Some of the elements in the text posed a problem to the European Union, in particular with regard to the language on the Universal Periodic Review, which should not have been taken up within this resolution. The funds to encourage participation in the Universal Periodic Review and to implement the recommendations should work effectively. Information on these funds should be disseminated as broadly as possible, but the goals mentioned in other documents should be retained, and the funds should not be managed through a micro-management approach of the Council. Given these elements and in a spirit of compromise, the European Union would join the consensus.

MERCY YVONNE AMOAH (Ghana), speaking in an explanation of vote after the vote on resolution L.18 on the composition of staff of the Office of the United Nations High Commissioner for Human Rights which was adopted in an earlier meeting, said Ghana conveyed regrets at its absence during the voting on that resolution. If Ghana had been present, it would have voted in favour of the resolution.

Action on Resolution under Agenda Item on Human Rights Situations that Require the Council’s Attention

In a resolution (A/HRC/13/L.15) on the situation of human rights in Myanmar, adopted without a vote as orally amended, the Council strongly condemns the ongoing systematic violations of human rights and fundamental freedoms of the people of Myanmar; expresses concern that the newly adopted electoral laws do not meet the expectations of the international community and calls upon the Government to ensure a free, transparent and fair electoral process which allows for the participation therein of all voters, all political parties, and all other relevant stakeholders in a manner of their choosing; strongly urges the Government to desist from carrying out further politically motivated arrests, and to release without delay and without condition all prisoners of conscience, whose number is estimated to be about 2,100, including the General Secretary of the National League for Democracy, Daw Aung San Suu Kyi, the Chairman of the Shan Nationalities League for Democracy, U Khun Tun Oo, the leader of the 88 Generation Students Group, U Min Ko Naing, and one of the founders of the 88 Generation Students Group, Ko Ko Gyi, and to allow their full participation in the political process; strongly calls upon the Government of Myanmar to lift restrictions on the freedom of assembly, association, movement and expression, through ensuring the openly available and accessible use of Internet and mobile telephone services, and ending the use of censorship; calls upon the Government to undertake without delay a full, transparent, effective, impartial and independent investigation into all reports of human rights violations, including enforced disappearances, arbitrary detentions, rape and other forms of sexual violence, and torture and other forms of ill-treatment, and to bring to justice those responsible; expresses its serious concern about the continuing discrimination, human rights violations, violence, displacement and economic deprivation affecting numerous ethnic minorities, including, but not limited to, the Rohingya ethnic minority, and calls upon the Government to take immediate action to bring about an improvement in their situations, and recognize the right of these persons to nationality and to protect all their human rights; strongly calls upon the Government to put an immediate end to the recruitment and use of child soldiers by all parties, and urges the Government to intensify measures to ensure the protection of children from armed conflict; decides to extend for one year the mandate of the Special Rapporteur on the situation of human rights in Myanmar; urges the Government to continue to respond favourably to the Special Rapporteur’s requests to visit the country and that the Government implement the recommendations addressed to the Government contained in his reports and in Council resolutions; and requests the Special Rapporteur to submit a progress report to the General Assembly at its sixty-fifth session and to the Council in accordance with its annual programme of work.

JAVIER GARRIGUES (Spain), speaking on behalf of the European Union, introducing resolution L.15, said this resolution drew attention to the concerns reflected in the report of the Special Rapporteur about continued and widespread human rights abuses in Myanmar, carried out in a culture of impunity. His engagement, and that of the ILO Liaison Office had yielded some results, which were noted in the text. However, the resolution repeated calls and recommendations previously made by the Council and the Special Rapporteur, which remained unfulfilled. The continued lack of accountability for human rights violations meant that the Human Rights Council should continue to monitor the situation and the progress made on the ground. Therefore, the present resolution had as its main goal the renewal of the mandate of the Special Rapporteur on the situation of human rights in Myanmar. This year was an important year for the people of Myanmar, due to the upcoming elections, thus, the resolution also addressed the electoral and political process. Combating impunity was and would remain key to addressing the root causes of the many severe human rights violations outlined in the report. Finally, the resolution called for cooperation by the Government with international humanitarian organizations, the Office of the High Commissioner for Human Rights, the Secretary-General and the Special Rapporteur, including by implementing the recommendations in his report.

WUNNA MAUNG LWIN (Myanmar), speaking as a concerned country, said Myanmar firmly believed that the Human Rights Council was committed to eliminate double standards and politicization and to ensure universality, objectivity and non-selectivity in considering human rights issues. Contrary to Myanmar’s belief, Spain on behalf of the European Union had once again tabled a politically motivated draft resolution that totally disregarded and disrespected the very principles Myanmar adhered to. Most of the content of the draft resolution focused on the political interest of individual and certain groups rather than on the improvement of the human rights of the people of Myanmar. Many paragraphs did not reflect the true situation in the country or the will of the people. The sponsors of this draft resolution had the clear intention to interfere in the internal affairs of Myanmar. It infringed upon matters that fell under the domestic jurisdiction of Myanmar. The delegation of Myanmar totally and categorically rejected all politicized and negative elements in the draft resolution and dissociated itself from it. However, it reiterated that it was Myanmar’s sincere desire to continue to cooperate with the Human Rights Council and the United Nations in protecting and promoting the human rights of its people.

QIAN BO (China), in explanation of vote before the vote, regretted that a draft resolution had yet again been tabled on Myanmar. China did not approve of country specific resolutions. The promotion and protection of human rights lay mainly with the Government concerned. Myanmar had adopted a new Constitution through referendum. Furthermore it would hold this year the first national elections in decades. Besides, upon his visit, Myanmar had shown the Special Rapporteur its constructive attitude to working with the Council. Thus the Council should look upon it in a forward-looking manner. What was incredible was that the draft resolution failed to reflect dialogue, and the spirit of cooperation. That was not helpful to the improvement of the human rights situation in Myanmar. Thus China had decided not to join the consensus.

SHINICHI KITAJIMA (Japan), speaking in an explanation of vote before the vote, said Japan wished to join the consensus on the resolution, based on two reasons. This year's national elections were extremely important for the democraticisation of Myanmar - it was crucial for the Council, through this resolution, to reiterate again its call for the release of all prisoners of conscience including Daw Aung San Suu Kyi before the election, and to hold them freely and fairly, with the participation of all parties concerned. Japan strongly urged Myanmar to remedy the situation as soon as possible. The Government appreciated Myanmar's cooperation with the United Nations, such as accepting visits by the Special Rapporteur, but recognized that to improve the country's human rights situation, the continued support and assistance of the United Nations was still required, including expert advice from the Special Rapporteur. The extension of this mandate was therefore necessary. Japan acknowledged important efforts made by the Government, and encouraged them to make further efforts. From this point of view, the resolution could have demonstrated more balance.

GOPINATHAN ACHAMKULANGARE (India), speaking in an explanation of vote before the vote, said India had taken note by steps taken by some in the international community to engage constructively with Myanmar rather than to impose sanctions, which was counter-productive in India’s view. India had decided to dissociate itself from the adoption of draft resolution L.15.

DIAN TRIANSYAH DJANI (Indonesia), in explanation of the vote before the vote, said a confrontational approach ran counter to the United Nations spirit of cooperation. Indonesia welcomed Myanmar’s cooperation with the Council and its willingness to allow the Special Rapporteur to visit the country on a number of occasions. Nonetheless, Indonesia thought more could be done to improve the situation there. It trusted that Myanmar would work for a more democratic and just society for its people. In that regard, Myanmar’s seven-point road map should be implemented comprehensively. The participation of all citizens in elections would pave the way for national reconciliation. Myanmar could achieve its objectives towards promoting and protecting human rights with ASEAN support. Thus, Indonesia supported adopting the resolution.

ROMAN KASHAEV (Russian Federation), speaking in an explanation of vote before the vote, said the situation concerning and ensuring basic human rights in Myanmar continued to be complicated, but certain efforts were underway to normalize the situation in the country, with Parliamentary elections held this year. In recent times, the Government of Myanmar had shown willingness to dialogue with human rights organizations. The Russian Federation believed that it was inappropriate to consider country situations without the consent of the country's concerned, and therefore disassociated itself from taking a decision on this resolution.

RESFEL PINO ALVAREZ (Cuba), speaking in an explanation of vote before the vote, said draft resolution L. 15, as orally revised, violated principles in which Cuba believed. Cuba would like to dissociate itself from the consensus and from the adoption of this draft resolution.

KE YOUSHENG (China), speaking in an explanation of vote after the vote, regretted that the Human Rights Council had once again adopted a resolution on Myanmar. Countries should stop putting pressure on developing countries. Recently Myanmar had demonstrated its active approach to working with the Human Rights Council. In view of China’s specific position on country specific reviews, the draft had failed to give a balanced account on the human rights situation in Myanmar. Thus China was against it, reiterating that condemnation and pressure did not help resolve issues.

MUSTAFIZUR RAHMAN (Bangladesh), speaking in an explanation of vote after the vote, said with regard to the resolution on the situation of human rights in the Democratic People's Republic of Korea that was adopted in an earlier meeting, the Government of Bangladesh had a principled position against country mandates created against the will of the concerned country, believing that they did not help the situation on the ground, and it had therefore abstained during the vote. However, this abstention did not necessarily reflect the position of Bangladesh on the situation of human rights in the Democratic People's Republic of Korea, in particular with regard to the abduction of Japanese nationals, and hoped that this situation would be resolved at the earliest possible juncture.