



Reports on the 45th session of the UN Human Rights Council

Interactive Dialogue with the Special Rapporteur on the situation of human rights in Myanmar

21 September 2020

Annex P.3: Voting procedure on rules of the Human Rights Council

Mr. Thomas Andrews – UN Special Rapporteur on the situation of human rights in Myanmar:

In a few weeks, Myanmar will hold **national elections**. The permanent representative of Myanmar said that these elections should be **fair, free, credible, transparent** and that the results should accurately **reflect the will of the people**.

Even before a single vote is cast, the **elections will fail to meet these standards**. The right to vote is **denied** to some populations because of race, ethnicity of religion criteria. There are no efforts from the government to give the right to vote to the **Rohingya populations**.

There are significant challenges including the fact that this **election will occur as an armed conflict rage**. Measures must accommodate voters in conflict zones and provide them with the right to vote. Denying the right to vote for those living in conflict areas will only **worsen the violence in Myanmar**. A ballot must always be preferable to a bullet.

Covid-19 is severely restricting campaign opportunities for candidates. In Myanmar today, campaign messages from the candidates must be **approved by the government**. But subjective criteria allow the government to prohibit messages from the candidates. They can be **denied access to state media** if the message “*disrespects existing laws*” or “*tarnishes the image of the nation*”. Candidates seeking power are silenced by the government. This is a clear **violation of the right to freedom of expression**.

Meanwhile, under the excuse of spreading **fake news**, the government allows himself to **shut down websites**, including media and civil society websites. **Information** is critical to save lives during the pandemic and is it the pillar of free and fair elections. The use of **bigotry and hate speech** to influence the voters is also concerning. There should be no place in elections for incendiary messages and hate speeches. Everyone can play a role in combatting hate speech.

Rohingya villages in Rakhine states continue to be brutally attacked. Last week, Myanmar authorities said that repatriation was the priority. But how can the Rohingya populations return to their villages if they are destroyed or became military bases.

Myanmar should welcome and **cooperate with the International Criminal Court (ICC)**. It should engage in full cooperation with the **Independent Investigative Mechanism for Myanmar** and should allow future prosecutions for international crimes committed in the country.

Myanmar (country concerned):

Covid-19 is a challenge in Myanmar, it exacerbated existing challenges and has a negative impact on the socio-economic conditions in Myanmar. Our response is inclusive, transparent and is aimed at leaving no one behind. Only with understanding of our history and culture we can explain the challenges in Myanmar.

Regarding upcoming elections in November, the election commission set 5 criteria: **free, fair, transparent, trustworthy and reflective of the desires of the voters**. We are working hard to ensure equal participation of all in Myanmar. We monitor the media to **prevent hate speech** while respecting freedom of expression.

Myanmar's peace process: the government is working to provide **peace and stability**. Significant milestones have been achieved. In less than 4 years, many positive achievements have been established. However, many challenges remain, and we will do everything in our power to overcome them.

INTERACTIVE DIALOGUE

Most delegation expressed their concerns over the **severe human rights violations** committed in Myanmar, including **ethnic cleansing, sexual violence, rape, killings of civilians, violations of children's rights, detention of human rights defenders, harassment of journalist, internet shutdowns, violations of freedom of movement and expression, gender-based violence.**

A vast majority of the speakers emphasized the importance of holding **free, fair, credible, transparent and inclusive elections** in November this year. Countries were also concerned by the fact that **Rohingya** populations were still **not allowed to participate** in the upcoming elections.

States shared their concerns about the **situation of the Rohingya populations** and highlighted the importance of the **safe, voluntary and dignified return** of the Rohingya refugees. Several states praised **Bangladesh** for its role in the Rohingya crisis.

Myanmar should fully **cooperate** and **implement the recommendations** and decisions of international bodies and mechanisms, including the **International Criminal Court**, the **International Court of Justice**, the **Independent Investigative Mechanism in Myanmar**, the **Advisory Commission on Rakhine state** and the other UN bodies. **Accountability** is of utmost important to strengthen peace and stability in Myanmar.

Some states expressed their **support with the Special Rapporteur** and urged Myanmar to **fully cooperate** with him and grant him territorial access (European Union, France, Saudi Arabia, Czech Republic, Croatia).

Some states expressed their **disagreement with the mandate of the Special Rapporteur**, explaining that **country-specific mandate should not exist** in this council and that this interactive dialogue was politicized (Venezuela, Russian Federation, Belarus, Democratic People's Republic of Korea).

Several states demanded **Humanitarian access in conflict affected areas** to be ensured (Pakistan on behalf of OIC, France, Indonesia, Mauritania, Australia, Norway, Sweden).

Some states recognized the **efforts made by Myanmar in achieving peace, democracy and human rights** (Democratic People's Republic of Korea, China, People's Republic of Lao, Cambodia, Venezuela, Vietnam).

Delegations that took the floor during the Interactive Dialogue (32 delegations):

Human Rights Council members: Pakistan (*on behalf of the OIC*), Libya, Indonesia, Bangladesh, Venezuela, Australia, Japan, Mauritania, Czech Republic, Republic of Korea, Nepal, Denmark.

Observer states: European Union, Liechtenstein, France, Belgium, Maldives, Democratic People's Republic of North Korea, Iraq, Norway, Russian Federation, United Kingdom, Myanmar, China, France, Democratic People's Republic of Lao, Saudi Arabia, Thailand, Vietnam, Croatia, Belarus, Sweden, Turkey, Cambodia.

Civil society organizations taking the floor mainly expressed concerns for the **grave and widespread human rights violations** occurring in Myanmar, including **violations of children's rights, attacks against civilians, sexual violence, arbitrary detentions, internet shutdowns, attacks against lawyers, violations of freedom of expression, rape, targeting of Christians, impunity and mass killings.**

NGOs expressed the importance of **holding free, fair, inclusive credible and transparent elections** and were concerned by the fact that **Rohingya do not have the right to vote** in Myanmar.

Several NGOs also raised the issue of **impunity of the military**, committing war crimes and atrocities.

Civil Society Organizations that took the floor during the Interactive Dialogue (10 NGOs):

Save the children international (joint statement), International Federation for Human Rights Leagues, Amnesty International, Forum Asia, Lawyers Rights Watch Canada, CIVICUS, Article 19, International Commission of Jurists, European Center for Law and Justice, Association for human rights and immigration.

ANNEX: VOTING PROCEDURE ON RULES OF THE HUMAN RIGHTS COUNCIL

During his presentation, the Special Rapporteur Mr. Thomas Andrews, used **pictures** to highlight particular aspects of the debate. **Myanmar raised a point of order**, saying that **visual materials** were **not allowed to be shown** during interactive dialogue presentations and that the bureau should take measures to remove these pictures.

The point of order raised by **Myanmar** was supported by **Venezuela, China, Belarus** and **Cuba**.

The point of order was opposed by **Australia, Denmark, Czech Republic, Netherlands, Germany** and **Japan**, who said that the picture was part of the presentation and that it was in **total accordance with the rules of procedures of the Human Rights Council**.

At the demand of Venezuela, the Council conducted a **vote** on the following question.

Do you agree with the assessment of the bureau that pictures and video material can be shown during the presentation of the Special Rapporteur in the interactive dialogue?

Yes (25): Germany, Indonesia, Japan, Mauritania, Mexico, Netherlands, Peru, Poland, Republic of Korea, Slovakia, Spain, Ukraine, Uruguay, Afghanistan, Argentina, Armenia, Australia, Austria, Bahamas, Bangladesh, Brazil, Bulgaria, Chile, Czech Republic, Denmark.

No (1): Venezuela.

Abstain (9): India, Namibia, Nepal, Pakistan, Senegal, Somalia, Sudan, Cameroon, Eritrea.

Absent (12): Fiji, Italy, Libya, Marshall Islands, Nigeria, Philippines, Qatar, Togo, Angola, Bahrain, Burkina Faso, DRC.

The vote meant that the presentation of the Special Rapporteur could continue, including by using visual material (pictures and videos).