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30th session of the Human Rights Council
Introduction to country reports of the Secretary-General
and the High Commissioner under items 2 and 10

PART I



Addresses by Ms. Flavia Pansieri

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Salle XX, Palais des Nations

Mr. President, Members of the Human Rights Council,
Excellencies, Ladies and gentlemen,

This afternoon you have before you four reports of the Secretary-General and of the High Commissioner, submitted under item 2 and 10, plus one oral report and one oral update concerning the following countries: Boko Haram, South Sudan, Myanmar, Yemen, Cambodia and Iraq. You also have before you a summary report on the discussions of the panel held at your twenty-eighth session on the issue of national policies and human rights (A/HRC/30/28).

The ASG will introduce the reports concerning South Sudan, Boko Haram and Iraq, while I will introduce those on Myanmar, Yemen and Cambodia.

Let me start with **Myanmar**.

After 50 years of military rule and armed conflict, the Government of Myanmar has undertaken sweeping and potentially transformative **reforms**, accelerating economic development, and relaxing restrictions on civil and political rights. But the country's welcome advances on a number of important human rights issues have not been matched with progress to address institutionalized discrimination against Rohingya and other minorities.

We are pleased therefore to update on the human rights violations and abuses against Rohingya Muslims and other minorities in Myanmar, pursuant to Council resolution 29/21. A more detailed version of this **oral update** is also available to you in written form (A/HRC/30/CRP.3).

This Council's resolution was adopted in the context of a **migration crisis in South East Asia**, which brought international attention to the desperate plight of migrants and asylum seekers in the Bay of Bengal. Since January 2014, it is estimated that 94,000 people have departed irregularly from the Myanmar-Bangladesh maritime border, many violently abused by the smugglers who facilitate their voyage.

The **root causes** of this problem must also be addressed. Since 2012, an ever-increasing number of Rohingya Muslims have risked their lives to depart Myanmar. The atrocious conditions under which they live are overlaid by discriminatory laws, policies and practices, forms of institutionalized discrimination. Some of them target Rohingya Muslims in Rakhine State, while others affect all minorities in the country.

The **1982 Citizenship Law** denies equal access to citizenship to ethnic minorities that are not listed under its regulations. This has led to Myanmar having one of the largest stateless populations in the world, including the Rohingya and people of Indian and Chinese descent.

In an attempt to determine the legal status of Rohingya in Rakhine State, the Government started a **Citizenship Verification process** in July 2014. It stalled at least in part due to the failure to respect the right of minorities to self-identify as Rohingya. Further, those who passed through a pilot verification process last year continue to face undue restrictions on their freedom of movement and access to basic services.

The impact of citizenship issues has become evident in the lead up to the **election in November 2015**. During the 2010 election, temporary registration certificate holders, many of whom were Rohingya, had the right to form

political parties, be members of political parties and vote. However, legislative changes in 2014 now require party leaders to be full citizens, and party members to be full or naturalized citizens. In February 2015, the President announced the expiry of all temporary registration certificates (TRC), and the Constitutional Tribunal subsequently ruled that a legislative provision allowing TRC holders to vote in a proposed national referendum was unconstitutional.

This means that former TRC holders across the country have been disenfranchised and some **700,000 no longer have the right to join political parties**. These decisions disproportionately affect members of minorities.

In August, the Union Election Commission **disqualified 61 candidates from running** in the election due to questions regarding their citizenship or the citizenship of their parents. All were from ethnic minorities and over 40 of them were Muslims. We are concerned that the decisions in these cases may be discriminatory and welcome the recent decision to reinstate 11 candidates.

Effective measures to combat prejudice, racism and religious intolerance are urgently needed. In the pre-election environment, religious and political nationalist groups continue to spread **hate speech and incite violence**. In May 2015, two shocking videos circulated in which the chair of the Peace and Diversity Party called at public gatherings for the killing of the Rohingya and “boat people”.

Since the violence in Rakhine in 2012, **violence against Muslim communities** has occurred in several locations across the country, including Meikhtila and Lashio in 2013 and Mandalay in 2014, resulting in dozens of deaths, thousands of people displaced, and destruction of property. In these situations, discrimination serves as both a material cause and a justification for

group violence. There have been no new incidents of communal violence reported during the past year, which is welcome.

In November 2014, a package of four bills proposed by the Committee to Protect Race and Religion (MaBaTha) were introduced in Parliament. Despite the **discriminatory nature of these four bills**, the Population Control Healthcare Bill, the Buddhist Women's Special Marriage Bill, the Religious Conversion Bill and the Monogamy Bill have now been signed into law. These laws represent a regression in the protection of human rights in Myanmar, particularly for women's rights and religious freedom.

Three years on from the violence in 2012, there remain some **130,000 IDPs in Rakhine**. There has been progress on returns and relocations for some displaced populations in 2015. However, for the overwhelming majority of the displaced Muslim population, protracted displacement continues, leaving ongoing segregation of communities.

The **deteriorating living conditions of those displaced**, and the severe and discriminatory restrictions on freedom of movement, continue to affect all areas of life, including access to health, education and basic services, entrenching marginalization of Muslims, particularly the Rohingya. A system of regional and local orders mainly imposed in the north of Rakhine State target the Rohingya in a discriminatory manner.

We urge the Government to remove **freedom of movement restrictions** in the State and begin a process of reintegration of communities.

We recognize the ongoing efforts of the Government towards the signing of a nationwide ceasefire agreement. In the context of the negotiations, it is

important to recognize that longstanding grievances of **exploitation, marginalization and discrimination have been a significant driver of conflict**. Conflict-related violations have brought particular suffering to ethnic minorities. Inclusive political dialogue will need to address these issues, including a path to ensure accountability and guarantees of non-recurrence.

Excellencies, the need to address issues of systemic discrimination and policies of exclusion and to ensure accountability for human rights violations and abuses should lie at the very centre of efforts to develop a **peaceful and harmonious society in Myanmar**, where the rights of minorities are recognized and upheld.

Moving now to the report on the role and achievements of OHCHR in assisting **Cambodia** in the promotion and protection of human rights (A/HRC/30/30). It describes our activities in Cambodia between 1 June 2014 and 30 June 2015, assisting the Government and people of Cambodia in strengthening the rule of law; prison reform; the protection of economic and social rights and of fundamental freedoms.

The reporting period saw a political agreement to end the post-electoral stalemate between the Government and the opposition. However, as political tensions eased, the Government's stance toward freedoms of expression, association and peaceful assembly has become **increasingly restrictive**.

In this context, we continued to work closely with authorities, civil society, communities and individuals in responding to ongoing and emerging human rights challenges. We sought **remedial actions** from duty-bearers, monitored trials and the treatment of those held in detention, and advocated for

the establishment or strengthening of national mechanisms and institutions for human rights protection.

We also advocated for the prevention of refoulement of **asylum seekers**. The Government's alarming announcement that it plans to refoule over 200 asylum seekers in the coming weeks without due process is of great concern. I join the many voices calling on the Government to abide by its obligations under the Refugee Convention and the Convention against Torture to accord them the individual consideration which is the right of all asylum seekers.

Cambodia has pursued **laudable reforms in court administration** with our assistance. This led to notable results, including a significant reduction in excessively delayed cases awaiting appeal. Nevertheless, serious concerns about the independence of and corruption in the judiciary persist. Our office in Cambodia will continue its close collaboration with the Ministry of Justice and members of the judiciary to advance on three fronts: improving efficiency, enhancing independence, and combatting corruption in the judiciary.

We also continued to build the capacity of other national counterparts on the **Peaceful Demonstration Law** and the use of force; to prison officials on the **rights-based approach to prison management**; and to government and private sector actors on **business and human rights**.

Since the finalisation of the report, deeply worrying developments have continued to unfold, including the promulgation, in August, of the **Law on Associations and Non-Governmental Organisations**, which creates burdensome new requirements for civil society organizations and allows for denial of registration without explanation. There is therefore good reason for

considering that the Law falls short of the applicable international human rights standards and it should be speedily amended.

The judicial harassment of the minority party has intensified, with 11 members and supporters recently **convicted of ‘insurrection’** and three more charged. In the lead-up to the communal election in 2017, greater efforts will be critical to facilitate and protect the exercise of fundamental freedoms.

In this context, I reaffirm our commitment to assisting the Government and the people of Cambodia in the protection and promotion of human rights, and we look forward to the **renewal of our Memorandum of Understanding** with the Royal Government.

Last but not least, let me introduce the report of the Office of the United Nations High Commissioner for Human Rights on the situation of human rights in **Yemen** (A/HRC/30/31).

The on-going conflict in the country is cause for **serious concern**. Monday’s reported airstrike on a wedding outside Mokha, may have left over 130 civilians dead on the outskirts. If so, it may be the single deadliest incident since the start of the conflict.

The report before you covers the period from 1 July 2014 until 30 June 2015. During this period, the human rights situation seriously deteriorated when **violence erupted** in September 2014, after armed groups affiliated with the Houthis forcibly ousted the sitting Government and seized control of large parts of the country, including institutions. The conflict intensified in March 2015 when, upon the Government’s request, a coalition led by Saudi Arabia launched

a military campaign aimed at reversing the expansion of the pro-Houthi forces and re-establishing the Government in exile.

The report highlights alleged **violations and abuses of international human rights and humanitarian law by all parties** that have been documented by OHCHR throughout the reporting period. These are just the tip of the iceberg – because of the dire security situation and the ensuing evacuation of our international staff in Yemen, our office there has been unable to verify the vast majority of allegations of violations and abuses that it has received. In that regard, it is encouraging that a national commission of investigation into possible violations of international law has been established and we urge it, and other competent authorities, to ensure prompt, thorough, effective, independent and impartial investigations on the ground into all credible allegations of serious violations and abuses by all parties.

Each day, **the death toll is mounting**. OHCHR has gathered information indicating that over 2,355 civilians have been killed and more than 4,862 wounded. Civilian casualties are recorded to a greater or lesser degree in 11 different Governorates, as a result of airstrikes and indiscriminate shelling in residential areas by both sides to the conflict. Many are women and children.

With the naval blockade imposed by the Coalition Forces remaining in place, the **humanitarian crisis continues to deepen**. An estimated 21 million Yemenis - 80 per cent of the population – now require humanitarian assistance, amid warnings that the country may be struck by famine.

This Council is now considering taking concrete action to protect the rights of people in Yemen. A sustainable, international, independent and

impartial **monitoring** of all alleged violations and abuses of international human rights and humanitarian law by all parties is a must. Our office in Yemen could ensure this, but it needs reinforcement. We know that such scrutiny not only facilitates accountability in the future, it can also have an immediate preventive effect, and save lives. The Yemeni children, women and men are now bearing the brunt of the hostilities. They deserve no less.

Ladies and Gentlemen, this concludes my introductions and it is a pleasure to now hand over to ASG Simonovic who will introduce our reports on South Sudan, Boko Haram and Iraq. Thank you.